BOONE COUNTY ZONING REGULATIONS

Prepared By:
Boone County Planning Commission
December 4, 2013

Adopted By:
Boone County Planning Commission
Text and Map........................................... December 4, 2013

Boone County Fiscal Court
Text and Map........................................... April 8, 2014

City of Florence
Text and Map........................................... April 8, 2014

City of Union
Text and Map........................................... March 3, 2014

City of Walton
Text and Map........................................... February 10, 2014

NOTE: Most current version is available online at www.boonecountyky.org/pc
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ABSTRACT

TITLE: 2012-13 Zoning Regulations: Boone County, Kentucky

AUTHOR: Boone County Planning Commission

SUBJECT: Zoning Regulations to Implement the 2010 Boone County Comprehensive Plan

DATE: December 2013

SOURCE OF COPIES: Boone County Planning Commission

ABSTRACT:

The "Zoning Regulations: Boone County, Kentucky" are regulations proposed for adoption as a "Zoning Order" by the Boone County Fiscal Court and as a "Zoning Ordinance" by the Cities of Florence, Union and Walton, respectively, as a tool to guide growth and development in the individual jurisdictions and throughout the County in a consistent and planned manner.

The Zoning Regulations are designed specifically to implement all of the elements in the Boone County Comprehensive Plan and any specific corridor land use study. The Comprehensive Plan, including its "Goals and Objectives," support the promotion of overall quality of life through growth management, proper design, and a balance between development and preservation in Boone County. This approach seeks the protection of the natural environment and efficient use of land resources, physical improvements and public facilities.

The Zoning Regulations are one tool for the implementation of this Plan, which may further be supported by subdivision regulations and capital improvements programming.

In addition to the more traditional zoning approach of creating districts for residential, commercial and industrial development, these regulations include districts specifically created for recreation, agriculture, public facilities, airporth uses, the Florence Main Street, Walton Downtown and Union Town areas, and employment planned development and residential planned development uses. Overlay zones are provided to accommodate and protect the special features and circumstances existing in some parts of the County; among these zones are the Planned Development, Houston-Donaldson Study Corridor Overlay District, Mall Road Overlay District, Parkway Corridor Study Overlay District, Small Community Overlay District and Historic Landmark/Historic District Overlay. Changes have been made to clarify parking requirements, access management requirements, sign regulations, and other site development standards. Finally, the Zoning Regulations also include sections pertaining to administration, amendment and enforcement. The Zoning Regulations are designed to account for a full, broad range of development types, sizes and intensities, which may be proposed in the County in the future.
### STATUS OF AMENDMENTS

Between county-wide Comprehensive Plan Updates, the legislative bodies enacting these regulations may choose to amend certain portions of the order or ordinance in accordance with Article 3. This table is provided to indicate the county-wide status of various amendments indicated in the text by an asterisk (*) or attached at the rear of this document.

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INTRODUCTION

Applicable provisions of Chapter 100 of the Kentucky Revised Statutes authorize the Boone County Fiscal Court and the legislative bodies of the cities of Florence, Walton, and Union, Kentucky, to enact land use or zoning regulations within their respective jurisdictions. The Fiscal Court and these legislative bodies comprise a county-wide planning unit for Boone County, Kentucky. Land use regulations are authorized under Kentucky law to promote public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air.

Further, land use and zoning regulations are authorized to provide for vehicle parking and loading space, facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health or property from fire, flood or other dangers. Chapter 100 allows land use and zoning regulations to be employed to protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, central business districts, prime agricultural land and other natural resources, to regulate discharge from water and waste water treatment facilities in development projects to maintain and improve soil and water quality, and to protect other specific areas of the planning unit's jurisdiction which need special protection by the planning unit.

The Boone County Fiscal Court and the legislative bodies of Florence, Walton, and Union have established the Boone County Planning Unit as a joint planning unit. The Planning Commission has prepared and adopted a Comprehensive Plan. The Planning Commission has prepared land use or zoning regulations, both text and map, for the county-wide planning unit, and has held at least one public hearing as required under the Kentucky Revised Statutes. The Planning Commission has adopted these land use or zoning regulations, both text and map, and has recommended their adoption and approval by the Boone County Fiscal Court and the legislative bodies of the cities of Florence, Walton, and Union. This document sets forth the land use or zoning regulations as enacted by the Boone County Fiscal Court and the legislative bodies of these cities comprising the county-wide planning unit.
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SECTION 100

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

SECTION 110

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

SECTION 120

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

SECTION 130

Repeal of Conflicting Ordinances or Orders, Effective Date
All ordinances or orders, or parts of ordinances or orders in conflict with or inconsistent with the provisions of this order or ordinance, specifically including the Zoning Order, Boone County, Kentucky, adopted November 4, 2008, the Zoning Ordinance, City of Walton, Kentucky, adopted September 8, 2008, Zoning Ordinance, City of Union, Kentucky, adopted October 13, 2002, and the Zoning Ordinance, City of Florence, Kentucky, adopted October 28, 2008, are hereby repealed to the extent necessary to give this order full force and effect. This order or ordinance shall become effective from and after the date of its approval and adoption as provided by law. After approval of this order or ordinance, lawfully existing land uses not in agreement with this zoning order become pre-existing non-conforming.
SECTION 200
Designation of Zoning Administrator
Each City and the County shall designate a Zoning Administrator to administer the zoning order. The Boone County Planning Commission may recommend a candidate for this position. The Administrator may be provided with the assistance of other such persons as each City, the County, or Planning Commission may direct, such as a Zoning Enforcement Officer(s) or Zoning Inspector(s).

SECTION 201
Duties of Zoning Administrator
For the purpose of this order, the Zoning Administrator shall have the following duties:

1. Upon finding that any of the provisions of this order are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action(s) necessary to correct such violation;

2. Order discontinuance of illegal uses of land, buildings, or structures;

3. Order removal of illegal buildings or structures or illegal additions or structural alterations;

4. Order discontinuance of any illegal work being done;

5. Determine the classification of a use of land, buildings or structures as a permitted, accessory or conditional use in a specific zoning district, as well as determine the applicability and substance of development performance standards, based on interpretation of the stated and implied requirements of the zoning regulations. This includes the determination of classification of new uses or uses not specifically identified in these regulations.

6. Take any other action authorized by this order or ordinance to ensure compliance with or to prevent violation(s) of these regulations. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under provisions of Kentucky Revised Statutes (KRS), Section 100.271.

7. The Zoning Administrator may delegate any portion or portions of his duties to a Zoning Enforcement Officer. The Zoning Enforcement Officer shall carry out duties assigned by the Zoning Administrator. Such recommended duties may include, but are not limited to: site inspections regarding complaints of violations of this order; site inspections of developments for compliance with plans approved under this order; issuance of “Notice of Violations” citations; review of development plans for compliance with the rules, regulations and standards of this order.
SECTION 205
General
The Zoning Enforcement Officer shall coordinate all activities with the Zoning Administrator.

SECTION 210
Duties of Boone County Planning Commission
For the purpose of this order the Boone County Planning Commission shall have the following duties:

1. Initiate proposed amendments to this order;
2. Initiate proposed amendments to this order and make recommendations to the appropriate legislative body or Fiscal Court as specified in Article 3;
3. Review and approve or deny development applications required by this order;
4. Administer the Boone County Subdivision Regulations as they apply to this order;
5. Establish a schedule of fees, charges and expense as specified in Section 460;
6. Delegate any tasks as specified in this order relative to its administration;
7. Perform any task and follow any procedure, including those pertaining to committees of the Planning Commission, that is specified in or provided for through the Commission's adopted by-laws.

SECTION 220
Duties of the Board of Adjustment and Zoning Appeals
For the purposes of this order, the Board of Adjustment and Zoning Appeals shall have the following duties:

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

SECTION 230
Duties of Zoning Administrator, Board of Adjustment and Zoning Appeals, Legislative Authority and Courts on Matters of Appeal
It is the intent of this order that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the appropriate court of jurisdiction as provided by law. It is further the intent of this ordinance that the duties for the legislative bodies in connection with this order shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this order. Under this order, the legislative bodies shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this order as provided by law.
SECTION 240
Appeals and Variances
Appeals and variances shall conform to the procedures and requirements of Sections 240-254, inclusive, of this zoning order and KRS 100.241-100.251 and 100.257-100.263. As specified in Section 220, the Board of Adjustment and Zoning Appeals has appellate jurisdiction relative to appeals and variances.

SECTION 245
Appeals
Appeal to the Board of Adjustment and Zoning Appeals may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision by filing, with the Board of Adjustment and Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken, and by giving notice of such appeal to any and all parties of record. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The appellant may also submit any materials appropriate for review in consideration of the appeal.

SECTION 246
Stay of Proceedings
An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment and Zoning Appeals after the notice of appeal is filed with the Administrator, that by reason of facts stated in the application, a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted upon application to the proper court of record, on notice to the Zoning Administrator from whom the appeal is taken.

SECTION 250
Dimensional Variance
The Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. Variance is defined as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

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

All adjoining property owners shall be notified of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. A sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing.
SECTION 251  
Application and Standards for Variances  
A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

SECTION 252  
Supplementary Conditions and Safeguards  
In granting any appeal or variance, the Board of Adjustment and Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this order. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this order and punishable under Section 430 of this ordinance.

SECTION 253  
Notice of Hearing  
Notice of the time, place and purpose of a hearing of a notice of appeal or application for variance shall be published in a newspaper of general circulation at least seven (7) days, but not more than twenty-one (21) days before the date of the hearing.

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

SECTION 254  
Action by Board of Adjustment and Zoning Appeals  
The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be to the appropriate court of jurisdiction as provided by law.
SECTION 260
Conditional Use Permits
Conditional uses shall conform to the procedures and requirements of Sections 261-267, inclusive of this order and the requirements of KRS 100.237.

SECTION 261
Contents of Application for Conditional Use Permit
An Application for Conditional Use Permit along with whatever additional information the Board may find appropriate, shall be filed with the chairperson of the Board of Adjustment and Zoning Appeals by at least one owner or owner by contract (option) or lessee with permission of the owner of property for which such conditional use is proposed. The Board may require the applicant to submit a site plan as detailed in Article 30 of these regulations.

SECTION 262
General Standards Applicable to All Conditional Uses
In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of this zoning order. The Board may consider whether such use at the proposed location:

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

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;

3. Will be hazardous to existing or future neighboring uses;

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;

6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

SECTION 263
Specific Standards Applicable to All Conditional Uses
The Board shall also consider the criteria for conditional uses as set forth in each zoning district.

SECTION 264
Supplementary Conditions and Safeguards
In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this order. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this order and punishable under Section 430 of this...
SECTION 265
Procedure for Hearing Notice
Upon receipt of the application for a conditional use permit specified in Section 261, the Board shall establish a time and place for a hearing, publish notice of the hearing in a newspaper of general circulation in the County between 7 and 21 days in advance, and notify adjoining property owners by mail at least fourteen (14) days in advance of the hearing. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay the costs of notification.

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

SECTION 266
Action by the Board of Adjustment and Zoning Appeals
The Board of Adjustment and Zoning Appeals shall hear and decide upon the application for a conditional use permit within sixty (60) days of filing. The Board shall either approve, approve with supplementary conditions as specified in Section 264, or disapprove the application as presented. If the application is approved or approved with modification, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval. If disapproved, the Board shall state the reasons for disapproval. If the application is disapproved by the Board, the applicant may seek relief through the appropriate circuit court. Appeals from Board decisions shall be as provided in Kentucky Revised Statues (KRS), Section 100.347.

SECTION 267
Expiration Conditional Use Permit
A conditional use permit shall be deemed to authorize only a particular conditional use. If said permit has not been exercised within one (1) year from the date it was issued, or a time limit established by the Board, or if said conditional use shall cease for more than one (1) year, the conditional use permit shall not revert to its original designation unless a new public hearing has been conducted. "Exercised" means that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit, or that substantial costs or expenses to establish the use have been incurred.

SECTION 270
Nonconforming Lots, Uses, and Structures
Within the districts established by this order or amendments to districts that may later be adopted, lots, uses of land, and structures, which were lawful before this order was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this order or further amendments may exist. It is the intent of this order to permit these nonconforming lots, uses and structures to continue until they are no longer nonconforming. It is further the intent of this order that a nonconforming use or structure shall not be enlarged or extended beyond the scope and area of its operation at the time it became a legal nonconforming use, nor shall other uses or structures which are prohibited elsewhere in the same district be permitted on lots of nonconforming uses or structures.

Uses of structures not legally established before this order was passed or amended shall not be given the statutes of legally pre-existing, nonconforming uses or structure, and may be subject to penalties for violation under Section 410 through 430 of this order.

2.6
SECTION 271
Single Nonconforming Lots of Record and Subdivisions, and Nonconforming Setbacks
If any lot of record does not meet the minimum square footage requirements that are generally applicable in
the district wherein said lot is located, and that lot existed at the effective date of adoption or amendment of
this order, the owner may develop that lot in conformance with the dimensional (square footage) regulations,
including front yard setback requirements, previously in effect. The lot must be developed in conformance
with all other requirements of this order. Variances of any requirements other than the square footage of a
lot or lot size shall be obtained only through action of the Board of Adjustment and Zoning Appeals as provided
in Section 250 through Section 254. Subdivisions which had been granted preliminary plan approval prior to
the adoption of this order may be developed in conformance with dimensional regulations under which
preliminary plan approval was given.

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

SECTION 272
Nonconforming Uses of Land
Where, at the time of adoption of this order, legally established, uses of land exist which would not be
permitted by regulations imposed by this order, the uses may be continued so long as they remain otherwise
lawful, provided the Board shall not allow the enlargement or extension of a nonconforming use beyond the
scope and area of its operation at the time these regulations were adopted.

KRS 100.253 allows the following:

1. The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations
affecting it, may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

2. The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond
the scope and area of its operation at the time the regulation which makes its use nonconforming was
adopted, nor shall the board permit a change from one (1) nonconforming use to another unless the
new nonconforming use is in the same or a more restrictive classification, provided, however, the board
of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements
of extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of
the presenting of a major public attraction or attractions, such as a sports event or events, which has
been presented at the same site over such period of years and has such attributes and public
acceptance as to have attained international prestige and to have achieved the status of a public
tradition, contributing substantially to the economy of the community and state, of which prestige and
status the site is an essential element, and where the enlargement or extension was or is designed to
maintain the prestige and status by meeting the increasing demands of participants and patrons.

3. Any use which has existed illegally and does not conform to the provisions of the zoning regulations,
and has been in continuous existence for a period of ten (10) years, and which has not been the subject
of any adverse order or other adverse action by the administrative official during said period, shall be
deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection
(2) of this section.

2.7
SECTION 273
Change from One Nonconforming Use to Another
The Board of Adjustments and Zoning Appeals shall have the power to hear and decide on applications to permit a change from one nonconforming use to another.

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

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

SECTION 274
Nonconforming Structures
Where a lawful structure exists at the effective date of adoption or amendment of this order that could not be built under the terms of this order by reason of restrictions on intensity or size or lot coverage or height or bulk or setback, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

2. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved as otherwise provided in Kentucky Revised Statutes, Section 100.253(2).

SECTION 275
Avoidance of Undue Hardship
To avoid undue hardship, nothing in this order shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this order and upon which actual building construction has been carried on diligently; provided, however, such construction is not found to have been or be a purposely planned evasion of the intents of this order. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently, but subject to the same clarifications of planned intent above. Neither shall this order be deemed to require a revision in the preliminary plans of subdivisions which had been approved prior to the adoption of these regulations provided that schedules for submission of improvement plans and final plans are met.

SECTION 276
Repairs and Maintenance
On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
SECTION 277  
**Pre-Existing Use Under Conditional Use Provisions Not Non-Conforming Uses**  
Any pre-existing use which is permitted as a conditional use in a district under the terms of this order shall not be deemed a nonconforming use in such a district, but shall without further action be considered a conforming use. However, a Conditional Use Permit must be granted by the Board of Adjustment and Zoning Appeals before such use can be expanded in size or scope.

SECTION 280  
**Certificate of Land Use Restriction**  
Land use restrictions adopted or imposed by the planning commission, board of adjustments, legislative body or fiscal court upon property within Boone County shall be filed in the form of a Certificate of Land Use restrictions with the County Clerk's office as described in KRS 100.3681 through 100.3684 and summarized below.

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

SECTION 285  
**Transferable Development Rights**

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

SECTION 290  
**Annexation by Cities**  
When a city which has adopted zoning or other land use regulations pursuant to KRS 100 and proposes to annex new territory, it may amend its comprehensive plan and official zoning map to incorporate and establish zoning or other land use regulations. If the city elects to follow this procedure, the planning commission shall hold a public hearing, after the adoption of the ordinance stating the city's intention to annex and prior to final action upon the ordinance or annexation, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the zoning or other land use regulations which will be effective for the property upon its annexation. Notice setting forth the time, date, location, and purpose of the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation and to adjoining property owners in accordance with KRS 100.212(2). The city legislative body shall take final action upon the planning commission's recommendation prior to adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the zoning or other land use regulations which will be effective for the annexed property. If the city elects not to follow the procedure provided for in this section prior to the adoption of the ordinance of annexation, the newly annexed territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation until 2.9
those restrictions are changed by zoning map amendments of other regulations in accordance with this chapter.

SECTION 295
Statutory Exemptions
State and local government entities, their political subdivisions, departments, commissions, boards, authorities, agencies, or instrumentalities of state government are not required to obtain approval for proposals pursuant to KRS 100.361. Some public utilities are not required to obtain approval for certain facilities under KRS 100.324. Regardless of statutory exemptions, these entities are required to submit proposals for acquisition or disposition of land for public facilities, or changes in character, location or extent of structures or land for public facilities, with some exclusions under KRS 100.324(4), to the Planning Commission in light of the Comprehensive Plan. This section merely informs the public that certain entities are exempt from zoning approvals under state law and does not expand those exemptions set forth in the Kentucky Revised Statutes.
ARTICLE

3

AMENDMENT

SECTION 300
Procedure for Amendment or District Changes
This order may be amended utilizing the procedures specified in this article.

SECTION 301
General
Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative bodies or Fiscal Court may by ordinance or order, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

SECTION 302
Initiation of Zoning Text Amendments and Map Amendments
Amendments to this zoning ordinance's text and map may be initiated to be in conformance with the Boone County Comprehensive Plan in the following manner:

1. Zoning Text - Initiated and adopted by a motion of the Planning Commission. Initiated and adopted a resolution and/or ordinance by a legislative body or Fiscal Court of Boone County.

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

SECTION 303
Contents of Application for a Zoning Map Amendment
Applications for amendments to the zoning map adopted as part of this Ordinance by Section 500 shall be completed in full, signed, supplemented with any additional information found appropriate by the Planning Commission and accompanied by a fee established according to Section 460.

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

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

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

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

**Minimum Requirements**

1. **General Site Characteristics** - ownership, topography, soils, drainage, vegetation and other physical characteristics;

2. **Transportation Patterns** - public and private roads and internal and external circulation patterns;

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

4. **Utilities and Infrastructure**;

3.2
5. Relationship of Proposed Zone Change with Comprehensive Plan - how specifically the proposed zone change would conflict, conform, compliment or otherwise affect the Comprehensive Plan as well as any special studies that are designed to further detail the Comprehensive Plan in a specific area. *(Utilize the criteria in Section 308)*;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. Submit a detailed traffic study if the proposed development is large-scaled or if the project would significantly alter existing traffic patterns or volume *(See Article 32)*.
16. Submit a sketch or drawing of the proposed buildings to demonstrate the visual appearance or a type of architecture. For applications involving the EPD, RPD or PD overlay, design guidelines that include architectural standards shall be submitted for multi-phased projects.

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

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

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

SECTION 304
Transmittal to Planning Commission
Immediately after the adoption of a resolution by the legislative body or Fiscal Court or the filing of an application by at least one (1) majority owner, owner by contract (option), or lessee with permission of the owner of property, said resolution or application shall be referred to the Planning Commission to make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or Fiscal Court involved.

SECTION 305
Public Hearing by Planning Commission
Upon referral of a resolution by a legislative body or Fiscal Court or an application for zoning amendment, the Planning Commission shall hold at least one public hearing after notice as required by Kentucky Revised Statutes, Chapter 424. The following notice, in addition to any other notice required by statute or local regulations or order, shall be given:

1. Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing; and,

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered mail or by certified mail, return receipt requested to owners of all property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish the names and addresses of the owners of all adjoining property; records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners;

3. Notice of the hearing shall be published in a newspaper of general circulation at least once, but may be published two (2) or more times, provided that one (1) publication occurs not less than seven (7) nor more than twenty-one (21) days prior to the hearing. Said published notice shall state, at a minimum, the time, place and purpose of the hearing.

In addition to the public notice requirements prescribed above, when the planning commission, fiscal court or legislative body of the county originates a proposal to amend the zoning map of that unit, notice of the public hearing before the planning commission, fiscal court or legislative body shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner.
SECTION 306
Recommendation by Planning Commission for Text and Zoning Map Amendments
Within ninety (90) days from the receipt of the proposed map amendment, or 60 days from the receipt of the proposed text amendment, the findings of the Planning Commission shall be recorded in the minutes and records of that body and the Planning Commission shall transmit its recommendation to the legislative body or Fiscal Court. The Planning Commission may recommend that the amendment be approved or disapproved. If the Planning Commission recommends denial, it must state the reasons for disapproval. In the event of a tie vote, the request shall be subject to further consideration by the planning commission for a period not to exceed 30 days, at the end of which if the tie has not been broken, the application shall be forwarded without a recommendation of approval or disapproval.

SECTION 307
Action by City Council or Fiscal Court
Within ninety (90) days of final action of the Planning Commission, the legislative body or Fiscal Court shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof upon its own hearing and findings. In the event the legislative body or Fiscal Court denies or modifies the recommendation of the Planning Commission, a majority of the entire membership shall be required to take such action as explained in KRS 100.211. It shall also take a majority of the entire membership to adopt a zoning map amendment whenever the planning commission forwards the application without a recommendation due to a tie vote.

SECTION 308
Findings Necessary for Map Amendment
Before any map amendment is granted, the Planning Commission or the legislative body use the following criteria in granting approval of a zone change or map amendment:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or

2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or

3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

The above criteria shall be the basis for findings of fact in a map amendment and shall be recorded in the minutes and records of the Planning Commission or the legislative body or Fiscal Court.

For map amendments involving the Planned Development District (PD), Employment Planned Development (EPD), or Residential Planned Development (RPD), the applicable provisions of Article 15 or Article 16 must be met in addition to the criteria stated above.

SECTION 309
Areas Unassigned to a Zoning District
All land which becomes part of the jurisdiction of a City or Boone County subsequent to the adoption of this order shall remain subject to the previous city or county zoning district until such time as the Zoning Map is amended according to the provisions of this Article. All land which was not zoned prior to becoming part of a City or County shall remain unzoned until the Zoning Map is amended according to the provisions of this Article.
SECTION 310
Restrictions on Resubmittals of Zoning Map Amendments
After a request or application for an amendment to the zoning map has received a denial as final action from the legislative body having territorial jurisdiction over the property, the property owner, option holder, or other person having an interest in the property submitted to apply for a map amendment shall not be permitted to reapply for the same map amendment and submit the same concept development plan after receiving the final action of denial for ninety (90) days from the date of such denial. This ninety (90) day restriction shall also apply where the legislative body takes no action and the last action taken is the recommendation from the Commission of denial for the zoning map amendment proposal and the person making the request has not asked the legislative body to take further action.

However, the ninety (90) day limitation shall not prohibit or preclude the Boone County Planning Commission from reconsidering any matter. Further, the legislative bodies comprising the membership of the Commission are not subject to this ninety (90) day limitation. These legislative bodies are the Cities of Florence, Union and Walton, Kentucky and the Boone County Fiscal Court.

SECTION 314
Amendments to an Approved Zoning Map Amendment
Major amendments to the terms of an approved Zoning Map Amendment, including a Concept Development Plan, that involve substantial or significant changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure and requirements described in Sections 301-310. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.
ARTICLE

4

ENFORCEMENT and PERMITTING

SECTION 400
Zoning Permits Required
No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use or character without a permit that has been issued by the Zoning Administrator or designee. Zoning permits are required for single family dwelling units, duplex dwelling units, residential additions and accessory structures except when Site Plan Review is otherwise required by this order. Zoning permits are also required for tenant finishes for previously occupied structures and where tenants were not known at the time when Site Plan Review was conducted by the Boone County Planning Commission for a completed structure. Site Plan Review is required when specified by individual zoning districts or Article 30.

For proposed retaining walls, a Zoning Permit or Minor Site Plan application as applicable is required if the wall is 4 feet or less in height, will not change the overall grading and/or drainage design of the site, is not a substantive structural component of a grade, and will not result in property damage if the wall fails. When the scope of work is limited to a retaining wall that is merely a decorative component of a landscape design, then no approval by the Planning Commission is required. A Major Site Plan application, or Grading Plan application per the Boone County Subdivision Regulations if applicable, is required if a proposed retaining wall is greater than 4 feet in height, will change the overall grading and/or drainage design of the site, is a substantive structural component of a grade, or would potentially cause property damage if the wall fails.

Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Administrator receives a written order from the Board of Adjustment and Zoning Appeals deciding an appeal, conditional use, or variance. Neither the Zoning Administrator nor the Building Inspector shall have the power to permit any construction, or to permit any use or change of use which does not conform to the literal terms of the zoning regulations.

SECTION 403
Contents of Application for Zoning Permit
The owner or applicant seeking a permit shall obtain and complete the Application for Zoning Permit, provided for this purpose. The application for zoning permit shall be completed in full and signed by the owner or applicant attesting to the accuracy of all information supplied on the application and all supplemental material required by said application. Each application shall clearly state that the permit shall expire if work has not begun or the authorized use has not been initiated within two (2) years. A copy of the approved Demolition Permit shall be submitted with any zoning permit application that includes demolition work.

SECTION 405
Approval of Zoning Permit
Within seven (7) days after the receipt of an application, the Zoning Administrator or his designee shall either approve or disapprove the application in conformance with the provisions of this ordinance. All zoning permits shall, however, be conditional upon the commencement of the improvement(s) or use within two (2) years. One
copy of the plans shall be returned to the applicant by the Zoning Administrator after he has marked such copy either as approved or disapproved and attested to the same by appropriate signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Administrator. A copy of the approved plans shall be retained on the job site until all site improvements have been completed and have been accepted by the Boone County Planning Commission.

SECTION 408
Expiration of Zoning Permit
If the improvement(s) or use described in any zoning permit has not begun within two (2) years from the date of issuance thereof, said permit shall expire. The permit may be extended for up to six (6) months, if good cause has been shown, upon request of the applicant prior to the date of expiration by the Zoning Administrator.

SECTION 410
Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates
Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize the use, arrangement and construction set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this order, except those authorized in compliance with this order and other applicable codes and ordinances, and is punishable as provided in Section 430 of this order.

SECTION 420
Complaints Regarding Violations
Whenever a violation of this order occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator or Enforcement Officer. The Administrator or Enforcement Officer shall record properly such complaint, immediately investigate, and if warranted, take action thereon as provided by this order.

SECTION 430
Penalties for Violation
Any person or entity who violates any of the provisions of this order shall upon conviction be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day a violation exists shall constitute a separate offense. For any legislative body with a Code Enforcement Board, penalties shall be as duly adopted by said legislative body.

SECTION 440
Code Enforcement Boards
If any of the legislative bodies create a code enforcement board pursuant to KRS 65.880 or other applicable law for which violations of zoning regulations are classified as a civil offense and civil fines are imposed, then such violations shall be referred to the code enforcement board for enforcement purposes. The City of Florence has duly established a Code Enforcement Board for this purpose.

SECTION 450
Compliance with Regulations
The regulations for each district set forth by this order, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as otherwise provided in this order. All owners, lessees or occupiers of any structure or land shall, at all times, comply with all applicable regulations and requirements of this order. However, the ultimate responsibility for compliance shall rest with the property owner and this responsibility cannot be delegated to any other person. Further, the following provisions apply;

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the
regulations herein specified for the district in which it is located.

2. No building or other structure shall be erected or altered to:
   a. Provide for greater height or area or,
   b. Accommodate or house a greater number of families or,
   c. Have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required, or in any other manner be contrary to the provisions of this order.

3. No yard or lot existing at the time of passage of this order shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this order shall meet at least the minimum requirements set forth herein, except in the case of subdivisions as specified in Article 2 Section 275 of this order.

SECTION 460
Schedule of Fees, Charges, and Expenses
The Planning Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, legal advertising, postage, and other expenses. Such fees shall bear relationship to the costs of administering and enforcing the actions requested. The schedule of fees shall be posted in the office of the Zoning Administrator. Until all application fees, charges, and expenses have been paid in full, no review shall begin on any application or appeal.
SECTION 500
Zoning Map
The districts established in Article 5 of this order are shown on the Boone County, Kentucky Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this order.

SECTION 510
Identification of the Zoning Map
The Zoning Map shall be identified by the signature of the Chairman of the Boone County Planning Commission and Zoning Administrator of the legislative units accompanied by the most recent date of revision of the map.

SECTION 520
District Identification
For the purpose of the order, the Cities of Florence, Union, and Walton and Boone County, are hereby divided into the following categories of zoning districts:

A-1 . . . . . Agriculture
A-2 . . . . . Agricultural Estate
R . . . . . . Recreation District
CONS . . . Conservation District
RSE . . . . Rural Suburban Estates
RS . . . . . Rural Suburban
SR-1 . . . . Suburban Residential One
SR-2 . . . . Suburban Residential Two
SR-3 . . . . Suburban Residential Three
UR-1 . . . . Urban Residential One
UR-2 . . . . Urban Residential Two
UR-3 . . . . Urban Residential Three
MHP . . . . Mobile Home Park
R1F . . . . Residential One Family
C-1 . . . . Commercial One
C-2 . . . . Commercial Two
C-3 . . . . Commercial Services
C-4 . . . . Commercial Four
O-1 . . . . Office One
O-2 . . . . Office Two
I-1 . . . . Industrial One
I-2 . . . . Industrial Two
I-3 . . . . Industrial Three, Surface Mining District
O-1A . . . Professional Office One
SECTION 530
Interpretation of District Boundaries

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

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

2. Where district boundaries are so indicated that they approximately follow the lot lines or property lines, such lines or property lines shall be construed to be said boundaries;

3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map;

4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;

5. Where the boundary of a district follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district;

6. Where the boundary of a district follows the county line, including a concurrent state line, such county line shall be deemed to be boundary of the district.

7. Where the boundaries of a district are based on a legal description or property survey that was submitted in conjunction with a zoning map amendment application, the boundaries provided in said instrument(s) shall be construed as the district boundaries for the property in question, and may be used in determining district boundaries for adjoining properties.
SECTION 540  
**Action by Legislative Body**  
When amendments to the zoning map have been approved by the Fiscal Court or appropriate legislative body, the legislative unit shall inform the Zoning Administrator of the date which such action becomes effective. A log of all approved zoning map amendments shall be kept by the Zoning Administrator and, the official zoning map shall be updated within 30 days of the date upon which final action approving such amendments was taken. A certificate of Land Use Restriction shall be filed in accordance with Section 280. Furthermore, the Resolution files maintained by the Planning Commission shall constitute the official record of all requests for zoning map amendments, including those which have not been approved by the appropriate legislative body.

SECTION 550  
**Official Zoning Map**  
The county-wide joint planning unit for Boone County consisting of the cities of Florence, Walton and Union, as well as the Boone County Fiscal Court and their respective territorial jurisdictions, this planning unit being served by the Boone County Planning Commission, is divided into zoning classifications or districts as listed in this Article 5, these classifications, districts or zones being hereby declared to be part of the applicable zoning ordinance and regulations for the Boone County planning unit. The zoning map serves as the official record of the status for all zoning classifications, districts, or zones for land within the Boone County planning unit and shall be kept in electronic data bases that are maintained as part of Boone County’s Geographic Information System (GIS) which is part of the Boone County Planning Commission. This electronic depiction of the zoning boundaries, along with additional reference data in the GIS, constitutes the official zoning map for the Boone County planning unit upon its proper adoption and enactment by the legislative bodies comprising the planning unit for Boone County. This zoning map shall be kept up-to-date to reflect the adopted mapping data and all of its amendments by the legislative bodies comprising the Boone County planning unit in accordance with Chapter 100 of the Kentucky Revised Statutes. This zoning map may be viewed by the general public at the offices of the Boone County Planning Commission and that Commission may certify a paper copy of a portion of this zoning map as true and accurate.

SECTION 560  
**Zoning Map Amendments**  
Once amendments to the Zoning Map changing the zoning status of an area, after the effective date of the ordinance enacting such an amendment, the zoning map shall be promptly changed as directed by the legislative bodies ordinance, this change being done by the Boone County Planning Commission through the office of GIS. Each amendment shall be identified within the zoning map(s) data file by a numerical or other designation referring to the Commission record of the amendment proceeding. No unauthorized person may alter or modify the zoning map.

SECTION 570  
**Zoning District Declared Invalid**  
Should any zoning district be declared by a court of competent jurisdiction to be unconstitutional or invalid, by either the construct of its text within this order or by its application or amendment to the Boone County Zoning Map, the zoning district that applied to the affected properties prior to the unconstitutional or invalid zoning district shall be in force.
ARTICLE
6

AGRICULTURAL DISTRICTS

SECTION 600
Intent
The intent of this article is to specifically identify and protect the present and future viability and character of agricultural and rural lands.

SECTION 610
AGRICULTURE (A-1)
The purpose of the Agriculture district is to preserve and protect the supply of productive agricultural lands and other open space, primarily for non-urban uses.

SECTION 611
Principal Permitted Uses
The following uses are permitted:

1. Single Family dwelling units;
2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
4. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;
5. Animal Husbandry services, poultry hatching and related services, veterinary services and animal hospitals (Site Plan Review required);
6. Fish hatcheries, and other fish culture activities and related services;
7. Wildlife preserve sanctuaries, habitats, cultures and related activities;
8. Forestry activities including timber production, tree products production, commercial forestry production, forest nurseries and other forestry activities and related services;
9. Horticultural, floricultural, viticultural, and other agricultural related uses and services;
10. Agriculture related activities including grist milling services, corn shelling, hay baling, threshing, contract sorting, grading and packaging services and other agricultural processing services;
11. Retail trade for the sale of hay, grain, feed and other farm and garden supplies and agriculture related equipment excluding vehicles (Site Plan Review required);

12. Roadside stands, farmers marts and similar sales uses of agricultural and related products including specialty crafts and foods (Site Plan Review required);

13. Garden plots and other similar forms of communal or organizational farming practices;

14. Riding and boarding stables (Site Plan Review required);

15. Mobile homes;

16. Bed and Breakfast Inns (Site Plan Review required).

17. Historic sites and structures, monuments and other exhibits available for public viewing (Site Plan Review required);

18. Play lots or tot lots, playgrounds (Site Plan Review required);

19. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses for non-motorized activities (Site Plan Review required);

20. Art and craft galleries (Site Plan Review required).

SECTION 612
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Dwelling units of the family of the farm owner-operator, resident manager or farm laborer including:
   a. private garages and parking;
   b. structures such as fences, satellite dishes, and walls;
   c. buildings such as storage sheds, private greenhouses and gazebos;
   d. storage of a recreational vehicle or unit;
   e. private swimming pool, sauna, bathhouse and like accessories;
   f. private recreational court, complex or similar recreational activity;
   g. private stables or other keeping and use of pets and animals;
   h. chicken coops (Does not apply in the City of Florence);

2. Temporary buildings incidental to construction;

3. Offices for farm management and administration of agricultural services offered on the farm premises;

4. Accessory dwelling units;

5. Family day care.
SECTION 613
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral part of the agricultural use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or b) the activity is necessary to provide the specified public service for the character of the activity does not overpower, transcend or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Dwellings or rooming houses for persons employed on the premises other than the family of the farm owner/operator and/or resident manager;
2. Garden store, nursery and similar landscape sales of products produced on the premises (Site Plan Review required);
3. Commercial kennels (minimum 5 acres) (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries and mausoleums (Site Plan Review required);
6. Duplex dwelling units;
7. Commercial stockyards and feed lots (Site Plan Review required);
8. Dumps and landfills for non-combustible materials including sanitary landfills subject to the landfill compatibility standards in Section 617 (Site Plan Review required);
9. Production, processing and sales of fertilizer (Site Plan Review required).
10. Botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required);
11. Skiing and tobogganing and other similar outdoor sporting activities (Site Plan Review required);
12. Swimming beaches and swimming pools (Site Plan Review required);
13. Camping, picnicking, hiking areas, trails and other recreational uses (Site Plan Review required);
14. Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts (Site Plan Review required);
15. Yachting, boat rentals, boat access sites and other marina activities (Site Plan Review required);
16. Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.410. Permits as required under K.R.S. 219.310 through 219.410 shall be included with an application for Site Plan Review (Site Plan Review required);
17. Day care centers (Site Plan Review required).
18. Taxidermy.
19. Private, noncommercial airstrips.
20. Uses that promote or pertain to the following elements of Heritage Tourism (Site Plan Review required):

a. Retail sales including grocery items, confectionery, proprietary, books and stationery, antiques, sporting and athletic goods, bait, fuel, ice, firewood, bottled gas, cigars and cigarettes, music, books, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products, locally made furniture and crafts

b. Eating and drinking establishments including alcoholic beverages;

c. Museums;

d. Exhibitions of local history or culture, wildlife habitats and other natural exhibitions;

e. Amphitheaters, playhouses and other entertainment assemblies.

SECTION 614
Intensity
The maximum intensity of use shall not be greater than one lot per five (5) gross acres of land.

SECTION 615
Minimum Standards
The minimum size and extent of an A-1 district, including all the contiguous private property so designated, shall not be less than thirty (30) acres.

SECTION 616
Minimum Standards
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. No use shall include the operation or maintenance of a commercial stockyard or feedyard, except as permitted as a conditional use.

2. See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 617
Landfill Compatibility Standards

All landfill uses permitted under Conditional Use #8 are subject to the following compatibility standards:

1. Setbacks/Buffer Yards from Adjoining Zones and Uses: A minimum 200 foot buffer yard shall be maintained where the landfill site adjoins any residential zone, agricultural zones where there is an existing residence on the lot adjoining the landfill site, and the Small Community (SC) overlay zone; no activity may occur within this 200 foot buffer yard. A minimum 100 foot buffer yard shall be maintained from all other zones and agricultural zones where there is no existing residence on the lot adjoining the landfill site; no activity may occur within this 100 foot buffer yard. Structures shall be setback an additional 150 feet from the 100 foot and 200 foot buffer yards; other landfill activities may occur within this 150 foot additional setback. For areas of a landfill site that adjoin public or private streets or roads, the zone across the street shall be used to determine whether the 100 foot buffer yard or 200 foot buffer yard applies. Tree cover shall be maintained and/or provided throughout the entire buffer yard area. Existing tree cover shall be retained and incorporated into required buffer yards. Where there is not continuous forest cover in a buffer yard, the following shall be provided:
A. Berms which are at least 10 feet high from the centerline of the adjoining public street when the buffer yard adjoins a street, or from the property line when the buffer yard adjoins another tract, shall be constructed, unless such construction would necessitate the removal of existing forest cover. If construction of 10 foot high berming would necessitate the removal of existing forest cover, berms shall be constructed to the highest height possible without removing existing forest cover or exceeding a 3:1 slope. Berming shall meander in the buffer yard when viewed from plan view.

B. Native hardwood trees which are a minimum of 2 inch caliper at planting shall be installed at a minimum density of one tree per 150 square feet for the first 50 feet of a buffer yard from the adjoining zone or use; the hardwood tree seedling mixture outlined in Section 1164 shall also be provided in this area. For any remaining area in a buffer yard, at least one tree shall be installed per 250 square feet of area - between 50 and 70 percent of these trees shall be evergreen trees that are a minimum of 6 feet in height at planting and the remainder shall be hardwood trees that are a minimum of 2 inch caliper at planting; either tree mixture in Section 1164, or a combination of both tree seedling mixtures, shall also be provided for any remaining area in a buffer yard. All planting materials shall be evenly distributed within a buffer yard from a quantitative standpoint, although formal, rectilinear planting configurations are prohibited. Planting materials shall be selected based on compatibility with soil types, and at least four different species of trees shall be provided for each tree group (hardwood and evergreen).

C. Where the difference in topographical elevation between the landfill and an adjoining, upslope residential zone, or agricultural zone where there is an existing residence on the adjoining lot, is 30 feet or greater, berming shall be provided at the top of the slope in accordance with the standards in subsection A above. In this instance, the minimum planting size for the hardwood trees within the first 50 feet of the buffer yard shall be increased to 4 inch caliper.

D. All required buffer improvements adjoining a specific phase of a landfill site shall be completed before the filling of any waste within said phase commences.

2. Clearing: Clearing of existing vegetation within a specific phase of a landfill site shall not occur more than six (6) months prior to planned excavation of said phase.

3. All state and federal regulations pertaining to landfills are herein incorporated by reference into this order and are Conditional Use Permit requirements.

SECTION 620
AGRICULTURAL ESTATE (A-2)
The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.

SECTION 621
Principal Permitted Uses
Permitted uses in the A-1 district numbered 1-14, inclusive, and 20, are permitted in the A-2 district.

SECTION 622
Accessory Uses
All accessory uses permitted in the A-1 district are permitted in the A-2 district.

SECTION 623
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the
principal purposes of the district; or b) the activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and c) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Garden store, nursery and similar landscape sales of products produced on the premises (Site Plan Review required);
2. Garden plots and other similar forms of communal or organization farming practices;
3. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
4. Cemeteries and mausoleums (Site Plan Review required);
5. Duplex dwelling units; except in the City of Florence only allowed with garages;
6. Commercial kennels (minimum 5 acres) (Site Plan Review required);
7. Bed and Breakfast Inns (Site Plan Review required);
8. Botanical gardens and arboretums, nature preserves, wildlife habitats and other natural exhibitions (Site Plan Review required);
9. Skiing and tobogganizing and other similar outdoor sporting activities (Site Plan Review required);
10. Swimming beaches and swimming pools (Site Plan Review required);
11. Camping, picnicking, hiking areas, trails and other recreational uses for non-motorized activities (Site Plan Review required);
12. Dude ranches, health resorts, ski resorts, hunting grounds, fishing lakes and fishing lake access, indoor and outdoor target ranges and other resorts (Site Plan Review required);
13. Yachting, boat rentals, boat access sites and other marina activities (Site Plan Review required);
14. Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.410. Permits as required under K.R.S. 219.310 through 219.410 shall be included with an application for Site Plan Review (Site Plan Review required);
15. Day care centers (Site Plan Review required).
16. Taxidermy
17. Private, noncommercial airstrips
18. Uses that promote or pertain to the following elements of Heritage Tourism (Site Plan Review required):
   a. Retail sales including grocery items, confectionery, proprietary, books and stationery, antiques, sporting and athletic goods, bait, fuel, ice, firewood, bottled gas, cigars and cigarettes, music, books, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs and similar products, locally made furniture and crafts
   b. Eating and drinking establishments including alcoholic beverages;
c. Museums;

d. Exhibitions of local history or culture, wildlife habitats and other natural exhibitions.

SECTION 624
Intensity
The maximum intensity of use shall not be greater than one (1) lot per 80,000 square feet of land.

SECTION 625
Minimum Size
The minimum size and extent of an A-2 district shall not be less than twenty (20) acres of land.

SECTION 626
Minimum Standards
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

  1. No use shall include the operation or maintenance of a commercial stockyard or feedyard.
  2. See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

CITY OF FLORENCE ONLY
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

   See Article 31 for dimensional standards.

   1. A 15 X 40 foot driveway will be required for each duplex structure.

   2. A common entrance shall be provided to the front of duplex buildings.

   3. Each duplex dwelling shall provide landscaping in the front yard as per bufferyard “A” as outlined in Section 3645.

   4. Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. A garage will be required for each unit which can either be attached or detached to the duplex building.

   5. The building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.
ARTICLE

7

RECREATION DISTRICT

SECTION 700
RECREATION (R)
The purpose of the Recreation district is to identify, protect, and provide for the use of lands and structures for recreation activities. The purpose is further to ensure compatibility between the scale, extent, character, and location of these uses, surrounding development, local needs for recreation facilities, environmental suitabilities, and the limits of supporting infrastructure.

SECTION 711
Principally Permitted Uses
The following recreation uses are permitted:

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

14. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;

15. Recreational vehicle and trailer camps provided such living arrangements are of transient or seasonal use and such facility meets the requirements of K.R.S. Section 219.310 through Section 219.410. Permits as required under K.R.S. 219.310 through 219.410 shall be included with an application for Site Plan Review;

16. Bed and Breakfast Inns;

17. Any principally permitted uses of Agriculture (A-1) numbered 1-12;

SECTION 712
Accessory Uses
Such uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Dwelling units (subject to SR-2 zoning district standards) of the family of the owner-operator and/or resident manager including:
   a. private garages and parking;
   b. structures such as fences and walls;
   c. buildings such as storage sheds, private greenhouses and gazebos;
   d. storage of a recreational vehicle or unit;
   e. private swimming pools, saunas, bathhouses and similar accessories;
   f. Private recreational courts, complexes, or similar recreational activities;
   g. private stables or other keeping and use of pets and animals;
   h. chicken coops (Does not apply in the City of Florence);

2. signage (see Article 34);

3. Parking (see Article 33);

4. Temporary buildings incidental to construction;

5. Dwellings or roaming houses for persons employed on the premises on a permanent or seasonal basis to operate, maintain, administer or protect the leisure activity;

6. Country clubs, clubhouses, lodges and similar places of assembly or entertainment;

7. Boarding stables, boat moorage and storage, other vehicle, equipment and personal storage services or lockers and related services;

8. Utility generation, production, storage, treatment and disposal;

9. First aid stations;

10. Day care centers;

SECTION 713
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is of integral relation to and directly in support of the recreation activity, or b) the use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district; c) the activity is necessary to serve the specified public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district or immediate environs surrounding; and d) provided the arrangement of use, building or structure is mutually compatible with the organization or permitted and accessory uses to be protected in the district:

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

SECTION 714
Intensity
There are no minimum or average intensities common to recreational uses; rather the intensity or use in a recreational district shall be based on the performance standards determined unique to each use and its affected lands. However, all structures associated with any Principally Permitted, Accessory, and/or Conditional use in the Recreation district shall be subject to the C-2 zoning district intensity standards.

SECTION 715
Minimum Size
There is no minimum size or extent of land common to recreational uses or districts; rather a recreational district may include a single private or public lot of record if the general performance of the specific use and its affected lands so merits.

7.3
SECTION 716

Minimum Standards
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. The operation of any accessory or conditional use shall be pursuant and subservient to the purposes of the normal permitted recreational activity;

2. No use shall include the feeding, sheltering or penning of animals or fowl or the storage of refuse or compost within one hundred (100) feet of any adjacent property not used for agricultural purposes;

3. All uses in a Recreation zone shall be conducted in conformance with Article 30 - Site Plan Review;

4. See Article 31 for dimensional standards.
ARTICLE 8

CONSERVATION DISTRICT

SECTION 800
CONSERVATION (CONS)
The principal purpose of the Conservation district is the protection of natural resources and environmentally sensitive areas, and to prevent these resources and areas from being degraded. The district permits low intensity and low activity uses which are compatible with these resource protection goals. It is not intended for high intensity, high activity, and potentially damaging uses which are customarily provided in other districts. The types of natural resources and environmentally sensitive areas which are to be protected, maintained, and conserved in this district include large canopy forests, fragile hillsides and highly erodible slopes, habitat for unique fish and wildlife, threatened and endangered species, wetlands, stream corridors, fragile or unstable geologic features such as kope formations, and other sensitive or unique natural areas and features. The Conservation district is based on components of the Boone County Comprehensive Plan, including the Goals and Objectives, Environment Element, Land Use Element, and the Future Land Use Map.

SECTION 811
Principally Permitted Uses
The following protection oriented uses are permitted:

1. Nature preserves, public and private open space parks, wildlife preserves, hunting grounds, fishing, and hiking areas;

2. Historic sites, historic structures, historic monuments, historic farms and accompanying produce sales, outdoor education exhibits, natural history museums, existing cemeteries;

3. Agricultural or farming uses.

4. Small roadside stands and farmers marts selling produce only.

SECTION 812
Accessory Uses
Such uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses including:

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

2. Signage (see Article 34);

3. Parking (see Article 33).

SECTION 813
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is of integral relation to and directly in support of the conservation activity, or b) the use, building or structure is subservient to and not of scale, nature advertisement, trade or other character which will compete, detract or conflict with the principal purpose of the district; c) the activity is necessary to serve the public or membership engaged in the principal purpose so long as the service area, use, scale or other character of the activity does not overpower, transcend of conflict with the principal purpose of the district of immediate environs surrounding; and d) provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district. The uses below shall be related to a nature preserve, open space park, wildlife preserve, fishing and hiking areas, hunting grounds, historic sites, historic structures, historic monuments, farms, existing cemeteries and museums.

1. Retail sales or service of gasoline, oil, marine craft and accessories, grocery items, confectionery, drug and proprietary, art and craft products, books and stationery, antiques, sporting and athletic goods, bait, fuel and ice, bottled gas, newspapers and magazines, photographic supplies, gifts, novelties, souvenirs, and similar products;

2. The operation of eating and drinking establishments including alcoholic beverages;

3. Bed and breakfast inns;

4. Roadside stands, farmers marts and similar sales uses of agricultural and related products including specialty crafts and foods.

SECTION 814
Intensity
The intensity of use in a Conservation district shall be based on the ability of the affected parcel of property to accommodate the uses without adversely impacting the natural character of the parcel of land nor conflicting with the principal purpose of the Conservation district.

SECTION 815
Minimum Size
There is no minimum size or extent of a Conservation district.

SECTION 816
Minimum Standards

1. All permitted uses shall be conducted in a manner that supports the preservation of the natural or historic features of the site. No permitted activity shall degrade the resource(s) which is intended to be protected by the Conservation district.

2. Site Plan Review is required for principally permitted use #2, all conditional uses, and when required by Article 30.

3. See Article 31 for dimensional standards.
ARTICLE

RESIDENTIAL DISTRICTS

SECTION 900
Intent
The intent of this article is to provide and promote: a) the maximum possible variety and choice of dwelling types, designs, sizes and prices; b) for persons, households and families of all marital types, ages, incomes and interests; c) within development forms which will create cohesive residential neighborhood and community forms and identities; and d) in patterns, organizations and densities which can be predicted and thereby provided effective, efficient and justifiable use of infrastructure facilities and services.

SECTION 910
RURAL SUBURBAN ESTATES (RSE)
Rural Suburban Estates should be located where there may be a limited feasibility or desire or need for providing or requiring all infrastructure normal to support a suburban or urban neighborhood. The purpose of the Rural Suburban Estates district is to provide a residential environment whose dwelling types and densities are typical of a semi-suburban character. Such districts will be located on lands adjacent to established urban areas, but which are not suitable for larger scale or more densely developed suburban or urban residential use.

SECTION 911
Principally Permitted Uses
The following uses are permitted:

1. Detached single-family dwelling units;
2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;
3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;
4. Farms and ranches of dairy production, livestock including cattle, hogs, sheep, goats, horses or similar, poultry or other fowls;
5. Wildlife preserve sanctuaries, habitats, cultures and related activities;
6. Garden plots and other similar forms of communal or organizational farming practices;
7. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems, and picnicking areas.
SECTION 912
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
   a. Private garages and parking;
   b. Structures such as fences, and walls;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of a recreational vehicle or unit (according to Article 31);
   e. Private recreational courts, fields, swimming pools, or similar recreational activities;
   f. Private stable or other keeping and use of pets and animals;
   g. Chicken coops (Does not apply in the City of Florence);

2. Signage (according to Article 34);
3. Parking (according to Article 33);
4. Temporary buildings incidental to construction.
5. Accessory dwelling unit.
6. Family day care.

SECTION 913
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted agricultural, recreational, or residential use; or b) the activity will not contradict the semi-suburban, open space character of the district; c) require or contribute to infrastructure need above that common of the district’s permitted uses; d) is of direct relation to and in support of the purpose of the district; and e) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Country clubs, clubhouses, lodges and similar places of assembly or entertainment including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required);
2. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
3. Day care centers (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries including mausoleums (Site Plan Review required);
6. Duplex dwelling units;
7. Unlighted athletic fields;

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

SECTION 914
Intensity
The maximum intensity of use in a Rural Suburban Estates district shall not be greater than one dwelling unit per acre.

SECTION 915
Minimum Size
The minimum size and extent of a Rural Suburban Estates district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 916
Minimum Standards
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 920
RURAL SUBURBAN (RS)
The purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood.

SECTION 921
Principally Permitted Uses
The following uses are permitted:

1. Detached single-family dwelling units;

2. Farms of tobacco, fiber, cash grain, fruits, tree nuts, vegetables, or other field crops;

3. Farms of no predominant crops, including range and grassland pastures, horticultural specialties, apiary farms and other agriculture and related activities;

4. Wild life preserve sanctuaries, habitats, cultures and related activities;

5. Garden plots and other similar forms of communal or organizational farming practices;

6. Recreation defined in this district to be playgrounds, open space parks, hiking areas and trails, bikeway systems, and picnicking areas.

SECTION 922
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:
1. Accessory uses for a dwelling unit including:
   a. Private garages and parking;
   b. Structures such as fences, and walls;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of a recreational vehicle or unit (according to Article 31);
   e. Private recreational courts, fields, swimming pools, or similar recreational activities;
   f. Private stable or other keeping and use of pets and animals;
   g. Chicken coops *(Does not apply in the City of Florence)*;
2. Signage (according to Article 34);
3. Parking (according to Article 33);
4. Temporary buildings incidental to construction.
5. Accessory dwelling unit.
6. Family day care.

**SECTION 923**

**Conditional Uses and Criteria**

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted recreational or residential use; or b) the activity will not contradict the semi-rural character of the district; c) require or contribute to infrastructure needs above than common to the permitted uses of the district; d) is of direct relation to and in support of the purpose of the district; and, e) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Country clubs, clubhouses, lodges and similar places of assembly or entertainment--including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required);
2. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
3. Day care centers (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries including mausoleums (Site Plan Review required);
6. Duplex dwelling units;
7. Unlighted athletic fields;
8. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
SECTION 924
Intensity
The maximum intensity of use in a Rural Suburban district shall not be greater than three (3) dwelling units per acre.

SECTION 925
Minimum Size
The minimum size and extent of a Rural Suburban district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 926
Minimum Standards
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:

1. See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 930
SUBURBAN RESIDENTIAL ONE (SR-1)
The purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.

SECTION 931
Principally Permitted Uses
The following uses are permitted:

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

SECTION 932
Accessory Uses
Accessory Uses, buildings and structure customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
a. Private garages and parking;
b. Structures such as fences and walls;
c. Buildings such as storage sheds, private greenhouses and gazebos;
d. Storage of a recreational vehicle or unit (according to Article 31);
e. Private swimming pool, sauna, bathhouse and similar accessories;
f. The keeping and use of pets and animals;

2. Signage (according to Article 34);

3. Parking (according to Article 33);

4. Temporary buildings incidental to construction.

5. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;

6. Family day care.

SECTION 933
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the low density character of the district; and c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Duplex dwelling units with garages; City of Florence Only - Duplex dwelling units with garages (Site Plan Review required);

2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);

3. Cemeteries, including mausoleums (Site Plan Review required);

4. Day care centers (Site Plan Review required);

5. Unlighted athletic fields;

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

SECTION 934
Intensity
The intensity of use in a Suburban Residential One district shall not exceed four (4) dwelling units per acre.

SECTION 935
Minimum Size
The minimum size and extent of a Suburban Residential One district, including all the contiguous private property so designated shall not be less than five (5) acres.
SECTION 936
Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

(CITY OF FLORENCE ONLY)
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:
See Article 31 for dimensional standards.

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

SECTION 940
SUBURBAN RESIDENTIAL TWO (SR-2)
The purpose of the Suburban Residential Two district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

SECTION 941
Principally Permitted Uses
The following uses are permitted:

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

SECTION 942
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit:
   a. Private garages and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of recreational vehicle or unit (according to Article 31);
   e. Private swimming pool, sauna, bathhouse and like accessories;
   f. The keeping and use of pets and animals;

2. Signage (according to Article 34);

3. Parking (according to Article 33);

4. Temporary buildings incidental to construction.

5. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;

6. Family day care.

SECTION 943
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Conversion of an existing dwelling into multiple units of not more than three families (Not Applicable within the City of Florence);

2. Townhouse dwelling units (Site Plan Review required), (City of Florence only);

3. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);

4. Cemeteries including mausoleums;

5. Duplex dwelling units with garages, (City of Florence Only) (Site Plan Review required);

6. Day care centers (Site Plan Review required);

7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
SECTION 944

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

SECTION 945

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

SECTION 946

Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

(CITY OF FLORENCE ONLY)
The following standards shall apply to any permitted, accessory or conditional use and structure in this district:
See Article 31 for dimensional standards.

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

SECTION 950

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

SECTION 951

Principally Permitted Uses
The following uses are permitted:

1. Detached single-family dwelling units;
2. Patio homes in accordance with Section 3159;
3. Duplex dwelling units;
4. Townhouse dwelling units (Site plan review required) (See Article 30);
5. Apartment dwelling units (Site plan review required) (See Article 30);
6. Condominium and landominium dwelling units (Site Plan Review required);

7. Recreation, defined in this district to be:
   a. Historic sites, structures, monuments and other exhibits available for public viewing;
   b. Tennis courts;
   c. Play lots or tot lots, playgrounds, play fields or athletic fields;
   d. Swimming beaches and swimming pools;
   e. Picnicking, hiking or walking areas and trails;
   f. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.

8. Garden plots and similar forms of communal or organizational farming practices;

SECTION 952
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses including:

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

2. Signage (according to Article 34);

3. Parking (according to Article 33);

4. Temporary buildings incidental to construction.

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

6. Accessory dwelling unit;

7. Family day care.

SECTION 953
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of
Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact and intermixed residential character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Day care centers (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries including mausoleums (Site Plan Review required);
4. Unlighted athletic fields;
5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
6. Elderly housing facilities (Site Plan Review required).

SECTION 954

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

SECTION 955

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

SECTION 956

Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 957

Concept Development Plan Required
A Concept Development Plan, per the requirements of Article 3 “Amendment,” shall be submitted with all Zoning Map Amendment applications that request the Suburban Residential Three district.

SECTION 960

URBAN RESIDENTIAL ONE (UR-1)
The purpose of the Urban Residential One district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes to character typical of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban entities with adequate infrastructure (available or proposed) and accessibility to urban activity centers.

SECTION 961

Principally Permitted Uses
The following uses are permitted:

1. Detached single-family dwelling units;
2. Patio homes in accordance with Section 3159;
3. Duplex dwelling units with attached garages;

4. Townhouse dwelling units (Site Plan Review required) (See Article 30);

5. Apartment dwelling units (Site Plan Review) (See Article 30)

6. Condominium and landominium dwelling units (Site Plan Review required);

7. Recreation, defined in this district to be:
   a. Historic sites, structures, monuments and other exhibits available for public viewing;
   b. Tennis courts;
   c. Play lots or tot lots, playgrounds, play fields or athletic fields;
   d. Swimming beaches and swimming pools;
   e. Picnicking, hiking or walking areas and trails;
   f. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.

8. Garden plots and similar forms of communal or organizational farming practices;

SECTION 962
Accessory Uses
Accessory uses, buildings and structure customarily incidental and subordinate to any of the permitted uses including:

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

2. Signage (according to Article 34);

3. Parking (according to Article 33);

4. Temporary buildings incidental to construction.
5. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development, and the membership is limited to residents of a common development or neighborhood (Site Plan Review required);

6. Accessory dwelling unit;

7. Family day care.
SECTION 963
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use of the neighborhood; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, buildings, or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Day care centers (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries including mausoleums (Site Plan Review required).
4. Unlighted athletic fields;
5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
6. Elderly housing facilities (Site Plan Review required).

SECTION 964
Intensity
The intensity of use in an Urban Residential One district shall not exceed twelve (12) dwelling units per acre.

SECTION 965
Minimum Size
There is no minimum size or extent required of an Urban Residential One district, rather the size and extend of the district is to be determined by specific site capabilities, the availability of adequate or proposed infrastructure to support the district, and compatibility with adjacent uses.

SECTION 966
Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivision.

SECTION 968
URBAN RESIDENTIAL TWO (UR-2)
The purpose of the Urban Residential Two district is to provide an urban low rise, residential environment for families who do not require or desire the low density attributes or single family character provided in suburban districts.

SECTION 969
Principally Permitted Uses
The following uses are permitted:

1. Single-family dwelling units;
2. Patio homes in accordance with Section 3159;
3. Duplex dwelling units with attached garages;
4. Townhouse dwelling units (Site plan review required) (See Article 30);
5. Apartment dwelling units (Site plan review required) (See Article 30);

6. Condominium and landominium dwelling units (Site Plan Review required) (See Article 30);

7. Recreation, defined in this district to be:
   a. Historic sites, structures, monuments and other exhibits available public viewing;
   b. Tennis courts;
   c. Play lots, to lots or similar urban scaled playgrounds;
   d. Swimming beaches and swimming pools;
   e. Picnicking, hiking or walking areas and trails;
   f. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.

8. Garden plots and similar forms of communal or organizational farming practices;

SECTION 970
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

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

2. Signage (according to Article 34);

3. Parking (according to Article 33);

4. Temporary buildings incidental to construction.

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

6. Accessory dwelling unit.

7. Family day care.
SECTION 971
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualification of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the urban residential character of the district: and, c) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Day care centers (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries including mausoleums (Site Plan Review required).
4. Unlighted athletic fields;
5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
6. Elderly housing facilities (Site Plan Review required).

SECTION 972
Intensity
The intensity of an Urban Residential Two district shall not exceed twenty (20) dwelling units per acre.

SECTION 973
Minimum Size
There is no minimum size or extent required of an Urban Residential Two district, rather the size and extent of the district is to be determined by specific site capabilities, the availability of adequate or proposed infrastructure to support the district, and compatibility with adjacent uses.

SECTION 974
Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 976
URBAN RESIDENTIAL THREE (UR-3)
The purpose of the Urban Residential Three district is to provide the most urban, compactly organized residential environment for individuals who desire or require close proximity to major institutional facilities or urban centers.

SECTION 977
Principally Permitted Uses
The following uses are permitted:

1. Single-family dwelling units;
2. Patio homes in accordance with Section 3159;
3. Duplex dwelling units with attached garages;
4. Townhouse dwellings units (Site plan review required) (See Article 30);
5. Apartment dwelling units (Site plan review required) (See Article 30);

6. Condominium and Landominium dwelling units (Site Plan Review required) (See Article 30);

7. Recreation, defined in this district to be:
   a. Historic sites, structures, monuments and other exhibits available public viewing;
   b. Tennis courts;
   c. Swimming beaches and swimming pools;
   d. Picnicking, hiking or walking areas and trails;
   e. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.

SECTION 978
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

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

2. Signage (according to Article 34);

3. Parking (according to Article 33);

4. Temporary buildings incidental to construction.

5. Clubhouses, community centers and similar common assembly or shared facilities (Site Plan Review required);

6. Accessory dwelling unit;

7. Family day care.

SECTION 979
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use or is derivative of the type of residential shelter proposed or is a related residential function of the institutional facility being supported; or b) the activity is primarily for residents of the district; and c) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district:
1. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);

2. Day care centers (Site Plan Review required).

3. Unlighted athletic fields;

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

5. Elderly housing facilities (Site Plan Review required).

SECTION 980
Intensity
The intensity of use in an Urban Residential Three district shall not exceed thirty (30) dwelling units per acre.

SECTION 981
Minimum Size
There is no minimum size or extent required of an Urban Residential Three district, rather the size and extend of the district is to be determined by specific site capabilities, the availability of adequate or proposed infrastructure to support the district, and compatibility with adjacent uses.

SECTION 982
Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 984
MOBILE HOME PARK (MHP)
The purpose of the Mobile Home Park district is to provide an alternative type of dwelling within well-planned and desirable environments for individuals or families who do not prefer conventional, constructed dwellings and may not desire private property ownership. Such parks should be located in areas with adequate infrastructure and convenient accessibility.

SECTION 985
Principally Permitted Uses
The following uses are permitted:

1. Mobile homes within mobile home parks (Subdivision Review required for all mobile home parks);

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

SECTION 986
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a mobile home including;
   a. Car ports and parking;
   b. Structures such as trailer skirting, fences and walls;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of a recreational vehicle or unit (according to Article 31);
   e. The keeping and use of appropriate household pets;

2. A dwelling unit of the family of the mobile home park owner-operator and/or resident manager (must meet minimum standards for single-family dwelling of SR-1 district) including the accessory uses listed for a mobile home above plus:
   a. A private garage;
   b. Private swimming pool, sauna, bathhouse and like accessories;
   c. Private recreational courts, complexes or similar recreational activities;

3. Signage (According to Article 34);

4. Parking (According to Article 33);

5. Temporary buildings incidental to construction.

6. Clubhouses, community centers and similar common assembly or shared facilities;

7. Family day care.

SECTION 987
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) is a functional activity of a mobile home park; c) the activity (except mobile home sales) is only for residents of the mobile home park; and d) the arrangement of uses, buildings or structures will be mutually compatible with the organization or permitted and accessory uses to be protected in this district;

1. Self-service laundering and dry cleaning services;

2. The display of mobile homes for sale from individual mobile home lots (Site Plan Review required). (Each lot shall meet the minimum size requirements as indicated in Table 1 of Article 31 [unless a pre-existing lot of record] and shall meet the minimum parking requirements for a Mobile Home Park district. Such use shall be allowed only in a previously approved Mobile Home Park. An area for mobile home sales and display shall be designated on the Site Plan with only one mobile home allowed to be
displayed on each lot. Provisions for adequate pedestrian access, landscaping, and unit skirting shall be required to protect the residential intent of the district;

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

SECTION 988
Intensity
The intensity of use in a Mobile Home Park shall not average more than seven (7) mobile home units per acre.

SECTION 989
Minimum Size
The minimum size and extent of a Mobile Home Park district, including all the contiguous private property so designated, shall not be less then (10) acres.

SECTION 990
Minimum Standards
All permitted, accessory and conditional uses, buildings and structures in this district are subject to:

1. The supplemental, parking and loading, signage regulations of this ordinance order; for individually owned lots the front setback shall be measured from the public right-of-way, edge of easement for private streets, or edge of pavement where no right-of-way or private street easement exists;

2. Requirements of Kentucky Mobile Home and Recreation Vehicle Park regulations specifically including K.R.S. Section 219.310 through 219.410; Permits as required under K.R.S. Section 219.310 through 219.410 shall be included with application for Site Plan Review;

3. Each mobile home shall be provided with adequate anchorage and tie-downs;

4. Any other requirements imposed by the Boone County Health Department or local Building Code;

5. Each mobile home park shall have an appropriate landscape buffer, which shall be located along the perimeter of the site (See Article 31).

SECTION 991
RESIDENTIAL ONE FAMILY (R-1F)
The purpose of the Residential One Family is to provide low density urban residential development, that is single-family residential in character. Such districts will be located within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

SECTION 992
Principally Permitted Uses
The following uses are permitted:

1. Detached single-family dwelling units;

2. Recreation defined in this district to be open space parks, hiking areas and trails, bikeway systems and picnicking areas.

SECTION 993
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

9.19
1. Accessory uses for a dwelling unit including:
   a. Private garage and parking (See Article 33);
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of a recreational vehicle or unit (According to Article 31);
   e. Private swimming pool, sauna, bathhouse;
   f. The keeping and use of pets;
2. Signage (According to Article 34);
3. Temporary buildings incidental to construction.
4. Clubhouses, community centers and similar common assembly or shared facilities;
5. Family day care.

SECTION 994
Conditional Use and Criteria
The following use and their appropriate accessories are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a principally permitted use; or b) the activity will not contradict the low density character of the district; and c) the arrangement of the uses, buildings, and structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Churches, synagogues, temples, and other place of religious assembly for worship (Site Plan Review required);
2. Cemeteries including mausoleums (Site Plan Review required);
3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 995
Intensity
The intensity of the use in a Residential One Family district shall not exceed four (4) dwelling units per acre.

SECTION 996
Minimum Size
The minimum size and extent of a Residential One Family district, including all contiguous private property so designated, shall not be less than five (5) acres.

SECTION 997
Minimum Standards
See Article 31 for dimensional standards and for developing conventional residential subdivisions.
SECTION 1000
Intent
The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010
COMMERCIAL ONE (C-1)
The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011
Principally Permitted Uses
The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Medical, dental or optical clinics;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Household electronics sales;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers, greeting cards, magazines and related media;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Video stores;
33. Funeral homes and crematoriums excluding cemeteries or mausoleums.
SECTION 1012
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
   a. Temporary exhibit spaces;
   b. Aquariums, botanical gardens and other natural exhibitions;
   c. Stages and similar assembly areas;
   d. Indoor target ranges and similar athletic uses;

2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
   a. Private garage and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;
   d. The keeping and use of appropriate household pets;

3. Signage (See Article 34);

4. Parking (See Article 33);

5. Temporary buildings incidental to construction;

6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;

7. Retail sale of motor fuels;

8. Drive-up photo finishing services and automatic teller services;

9. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);

10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;


SECTION 1013
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:
1. Gasoline filling stations and automotive repair facilities;

2. Churches, synagogues, temples and other places of religious assembly for worship;

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

SECTION 1014
Intensity
The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

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

SECTION 1015
Minimum Size
There is no minimum size or extent required of a Commercial One district.

SECTION 1016
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020
COMMERCIAL TWO (C-2)
The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021
Principally Permitted Uses
The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;

2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in Section 1111.

3. Eating and drinking establishments including alcoholic beverages; (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY) Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities;

4. Department stores, mail order houses, direct retail selling organizations of general merchandise;

5. Furniture, home furnishings including specialty and floor coverings;

6. Specialized upholstery and furniture repair or refinishing services;

7. Apparel stores;
8. China, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Welfare and charitable services;
22. Business associations and professional membership organizations including civic, social and fraternal organizations;
23. Art and craft galleries and similar exhibit space;
24. Aquariums, botanical gardens and other natural exhibitions;
25. Arcades and other amusement centers;
26. Motion picture theaters (indoor);
27. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
28. Recreation centers, gymnasiums, clubs and similar athletic uses;
29. Motorcycle sales or bike shops excluding outside storage;
30. Churches, synagogues, temples and other places or religious assembly for worship;
31. Hotels and motels including convention facilities;
32. Pawn shops (Not Applicable within the City of Florence);
33. Auto parts and accessories stores;
34. Gasoline filling station;
35. Emergency medical transport helicopter base or heli-pad when located immediately adjacent to a public emergency care ambulance/fire department station, which is used exclusively for the transport of emergency care patients, and ancillary facilities such as office, hangar and parking. (THIS APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)
SECTION 1022
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
   a. Stages and similar assembly areas;
   b. Auditoriums, exhibition halls and other public assembly spaces;
   c. Billiards;
   d. Play lots and tot lots;
   e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
   a. Private garage and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;
   d. The keeping and use of appropriate household pets;

3. Signage (See Article 34);

4. Parking (See Article 33);

5. Temporary buildings incidental to construction;

6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;

7. Retail sale of motor fuels;

8. Drive-up photo finishing services and automatic teller services;

9. Indoor target ranges and similar athletic uses;

10. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);

11. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;

12. Recycling collection containers.

SECTION 1023
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses.
to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;

2. Automotive repair facility and wash services for vehicles;

3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);

4. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);

5. Mini-warehouses or storage facilities (Does not apply in the City of Florence);

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

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

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

9. Body-art services when not adjoining a residential zoned property. (Applies to the City of Florence Only)

SECTION 1024
Intensity
The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025
Minimum Size
The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030
COMMERCIAL SERVICES (C-3)
The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031
Principally Permitted Uses
The following uses are permitted:
1. All principally permitted uses of a Commercial One (C-1) district;

2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in Section 1111.

3. Commercial parking facilities and commercial recreational vehicle parking facilities;

4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

5. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;

6. Major furniture, floor coverings, household appliances and home furnishing outlets;

7. Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities

8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;

9. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;

10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;

11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);

12. Equipment (light), automobile, truck rental and leasing services;

13. Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage, and excluding the repair of tractor-trailers and other trucks;

14. Florists including greenhouses;

15. General dry goods and merchandise stores;

16. Department stores, mail order houses, direct retail selling organizations of general merchandise;

17. China, glassware and metal ware;

18. Travel arranging, transportation ticket and public event or promotional booking agencies;

19. Hotels and motels including convention facilities;

20. Auto parts and accessories stores;

21. Flea markets;

22. Churches, synagogues, temples and other places or religious assembly for worship;

23. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)

24. Pawn shops. (APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)

25. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;
SECTION 1032
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

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

2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
   a. Private garage and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;
   d. Appropriate storage of a recreation vehicle or unit;
   e. The keeping and use of appropriate household pets;

3. Signage (See Article 34);

4. Parking (See Article 33);

5. Temporary buildings incidental to construction;

6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

7. Retail sale of motor fuels;

8. The rental of trucks and trailers;

9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;


SECTION 1033
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;
1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;

2. Truck stops;

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

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

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

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

SECTION 1034
Intensity
The intensity of use in a Commercial Services (C-3) district shall not exceed 18,000 square feet of gross floor area per acre of land.

SECTION 1035
Minimum Size
The minimum size and extent of a Commercial Services district, including all the contiguous private property so designated, shall not be less than three (3) acres.

SECTION 1036
Minimum Standards
See Article 31 for dimensional standards. (Site plan review required for all permitted uses, See Article 30)

SECTION 1040
COMMERCIAL FOUR (C-4)
The purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Such districts shall be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum egress and ingress for the local population.

SECTION 1041
Principally Permitted Uses
The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. Grocery stores and supermarkets;

2. Convenience stores;

3. Banking services, savings and loan associations, credit unions and other credit services;

4. Postal services and packaging services provided the use is essential for pick-up and delivery
convenience and not storage or transfer activities more appropriate to an employment district;

5. Department stores or general merchandise stores;

6. Gasoline filling stations, automotive repair facilities and wash facilities;

7. Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities

8. Furniture stores;

9. Hardware stores;

10. Recreation centers, gymnasiums, clubs and similar athletic uses;

11. Medical, dental or optical clinics;

12. Travel agencies;

13. Legal, architectural, engineering, accounting, insurance and real estate services;

14. Photo finishing services;

15. Florists, excluding greenhouses;

16. Shoe repair and dry cleaning services;

17. Day care centers;

18. Beauty and barber services and tanning salons;

19. Veterinary services and pet grooming services;

20. Bakery stores;

21. Apparel shops;

22. Drug store;

23. Garden and landscaping sales and supplies including florist greenhouse;

24. Fire stations and related services and police stations;

25. Laundromats and self-service washing and drying;

26. Opticians and optical goods;

27. Household electronics sales;

28. Paint and wallpaper stores;

29. Carpet stores;

30. Books, stationery, newspapers, greeting cards, magazines and related media;

31. Sporting goods stores;

32. Video stores;

33. Churches, synagogues, temples and other places or religious assembly for worship;

34. Funeral homes and crematoriums excluding cemeteries or mausoleums;
35. Liquor, beverage, drug and proprietary stores;
36. Auto parts and accessories stores;
37. Hotels and motels including convention facilities;
38. Fireworks retail sales (Does not apply in the City of Union and City of Walton);
39. Farmers marts (Applies to unincorporated Boone County only).

SECTION 1042
Accessory Uses
Accessory uses, building and structures customarily incidental and subordinate to any of the permitted uses including:

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

2. Signage (See Article 34);
3. Parking (See Article 33);
4. Temporary buildings incidental to construction;
5. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
6. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
   a. Private garage and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;
   d. Appropriate storage of a recreation vehicle or unit;
   e. The keeping and use of appropriate household pets;
7. Retail sale of motor fuels;
8. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);
9. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
SECTION 1043
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use or service; or b) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses to the district:

1. Mini-warehouses or storage facilities;

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

SECTION 1044
Intensity
The intensity of use in a Commercial Four (C-4) district is 13,000 square feet of gross floor area per 1 acre. The maximum intensity for any principally permitted use or accessory use shall not exceed 100,000 square feet.

SECTION 1045
Minimum/Maximum Size
The minimum size and extent of a Commercial Four (C-4) district, including all the contiguous private property so designated, shall not be less than three (3) acres.

SECTION 1046
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)
ARTICLE
11

EMPLOYMENT DISTRICTS

SECTION 1110
OFFICE ONE (O-1)
The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111
Principally Permitted Uses
The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News agencies and employment services;
12. Business and management consulting services and associations;
13. Motion picture, audio-visual and similar media production and distribution services;
14. Medical, dental, or optical clinics;
15. Legal, engineering, architectural, education and scientific research services;
16. Accounting, auditing and bookkeeping services;
17. Charitable and social services administration offices;
18. Professional membership organizations and labor organizations and civic associations;
19. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
20. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
21. Veterinary services not including the boarding of animals;
22. Business colleges and trade schools;
23. Recreation centers, gymnasiums and other related recreational facilities;
24. The retail sale of office supplies and equipment;
25. Funeral homes and crematoriums excluding cemeteries or mausoleums;
26. Beauty and barber services and tanning salons.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;

SECTION 1112
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

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

SECTION 1113
Conditional Uses
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Day care centers;
2. Convenient stores;
3. Laundering, dry cleaning and dyeing services, including self-service;
4. Shoe repair, shoe shining and hat cleaning services;
5. Florists, excluding greenhouses;
6. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1114
Intensity
The maximum total intensity of all uses in an Office One district shall not exceed 16,000 square feet of gross floor area per acre.

SECTION 1115
Minimum Size
The minimum size or extent required of an Office One District is one acre.

SECTION 1116
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.
No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

SECTION 1120
OFFICE TWO (O-2)
The purpose of the Office Two District is to consolidate those types of professional, research, business, service and similar uses which are based in office structures and which require and desire high levels of personal interaction. Such districts will be organized to provide employment labor markets. Districts will be located on suitable lands with convenient access from expressways, arterials or collectors. District plans will be organized to provide direct, central, convenient and safe collection of vehicles and pedestrian circulation.
SECTION 1121
Principally Permitted Uses
The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-through teller services.
4. Convenient stores;
5. Laundering, dry cleaning and dyeing services, including self-service;
6. Shoe repair, shoe shining and hat cleaning services;
7. Florists, excluding greenhouses.
8. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1122
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

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

SECTION 1123
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments and Zoning Appeals provided: a) the activity is provided primarily and obtains the bulk of its trade from the use and support of the public employed in the district; or b) the activity is of integral relation to the purposes of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted accessory uses to be protected in the district:
1. Hotels, tourist courts and motels only where the primary trade is of direct relation or support of the uses and purposes of the district;
2. The writing, publishing of newspapers, periodicals and books provided any printing operation is subservient to the writing and publishing activity and does not conflict with the purposes of permitted uses of the district;
3. Telephone, telegraph, radio and television relay, transmitting and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Day care centers;
9. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1124
Intensity
The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.
SECTION 1125
Minimum Size
The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

SECTION 1130
INDUSTRIAL ONE (I-1)
The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

SECTION 1131
Principally Permitted Uses
Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;

2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding refining or processing of biodiesel, the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping or any tanning, curing or storage of rawhides or skins;

3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;

4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;

5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;

6. Furniture and fixtures;

7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;

8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;

10. Soaps and other detergents;

11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;

12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;

13. Electric and electronic equipment;

14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.

15. Research and development facilities;

16. Educational and governmental institutions;

17. Wholesale trade of automobile accessories and parts;

18. Wholesale trade of drugs, drug proprietaries and sundries;

19. Wholesale trade of dry goods and apparel;

20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;

21. Wholesale trade of electrical and electronic parts;

22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;

23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;

24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;

25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;

26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;

27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;

28. Detective and protective services;

29. Photo finishing and other photographic laboratories;

30. Electrical repair and armature rewinding services;

31. Reupholstery and furniture repairing and refinishing services;

32. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
33. Postal services and related storage, distribution and transfer activities;
34. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
35. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
36. Freight forwarding, packing and crating services;
37. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
38. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers;
39. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
40. Manufacture of plastic products but not the primary manufacture of plastics;
41. Welding shops for the repair of industrial machinery and heavy equipment;
42. Truck stops;
43. Recycling centers;
44. Fire stations or fire related or protective services including rescue services;
45. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
46. Commercial parking facilities and commercial recreational vehicle parking facilities;
47. Landscape contracting, grounds keeping, and wholesale nurseries;
48. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
49. Crematoriums.

SECTION 1132
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
   a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
   b. Historic sites, structures, monuments and other exhibits available public viewing;
   c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
   d. Golf course and tennis courts;
   e. Swimming beaches and swimming pools;
   f. Picnicking, hiking areas, exercise trails and other recreational uses;
   g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
h. Recreation/Health centers.

2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;

3. Railroad right-of-way including switching and marshaling trackage and freight terminals;

4. Marine freight terminals;

5. Employment services;

6. Signage (See Article 34);

7. Parking (See Article 33);

8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

9. Food service for office, manufacturing or distribution uses;

10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;


SECTION 1133
 Conditional Uses and Criteria
 The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses in which the primary business activity involves the following:
   a. the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum;
   b. bag cleaning;
   c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
   d. creosote treatment;
   e. distillation of bones, coal or wood;
   f. enameling, japanning or lacquering;
   g. radium or radioactive elements;
   h. crushing or other reduction or waterproofing;
   i. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

2. Poultry and small game dressing and packing;
3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
5. Gasoline filling stations and wash services;
6. Labor unions and similar labor associations;
7. Day care centers;
8. Hotels and motels;
9. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
10. Retail sales or leasing of new and used motor vehicles;
11. Wholesale vehicle sales or auctions;
12. Churches, synagogues, temples and other places of religious assembly for worship;
13. Kennels for household pets; City of Florence only - kennels for household pets only when not adjoining a residential zoned property;
14. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C);
15. Fireworks retail sales. (Does not apply in the City of Union and City of Walton).

SECTION 1134
Intensity
The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

SECTION 1135
Minimum Size
The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 1137
Supplemental Zoning Map Amendment Standards
Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as “Business Park” by the Boone County Comprehensive Plan’s Future Land Use Map, shall be assessed relative to the standards in Section 1609 “Design Standards” in conjunction with the provisions of Article 3 “Amendment.”

SECTION 1140
INDUSTRIAL TWO (I-2)
The purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.
SECTION 1141
Principally Permitted Uses
The following uses are permitted:

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

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

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

Also permitted are:

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

SECTION 1142
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purposes of the district defined to be:
   a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
   b. Auditorium exhibition halls and other public or miscellaneous assembly;
   c. Golf courses and tennis courts;
   d. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
   e. Swimming beaches and swimming pools;
   f. Picnicking, hiking areas, exercise trails and other recreational uses;
   g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;

2. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any related or integral office use or activity of the permitted use;

3. Public transit stations and terminals;

4. Signage (See Article 34);

5. Parking (See Article 33);

6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;


SECTION 1143
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law;
2. Refuse and solid waste disposal when conducted incidental and subordinate to a principally permitted use;

3. Gas production plants, natural or manufactured gas storage and distribution points, gas pressure control stations;

4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structures do not physically or visually overpower, detract or conflict with the buffering provisions specified within and between the district uses and other districts;

5. Gasoline filling stations and wash services;

6. Labor unions and similar labor associations;

7. Day care centers;

8. Retail sales and service of new and used motor vehicles including tires, batteries and accessories, auto body services including junkyards, wrecking or other storage.

9. Wholesale vehicle sales or auctions;

10. Concentrated animal feeding operations;

11. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;

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

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

14. Solid waste transfer stations subject to the following standards.
   a. All transfer activities shall occur within an approved building.
   b. Solid waste transfer stations may be open to the public only between 7:00 AM and 5:00 PM. Internal operations may be conducted between 6:00 AM and 6:00 PM.
   c. The solid waste transfer station shall be staffed during hours of operation.
   d. Solid waste shall not be stored on the premises for more than 24 hours and must be stored in the building. No solid waste may be stored outdoors, including any waste that is in or on vehicles or trailers.
   e. The hours of operation shall be clearly posted at the site’s entrance.
   f. All doors shall be kept closed when the solid waste transfer station is not open for business.
   g. The perimeter of the site’s vehicular area shall be fenced with a minimum 8 foot high chain link fence, or comparable type fence, which will confine waste within the site. The type, height, and placement of fencing must also meet all other applicable requirements of this order (refer to Sections 3153 and 3655). Fencing shall include a gate(s) which is closed and locked when the solid waste transfer station is closed for business.
   h. An odor control plan shall be submitted with the Conditional Use Permit application for evaluation and approval by the Board of Adjustment. A Conditional Use Permit shall not be granted without an effective odor control plan in place.
   i. A parcel or lot containing a solid waste transfer station shall not be located within 600 feet of a parcel containing a single family residence, or within 600 feet on an Agricultural District,
Conservation District, or a Residential District.

j. No runoff from waste materials shall leave the subject property or enter any stream.

k. Solid waste transfer stations shall comply with all applicable local ordinances and state and/or federal statutes and regulations.

SECTION 1144
Maximum Intensity
The maximum intensity of uses in an Industrial Two district shall not exceed 22,000 square feet of gross floor area per acre.

SECTION 1145
Minimum Size
The minimum size and extent of an Industrial Two district, including all the contiguous private property so designated, shall not be less than ten (10) acres.

SECTION 1147
Supplemental Zoning Map Amendment Standards
Zoning Map Amendment applications which request the I-2 zone, and which involve sites that are located within areas designated as “Business Park” by the Boone County Comprehensive Plan’s Future Land Use Map, shall be assessed relative to the standards in Section 1609 “Design Standards” in conjunction with the provisions of Article 3 “Amendment.”

SECTION 1150
INDUSTRIAL THREE (I-3)
Surface Mining District
The following regulations shall apply in all Industrial Three (I-3) districts. The intent of this district is to regulate surface mining excavation, extraction, processing, storage, loading, hauling, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may be produced from such raw materials.

SECTION 1151
Principally Permitted Uses
The following uses are permitted:

1. Any customary agricultural use or structure, excluding dwellings;

2. Essential services and public utilities in accordance with applicable regulations of the Public Service commission, Department of Transportation, or Federal Power Commission;

3. Sand, gravel, rock, clay, silt, shale, stone, and other mineral extraction from pits upon to the surface in conformance with a Surface Mining Special Use Permit issued by the Planning Commission;

4. Operations appurtenant to the treatment and processing of sand, gravel, rock, clay, silt, shale, stone, coal, and other natural resources including washing and screening, cement and lime manufacturing, drying, crushing, concrete batching and mixing, storage, loading and unloading from rail, river or highway vehicles in conformance with a Surface Mining Special Use Permit issued by the Planning Commission.

5. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
SECTION 1152
Accessory Uses
Customary accessory uses and structures including operations required to maintain or support any use permitted in this zone on the same site as the permitted use such as maintenance shops, power plants, offices, food service facilities and caretaker or watchman quarters.

SECTION 1154
Conditional Uses and Criteria
The following uses are permitted as geographic transitions between the uses Principally Permitted in the I-3 District and the existing and permitted uses of adjoining districts. Conditional Uses are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district and employees and residents of the adjoining areas; b) the activity represents an appropriate land use transition between the mining related activities in the I-3 District and the existing and permitted uses of adjoining areas and districts; c) the use, building or structure is subservient to and not of scale, nature, trade or character which will compete, detract or conflict with the purpose and permitted uses of the I-3 District and adjoining districts; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the adjoining districts:

1. All Principally Permitted Uses and Conditional Uses in the Small Community (SC) Overlay District except residential uses and Bed and Breakfast Inns:
2. Historic sites and structures, and other monuments and exhibits available for public viewing;
3. Miniature golf, arcades, golf driving ranges, batting cages, go-cart tracks and other specialized amusement facilities;
4. Tennis courts, ice skating, roller skating, riding stables, and bowling;
5. Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, and other athletic uses and structures;
6. Fishing lakes and fishing lake access, and indoor target ranges;
7. General leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
8. Landscape and plant nurseries including greenhouses, garden and landscape sales, but excluding outdoor display and storage of equipment and vehicles.

SECTION 1156
Application and Process
Applications for Industrial Three District zoning shall be processed in three stages as follows:

A. STAGE I - APPLICATION

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

1. A vicinity map showing the area within a three mile radius of the center of the proposed site. Current 7-1/2 minute topographic at a scale of 1 inch equal to 2000 feet shall be used as the base map with existing zoning drawn thereon. Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily, monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded historical and archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations and government offices and the boundaries of cities, counties and states shall be identified. The boundary of the proposed site shall be shown;
2. A site plan of the site drawn to a scale of 1 inch equal not more than 100 feet showing:
   a. The total area of the property owned or leased by the applicant;
   b. Names of abutting property owners;
   c. All public and private right-of-ways and easements on or abutting the property with notation as to proposed continuation, creation, enlargement, relocation or abandonment;
   d. Existing and proposed contours shown with intervals sufficient to show existing and proposed drainage, but not more than 10 feet;
   e. All existing structures on the property and within 200 feet of the property lines on adjacent property;
   f. General layout of proposed development showing proposed limits of excavation and all proposed structures;
   g. Location, dimension, and description of proposed buffer strips, screening, and embankments;
   h. All existing public roads abutting the site with width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures;
   i. Existing drainage courses with proposed relocations, channel changes, diversions, retention basins, sedimentation basins, and drainage structures;
   j. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work to minimize active area and minimize the time unreclaimed non-active area exists;
   k. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials;
   l. Proposed ultimate land use after full reclamation;

3. A written description of the proposed operation addressing each of the following:
   a. Hours of operation: hours of operation within proposed operational boundaries, and hours of operation of off-site hauling, using public roads;
   b. Dust control: detailed design plan including a list of equipment to be used for dust abatement along with a written summary of operator's fugitive dust requirements pursuant to current U.S. EPA, and Kentucky Department of Natural Resources and Environmental Protection as they specifically apply to the proposed operation;
   c. Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads and all adjacent property owners buildings and/or dwellings;
   d. Erosion control: description of surface soil quantities and proposed stockpiling of such for subsequent reclamation after closure of each active area, as set forth in item f. below;
   e. Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any
lakes, ponds, steams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including but not limited to any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations;

f. Contemporaneous Reclamation Plan: a written description, prepared by a Professional Engineer licensed in the State of Kentucky, which establishes operational design plans for keeping reclamation operations, including backfilling, grading, soil preparations, and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other natural resources and aesthetic values, during operations shall include the following:

1. A detailed site description and overview of the operations;

2. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;

3. A description of the "Active Area" which is defined as "the maximum quantity of acreage that shall have surface disturbance." "Surface disturbance" is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan;

4. A description of the "Reclamation Area" which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete;

5. A detailed description of the division of property into sections (each section no larger that the maximum "Active Area" under paragraph 3. of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below;

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

1. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;

2. The time frame of proposed final closure plans;

3. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;

4. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Article 4.83E shall include these costs;

5. A list of the names and current mailing addresses of all abutting property owners. Property located on public right-of-ways opposite the site are considered to be abutting the site. Current mailing address is the address on file at the Property Valuation Office at the Boone County Courthouse;

6. Metes and bounds description of the property for which the zone change is required;
7. Applications for Surface Mining District zoning shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application;

8. A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk’s office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

B. STAGE II - PUBLIC HEARING

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

C. STAGE III - DEVELOPMENT PLAN APPROVAL AND/OR RECOMMENDATION

Following the public hearing, the Planning Commission shall approve or disapprove the development plan. When the Planning Commission finds that changes in the development plan are necessary prior to approval, and based on information developed in the public hearing, the applicant shall be given thirty days in which to submit a revised development plan. No revisions shall be made other than those discussed at the public hearing and ordered by the Planning Commission. If the development plan is approved, the Planning Commission shall make a recommendation for a Zoning Map Amendment to the appropriate legislative body. The recommendation shall contain the findings of fact developed at the public hearing in support of the zone change. If the development plan is disapproved, the Planning Commission shall make a recommendation to deny the zone change to the appropriate legislative body with a copy of the recommendation to the applicant. The recommendation shall contain the reasons for denying the zone change.

SECTION 1158
Special Use Permit Application

After zoning approval has been granted by the legislative unit or if a site is currently zoned I-3, the developer shall file an application for a Surface Mining Special Use Permit. The application shall include the following information in triplicate:

A. A site plan of the site drawn to a scale of 1 inch equal to not more than 100 feet showing:

1. All information shown on the approved site plan of the Development Plan;

2. Dimension, location of all proposed structures;

3. Typical cross-section through site showing limits of excavation, location of embankments, location of buffer strips, species and density of proposed plantings;

4. Erosion control measures;

5. Location, width and surface types of access road to public road;

6. Description of Active Area minimization, and time frame of contemporaneous reclamation of each section. This includes an itemized cost estimate of the reclamation of all property to be disturbed. Estimate will include cost of removing and disposing of structures, grading, fertilizing, seeding, mulching, and planting costs of the final preparations for the Ultimate Land Use Plan.

B. Copies of applications for permits and/or licenses from local, State and Federal agencies having jurisdiction;
C. Statement that the Planning Commission shall be furnished a copy of all inspection reports from the Kentucky Department of Natural Resources and Environmental Protection;

D. Contemporaneous Reclamation Plan, which is a written description, prepared by a professional engineer licensed in the State of Kentucky, which establishes operation design plans for keeping reclamation operations, including backfilling, grading, soil preparations and revegetation, contemporaneous with operations. This Plan which promotes the protection of people, property, land, water and other natural resources and aesthetic values, during operations shall include the following:

1. A detailed site description and overview of the operations;

2. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;

3. A description of the “Active Area” which is defined as “the maximum quantity of acreage that shall have surface disturbance.” “Surface disturbance” is that condition of land after initial disturbance of top soil and before reclamation has begun. The Active Area minimization efforts shall be described in detail in this Plan;

4. A description of the “Reclamation Area” which is defined as that quantity of land no longer producing material, (i.e. inactive) until final reclamation is complete;

5. A detailed description of the division of property into sections (each section no larger than the maximum “Active Area” under paragraph 3 of this section) and the design plan of the time frame and reclamation plans of each section through the Active Area phase and Reclamation Area phase, along with other details such as erosion controls and preparation for the Ultimate Land Use Plan upon final reclamation as described below.

E. Ultimate Land Use Plan, which is the use of land after final reclamation. This plan shall describe the use of the land after final reclamation. This plan shall be prepared by a professional engineer, licensed in the State of Kentucky, and shall include the following:

1. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;

2. The time frame of proposed final closure plans;

3. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;

4. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Section 1158.F shall include these costs.

F. A bond, payable to the legislative body having jurisdiction, in an amount equal to the estimated cost of reclamation times an escalation factor approved by the Planning Commission. The escalation factor shall be based on the average annual rate of inflation as published by the U.S. Bureau of Labor Statistics for the preceding five years times the number of years or fraction thereof proposed in the schedule of development. The bond shall be in a form approved by the legislative body having jurisdiction. Additional bond may be required during the course of the operation of the site when time extensions are granted by the Planning Commission, revisions are made to the development plan, or when the Planning Commission or the legislative body having jurisdiction has reasonable cause to believe the reclamation cannot be completed with the amount of bond posted;

G. Applications for Surface Mining Special Use Permits shall be made on forms available at the Boone County Planning Commission office. The application shall be signed by the owner of the property described in the application. Where the developer is other than the owner, the developer must also sign the application;
H. A written consent by the applicant and owner of the property that notice of conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk’s office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

SECTION 1160
Performance Requirements
Development and reclamation of the site shall be in accordance with the following definitions and criteria:

A. Time Limit: The approved facility shall be in substantial operation one year after approval of the Surface Mining Special Use Permit. The applicant, or permittee, shall be subject to annual review by the Planning Commission to assure the permittee’s compliance with the Development Plan, Contemporaneous Reclamation Plan, and the Ultimate Land Use Plan as approved by the Planning Commission.

The active mining area, as defined in the Development Plan, shall be maintained at or below the approved permitted size. The reclamation area, as described in the Development Plan, shall be reclaimed contemporaneously as set forth in the Contemporaneous Reclamation Plan and as expeditiously as possible. A map shall be submitted annually by the permittee to the Planning Commission showing the status of the affected area and reclamation.

Failure to complete contemporaneous reclamation of inactive areas will result in disallowance of advancement. If the Planning Commission determines that the development and reclamation of the site has not proceeded in accordance with the approved or amended time frames and plans, the Planning Commission shall notify the permittee of its finding. If the noncompliant activity is not corrected within forty five (45) days of written notification, the Surface Mining Special Use Permit shall be revoked. If revoked, the permittee shall apply for a Surface Mining Special Use Permit. In addition, a public hearing may be held to rezone the site based upon the recommendation from the Planning Commission and action from the legislative body.

All mining operations and reclamation activity shall be completed no later than twelve (12) years after approval of the Surface Mining Special Use Permit. The Special Use Permit shall be extended for another 12 years depending on the following criteria:

1) The site is in compliance with its currently approved plans,

2) No pending violations, either in the past or currently, still exist on the site.

All provisions in the Industrial Three (I-3) zoning classification still apply in the above extension process. Also, any unapproved changes on the site or to the approved plans shall require a new application submittal. Major amendments to the scope of the operation as permitted by the current Surface Mining Special Use Permit shall be submitted for review and approval by the Planning Commission in accordance with Section 1154. Major amendments include exceeding the scope or size of the operation beyond that approved through the current Surface Mining Special Use Permit, altering supplemental conditions of approval, or altering any plan element of substantive effect. Minor amendments do not involve exceeding the scope or size of the operation beyond that currently approved, do not involve alterations in any supplemental conditions of approval, and do not involve altering any plan element of substantive effect. Minor amendments may be approved by the Zoning Administrator.

B. Operations: The approved facility shall be operated at all times in accordance with the following rules and regulations:

1. Contemporaneous Reclamation Plan: All operations must be conducted in a manner consistent with the Contemporaneous Reclamation Plan. In addition, hours of operation designations must be maintained. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning Permit;

2. Ultimate Land Use Plan: The operations must be maintained in a manner consistent with the Ultimate Land Use Plan including but not limited to soil conservation etc. Any request for modification must be made in writing to the Planning Commission. Failure to do so could result in revocation of the Zoning Permit;
Permit;

3. Solid Waste Disposal: All solid waste generated by operations on this site shall be disposed of in accordance with the current regulations of the Kentucky Division of Solid Waste which are incorporated herein by reference;

4. Air Pollution: All operations on the site shall be in compliance with the regulations and standards of the Kentucky Division of Air Pollution which are incorporated herein by reference;

5. Water Pollution: All operations on the site shall be in compliance with the rules and regulations and standards of the Kentucky Division of Water Quality and the Corps of Engineers, Department of the Army, which are incorporated by reference;

6. Noise Pollution: All operations on the site shall be in compliance with the rules, regulations and standards of the Kentucky Department of Natural Resources and Environmental Protection and the Kentucky Department of Mines and Minerals;

7. Blasting: All operations involving the use of explosives shall be conducted in accordance with the rules and regulations of the Kentucky Department of Mines and Minerals which are incorporated herein by reference;

8. Operations: No land, building or structure shall be used or occupied in any manner which causes injury, detriment, nuisance or annoyance to any considerable number of people. Operations which endanger the comfort, repose, health or safety of any person or which causes or has a natural tendency to cause injury or danger to residences, business or other properly zoned uses shall not be conducted. All operations shall employ recognized equipment and procedures of the industry in question to minimize objectionable elements or conditions adversely affecting the surrounding properties. Operation of equipment shall be in accordance with the standards of the industry and the Kentucky Department of Labor;

9. Drainage: Natural drainways in the area of land affected by the operation shall be kept free from over burden. Such drainways shall be identified on the map submitted with the application. If, in the operation it is necessary to cross such a drainway, proper drainage structures shall be provided. Sufficient water retarding structures and silt dams constructed to the approval of the Planning Commission shall be placed in all natural drainways on every operation before the work begins. The proposed location of such dams and structures shall be indicated on the map submitted as part of the special use permit application;

10. Highwalls: Where the operation produces a bench or solid rock highwall, at least one suitable access shall be provided to lands above the highwall within each four thousand (4,000) feet of distance along the bench. Any water accumulating on a bench where the drainage is off the operation shall be pumped or siphoned into a natural or constructed drainway. The moving of over burden to release such water shall be prohibited unless a drainway can be constructed with the approval of the Commission;

11. Revegetation and Restoration: Requirements for revegetation and demonstration of successful restoration of soil productivity are set forth in "Kentucky Prime Farmland and Crop Production Restoration After Mining," Kentucky Department for Surface Mining Reclamation and Enforcement in consultation with the U.S. Soil Conservation Service, June 1985. This document is incorporated herein by reference;

12. Spoil: Spoil or over burden removed shall be placed, graded and stabilized so that soil erosion, surface disturbance and stream sedimentation will be minimized. All grading must be kept current and shall be completed before necessary equipment is removed from the operation;

13. Adjacent Property: The conduct of mining and the handling of refuse and other mining wastes shall be done in such a way as to reduce adverse effects in the area and to protect the public and adjoining landowners from damage to their lands, streams, and property;
14. Final Cleanup: Upon final abandonment, all buildings, structures, metal, lumber and other refuse resulting from the operation shall be removed or buried, and shall be consistent with the Ultimate Land Use Plan;

15. Plan Revisions: Where conditions develop in the operation which show that the approved reclamation plan cannot be carried out as planned, modifications of the plan shall be submitted by the operator to the Planning Commission for approval;

16. Access Roads: The access road shall be that section of road beginning at its junction with any public road and ending at the pit which the operator uses as a haul road. Use of a pre-existing private road or any portion thereof by the operator requires:
   a. That the haul road be kept open and in condition that local traffic can use it without damage to their means of transportation;
   b. That if disturbance by the operator shall make the road impassable, a detour of comparable usability shall be provided;

Paths or trails between pits for the temporary movement of equipment shall not be considered as access roads but nevertheless shall be part of the area affected;

No road shall be constructed up a stream channel proper. Where it is necessary to locate a road parallel to a stream, it should be placed as far as possible from the stream so as to leave a filter strip between road and stream. A filter strip shall be defined as an area of forest or field left untouched and undisturbed by the operator during road construction and road maintenance;

The grading of an access road shall be such that:
   a. No sustained grade shall exceed 10%;
   b. The maximum pitch grade shall not exceed 10% for 300 feet;
   c. There shall not be more than 300 feet of maximum pitch grade for each 1,000 feet of road construction;

The grade on switch back curves must be reduced to less than the approach grade and shall not be greater than 5%;

A ditch shall be provided on both sides of a through-cut and on the inside shoulder of a cut-fill sections, with ditch relief cross drains being spaced according to grade. Water shall be intercepted before reaching a switch back or large fill and led off. Water on a fill or switch back shall be released below the fill, not over it;

Ditch relief structures will be installed, where possible, according to the following table of spacing in terms of percent of ditch line grade on the basis of 100 sq. in. opening per culvert; (12" dia. round corrugated metal pipes have 113 sq. in. open area)

<table>
<thead>
<tr>
<th>DITCH LINE GRADIENT</th>
<th>SPACING OF CULVERTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2%</td>
<td>600'</td>
</tr>
<tr>
<td>3%</td>
<td>500'</td>
</tr>
<tr>
<td>4%</td>
<td>400'</td>
</tr>
<tr>
<td>5%</td>
<td>320'</td>
</tr>
<tr>
<td>6%</td>
<td>275'</td>
</tr>
</tbody>
</table>

If drainage structures are required in order to cross a stream channel, they shall be such as not to affect the normal flow of the stream. Consideration will be given to the time of year the stream is
crossed and the length of time the stream channel is used, but in no event, and under no condition, will the normal flow of the stream be affected or the sediment load of the stream be materially increased;

Cut slopes shall not be more than 2:1 in soil and more than 0:1 in rock;

All fill and cut slopes shall be seeded during the first planting and/or seeding season after the construction of the road;

If a berm is produced in skimming the road, it shall not be left on the ditch side;

Roads shall not be surfaced on top with any acid producing material which will produce a runoff of acid, the surface being that part of the road exposed to the elements of wind, rain, and sun;

No bridges, culverts, stream crossings, etc. may be removed until the reclamation is completed;

When an access road is to be abandoned and shall no longer be used as a road by the operator, the landowners, or the state or national forest services, surface drainage to minimize erosion and vegetative cover shall be provided. Regardless of the future use of the road, adequate surface drainage shall be provided. Abandoned means that the operator has ceased to use the road and has not turned the road over to another party for their use. When adequate surface drainage and vegetative cover has been provided, the operator shall be relieved of all further obligations in maintaining said road;

Should the Planning Commission determine that modifications are necessary because of topography or particular watershed situations, the Planning Commission may make such modification;

All grades referred to in this regulation shall be subject to a tolerance of two percent (2%) grade. All measurements referred to in this regulation shall be subject to a tolerance of ten percent (10%) of measurement;

17. Excavation: No excavation shall be done outside the limit established by projecting a line sloping inward from a property line or right-of-way line at one foot horizontal to one foot vertical;

18. Embankment: All excavation in excess of 10 feet below original ground elevation shall be surrounded by embankments of not less than 10 feet high and 10 feet high and 10 feet wide at the top. Exterior slopes of this embankment shall be no steeper than three feet horizontal to one foot vertical. The top and slopes of the embankment shall be promptly fertilized and seeded to legumes and perennial grasses;

19. Sign: An appropriate sign shall be displayed at the points of access to each operation adjacent to the nearest public highway. The sign shall be at least two feet by four feet (2’ x 4’), constructed of a wooden or other durable material, and clearly identify the name of the operator and number of his mining permit. Such sign shall be maintained during the life of the operation. Failure to post such sign shall be grounds for the revocation of the permit;

20. Succession of Operators: Where an operator succeeds another at an operation, either by sale, assignment, lease or otherwise, the Planning Commission may release the first operator from all liability under this regulation as to that particular operation. However, both operators must have otherwise complied with the requirements of this regulation and the successor operator assumes as part of his obligation under this regulation, all liability for the reclamation of the area of land affected by the former operator;

SECTION 1162
I-3 District Compatibility Standards
All Principally Permitted Uses are subject to the following compatibility standards:

1. Setbacks/Buffer Yards from Adjoining Zones and Uses: A minimum 200 foot buffer yard shall be
maintained where the I-3 zone adjoins any residential zone, agricultural zones where there is an existing residence on the lot adjoining the I-3 zone, and the Small Community (SC) overlay zone; no activity may occur within this 200 foot buffer yard. A minimum 100 foot buffer yard shall be maintained from all other zones (except the I-3 and I-4 zones) and agricultural zones where there is no existing residence on the lot adjoining the I-3 zone; no activity may occur within this 100 foot buffer yard. Processing plants and other structures used for materials handling and related purposes shall be setback an additional 150 feet from the 100 foot and 200 foot buffer yards; other mining activities may occur within this 150 foot additional set back. A minimum 50 foot buffer yard shall be maintained from Conditional Uses within the I-3 zone, and along public streets where an I-3 district is the adjoining zone across a public street or road. Tree cover shall be maintained and/or provided throughout the entire buffer yard area. Existing tree cover shall be retained and incorporated into required buffer yards. Where there is not continuous forest cover in a buffer yard, the following shall be provided:

A. Berms which are at least 10 feet high from the centerline of the adjoining public street when the buffer yard adjoins a street, or from the property line when the buffer yard adjoins another tract, shall be constructed, unless such construction would necessitate the removal of existing forest cover. If construction of 10 foot high berming would necessitate the removal of existing forest cover, berms shall be constructed to the highest height possible without removing existing forest cover or exceeding a 3:1 slope. Berming shall meander in the buffer yard when viewed from plan view.

B. Native hardwood trees which are a minimum of 2 inch caliper at planting shall be installed at a minimum density of one tree per 150 square feet for the first 50 feet of a buffer yard from the adjoining zone or use; the hardwood tree seedling mixture outlined in Section 1164 shall also be provided in this area. For any remaining area in a buffer yard, at least one tree shall be installed per 250 square feet of area - between 50 and 70 percent of these trees shall be evergreen trees that are a minimum of 6 feet in height at planting and the remainder shall be hardwood trees that are a minimum of 2 inch caliper at planting; either tree mixture in Section 1164, or a combination of both tree seedling mixtures, shall also be provided for any remaining area in a buffer yard. All planting materials shall be evenly distributed within a buffer yard from a quantitative standpoint, although formal, rectilinear planting configurations are prohibited. Planting materials shall be selected based on compatibility with soil types, and at least four different species of trees shall be provided for each tree group (hardwood and evergreen).

C. Where the difference in topographical elevation between the area to be mined and an adjoining, upslope residential zone, or agricultural zone where there is an existing residence on the adjoining lot, is 50 feet or greater, berming shall be provided at the top of the slope in accordance with the standards in subsection A above. In this instance, the minimum planting size for the hardwood trees within the first 50 feet of the buffer yard shall be increased to 4 inch caliper.

All required buffer improvements adjoining a specific phase of mining work shall be completed before any mining work within said phase commences, however, overburden may be removed and used in the construction of the required berms within such phase.

2. Setback/Buffer Yards from Adjoining Mining Uses in I-3 and I-4 Zones: Buffer Yard A as per Article 36 shall be provided.

3. Ohio River frontage: Where an I-3 zoned site adjoins the Ohio River, a buffer yard that is at least 25 feet wide shall be maintained along the shoreline, outside of the 100 year flood plain. A line of hardwood trees which are a minimum of 2 inch caliper at planting shall be installed along the shoreline at a minimum ratio of one tree per 10 linear feet, and the hardwood seedling mixture from Section 1164 shall also be provided in the minimum 25 foot wide buffer yard. Any existing tree cover along the shoreline shall be maintained and credited towards the tree planting requirements. These requirements do not apply in instances where port activities occur directly on the Ohio River.

4. Height: The maximum building height for a mining operation is 50 feet from the original ground elevation.

5. Maximum Intensity: There are no minimum or average building intensities for Principally Permitted Uses in the I-3 district.
6. Dust Control and Driveways: Dust control on the site shall include truck wheel washing facilities. Recycled or reused water must be as free from sediment as possible. The facility must meet the minimum requirements of the Kentucky Division of Water Quality regarding runoff and sediment control. The truck washing facility must be a minimum of 200 feet from the nearest public roadway, and the entrance driveway or road must be paved and kept clean and dust free for this 200 feet. Driveways shall be angled through the buffer yard adjoining the street frontage as to not create a direct viewshed into the mining area from a public road. Curb cuts/driveways shall be constructed as per the standards in Article 32 for industrial uses. All exiting trucks will be covered with tarps that will control dust emissions.

All state, federal, and EPA regulations pertaining to dust control are herein incorporated by reference into this order and are Special Use Permit requirements.

7. Clearing: Clearing of existing vegetation within a specific phase of mining work shall not occur more than six (6) months prior to planned excavation of said phase.

All Conditional Uses are subject to the following compatibility standards:

1. Building Setbacks, Height, and Intensity: All Conditional Uses in the I-3 district shall be subject to the Commercial One (C-1) district standards for building setbacks and height. Building intensity shall not exceed 8,000 square feet of gross building area per acre of land.

2. Landscaping: All Conditional Uses in the I-3 district shall be subject to the landscaping requirements in Article 36. For the purposes of the Buffer Yard requirements in Section 3645, the Commercial One (C-1) district standards shall be used for the “developing use zone” requirements, except that Buffer Yard A shall be used when a Conditional Use in the I-3 zone abuts any other part of an I-3 zone.

Signage: Principally Permitted and Conditional Uses in the I-3 district shall be subject to the signage requirements in Section 3450 Small Community Overlay District Signage.

SECTION 1164
Reclamation
Restoration of land shall be subject to all regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Reclamation (Title XXVIII, Mines and Minerals KRS Chapter 350 Strip Mining) and additionally, the Boone County Planning Commission.

A. Criteria

1. Slopes: All earthen banks shall be left with a slope of no greater than three feet horizontal to one foot vertical;

2. Vegetative Cover: The type and number per acre of trees, shrubs, ground cover or legumes to be planted shall be approved by the Planning Commission in conjunction with the County Agricultural Extension Agent and the following guidelines:

   a. The objective in re-vegetation is to stabilize the area as quickly as possible after it has been disturbed. Plants that will give a quick, protective cover and enrich the soil shall be given priority. These plants should be considered only as a tool in obtaining productive land use and not the end result;

   b. Appropriate re-vegetation shall be seeded and/or planted as soon after grading as possible, provided that seeding and/or planting shall be performed in the proper season in accordance with accepted agricultural and reforestation practices;
c. When planting is completed, the operator shall file a copy of the planting report with the Planning Commission on a form to be furnished by the Division of Reclamation;

d. The Planning Commission finding that some flexibility is required in the administration of regulations, where special conditions warrant, may provide for exceptions to the regulation, consistent with the requirements of the Division of Reclamation. All such exceptions shall be presented to the Planning Commission for its approval or rejection;

e. On all lands disturbed during the course of operation, the entire disturbed area shall be fertilized, seeded and planted to legumes, perennial grasses, and trees, except as hereinafter provided;

I. Roads shall be seeded to legumes and perennial grasses only - no trees being required. This vegetative requirement for roads may be modified if, in the opinion of the Commission, the roadway will not contribute serious off-site damage to the public or to adjacent property owners;

II. On very stony areas that cannot be hand planted without difficulty, direct seeding of trees will be permitted by the Commission;

III. Shrubs for wildlife may be planted to include border plantings, clump planting and intervening strips, at a 6' x 6' spacing. These plantings shall not exceed twenty percent (20%) of the total area planted;

IV. Where a seam or stratum of solid rock makes vegetation impractical, none shall be required;

f. Re-vegetation of the area shall be subject to the following requirements:

I. All legume seed, except Black Locust, shall be inoculated;

II. All Black Locust and Serices Lespedeza seed shall be scarified except when used in fall and winter seeding;

III. Experimental planting and/or seeding of trees, shrubs, legumes and perennial grasses not normally recommended, is encouraged in limited quantities provided that no more than twenty percent (20%) of the total area shall be planted in these species;

IV. Scarification of the soil, when it has become crusted and hard, is required prior to the seeding of legumes and perennial grasses;

V. The application of fertilizer shall be required as set out in subsection (X) below;

VI. Tree seedling mixtures shall be as follows:

<table>
<thead>
<tr>
<th>Hardwood mixtures shall consist of two or more of the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Alder</td>
</tr>
<tr>
<td>Sycamore</td>
</tr>
<tr>
<td>Red or Silver Maple</td>
</tr>
<tr>
<td>Green or White Ash</td>
</tr>
<tr>
<td>Black Locust</td>
</tr>
</tbody>
</table>

The use of European alder and Black locust nurse trees are encouraged but the Black locust shall not exceed twenty-five percent (25%) and/or the European alder fifty percent.
(50%) of the total mixture. Black locust shall not be mixed with Sycamore and Cottonwood except in a block or belt type of plantings.

<table>
<thead>
<tr>
<th>Conifer mixtures shall consist of two or more of the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia Pine</td>
</tr>
<tr>
<td>Pitch Pine</td>
</tr>
<tr>
<td>Shortleaf Pine</td>
</tr>
</tbody>
</table>

VII. One of the following mixtures shall be used for direct seeding of trees:

<table>
<thead>
<tr>
<th>Mixture One:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Locust</td>
</tr>
<tr>
<td>Serices Lespedeza</td>
</tr>
<tr>
<td>Kobe and/or Korean Lespedeza</td>
</tr>
<tr>
<td>KY 31 Fescue</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mixture Two:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(use at least two of the Pines)</td>
</tr>
<tr>
<td>Loblolly Pine</td>
</tr>
<tr>
<td>Virginia Pine</td>
</tr>
<tr>
<td>Shortleaf Pine</td>
</tr>
<tr>
<td>Kobe and/or Korean Lespedeza</td>
</tr>
<tr>
<td>KY 31 Fescue</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mixture Three:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Locust</td>
</tr>
<tr>
<td>Bi-color Lespedeza</td>
</tr>
<tr>
<td>Kobe and/or Korean Lespedeza</td>
</tr>
<tr>
<td>KY 31 Fescue</td>
</tr>
</tbody>
</table>
Mixture Four:
(use at least two of the Pines)

<table>
<thead>
<tr>
<th>Plant</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loblolly Pine</td>
<td>1 lbs./acre</td>
</tr>
<tr>
<td>Virginia Pine</td>
<td>½ lb./acre</td>
</tr>
<tr>
<td>Shortleaf Pine</td>
<td>½ lb./acre</td>
</tr>
<tr>
<td>Bi-color Lespedeza</td>
<td>5 lbs./acre</td>
</tr>
<tr>
<td>KY 31 Fescue</td>
<td>15 lbs./acre</td>
</tr>
</tbody>
</table>

VIII. Shrubs for wildlife planting shall be one or more of the following:

Mixture One:

<table>
<thead>
<tr>
<th>Plant</th>
<th>Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bi-color Lespedeza</td>
<td>Arrowwood</td>
</tr>
<tr>
<td>Autumn Olive</td>
<td>Tatarian</td>
</tr>
<tr>
<td>Silky Dogwood</td>
<td>Honeysuckle</td>
</tr>
<tr>
<td>Japonica Lespedeza</td>
<td>Coral Berry</td>
</tr>
</tbody>
</table>

Additional species with demonstrated ability to survive as shown by planting tests will be allowed.

IX. Legume and perennial grass seed mixture shall be in the following species and rates;

Mixture One:
(for outslopes and other areas where herbaceous competition with trees is not a problem)

<table>
<thead>
<tr>
<th>Plant</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>KY 31 Tall Fescue</td>
<td>15 lbs./acre</td>
</tr>
<tr>
<td>Weeping Love</td>
<td>2 lbs./acre</td>
</tr>
<tr>
<td>Kobe and/or Korean Lespedeza</td>
<td>5 lbs./acre</td>
</tr>
<tr>
<td>Serices Lespedeza</td>
<td>15 lbs./acre</td>
</tr>
</tbody>
</table>

Note: Love grass will improve the chances of getting cover in dry years. One-half of the Fescue could be replaced with domestic rye grass.
X. Minimum fertilizer requirements for grasses and legumes at time of seeding shall be as follows:

- 100 lbs. of Phosphorus (P₂O₅) per acre
- 100 lbs. of Nitrogen (N) per acre

XI. On selected sites a wide choice of other pasture and forage species and rates of seeding which will provide suitable cover are in accordance with acceptable agricultural practices shall be permitted. Information regarding approved species and mixtures may be obtained from the Division of Reclamation.

g. Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been achieved. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season;

h. Annual grasses and small grains shall be considered only as a tool in establishing temporary vegetative cover for restoration. These types of annuals shall not be evaluated in the determination of vegetative cover;

i. Standards for legumes and perennial grasses - there shall be established at least a seventy percent (70%) ground cover. Bare areas shall not exceed one-fourth (1/4) acre (100’ x 100’) in size nor total more than thirty percent (30%) of the area seeded;

j. Standards for woody plants - there shall be six hundred (600) or more woody plants living per acre, including volunteers. Distribution of stems must be fairly uniform, with no areas larger than one-fourth (1/4) acre (100’ x 100’) in size of substandard stocking;

3. Time Limit: Restoration of disturbed areas shall begin as soon as possible. Except for areas in constant use such as haul roads, access roads, stock pile areas and processing areas, restoration shall begin according to the approved Development Plan but in no case any later than one year of final extraction;

4. Release of Bond: The bond required by Section 1158.F of these regulations will not be released until after the final inspection and evaluation for vegetative cover and inspection of the site for release to the Ultimate Use as set forth in the approved Development Plan. No more than 50% of this bond may be retained for a period of up to 18 months following the final inspection and evaluation to insure the completion of any requirements in the Development Plan regarding re-vegetation that may become necessary during this period.

SECTION 1168
Minimum Size
The minimum size and extent of an Industrial Three (I-3) district, including all the contiguous private property so designated, shall not be less than fifty (50) acres.

SECTION 1169
Minimum Standards
All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:

1. The supplemental parking and loading regulations of this ordinance;

2. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky of law of the United States regulating nuisances and environment;

3. Any condition which may be governed by the Northern Kentucky Independent District Health Department;

4. Site Plan Review required for all permitted uses (See Article 30);
SECTION 1180
PROFESSIONAL OFFICE ONE (O-1A)
(THIS ZONING DISTRICT APPLIES TO THE CITY OF FLORENCE ONLY)
The purpose of the Professional Office One district is to create a low density, low rise office environment to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Professional Office One district should accommodate smaller scale and independent office uses which need not be located within a larger, consolidated Office Two district or which do not need be located within a larger, consolidated Office Two district or which do not need or desire to locate in a commercial district. Professional Office One districts will be located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

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

SECTION 1181
Principally Permitted Uses
The following uses are permitted:

1. Bank related services (including drive-through facilities);
2. Business and personal credit services and title services;
3. Security brokers, dealers and flotation services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate services and builders offices excluding any outside storage equipment and the like;
7. Holding and investment services;
8. Photographic services;
9. Eating and drinking establishments including alcoholic beverages;
10. Direct mail and advertising services;
11. Stenographic services and other duplicating and mailing services;
12. News syndicate services and employment services;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Medical, dental or optical clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Welfare and charitable administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television
broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;

22. Veterinary services not including the boarding of animals;

23. Business colleges and trade schools;

24. Recreation centers, gymnasiums and other related recreational facilities.

SECTION 1182
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
   a. Temporary exhibit spaces;
   b. Aquariums, botanical gardens and other natural exhibitions;
   c. Stages and similar assembly areas;

2. Accessory uses for an office facility:
   a. Garages and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;

3. Directional and incidental signage (See Article 34);

4. Parking (See Article 33);

5. Temporary buildings incidental to construction;

6. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;

7. Recycling collection containers.

SECTION 1183
Conditional Uses
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Single-family or multi-family dwelling units provided the structure was originally designed for residential use, including:
   a. Private garage and parking;
b. Structures such as fences and walls;

c. Buildings such as storage sheds;

2. Day care centers;

3. Retail and sales of drugs and proprietary goods;

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

SECTION 1184
Intensity
The maximum total intensity of all uses in a Professional Office One district shall not exceed 20,000 square feet of gross floor area per acre.

SECTION 1185
Minimum Size
There is no minimum size or extent required of a Professional Office One District.

SECTION 1186
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

SECTION 1187
INDUSTRIAL FOUR (I-4)
(THESE ZONING DISTRICT APPLIES TO UNINCORPORATED BOONE COUNTY ONLY)
Subsurface Mining District
The purpose of this district is to regulate subsurface mining, excavation, extraction, processing, storage, conveying, loading, and hauling of stone and similar natural resources, as well as industrial processes using these natural resources as raw materials. These regulations are designed to protect the public health, safety, and welfare by ensuring that the subsurface mining and associated activity does not adversely impact the environment or surrounding land uses.

SECTION 1188
Applicability
The I-4 zone regulates both the underground mining and the associated surface activity of a subsurface mine. All mined areas, including those owned or leased by the mining operation and those where mining rights have been obtained are subject to these regulations.

SECTION 1189
Geographic Requirements
1. Any I-4 zoning district must be located within 1,500 feet of an existing interstate interchange ramp, as measured along the centerlines of the roadway route. The access driveway must directly access an arterial road as classified by the Boone County Zoning Regulations and the Boone County Transportation Plan. The Planning Commission may also allow access to an existing or planned collector or subcollector road within an industrial zoning district, as long as the affected roadways are constructed to standards of the Boone County Subdivision Regulations. All affected roadways must contain adequate lane width or shoulders, and full center and edge striping. The proposed access point must also be able to meet all requirements in Article 32, Transportation Management of the Boone County Zoning Regulations for trucks, including minimum spacing, corner clearance, and sight distance. If these conditions do not exist, the Planning Commission shall require that they be provided or constructed. Trucks must not exceed the posted weight limits for the affected roadways. The 1,500 feet requirement may be waived if a proposed I-4 zone is surrounded by the Airport (A) zoning district and the proposed development would not adversely affect public roadways between the site and the affected interchange.
2. Any I-4 zone shall not be located within 3,000 feet of an existing residential subdivision development, existing residential zoning, or planned (Future Land Use Map) Suburban Residential, High Suburban Density Residential, or Urban Density Residential area. Any part of the proposed I-4 zone district boundary that is designed to solely accommodate access to the I-4 zone is exempt from the 3,000 foot requirement. However, no mining or related activities may take place in any portion of an I-4 zone exempt from the 3,000 foot requirement for access purposes.

3. I-4 zoning shall not be placed where topographic conditions preclude a complete visual screen from a major public thoroughfare.

**Geographic Guidelines**

1. The location of an I-4 zone should not cause the provision of centralized water or sanitary sewer service in an area not planned in the current Comprehensive Plan for such services.

2. The I-4 zone should not be located near any existing high-tech industries that have sensitive manufacturing, processing, or handling operations affected by ground vibration, or near churches or other public land uses involving structures sensitive to vibration.

**SECTION 1190**

*Principally Permitted Uses*

The following uses are permitted:

1. Extraction of stone, sand, minerals from beneath the existing surface of the ground, not including oil, gas, or other flammable materials. Surface mining is not permitted.

2. River barge loading and unloading operations that are conducted in conjunction with permitted stone, sand, and mineral extraction activities.

3. Agriculture (A-1) zone principally permitted uses #2-14, and Conservation (Cons) zone principally permitted uses #1 and 2.

**SECTION 1191**

*Accessory Uses*

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

1. Storage, crushing, washing, screening, sorting, drying, weighing, loading, unloading, and conveyance of raw materials excavated on site.

2. Trucking operations.

3. Rail loading and unloading facilities.

4. Electric generating and similar power plants to serve the site.

5. Dust and noise mitigation operations.

6. Temporary Buildings incidental to construction only.

7. Maintenance shops and facilities to serve equipment directly utilized for a principally permitted use.

8. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any office activity related to a principally permitted use.

10. Caretaker or watchman quarters.

SECTION 1192
Conditional Uses
The following uses and appropriate accessories subject to the approval and qualifications of the Board of
Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted use;
or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and
accessory uses to be protected in the district:

1. Asphalt mixing plants and concrete mixing plants.

2. Principally permitted and Conditional uses of the Industrial One (I-1) zone and Recreation (R) zone.

3. Post-mining uses within a vacated room and pillar mine including:
   a. Warehousing of non-hazardous materials.
   b. Storage, computer tapes and other records
   c. Climate controlled storage or manufacturing operations that do not involve hazardous materials.

SECTION 1193
Application for Zoning
Applications for a zoning map amendment to an I-4 zoning district shall undergo a public hearing, and contain a
detailed Concept Development Plan. The application form shall contain signatures of all mine operators, property
owners, and lessors party to the development.

SECTION 1194
Public Hearing by Planning Commission
A public hearing shall be scheduled and conducted in accordance with the public notice requirements and action
requirements in Article 3 of this Code. In addition to these requirements, all property owners within 1 mile of the
proposed I-4 zone will be notified by letter 14 days before the public hearing.

SECTION 1195
Approval by Planning Commission
Action on a zoning map amendment for the I-4 zone shall follow the pertinent sections in Article 3 of this code.

SECTION 1196
Required Contents of Concept Development Plan

1. A detailed vicinity map showing the area within a three mile radius of the center of the proposed site.
   Proposed routes for shipping and receiving materials and equipment shall be indicated along with daily,
monthly and yearly average and maximum quantities of materials transported to and from the site. Recorded
historical and archaeological sites, public facilities such as parks, schools, churches, cemeteries, fire stations
and government offices, existing zoning, and the boundaries of cities, counties and states shall be identified.
The boundary of the proposed site shall be shown;

2. A development plan of the site drawn to a scale of 1 inch equal to not more than 200 feet showing:
   a. The total area of the property owned or leased by the applicant;
   b. Names of abutting property owners;
   c. All public and private right-of-ways and easements on or abutting the property with notation as to
      proposed continuation, creation, enlargement, relocation or abandonment;
   d. Existing and proposed contours of the site and all property within 200 feet, shown with intervals
sufficient to show existing and proposed drainage, but not more than 10 feet;

e. All existing structures on the property and within 200 feet of the property lines on adjacent property;

f. General layout of proposed development showing proposed limits of excavation and all proposed structures;

g. Clear delineation of which lands will be subject to ownership, lease, and mineral rights ownership.

h. Location, dimension, and description of proposed buffer strips, screening, and embankments;

i. All existing public roads abutting the site, width and type of pavement, existing and proposed right-of-way width, and existing and proposed drainage structures;

j. Schedule of development showing estimated time frame for development and reclamation of the site; including a description of maximum active area for operation, on-going reclamation area, and design of site work.

k. Routes of anticipated hauling travel on public roads with descriptions of maximum load weight limits of each public road, or road section anticipated to be utilized for transportation of the materials;

l. Proposed interim and ultimate land uses;

3. A three dimensional computer generated model which depicts all surface and subsurface operations and a floppy disk which contains the model in digital format. The model shall be in a format that is compatible with the Planning Commission's geographic information system.

4. A written description of the proposed operation addressing each of the following:

   a. Noise control: detailed design plan including a list of equipment to be used that may impact noise pollution. Projections of average and maximum decibel levels at site boundaries, adjacent public roads and all adjacent property owners buildings and/or dwellings;

   b. A detailed site description and overview of the operations;

   c. General reclamation operations including but not limited to, backfilling, grading, top soil redistribution, liming, fertilization, other soil preparation, seeding, planting, mulching and revegetation of all land that is disturbed by the operations;

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

   a. A detailed design of final reclaimed topography, drainage and solid content of the site. This information shall include survey plats, topographical drawings, and soil content core thickness assays;

   b. The time frame of proposed final closure plans;

   c. A detailed description of any additional work; whether construction of structures, earthwork or any other requirements that are necessary to make the ultimate land use possible;

   d. The detailed cost estimate to finalize reclamation and complete the site for ultimate use. Such estimates shall be based on the costs to the owner or operator of hiring a third party to complete final reclamation and site preparation for ultimate land use. Bonding under Section 11101 shall include these costs;

6. Consistent with Article 3, a list of the names and current mailing addresses of all abutting property owners and all property owners whose property is within 1 mile of the proposed I-4 zone.

7. Metes and bounds description of the property for which the zone change is required;

11.35
8. A written consent by the applicant and owner of the property that a Certificate of Land Use Restriction describing the conditions of any development plan or other restrictions are to be recorded in the records of the Boone County Clerk's office and the applicant and owner of the property agree to furnish all necessary information to properly record the notice, it being understood the recording is to subject the property to such conditions and restrictions to successors in title to the property.

9. The applicant shall provide sufficient information in order for the Planning Commission to contract an independent report on potential blasting impacts on surrounding land. This report shall project anticipated vibration conditions, measured by peak particle velocity and vibration frequency, for an area of 1 mile radius from the proposed mining site by taking into account the geology and topography of the area.

10. The application shall include the names and addresses of any property owners, mineral rights owners, and operators party to the development. All persons signing the application shall also agree to all conditions and/or restrictions of any development plan or other restrictions placed upon the property.

SECTION 1197
Special Use Permit Application
Where an I-4 zoning district exists, a proposed subsurface mine or an expansion of a mine must undergo the review for a Subsurface Mining Special Use Permit. No application shall be approved until all requirements as described below are completed. The Special Use Permit application and any associated Site Plan application must be approved by the full Boone County Planning Commission at a regular Planning Commission business meeting.

SECTION 1198
Public Notification
Prior to application for a Subsurface Mining Special Use Permit, the applicant shall publish a Notice of Intent to Mine in the legal section of the local newspaper of largest circulation not less than 10 days or more than 30 days before application to the Planning Commission. This Notice shall identify the applicant, the property owner, the proposed location, extent of subject area, and that subsurface mining activity will be proposed.

SECTION 1199
Contents of Application
The application shall include the common name and geologic title of the mineral extracted and the following:

1. Vicinity Map - A vicinity map at a scale of one inch equals 2000 feet. The map shall include the site boundary as well as the area within a one-mile radius of the boundary. It shall also indicate any historical or archaeological sites, public facilities, and environmentally sensitive and geologic hazard areas.

2. Existing Conditions Map - An existing conditions plan, using a scale of at least 1 inch equals 100 feet, shall be submitted including the following information: The total area of the property owned (or leased) by the applicant shall be shown. It should also show all public and private rights-of-ways and easements of record on or abutting the property. Also, provide existing contours of the site and all property within 200 feet that show drainage courses, retention and detention basins, septic tanks, as well as the names and locations of all creeks, streams, or other bodies of water. Also show any wells. Show any existing structures and identify by type. Show the location of all existing structures on adjoining property within 1,500 feet of the common property lines and edge of leased area, as well as all roads within 200 feet of the property. Any existing above ground or underground storage tanks must be shown.

3. Mining Plan - A mining plan, using a scale of at least 1 inch equals 200 feet, shall be submitted including the following information: The total area of the property and mineral rights owned (or leased) by the applicant shall be shown with the area to be mined clearly labeled. Also, any proposed new or modified right-of-ways or easements are to be shown. Proposed contours are to be shown (including drainage, retention, storm water retention basins, septic tanks, etc.). All existing structures to be removed and any temporary structures (including roads and parking lots) are to be shown. A general layout of the development that includes a cross-section is to be shown. The location, dimension, and description of proposed buffer strips, screening, fencing, embankments, and stockpiles are to be included. A geologic section, ventilation shafts, mining boundary, and pillar layout is to be shown on the plan. Any proposed above-ground or underground storage tanks must be shown. The Planning Commission may request that specific areas of the site be shown at a scale of 1 inch.
equals 100 feet.

4. Operations Descriptions - A detailed written description of the proposed operations addressing each of the following: The method of mining and processing; estimated life of operation and reserves; hours of operation; dust control; noise control; equipment storage; maintenance areas; topsoil control; erosion control; existing hydrology (including ground water levels); water pollution control methods of surface and ground water; shipping and delivery spillage control; blasting timetable and method; disposal control for all solid wastes generated; subsidence control including roof support factor of safety calculation; and overburden and stockpile control.

5. Water pollution control: summary of the operator's requirements of all water pollution monitoring and waste handling requirements pursuant to U.S. EPA's and Kentucky Department of Natural Resources and Environmental Protection's National Pollutant Discharge Elimination System (NPDES) permit, groundwater, hazardous waste, hazardous substance regulations, and any other applicable environmental regulations. Details of any anticipated use or disturbance of any lakes, ponds, steams, rivers, creeks, or the creation of any dikes, impoundments, settling ponds, or other method for water retention for the purpose of operation, water supply, reclamation, treatment, ultimate land use, or otherwise, including but not limited to any such activity that requires application and approval from the U.S. Army Corps of Engineers. Details of any underground storage tanks including description of use and methods of compliance under U.S. EPA, the Kentucky Department of Natural Resources and Environmental Protection regulations;

6. Transportation Plan - A transportation plan shall be planned in relationship to the adjoining roadway system and interchange to minimize the impact of traffic, dust, and vehicle noise on areas outside the mining site and shall include information on product shipping and operational deliveries.

7. Prior Permits - The applicant/owner/operator shall list mining permits of any type issued under the laws of Kentucky or any other state, or the Federal Government which have been revoked or had a bond (or other security deposit) forfeited within five years prior to the date of application.

8. Reclamation plan describing time frame for all land estimated to be affected by the operation; proposed land use after reclamation is complete; portal closure methods; surface grading including final drainage plans; final ground water elevation; revegetation techniques including plant species, seeding rates, tree species, and size; specific reclamation/revegetation techniques for coping with critical areas such as steep slopes, high drainage flow, or poor soil conditions. Revegetation efforts shall be carried out in accordance with Section 1166.

9. The application shall include the names and addresses of any property owners, mineral rights owners, and operators party to the development. All persons signing the application shall also agree to all conditions and/or restrictions of any development plan or other restrictions placed upon the property.

SECTION 11100
Performance Requirements

All subsurface mining operations in the I-4 zone shall meet the following requirements:

1. Time Limit: The approved facility shall be under substantial construction one year after approval of the Sub-Surface Mining Special Use Permit. If no work has taken place, the mine operator or property owner shall provide written explanation of the status of the project, and the Planning Commission may consider holding a public hearing to rezone the site. The Reclamation Areas as described in the Development Plan shall be reclaimed within one year of abandonment. Failure to complete reclamation of inactive areas shall result in disallowance of advancement until these inactive areas are reclaimed or are in the process of being reclaimed. Extensions of these time limits may be approved by the Planning Commission upon written request. If the Commission determines that development and reclamation of the site has not proceeded in accordance with the proposed time frame, a public hearing may be held to rezone the site and the appropriate recommendation made to the legislative body having jurisdiction;

2. Excess excavated stone and spoil shall be handled in either of the following manners, or a combination thereof:
a. As soon as adequate space exists within the mine, excess excavated stone and spoil shall be stored in the underground mine area, as opposed to on the surface. The mining operation shall be designed to accommodate this waste storage method.

b. Excess excavated stone and spoil shall be used as construction material for the construction of berms along the boundaries of the site that are visible to public view. The berming constructed under this requirement may be also used to fulfill berming requirements stated below.

Any site grading must be kept current and shall be completed before necessary equipment is removed from the operation;

3. All operations involving the use of explosives shall be conducted in accordance with the rules and regulations of the Kentucky Department of Mines and Minerals which are incorporated herein by reference. These regulations establish the Uniform Municipal Authority, which provide that local governments cannot adopt blasting limits more stringent than the Department of Mines and Minerals. Local blasting limits may be set during the permit or zone change review for each mining operation on case by case through agreement between the operator and local government and/or planning unit. These agreements must be reviewed in relationship to the Uniform Municipal Authority to determine if valid. Ongoing seismic monitoring both on-site and off site shall occur as required. All such records shall be provided to the Planning Commission upon request. The mine operator shall use precision blast initiators to control peak particle velocity, vibration frequency, and detonation intervals to closely control blast design.

4. Blasting shall be designed to comply with 805 KAR 4:020 which governs the amount of explosives a blaster can use based on the distance to the nearest structure. The Planning Commission or Fiscal Court may require a minimum distance between a blast and adjoining public or residential uses based on specific site considerations. Blasting shall take place only between the hours of 8:00 AM and 9:00 PM, Monday through Friday.

5. The mine operator shall produce accurate blast reports, prepared by a civil or mining engineer registered in Kentucky, as required in 805 KAR 4:050 and described in Department of Mines and Minerals publications. Copies of all documentation shall be provided to the Boone County Planning Commission office upon request.

6. A pre-blast survey, prepared by a licensed professional blasting engineer, to the generally accepted standards and with the normal public notification practices of the industry, shall be conducted if requested by a property owner within a 1 mile radius or by the Planning Commission. The Planning Commission shall have the right to hire consultants to review any pre-blast survey. The results of any pre-blast survey shall be filed with the Boone County Clerk’s office.

7. The mine operator shall follow the Federal Mine Safety and Health Regulations 30 CFR 57.

8. No trucking activity shall occur on Saturday after daylight hours or on Sunday. The Planning Commission and Fiscal Court can impose additional restrictions on nighttime trucking activity depending on specific site considerations.

9. Dust Control on the site shall include truck wheel washing facilities. Recycled or reused water must be as free from sediment as possible. The facility must meet the minimum requirements of the Kentucky Division of Water Quality regarding water runoff and sediment control. The truck washing facility must be a minimum of 500 feet from the nearest public roadway, and the entrance driveway or road must be paved and kept clean and dust free for this 500 feet. All exiting trucks will be covered with tarps that will control dust emissions. All state, federal, and EPA regulations pertaining to dust control are herein incorporated by reference into this order and are Special Use Permit requirements.

10. The operator of each subsurface mine shall by January first of each year produce new or updated maps of all mine activities. The maps shall be accurate and of professional quality, prepared by a civil or mining engineer registered in Kentucky, and be prepared in digital format to be compatible with the Boone County Geographic Information System (GIS). Three paper copies and one digital copy of the Maps shall be submitted to the Planning Commission.

11. Berms shall be provided along all public roads and along all property lines where disturbed limits are located within 500 feet, unless the construction of such berms would necessitate the removal of existing forest cover. Berms shall be used to screen the mining operation and to mitigate the impacts of such operation from
adjoining properties and public rights-of-way. Berms shall be a minimum of 10 feet in height. Existing forest or tree cover shall be maintained in all setback areas with the exception of the access road which connects surface operations to the public road. Additional berming requirements, including increased berm height, and/or retention of existing tree features or planting of additional landscape buffering, may be required through the Concept Development Plan review.

12. Points of entry to property containing a mining operation must be secured and monitored for both active and inactive operations. Upon closure of the mine, the owner shall take immediate steps to secure all underground mine openings.

13. Revegetation and Restoration: Requirements for revegetation, restoration, soil stabilization, and erosion control are outlined in the Industrial Three (I-3) zone requirements and the Boone County Subdivision Regulations.

14. Final Cleanup: Upon final abandonment, all buildings, structures, metal, lumber and other refuse resulting from the operation shall be removed, and shall be consistent with the Ultimate Land Use Plan. Restoration of land shall be subject to all regulations of the Kentucky Department of Natural Resources and Environmental Protection;

15. Plan Revisions: Where conditions develop in the operation which show that the approved reclamation plan cannot be carried out as planned, modifications of the plan shall be submitted by the operator to the Planning Commission for approval;

16. Sign: An appropriate sign shall be displayed at the points of access to each operation adjacent to the nearest public highway. The sign shall be at least two feet by four feet (2' x 4') with a maximum size of 32 square feet, constructed of wood or other durable material, and clearly identify the name of the operator and number of the mining permit. Such sign shall be maintained during the life of the operation.

17. Succession of Operators: Where an operator succeeds another at an operation, either by sale, assignment, lease or otherwise, the Commission may release the first operator from all liability under this regulation as to that particular operation. However, both operators must have otherwise complied with the requirements of this regulation and the successor operator assumes as part of his obligation under this regulation, all liability for the reclamation of the area of land affected by the former operator;

SECTION 11101
Bonding
A bond, payable to the legislative body having jurisdiction, in an amount equal to the estimated cost of reclamation shall be provided. The amount of the bond shall be adjusted at five (5) year intervals, on the date of the approval of the Special Use Permit, to reflect an updated estimate of reclamation costs. The bond shall be in a form approved by the legislative body having jurisdiction. Additional bonds may be required during the course of the operation of the site when time extensions are granted by the Planning Commission, revisions are made to the development plan, or when the Planning Commission or the legislative body having jurisdiction has reasonable cause to believe the reclamation cannot be completed with the amount of bond posted.

1. Bond - An applicant shall not disturb surface acreage or extend any underground shafts, tunnels, or operations prior to issuance of a permit and approval of a performance bond covering areas to be affected by the new and/or continued operation of mining.

After submission of a permit application in order to conduct mining operations has been approved, but before such a permit is issued, the applicant shall file a bond to the estimated cost of reclamation. The reclamation costs shall be determined based upon information submitted by the applicant and any other information available. The bond shall be approved by the Boone County Planning Commission.

2. Bond Forfeiture - A bond for a permit area shall be forfeited if the Planning Commission finds that:

a. The permittee has violated any of the terms, regulations, or conditions of the bond and has failed to take corrective action;
b. The permittee has failed to conduct the mining and reclamation operations in accordance with the regulations and/or conditions of the permit within the time required, and the Planning Commission has determined that it is necessary, in order to fulfill the requirements of the permit, to have someone other than the permittee correct or complete reclamation;

c. The permit for the area or increment under bond has been revoked or the operation terminated, unless the permittee assumes liability to the satisfaction of the Planning Commission for completion of the reclamation work and is diligently and satisfactorily performing such work.

d. The permittee has failed to comply with an approved compliance schedule.

e. The permittee has become insolvent, been adjudicated as bankrupt, filed a petition in bankruptcy or for a receiver, or had a receiver appointed by any court.

3. Use of Forfeited Fund - The appropriate legislative body shall utilize funds collected from bond forfeiture to complete the reclamation plan on the permit area on which bond coverage applied, as well as covering administrative expenses. The owner shall be responsible for any deficiencies in funds required for completion of the reclamation. Funds remaining after reclamation shall be returned to the person from whom the forfeiture proceeds were received.

4. Bond Release - No portion of the guarantee contained in the release of the bond will be released until after final inspection and evaluations of vegetation cover. There shall be allowed a reduction in the bond amount for all reclamation completed at that time. To release the bond, the operator shall file with the Planning Commission a written report stating under oath that reclamation has been completed on certain acreage and submit the following:

   a. Identification of the operation, permit number and street address;
   b. A description of the area of land affected by the operation within the period of time covered by such report with sufficient certainty to enable it to be located and distinguished from other lands;
   c. A copy of the Reclamation Plan indicating the area that has been reclaimed and that is being submitted for bond release; The boundary shall be surveyed by a licensed surveyor and the completed reclamation shall be certified by licensed civil or mining engineer.

5. Release of Bond: The bond required by these regulations will not be released until after the final inspection and evaluation for vegetative cover and inspection of the site for release to the Ultimate Use as set forth in the approved Development Plan. Up to 50% of this bond may be retained for a period of up to 18 months following the final inspection and evaluation to insure the completion of any requirements in the Development Plan regarding re-vegetation that may become necessary during this period.

SECTION 11102
General Requirements

1. The minimum front yard setback of any surface activity, including storage, stockpiling, buildings, accessories, excluding any entrance drive or roadway shall be 200 feet.

2. The minimum side and rear yard setbacks of any surface activity, including storage, stockpiling, buildings, accessory uses, and pavement shall be 200 feet.

3. The maximum building height permitted for a mining operation is 50 feet.

4. All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:

   a. The supplemental, parking and loading, and signage regulations of this ordinance;
   b. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky of law of the United States regulating nuisances and environment;
c. Any condition which may be governed by the Northern Kentucky Independent District Health Department;
d. Site Plan Review is required for all permitted uses (See Article 30);
e. A-1, Conservation, Recreation, and I-1 uses permitted in the I-4 zone by reference shall follow the normal
dimensional standards for said zones stated in Article 31.

5. Regulations regarding access road construction shall include the requirements described in Section 1155 (I-3)
of this article.

SECTION 11103
Maximum Intensities
Not applicable.

SECTION 11104
Minimum Size

1. The minimum extent of an Industrial Four (I-4) district, including all the contiguous private property so
designated, shall not be less than 200 acres, unless the operation is surrounded by the Airport (A) zoning
district.

2. The maximum size of surface operations for any one mine operation, including circulation, storage, and
accessory uses, shall be 250 acres.

SECTION 11105
Inspection and Enforcement

1. The mine operator(s) shall provide copies of all permits and approvals from all state and federal agencies
which regulate the mine operation to the Planning Commission. On a monthly basis, the mine operator(s)
shall submit copies of all geo-technical, blasting, water quality, air quality, noise emission, and seismic
monitoring reports, that were prepared in the preceding month, to the Boone County Planning Commission.
The mine operator(s) shall also submit a monthly report to the Boone County Planning Commission that
describes the following matters for the preceding month: all inspections conducted by any state or federal
agency(ies); any notices of violation or orders to take corrective action issued by any state or federal
agency(ies); the number and nature of any citizen complaints made to the mine operator(s); the estimated
volume of product and excavated material transported from the site in terms of gross tonnage; and, an
estimate of the number of haul trucks used to transport product or excavated materials from the site.

2. Regular on-site inspections shall be conducted by the Planning Commission on a quarterly basis to ensure
compliance with these regulations and the terms of the Subsurface Mining Special Use Permit. In addition,
Planning Commission personnel may inspect a mine operation at any time during normal business hours.
The mine operator(s) shall allow Planning Commission personnel access to all areas of a mine operation.

3. The role of the Zoning Administrator and/or Zoning Enforcement Officer regarding violations of the I-4 zone
requirements shall be to inform the appropriate state or federal agency of possible violations of state and/or
federal requirements, or to take enforcement action pursuant to Article 4 of this order to remedy any
violation(s) of these regulations. In addition to the provisions of Article 4, a violation of any I-4 zone
requirement can result in the revocation of the Special Use Permit by the full Boone County Planning
Commission at a regular Planning Commission Business Meeting. The mine operator shall be notified of the
Business Meeting by certified or registered mail at least 14 days prior to the Business Meeting.
ARTICLE
12

PUBLIC FACILITIES DISTRICT

SECTION 1200
PUBLIC FACILITIES (PF)
The purpose of this article is to provide a specific zoning classification for a variety of public facilities to promote the proper location of these uses and insure their long-term continuity and compatibility with adjacent land uses.

SECTION 1201
Mandatory Referral for Public Facilities
See Section 295 “Statutory Exemptions.”

SECTION 1211
Principally Permitted Uses

1. Federal, state, regional, county, and local and other governmental and public utility offices and facilities including executive, legislative, judicial, administrative and U. S. offices, post offices.

2. Police, fire, civil defense and other protective and related services;

3. Primary, elementary, middle and junior high, secondary, and high schools;

4. Community colleges, colleges and universities;

5. Vocational or trade schools, professional schools, business colleges, and special training and schooling facilities;

6. Hospital complex;

7. Medical, dental or optical clinics;

8. Mental health facility, inpatient;

9. Elderly housing facility;

10. Nursing home;

11. Substance abuse treatment facility, inpatient;

12. Substance abuse treatment facility, outpatient;

13. Cemeteries and mausoleums including funeral houses and crematoriums;
14. Libraries, museums, art and craft galleries, conservatories and cultural exhibits;
15. Churches or religious assembly uses including apartment dwelling units related to the religious use;
16. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeway, pedestrian mall systems and similar uses;
17. Day care centers;

SECTION 1212
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the district defined to be:
   a. Planetaria, aquariums, botanical gardens, and arboretums, zoos, nature preserves, wildlife sanctuaries, and other natural exhibitions;
   b. Historic sites, structures, monuments, and other exhibits available for public viewing;
   c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
   d. Golf driving ranges;
   e. Golf courses, tennis courts, ice skating, roller skating, bowling, and like sports activities;
   f. Play lots or tot lots, playgrounds, play fields or athletic fields, recreation centers, gymnasiums, clubs, and other athletic uses and structures;
   g. Swimming beaches and swimming pools;
   h. Yachting, boat rental, boat access sites, and other marina activities;
      i. Camping, picnicking, hiking areas, trails and other recreational uses;
      j. Hunting and fishing grounds;
2. Dwelling unit(s) for the owner-operator or resident manager or detective, protective, and similar personnel or for the resident staff and employees when the primary use involves a work force on 24 hour shifts; including:
   a. Private garages and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;
   d. The keeping of security dogs, etc.;
3. The administration, management, stenographic, reproduction, research, and any related or integral office use or activity of the permitted use;
4. Signage (See Article 34);
5. Parking (See Article 33);
6. Temporary buildings incidental to construction;

7. Blueprinting and photocopying services;

8. Cafeterias, food service for employees;

9. Books, stationery, and limited sales of office supply articles;

10. Postal services;

11. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;

12. Recycling collection containers.

SECTION 1213
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Telephone exchange stations, radio broadcasting studios, television broadcasting studios and other communication centers and offices;

2. Travel, transportation or promotional event ticketing and forwarding services;

3. The writing, publishing, and production of newspapers, periodicals, books and related media;

4. Retail sale of drug and proprietary goods (Not Applicable within the City of Florence);

5. Amphitheaters, theaters, playhouses, and other entertainment assemblies;

6. Stadiums, arenas, field houses, and other sports assembly uses and structures;

7. Prisons and other correctional institutions;

8. Military bases and reservations;

9. All principally permitted uses in an Office One (O-1) zone;

10. Transitional housing facilities (Not Applicable within the City of Florence);

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

SECTION 1214
Intensity
The maximum total intensity of all uses in a Public Facility district shall not exceed 25,000 square feet of gross floor area per acre.
SECTION 1215
 Minimum Size
 There are no minimum size or extent of land common of Public Facilities uses or districts; rather a district may include a single private or public lot of record, if the general performance of the specified use and its affected land so merits.

SECTION 1216
 Minimum Standards
 All permitted, accessory and conditional uses, buildings, or structures in this district are subject to:

1. Any resolution or order of Boone County or the Commonwealth of Kentucky or law of the United States regulating nuisances, environment and safety;

2. Any prior conditions which may be prescribed by the Northern Kentucky Independent District Health Department governing provision for or operation of the use, building or structure and its environs;

3. All permitted uses subject to local zoning regulations must meet the requirements of Article 30, Site Plan Review;

4. See Article 31 for dimensional standards for uses that are governed by local zoning regulations.
SECTION 1300
AIRPORT (A)
The purpose of this article is to provide a specific zoning classification for aviation, industrial, service and commercial uses related to or compatible with Airport operations. In addition, it is the intent of the Airport zone to ensure compatibility between airport facilities and operations and the surrounding land uses. It is furthermore the intent of this Article that the Airport notify the Commission of any proposed development or construction within this zoning district in order to determine the type of review and its associated impact.

SECTION 1305
Permitted Uses
The following uses are permitted:

1. Private and public airports, including runways and landing fields for aircraft and helicopters;
2. Terminals (including retail and commercial uses), hangars, and other facilities necessary for the safe and efficient operation of the Airport;
3. Commercial, office and industrial uses and facilities serving the needs of airport users;
4. Postal services and related storage, distribution and transfer activities;
5. Vehicle rental/leasing businesses;
6. Hotels and motels;
7. Farming uses;
8. Outdoor recreation uses such as athletic fields, golf courses, golf driving ranges, bike trails and open space areas but excluding outdoor theaters and outdoor music amphitheaters.
9. Principally Permitted uses of the I-1 District numbered 1-24 (applies to the City of Florence and Unincorporated Boone County only).

SECTION 1310
Accessory Uses
Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Parking lots and garages;
2. Fences and walls;
3. Maintenance facilities;
4. Signage;
5. Recreational trails.
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
8. Recycling collection containers;
9. Car washes and retail sale or dispensing of motor fuels which are an integral function of a permitted use and which do not enlarge or overpower the activities of permitted uses.

SECTION 1320
Conditional Uses and Criteria
The following uses and appropriate accessories are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: A) the activity is an integral and subordinate function of an Airport district or zone but not directly related to an Airport, B) the proposed activity will further add to, not detract from, the creation of a multi-purpose transportation modal system, and C) the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Day care centers;
2. Recreational uses such as batting cages, miniature golf, go-cart tracks and indoor recreational centers;
3. Private commercial parking lots;
4. Gasoline filling stations;
5. Cemeteries;
6. Kennels for household pets;
7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 1325
Intensity
There are no maximum building intensities for Airport related uses. Any industrial, commercial, recreational and office uses not related to the Airport have a maximum building intensity and other dimensional standards based upon the corresponding I-1, C-2 and R zoning district requirements.

SECTION 1330
Minimum Size
The minimum size of an Airport district is 50 acres.
SECTION 1340
Minimum Standards
See Article 31 for Performance Standards. Site Plan Review required for all non-Airport related uses. (See Article 30.)

SECTION 1350
Kentucky Airport Zoning Commission
Airports are also under the jurisdiction of the Kentucky Airport Zoning Commission as authorized in Chapter 183 of the Kentucky Revised Statues as it pertains to the safe and proper use of an airport.
ARTICLE
15

PLANNED DEVELOPMENT DISTRICT (PD)

SECTION 1500
Intent
This article is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.

Since Planned Development is an overlay zone, there is always an underlying zone which serves as a reference for uses within a district at large that may be proposed and approved, subject to the provisions of this article. All uses allowed in the underlying zone, whether they are permitted, accessory, or conditional, may be proposed and approved if compatible for a proposed development and the immediate vicinity, based upon the provisions of this article.

The intensity of use in a Planned Development zone may exceed by no more than fifty (50) percent the maximum intensity permitted in the underlying zoning district. It may also have overall intensity that is less than the maximum intensity of the underlying zone. Density, open space, infrastructure and other land use factors and impacts are significant in reviewing any Planned Development. Where building intensity is increased on a particular portion of a Planned Development, then the amount of open space, retention of existing vegetation, buffer areas, and new landscape, public commons, community open space and parks shall be evaluated for proportionate increase for the remainder of the Planned Development.

A Planned Development may vary the height, use, organization, design, intensity, size or other features of the proposed development. However, any exceptions to the normally applicable development standards in a Planned Development must be requested in writing in the Concept Development Plan application pursuant to Article 3. In the case that a specific land use or corridor study has been adopted for an area within a Planned Development district, intensity and open space recommendations of that study shall apply to specific development sites within the study area.

The Planned Development zone promotes, provides, and creates:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements in exchange for development that demonstrates excellence in environmental design, the mitigation of land use factors or impacts, and the provision of amenities;

2. A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity, and that coordinates commercial uses and services in a manner that is consistent and compatible with existing or planned infrastructure;
3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;

4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;

5. A development pattern consistent with the adopted Comprehensive Plan and any other appropriate land use studies;

6. A signage package that emphasizes consistency and the minimal use of signs.

SECTION 1510
Provisions Governing Planned Developments
Because of the special characteristics of planned developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of other articles of this order, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this order.

SECTION 1511
Permitted Uses
Uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. Uses proposed for a Planned Development district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan. The review and decision making process under this article identify adverse impacts and address how they may be minimized, if possible, to satisfy the requirements of this article. In no event shall this article on its face or as applied prohibit all use of property zoned with a Planned Development overlay district.

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1512
Intensity
The intensity of use in a Planned Development may exceed by no more than fifty (50) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513
Minimum Size
The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

SECTION 1514
Planned Development Criteria
Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions,
design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

   In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the “Development Layout, Lot Sizes, and Setbacks” section of the Comprehensive Plan’s Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.

3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body’s requirements for acceptance of such dedications or donations.

4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.

5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 “Open Space” and Section 6 “Landscaping.”

6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site.
The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.

7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependance on the automobile.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.

9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.

10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County’s adopted Transportation Plan and any adopted bikeway and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including
any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515
Procedure
After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, “CD”, which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516
Pre-Application Meeting
If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

SECTION 1517
Concept Development Plan and Utilization of an Underlying Zone in a Planned Development
The Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a “Utilization of an Underlying Zone Within a Planned Development”), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

SECTION 1518
Public Hearing by Planning Commission
Upon receipt of an application for approval of a Concept Development Plan or a Zoning Map Amendment involving the Planned Development Overlay District, the Planning Commission shall hold at least one public hearing, after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, as stated in Section 305 of this order.

15.5
SECTION 1520
Approval in Principle by Planning Commission
Within ninety (90) days of receipt of an application for a Concept Development Plan and after the public hearing required by Section 1518 has been conducted, the Planning Commission shall determine whether the Concept Development Plan is consistent with the intent, purpose, requirements, and standards of this order; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations. The Commission shall submit a recommendation to the legislative body or Fiscal Court for either approval or denial of the Concept Development Plan. If approved by the legislative body or Fiscal Court, this approval in principle shall constitute a commitment to the general layout of the project, planned land use types and intensities, design treatments and other particulars as shown on the Concept Development Plan. Approval in principle shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of this order or the Boone County Subdivision Regulations unless an exception is specifically granted through the review and approval of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source. Final action on the Commission’s recommendation of either approval or denial of the Concept Development Plan is taken by the legislative body or Fiscal Court having jurisdiction.

SECTION 1521
Action by Legislative Body or Fiscal Court
Final action for approval or denial of a Planned Development designation or a Concept Development Plan shall be made by the appropriate legislative body or Fiscal Court. After recommendation by the Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the legislative body or Fiscal Court. Within ninety (90) days from the Commission’s recommendation the legislative body or Fiscal Court may take final action to approve or deny the Planned Development zoning map designation or Concept Development Plan application. Approval shall be by ordinance. When a Planned Development zoning designation is approved, the subject property so zoned shall be designated “PD” on the Official Zoning Map with the underlying zone as part of its zoning classification. Upon approval of a Concept Development Plan to utilize this zoning classification, the notation “CD” shall be placed on the Official Zoning Map. A Certificate of Land Use Restriction giving notice of the approval for the Concept Development Plan or Planned Development zoning as part of a map amendment shall be filed within 30 days of final action as explained in Section 280. If disapproved, the legislative body or Fiscal Court shall state the reasons for disapproval.

SECTION 1522
Amendments to an Approved Concept Development Plan
Major amendments to an approved Concept Development Plan that involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure described in Sections 1500-1521. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.

SECTION 1525
Subdivision and Site Plan Approvals
After approval of the Concept Development Plan by the Legislative Body or Fiscal Court, or determination by the Planning Commission that the developer’s plans are consistent with a specific study that impacts the development site, the developer shall proceed to Subdivision Review and/or Site Plan Review. Provisions for subdivision review are stated in the Boone County Subdivision Regulations and for Site Plan Review are outlined in this Zoning Order.

15.6
ARTICLE

16

EMPLOYMENT PLANNED DEVELOPMENT DISTRICT (EPD)
RESIDENTIAL PLANNED DEVELOPMENT DISTRICT (RPD)

SECTION 1600

Intent
The intent of this Article is to provide a more flexible and creative zoning procedure, which offers a variety of land uses only if they are properly designed and community impacts are addressed. Unlike Article 15, this Article does not have an underlying zoning district. This article allows for the combination of differing uses not normally located near each other under conventional zoning, but would permit these combinations of uses if design standards or controls are in place to make the proposed uses compatible. Article 16 is established to allow an applicant the opportunity to design and construct a planned development, which ties more closely with all of the Elements in the Boone County Comprehensive Plan and encourages cluster development instead of suburban sprawl where convenience is the result of different uses locating next to each other. Clustered development is typically defined as the placement of structures (attached or detached), utilities and roads in close proximity to each other, which is normally not permitted under conventional zoning regulations or subdivision regulations in order to make cost effective use of infrastructure, to preserve or enhance certain natural characteristics of the land, and to create more substantial and useable open spaces. This unique type of development usually occurs as a result of the size of a parcel of land, the existing topography of a parcel, the high cost of public improvements, or other natural conditions of a parcel. Clustered development can be represented in many forms with regard to residential, recreational, commercial, office and industrial uses.

Article 16 is divided into two zoning districts or two different types of planned development. Briefly, Employment Planned Development (EPD) is a zoning district, which depicts a major employment center and may consist of industrial, office or commercial uses in a planned development setting. To a limited extent, residential uses may be permitted in an Employment Planned Development district. In contrast, Residential Planned Development (RPD) is a zoning district, which comprises a significant residential population and may consist of a variety of housing types such as but not limited to single-family detached lots, apartments, townhouses, landominiums, condominiums and duplexes in a planned development setting. To a limited extent, office, commercial and recreational uses may be permitted in a Residential Planned Development district.

The Employment Planned Development and Residential Planned Development districts allow flexibility in comparison to the remainder of the Boone County Zoning Regulations by offering innovative approaches and design to implementing the goals and objectives and other elements of the Boone County Comprehensive Plan and so consistent with the Boone County Comprehensive Plan. However, any exceptions to the normally applicable development standards in the Employment Planned Development or Residential Planned Development districts must be requested in writing in the Concept Development Plan application pursuant to Article 3. Those requirements relate to height, density, use, building configuration, building setbacks, open space, access, internal circulation, parking, lighting, signage, landscaping and utility construction. The objectives of this article consist of the following:

1. To provide a variety of housing types, employment opportunities and recreational and commercial services to achieve a balanced, cohesive and inter-related community;

2. To provide for an orderly and creative arrangement of land uses in relation to each other and to the
entire community;

3. To allow for a mixture of land uses based upon the existing and planned road networks in order to assure safe and efficient transportation patterns;

4. To allow for a more efficient use of land by clustering development resulting in a smaller network of utilities and streets;

5. To provide some flexibility in building density and intensity of developable land;

6. To demonstrate that the proposed design and building layout would be more appropriate than what would be possible through the strict application of the zoning regulations;

7. To provide for functional, aesthetic and beneficial use of open space;

8. To preserve or protect the natural features of the site and public views;

9. To stage development of this type in a manner which can be accommodated by the timely provision of public utilities, public facilities, public services and public road improvements.

SECTION 1601
Provisions (Application and Procedure) Governing Employment Planned Developments and Residential Planned Developments

Because of the special characteristics of EPDs and RPDs, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of other articles of this order, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this order or be modified under the authority of the Planning Commission. Existing planned developments either proposed by an applicant and approved by the appropriate legislative body or Fiscal Court or a specialized land use and zoning study are subject to the provisions of the Article 15 of the Boone County Zoning Regulations and not subject to the provisions of this Article.

The EPD or RPD notation or designation on a parcel of land does not prohibit all uses. The EPD or RPD designation is intended to allow some uses compatible to the surrounding land uses, the intensity of such use or uses being subject to the review provisions of this Article. EPD and RPD districts shall be approved by the appropriate legislative body or Fiscal Court. EPD and RPD districts shall originate from the Planning Commission, appropriate legislative body or Fiscal Court or a private property owner. If a legislative unit and/or the Planning Commission initiates the rezoning of a parcel to EPD or RPD, the property owner will be required to submit a Concept Development Plan for action before the Planning Commission and the appropriate legislative body or Fiscal Court.

Upon approval by the Boone County Planning Commission and the appropriate legislative body or Fiscal Court, an EPD and an RPD may be applied in lieu of any other existing district in this order. Upon approval of the request and Concept Development Plan from the appropriate legislative body, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation “EPD” or “RPD.” These two planned development districts shall be approved by the legislative body or Fiscal Court in the manner provided in Article 3 of the Boone County Zoning Regulations.

SECTION 1602
Permitted Uses

In any proposed Employment Planned Development (EPD) or Residential Planned Development (RPD) district, the number and type of permitted uses are flexible if they are compatible with adjoining land uses, the objectives of this article and fit in with the character of the overall project. Each developer or applicant is required to define in detail the type of residential and employment uses. Commercial, office and indoor/outdoor recreational uses are permitted in a Residential Planned Development district only if they appear on a neighborhood scale and are oriented towards convenience of commercial, office and indoor/outdoor recreational needs of the district's residents. Commercial, office and indoor recreational uses are allowed in
a Residential Planned Development district at a maximum of 80 square feet of commercial/office/recreational use per one (1) residential dwelling unit or lot. There is no maximum limit on the amount of land devoted to outdoor or passive recreation (e.g. open space). Conversely, residential uses are allowed in an Employment Planned Development district to the extent permitted in the following table.

<table>
<thead>
<tr>
<th>Total Acreage of Site</th>
<th>Use Cannot Exceed*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-100 acres</td>
<td>15%</td>
</tr>
<tr>
<td>100+ acres</td>
<td>25%</td>
</tr>
</tbody>
</table>

*defined as land area uses devoted to residential uses

The developer or applicant may use those uses listed in any of the zoning classifications of this order so as to describe the type of residential, commercial, office or industrial use to occur is the appropriate planned development district. (e.g. discount retail, specialty retail, light industrial and office/research shall be further defined as to examples of typical tenants).

SECTION 1603
Minimum Size
The minimum size or area for an Employment Planned Development district or a Residential Planned Development district shall not be less than twenty (20) acres.

SECTION 1604
Minimum Standards and Amendments to Concept Development Plan
The Employment Planned Development district and the Residential Planned Development district shall be minimally subject to the supplemental performance and development standards, of this order, unless superseded by any special requirements, conditions or other particulars imposed by the Planning Commission during the Concept Development Planned application and hearing phases described in this article. Such special conditions may include but not be limited to provisions governing parking, signage, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Amendments to the approved Concept Development Plan involving changes in the proposed uses, intensity, or other elements must be submitted to the Planning Commission for review and approval. The Boone County Planning Commission's Technical Committee will review and evaluate all changes. If the changes are deemed to be minor in nature, the Technical Committee may approve the changes and the applicant or developer may proceed with site plan review or subdivision review. If the changes are deemed to be major or substantial, then the applicant or developer shall be required to file an application before the Boone County Planning Commission for a change in a previously approved Concept Development Plan and a new Public Hearing will be scheduled in accordance with the provisions in this article.

SECTION 1605
Maximum Intensity and Density
Intensity is a unit of measurement defining the level of activity in acres or square footage of all uses in relation to the overall size of the entire site.

Density is defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres or square footage in relation to a portion of an overall site.

Generally, The maximum building intensity for Employment Planned Development districts consists of the following:
Industrial/Office Uses  = 20,000 s.f./acre
Commercial Uses     = 15,000 s.f./acre

Greater intensities than these can be permitted if multi-story buildings and multi-level parking are utilized and the amount of green space can be shown to increase. Necessary infrastructure, including fire protection must be adequately provided.

Generally, the development intensity permitted in Residential Planned Development districts shall be consistent with the Future Land Use Map of the adopted Boone County Comprehensive Plan. Proposed developments shall be planned in clusters and provide an innovative design as outlined in the objectives and standards of this article. Greater overall development intensity may be granted if the development includes dedication of appropriate developable land for public facilities and/or public recreation uses in addition to preserving developmentally sensitive areas as open space. Any increase in intensity over that recommended by the Comprehensive Plan must be shown by the applicant to be appropriate in terms of infrastructure, adjacent land uses and zoning, and provision of public land.

SECTION 1606
Pre-Application And Procedure
The developer shall meet with the Boone County Planning Commission staff prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

Submittal and Contents of Application for Approval of a Zoning Map Amendment to EPD or RPD or Concept Development Plan in an existing RPD or EPD District.
The Planning Commission shall require that the Concept Development Plan and an application form be submitted for property located in a proposed EPD and RPD zone. The Concept Development Plan may be filed with the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

The Planning Commission and legislative body or Fiscal Court may recommend or approve the proposed Planned Development district subject to any conditions or qualifications found merited in the Concept Development Plan or other conditions on the site. The legislative body’s or Fiscal Court’s approval in principle of the Concept Development Plan shall constitute a commitment to the general layout of the project, the planned land use types and intensities, design treatments and other particulars as shown on the Concept Development Plan. Approval in principle shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of this order or the Boone County Subdivision Regulations unless an exception is specifically granted through the review and approval of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.

Public Hearing by Planning Commission
Upon receipt of an application for approval of the planned development district request or Concept Development Plan, the Planning Commission shall hold at least one public hearing, within thirty (30) days of receipt of the application, after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, as stated in Section 305 of this order.

SECTION 1607
Land Use Standards
No application or Concept Development Plan shall be approved for an Employment Planned Development district or a Residential Planned Development district under the provisions of this article unless each district and application fulfills the following standards.

1. The planned development shall generally conform to the adopted Comprehensive Plan with respect to type, character and intensity of use and impact on public facilities, services and road network. The
intensity of planned residential developments, in particular, should be generally consistent with the Future Land Use Map designations for the area. Residential densities, however, shall be concentrated on portions of the site to leave open space on other portions. When applicable, the design mechanisms recommended in the “Development Layout, Lot Sizes, and Setbacks” section of the Comprehensive Plan’s Land Use Element may be employed. Deviation from the Comprehensive Plan is dependent upon whether the site is part of an urban service area for public infrastructure and upon the provision of public facilities, services and roads by the applicant to mitigate the impact of the proposed development on these infrastructure systems;

2. The planned development shall efficiently utilize the site, and shall protect and preserve the scenic assets and natural features by incorporating existing trees, streams, tree lines along property lines, cemeteries, and topographic features into the site design. The retention of such features may also fulfill portions of the Open Space and Recreational Uses and Landscaping requirements in Section 1609. The development shall include the provision that designated natural areas and developmentally sensitive areas as identified on the Future Land Use maps in the adopted Boone County Comprehensive Plan will constitute permanent open space or be dedicated to public or semi-public organizations for recreational or common use;

3. Where appropriate, the planned development shall include developable land that is unbuilt and be available for purchase or donation to public agencies for public recreation or public facility building sites. This provision of land can constitute one reason for increased development densities on portions of the site or even an increased overall development intensity in relation to the Boone County Comprehensive Plan, provided other public facilities and services are adequately provided;

4. The planned development shall not hinder nor deter development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan;

5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sanitary sewerage are provided, or will be available and adequate for the uses proposed. The applicant shall make provision for such facilities or utilities which are not presently available or shall construct such facilities for the eventual connection into a public system.

This flexible approach to planned development is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. To be granted either one of the two types of planned development zoning districts, the property owner or developer must demonstrate the achievement of the above objectives and standards. In addition, a property owner or developer's request for a planned development would be assessed in terms of its impact on the existing conditions of the surrounding land uses, utility systems, road network and public facilities and services. This demonstration must be in written and/or graphic form as part of the Concept Development Plan submittal. In summary, the property owner or developer is responsible to present why the subject plan is unique and requires special consideration that can only be fulfilled by the EPD or RPD zoning district. Equally as important is that the property in question could be unique with certain qualities and/or amenities that warrant the special consideration of the EPD or RPD district. Proposed developments that cannot be shown to meet these standards may be more appropriately developed under conventional zoning districts.

SECTION 1608
Compatibility Assessment Standards
The proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of compatibility of the existing conditions of the site. Each applicant or developer is required to address the following issues in a written and/or graphic manner.

1. How does the proposed project affect the natural features of the site (e.g. soils, topography, drainage areas)?

2. Describe in detail the existing road network (e.g. closest arterial road and/or interstate access) that would be used to travel to this proposed project. What is the condition of this road system? What is the
expected impact of the proposed development on the public road system;

3. Where is the closest public sanitary sewer line and water line, which could serve this site? What is the capacity of these lines and what would be needed to accommodate this development with existing lines?

4. Indicate the location of schools, which would serve the proposed development. What impact would this development have on the school system? Indicate the availability and adequacy of police and fire protection services;

5. Demonstrate how the proposed project will impact vehicular traffic or parking in the area and at what level would traffic or parking conditions become unsafe;

6. Demonstrate how the proposed project will impact the view for adjoining property owners;

7. Demonstrate how the proposed project will impact storm water runoff;

8. Demonstrate how the proposed project will impact the demand for additional governmental services. (e.g. fire protection, police protection, etc.);

9. Demonstrate how the proposed project will affect the need for off-site public utilities.

SECTION 1609
Design Standards
The proposed uses and Concept Development Plan in each planned development district shall be assessed in terms of the design standards contained in this section. Each applicant or developer is required to demonstrate how the proposed Concept Development Plan fulfills the following design standards in a written and/or graphic manner. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Height:** The height of any structure shall be compatible with the existing buildings in the area, and proposed structures within the project site, and meet airport clearance regulations.

2. **Placement or location of buildings:** Consideration should be given to the most appropriate location of buildings based upon access and direct visibility. The location of any building should not interrupt a continuous visual pattern from public view or a public street. Building location should be planned to accomplish a transition with the landscaped areas, pedestrian areas, and parking areas. Building setbacks can vary in order to allow appropriate building location. The setback on the perimeter of the planned development district shall be large enough to protect the privacy and amenity of adjoining uses both existing and anticipated.

3. **Preliminary Building Design or Architecture:** Building design should be designed in a compatible architectural style if part of a large commercial, residential, industrial or office center. Individual buildings not part of larger development should be compatible with surrounding structures. Sites which are subject to architectural requirements through adopted land use studies shall follow said requirements. All structures shall have a consistent design treatment on all facades. The unified architectural style or building design shall also apply to materials, colors, roof types and entrances, and shall include traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the
predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

4. **Scale and Pedestrian Orientation:** Consideration shall be given to the scale of each building and architectural detail, which relates to the size of an individual and the natural environment. In general, planned developments shall have a pedestrian scale and orientation. In rendering this decision, emphasis should be given to building mass and how it relates to open space.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

5. **Elevation:** The elevation of any site or structure should be determined by the grade of any existing or proposed public road. Consideration should be given to the relationship between the width and height of the front, side and read elevation of any building from a public road. Exposed foundations and building elevations from a public street should be minimized.

6. **Historic and Prehistoric Features:** Historic features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.

7. **Paved Surfaces:** Emphasis should be placed on preserving at a reasonable rate the amount of open space. The interior road system, sidewalk system, and parking lot should be designed with this in mind. Paved surface refers to cement, brick pavement, asphalt, cobblestone, or other similar type surfaces. Parking areas should be treated with decorative elements, fence, or wall extensions, plantings, berms as other means so as to screen parking areas from public view or soften their visual impact. Large parking lots shall be designed with landscaped islands. Parking lots and driveway aisles should be either asphalt or concrete. Landscaped entrances with trees and bushes should be encouraged near the entrances of any commercial, retail or industrial development and any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.

8. **Fences, Walls and Landscaped Berms:** Consideration should be given to brick walls, fences and landscaped berms, which would produce a continuous cohesive wall of enclosure on a lot line or
adjacent to a road. These fences, walls and/or berms shall be designed and maintained in relationship with character of the surrounding land uses and structures.

9. Landscaping: Consideration should be given to the predominance of a quality and quantity of landscaping and an emphasis shall be given to street areas, buffer zones, and the provision of significant landscaping (in terms of size of landscaped areas, and quantity and quality of landscape materials) within the developed portions of the site. Landscaping details will be evaluated on the entire site and surrounding any proposed structure and shall be reviewed in relation to adjacent properties. A special attempt should be made to preserve the existing vegetation and scenic areas, if any and encourage additional open space for the public’s benefit. Existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. Plantings should be used to soften the impact of parking and loading areas. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package. Plant material should be selected on the basis of texture and color and for its ultimate growth to provide a visual screen for the public. The use of landscape design guidelines is required for multi-phased projects.

10. Open Space and Recreational Uses: Residential Planned Developments shall make a provision for preserving open space and devoting an appropriate portion of the site to meet the recreational (either active or passive recreation) needs of the residential population at a minimum, and such open spaces are strongly encouraged in Employment Planned Developments. These spaces may be provided in the form of linear parks, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide linear parks with multi-purpose paths, activity or scenic areas, or to protect stream corridors, is strongly advocated. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body’s requirements for acceptance of such dedications or donations.

11. Signage: Signage should be designed to protect the visual order of any site and to minimize the impact of adjacent properties. Consideration should be given to the number, location, size and height of any building mounted sign or free-standing sign. A consistent signage theme shall be provided within a planned development. Except on residential areas, building mounted signs shall be the predominate sign on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.

12. Utilities: All utility service lines to the building and possible main lines to or within the site shall be located and installed underground. Alternatives may be possible if this requirement is economically infeasible.

13. Detention/Retention Ponds or Lakes: Large detention/retention ponds or lakes should be discouraged in the front yard or in an area subject to public view from a public street if not used both for stormwater management and aesthetic purposes. Smaller detention/retention ponds or lakes appropriately designed and landscaped should be encouraged and distributed throughout the site and may appear in the front yard or in an area subject to public view from a public street. Surface drainage and floodwater retention shall be planned to not adversely impact the adjoining properties.

14. Transportation Design: Principal vehicular access shall be from major streets and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Maximum separation of vehicular traffic on major roads from pedestrian and recreational areas shall occur. The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, and sidewalks, bicycle facilities) shall be provided in all planned developments unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County’s adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans.

15. Multi-Modal Transportation System: Planned developments shall incorporate multi-modal transportation
elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described above.

16. **Location of Land Uses:** Land uses shall be located primarily for convenience to the service area and compatibility with the adjoining land uses. If conflicting land uses are intended to be located near each other, measures shall be taken to mitigate the impact of the uses upon each other.

**SECTION 1610**

**Findings Necessary For A Zoning Map Amendment or Concept Development Plan Approval In An EPD Or RPD District**

Each application shall conform to the criteria in Section 308 of the Boone County Zoning Regulations in presenting the basis for granting a Zoning Map Amendment or approval of a Concept Development Plan in an EPD or RPD district. In addition, each application shall be in conformance with the standards and requirements stated in this Article.

**SECTION 1611**

**Action by Planning Commission and Legislative Unit**

Within ninety (90) days of receipt of an application for a Concept Development Plan and after the public hearing required in this article has been conducted, the Planning Commission shall determine whether the Concept Development Plan is consistent with the intent, purpose, requirements and standards of this order; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations as mentioned in the objectives section of this article. The Commission shall submit a recommendation to the legislative body or Fiscal Court for either approval or denial of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.

Final action for approval in principle, as described in Section 1606, or denial of an EPD or RPD zoning district or Concept Development Plan shall be made by the appropriate legislative body or Fiscal Court. After recommendation by the Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the legislative body or Fiscal Court. Within ninety (90) days from the Commission’s recommendation, the legislative body or Fiscal Court may take action to approve or deny the EPD or RPD zoning map designation or Concept Development Plan application. Approval shall be by ordinance. When an EPD or RPD zoning designation is approved, the subject property so zoned shall be respectively designated “EPD” or “RPD” on the Official Zoning Map. Upon approval of a Concept Development Plan to utilize either classification, the notation “CD” shall be placed on the Official Zoning Map. A Certificate of Land Use Restriction giving notice of the approval for the Concept Development Plan or EPD or RPD zoning district designation shall be filed within 30 days of final action as explained in Section 280. If disapproved, the legislative body or Fiscal Court shall state the reasons for disapproval.

**SECTION 1612**

**Subsequent Reviews After Concept Development Plan Approval**

After the appropriate legislative body or Fiscal Court has approved a Concept Development Plan in an EPD or RPD zoning District, the applicant or property owner may proceed through the subdivision review or site plan review approval process by the Boone County Planning Commission. Subdivision review requirements can be found in the Boone County Subdivision Regulations and site plan review requirements are outlined in the Boone County Zoning Regulations.
ARTICLE
17

HOUSTON-DONALDSON STUDY CORRIDOR
OVERLAY DISTRICT (HDO)

SECTION 1700
Intent
The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and the 2013 Houston-Donaldson Study. Specifically, the purpose of this overlay district in conjunction with the underlying zoning district and Article 15 of the Boone County Zoning Regulations is to:

1. To provide a framework to guide appropriate development for future growth in a key location in Boone County;
2. To further detail and compliment the Comprehensive Plan for this area because of the vital nature of the area;
3. To evaluate potential development in terms of land use, traffic and water/sewer in order to avoid overloading infrastructure;
4. To provide architectural design review and special district signage regulations that provide for appropriate exterior appearance to the general public and which exhibit excellence in design, and encourage overall development themes based on land use and locational considerations.

SECTION 1701
Location & Definition
The Houston-Donaldson Study Corridor Overlay District (HDO) is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth and in addition to those specified by Article 15 of the Zoning Regulations, the underlying zoning district and the described in the 2013 Houston-Donaldson Study. The boundaries or location of the HDO are identified in Figure 1.1 of the 2013 Houston-Donaldson Study and shall be designated by the suffix HDO. The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.

SECTION 1702
Applicability and Review
The Houston-Donaldson Study Corridor Overlay District (HDO) application and review requirements shall be applied to all properties identified on Figure 1.1 of the 2013 Houston-Donaldson Study and other applicable articles of this zoning order. Specific land uses, building intensities and zoning of parcels in the study area are identified in the “Land Use Recommendations,” “Infrastructure,” “Development Design and Signage Requirements,” and “Current Zoning and Recommended Changes” chapters of the 2013 Houston-Donaldson Study. Application and review procedural requirements are specified in the 2013 Houston-Donaldson Study as well as other appropriate articles in this zoning order.
SECTION 1703
Review Procedures
The development review and approval procedures are outlined in the “Zoning Process” section in Chapter 5 “Development Design and Signage Requirements” of the 2013 Houston-Donaldson Study.

SECTION 1704
Design Review for Architecture, Site Design, and Signage
All development within this overlay district shall be reviewed for conformance with the applicable portions standards and requirements in Chapter 5 “Development Design and Signage Requirements” of the 2013 Houston-Donaldson Study. The Site Plan and Design Review applications shall be submitted concurrently.
ARTICLE 18

PARKWAY CORRIDOR STUDY OVERLAY DISTRICT (PO)

SECTION 1800

Intent
The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and the Central Florence Strategic Plan, An Update of the Parkway Corridor Study. The original Parkway Corridor Study and its boundaries, adopted in 1986, were evaluated in light of changes in the area, new objectives, the Boone County Comprehensive Plan, and other recent studies. The result of this evaluation is the Central Florence Strategic Plan, An Update of the Parkway Corridor Study.

The intent of the Central Florence Strategic Plan, An Update of the Parkway Corridor Study is to further develop the city’s central neighborhoods and to link existing and/or planned business, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center. The Plan is also intended to fulfill the following objectives:

A. Develop each neighborhood’s unique assets and amenities, and establish each area as an identifiable neighborhood within the city center.

B. Provide a detailed strategy for creating the “urban center” envisioned by the Parkway Corridor Study and identified in the 2005 Boone County Comprehensive Plan.

C. Create architectural identity unique to the city center.

D. Enhance quality of life through improvement of the physical environment.

E. Create employment, recreation, and entertainment opportunities within the study area.

F. Create a mixed-use service and retail environment which will primarily serve current and future market needs east of I-75 and will not compete with the regional market west of I-75.

G. Recommend public improvements and actions for strengthening identities of individual neighborhoods—such as was done in the Dream Street Study.

H. Subdivide the study area into sections—existing characteristics and recommendations for land use, vehicle and pedestrian access, site design, etc.

I. Determine how future development proposals will be reviewed, such as Planned Development Overlay(s) (PD) and/or short review/long review/technical design review/or other processes.

SECTION 1801

Location & Definition
The Parkway Corridor Study Overlay District is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth, in addition to those specified by Article 15 of the Boone County Zoning Regulations and the underlying zoning district, and are described in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study. The boundaries or location of the (PO) are described and identified in Chapter 7 “Zoning Process” of the Central Florence Strategic Plan, An Update of the Parkway Corridor Study and shall be designated by the suffix “PO”. The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.
SECTION 1802
Applicability and Review
The Parkway Corridor Study Overlay District (PO) shall be applied to all properties identified in Chapter 7 “Zoning Process” of the Central Florence Strategic Plan, An Update of the Parkway Corridor Study. Detailed review procedures, which work in tandem with the requirements of Article 15 “Planned Development District,” are outlined in Chapter 7 “Zoning Process” of the Plan as well as other appropriate articles in this zoning order. Specific land uses, zoning, and development standards are outlined in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study.
ARTICLE 19

LAND USE STUDY I-75/TURFWAY ROAD INTERCHANGE OVERLAY DISTRICT (TRO)

SECTION 1900

Intent
The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and the Land Use Study I-75/Turfway Road Interchange Study. Specifically, the purpose of this overlay district in conjunction with the underlying zoning district and Article 15 of the Boone County Zoning Regulations is to:

1. Collect and analyze all relevant information about the study area. This material would be assembled utilizing various public agencies, personal interviews with land owners, potential land users, and individuals in the community;

2. Assemble the information gathered in an orderly framework for utilization during the study and also by the Planning Commission in the future;

3. Develop alternative options and specific recommendations for review of both the Boone County Planning Commission and the Florence City Council;

4. Recommend land use alternatives;

5. Prepare a final land use plan and report for the study area.

SECTION 1901

Location & Definition
The Land Use Study I-75/Turfway Road Interchange District Overlay District (TRO) is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth and in addition those specified by Article 15 of the Boone County Zoning Regulations, the underlying zoning district and those described in the Land Use Study I-75/Turfway Road Interchange Study. The boundaries or location of the TRO are identified on pages 4-2 to 4-6 of the Land Use Study I-75/Turfway Road Interchange Study and shall be designated by the suffix TRO. All portions of this Study Area west of I-75 are now governed by the Houston Donaldson Study Corridor Overlay District. The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.

SECTION 1902

Applicability and Review
The Land Use Study I-75/Turfway Road Interchange Overlay District (TRO) application and review requirements shall be applied to all properties east of I-75 as identified on pages 4-2 to 4-6 of the Land Use Study I-75/Turfway Road Interchange Study and other applicable articles of this zoning order. Application and review procedural requirements are specified in the Land Use Study I-75/Turfway Road Interchange Study as well as other appropriate articles in this zoning order. Specific land uses, building intensities and zoning of parcels in the study area are identified in the "Recommendations" section of the Land Use Study I-75/Turfway Road Interchange Study.
Interchange Study. Concept Development Plan review and action by the Boone County Planning Commission and the appropriate legislative unit are required. Concept Development Plan Review and action either for approval or disapproval are required before the Boone County Planning Commission. Final action on the recommendation of the Planning Commission is made by the appropriate legislative unit. As part of the formal review of the Concept Development Plan, a Public Hearing shall be required. All notification and procedural requirements for the Boone County Planning Commission to take action of approval or disapproval for each Concept Development Plan shall be made in accordance with Article 3 and 15 of this zoning order. Subsequent reviews are required as outlined in Articles 15 and 30 of the Boone County Zoning Regulations.
ARTICLE
20

SMALL COMMUNITY OVERLAY DISTRICT

SECTION 2000
Intent
The intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well.

The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.

SECTION 2010
Principally Permitted Uses
1. All principally permitted uses of the basic underlying district(s);
2. Detached single family residences;
3. Bed and Breakfast Inns and hotels with four or less guest rooms;
4. Duplexes and multi-family residential units if the use is located within an existing building which requires no building additions which increase the square footage of the structure.

The following commercial uses are principally permitted if they are located within an existing building which is 2,500 square feet or smaller and requires ten or less parking spaces:
5. Eating and drinking places including alcoholic beverages, excluding franchise style fast food establishments;
6. Grocery stores and supermarkets, retail sales of meat, fish, seafood, dairy and poultry products, bakery, produce and specialty foods;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (excluding drive-thru facilities) savings and loan associations, credit unions and other credit services, title services, security brokers, dealers and finance companies;
9. Accounting, auditing and bookkeeping services;
10. Postal services, direct mail and advertising services;
11. Medical, dental or optical clinics;
12. Veterinary services and pet grooming services, but not including the boarding of animals;
13. Beauty and barber services and tanning salons;
14. Day care centers;
15. Motion pictures theaters, play houses, puppet shows and similar entertainment (indoors only);
16. Art, music and dancing schools, libraries and museums;
17. Apparel stores, general merchandise, mail ordering houses, shoe stores, specialty clothing or boutiques;
18. Jewelry stores and repair;
19. Household electronics sales;
20. Art, craft and hobby supplies and products, gifts and novelties;
21. Furniture, home furnishings antiques and used merchandise including furniture repair and upholstery;
22. Books, stationery, newspapers and magazines;
23. Florists excluding greenhouses;
24. Sporting goods including bicycles;
25. Hardware stores, retail sales of paint, glass and wallpaper stores, draperies, curtains, and floor coverings;
26. China, glassware and metal ware including repairs and services;
27. Photographic services;
28. Churches, synagogues, temples and other places of religious assembly for worship;
29. Professional services and professional offices to include legal, architecture, engineering, real estate, insurance, accounting, financial, travel agencies and similar type uses;
30. Dry cleaning services (excluding cleaning on site), shoe repair and tailoring;
31. Welfare and charitable services;
32. Funeral homes (excluding crematoriums), cemeteries or mausoleums;
33. Primary, elementary, middle and junior high, secondary, and high schools, community colleges, colleges and universities, vocational or trade schools, business colleges, and special training and schooling facilities;
34. Business associations and professional membership organizations including civic, social and fraternal organizations;
35. Art and craft galleries and similar exhibit space;
36. Aquariums, botanical gardens, and other natural exhibitions;
37. Passive open space;
38. Video stores;
39. Bike shops excluding exterior storage.

SECTION 2011
Accessory Uses
All accessory uses, buildings, and structures permitted in the basic, underlying district(s) are permitted in the SC overlay district. In addition, uses that are customarily and incidental to the uses permitted as principally permitted uses or conditional uses will also be permitted by right within the SC overlay district, including the following:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
   a. Temporary exhibit spaces;
   b. Aquariums, botanical gardens and other natural exhibitions;
   c. Stages and similar assembly areas;
2. Dwelling units including:
   a. Private garage and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;
   d. The keeping and use of appropriate household pets;
3. Accessory dwelling units;
4. Signage (See Article 34);
5. Parking (See Article 33);
6. Temporary buildings incidental to construction;
7. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
8. Manufacturing, refinishing or production of crafts and household items sold on premises.

SECTION 2012
Conditional Uses and Criteria
The following uses and appropriate accessory uses may be permitted subject to the approval and conditions of the Board of Adjustment and Zoning Appeals provided that: a) the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center; b) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and c) historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
1. All conditional uses specified for the basic, underlying zoning district unless permitted as a principally permitted use by Section 2010;

2. Any use that requires a drive-through, pursuant to Section 3155;

3. Gasoline filling stations and automobile repair facilities and wash services for vehicles;

4. Dry cleaning services;

5. Garden and landscaping sales including florist greenhouses, lawn furniture and the like;

6. Funeral homes with crematoriums;

7. Motorcycles sales excluding outside storage;

8. Recreation centers, gymnasiums, clubs and similar athletic uses;

9. Police, fire, civil defense and other protective and related services;

10. The writing, publishing, and printing of newspapers, periodicals, and books;

11. Bed and Breakfast Inns and hotels with more than four guest rooms;

12. Franchise style fast food establishments;

13. Small-scaled workshop uses including small engine repair, fabrication, assembly, and repair of household goods and small electronic goods, excluding outside storage and uses that involve hazardous or toxic substances;

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

The Principally Permitted uses number 5 through 39 shall be conditional uses if they are located within an existing building which is larger than 2,500 square feet, requires any major exterior alterations or additions which increase the size of use or structure, requires more than ten parking spaces, or requires the construction of a new building on a vacant lot.

SECTION 2014

Intensity
When the underlying zone is agricultural or residential, the maximum intensity for residential uses shall be 50 percent greater than that permitted by the underlying zone. When the underlying zone is not agricultural or residential, the maximum intensity for residential uses is 12 dwelling units per acre. There is no maximum building intensity for commercial, office, and public facility uses provided all other requirements of this order are met.

SECTION 2015

Minimum Standards
All permitted, accessory and conditional uses, buildings and structures in the SC overlay district are subject to the supplemental, parking and loading, landscaping and signage regulations of this order unless exempted by the Board of Adjustment and Zoning Appeals when literal conformance to such regulations would be to the detriment of the district. All uses in this article are subject to Site Plan Review as specified in Article 30, or Zoning Permits as specified in Article 4 of this Zoning Order as applicable.

Setback standards within the Small Community Overlay District shall be as follows:
Front Yard and Corner Side Yard: The following requirements apply for residential structures when the underlying zone is agricultural or residential.

A. The required front yard and corner side yard shall conform to the setbacks of adjacent principal structures on the same, respective street frontage;

B. If no principal structure exists within 200 feet on the adjoining lots on the same street frontage, then the required front yard and corner side yard setbacks shall conform to the setbacks of adjacent principal structures across the respective street;

C. If no principal structure exists within 200 feet on the adjoining lots on the same street frontage or across the street, then the front yard setback shall be 20 feet maximum and the corner side yard setback shall be one half of the front yard setback;

The required front yard for commercial, office, and public facility uses, and residential uses when the underlying zone is not agricultural or residential, shall be 20 feet maximum. The required corner side yard shall be one half of the front yard setback;

Side Yard: 5 feet minimum;

Rear Yard: 20 feet minimum when adjacent to private property; 10 feet minimum when adjacent to an alley.

Certain circumstances may arise where a modification in the setback is necessary or desired. When these situations occur a variance may be requested in accordance with the provisions of Article 2. All uses within the Small Community Overlay regardless of the underlying zoning designation shall be subject to the sign regulations found within Section 3446 of Article 34.

SECTION 2020

Burlington Town Strategic Plan Design Standards

Construction proposals in the SC overlay district that are within the Burlington Town Plan Strategic Plan area, and that require site plan review (major or minor), are subject to specified design standards contained in that Plan. The design standards are outlined in pages 17 through 19 of the Burlington Town Plan Strategic Plan in the sections entitled Site Layout, Architectural Details/Ornamentation for Existing Historic Buildings, Exterior Siding, Windows and Doors, Building Roofs, and New Construction and Additions. Review of construction proposals for compliance with these design standards shall be performed by the Planning Commission staff through the site plan procedure. Proposals subject to these standards shall submit architectural drawings as outlined in Section 3004, #21.
ARTICLE 21

HISTORIC LANDMARK/HISTORIC DISTRICT
OVERLAY DISTRICT (H)

SECTION 2100

Purpose
The purpose of this article is to encourage protection and preservation of certain areas and neighborhoods or individual properties designated as having substantial prehistoric and/or historic significance and/or architectural integrity. This article is intended to promote the preservation and protection of neighborhoods, areas, places, buildings, structures, sites, and objects having a special or distinctive character or a special prehistoric/historic, aesthetic, architectural or cultural interest or value, and which serve as visible reminders of the history and heritage of Boone County, the Commonwealth of Kentucky or this Nation. This preservation, protection, perpetuation, and use is found to be a public necessity, and is required in the interest of the health, prosperity, safety, welfare, and economic well-being of the people. Additionally, the article permits the county to participate in the Certified Local Government program.

SECTION 2101

Definitions
As used in this article, the following terms shall mean:

Building: A structure created to shelter human activity.

Certificate of Appropriateness: The document, issued by the Historic Preservation Review Board and the Planning Commission, which gives approval for alterations or additions to, or potential demolition of a building, structure or site in a Historic Overlay District or at the site of a Historic Landmark. A Certificate of Appropriateness must be issued prior to the issuance of a building permit. A Certificate of Appropriateness may contain conditions relating to the proposed work.

Certified Local Government: A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of Interior and the Kentucky Heritage Council.

Demolition: Any act that destroys in whole or in part a building, structure, site, or object in a historic overlay district or on a historic landmark site.

District: A geographically definable area - urban or rural, small or large - possessing a significant concentration, linkage, or continuity of buildings, structures, sites, and/or objects united by past events or aesthetically by plan or physical development.

Fiscal Court: The Boone County Fiscal Court.
**Historic District:** An area of archaeological, architectural, historical, or cultural significance to the County, State, or nation that meets one or more of the criteria contained in Section 2113 of this article and has been designated by Boone County. The district shall include all lots within the boundaries of the district.

**Historic Landmark:** A building, structure, site, or object of architectural, historical, or cultural significance to the County, State, or nation that meets one or more of the criteria listed in Section 2113 of this article and has been designated by Boone County. A landmark shall include a historical site that was the location of a significant historical event. A landmark shall include the entire lot containing a landmark, including, related buildings and structures and the land that provides the grounds, the premises, and the setting for the landmark.

**HPRB:** The Boone County Historic Preservation Review Board.

**Kentucky Heritage Council (KHC):** The State Historic Preservation Office

**Object:** A thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment, such as statuary in a designed landscape.

**Planning Commission:** The Boone County Planning Commission.

**Site:** The place where a significant event, or pattern of events, occurred. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

**Structure:** A work made up of interdependent and interrelated parts in a definable pattern of organization. Generally constructed by man, it is often an engineering project.

**SECTION 2102**

**Applicability of Historic Overlay Regulations**

The Historic Landmark and District Classifications and these regulations are established in addition to the underlying zone district and regulations pertaining to said underlying district. Where there are conflicts between the procedures and regulations herein established for Historic Landmark or District Overlays and other procedures and regulations in this order, the provisions of this Article shall apply.

**SECTION 2103**

**Historic Preservation Activities**

These regulations provide a means to systematically review and protect, as necessary, neighborhoods, areas, places, and buildings, structures, sites, and objects of special and/or distinctive prehistoric, historic, architectural, cultural, or aesthetic significance.

**SECTION 2104**

**Historic Preservation Review Board**

A Historic Preservation Review Board (HPRB), as established by Boone County, provides advice and recommendations to the Planning Commission and Fiscal Court on matters pertaining to the implementation of this Article or in furthering the stated purpose of this Article.

**SECTION 2105**

**Membership**

The Historic Preservation Review Board shall consist of a minimum of seven members, to be appointed pursuant to the agreement to form a joint planning unit in Boone County and KRS 100.127 (3). The members shall have a demonstrated interest in historic preservation, or local history, and at least two members shall have training or experience in a preservation-related profession such as architecture, history, archaeology, architectural history, planning or a related field. Two professional members shall be appointed to the Board.
unless such persons are not available to serve. Board membership may also include a developer, a realtor, community businessperson, or other related professions. Members of the Board shall serve without compensation. In addition, each Board member shall be required to attend at least one informational/educational workshop per year, approved by the State Historic Preservation Office.

Three of the members shall be appointed for three years, two for two years, and one for one year. Subsequently, members shall be appointed for three years. When vacancies occur, a new member shall be selected within 60 days of the vacancy.

SECTION 2106
Meetings
Meetings shall be held at regularly scheduled times and shall be held no less than four times per year. Special meetings can be called by the Chairman or in his/her absence, the Vice-Chairman, or at the request of the Planning Commission. Recommendations by the HPRB shall be made by a majority vote of those members at any meeting where a quorum of members is present. The Rural/Open Space Planner, or a designee shall prepare the minutes of the Board’s meetings which shall be available for public inspection. The HPRB shall prepare and keep on file at the Planning Commission office, a written annual report of activities, cases, decisions, qualifications of members and other work. These shall be available for public inspection. The Planning Commission may provide staff and financial assistance to the HPRB. In addition, the HPRB will adopt rules of order and procedure that shall be available for public inspection.

Notification Procedure
When property is under review by the HPRB, notice of the hearing shall be posted conspicuously on the property for fourteen (14) consecutive days immediately prior to the hearing. Notice of the meetings shall be published in a newspaper of general circulation at least once, but may be published two or more times, provided that one publication occurs within seven (7) to twenty-one (21) days prior to the meeting. Such published notice shall state, at a minimum, the date, time, place, and type of meeting.

SECTION 2108
Powers and Duties
The HPRB shall take action necessary and appropriate to accomplish the purposes of this article. These actions include, but are not limited to, acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation, conducting a survey of historic buildings and areas and preparing a plan for their preservation; recommending the designation of historic districts and individual landmarks; regulating changes to designated local landmarks and districts including proposed alterations, and new construction; adopting guidelines for changes to designated property; working with and advising the federal, state and county and city governments on historic preservation issues including any federally funded project which comes under Section 106 review; and advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation. In addition, these actions may include initiating plans for the preservation and rehabilitation of individual historic buildings and undertaking educational programs including the preparation of publications and the placing of historic markers.

SECTION 2109
Nomination to the National Register of Historic Places
The County, through the Historic Preservation Review HPRB, shall initiate all local nominations to the National Register of Historic Places and shall request the chief elected official and the HPRB to submit recommendations on each proposed nomination to the National Register.
SECTION 2110
Hearing for Nomination to the National Register of Historic Places
A public hearing shall be scheduled to hear comments on the nomination. Such public hearing shall be conducted at the next regularly scheduled HPRB meeting night provided the nomination was received a minimum of fifteen (15) working days prior to the HPRB meeting. The hearing will be the first agenda item. All notifications for the hearing must follow the procedure established within Section 2106.

SECTION 2111
Notification to the Kentucky Heritage Council
Within sixty (60) days of receipt of the nomination, the recommendations of the chief elected official and the HPRB (favorable or not) shall be forwarded to the Kentucky Heritage Council (KHC). At the same time, notification shall be sent to the property owner and/or applicant as to their opinion regarding the eligibility of the property. If both the HPRB and the Chief elected official recommend that a property not be nominated, the KHC will so inform the property owners, the state Review HPRB and the State Historic Preservation Officer and the property will not be nominated unless an appeal is filed with the SHPO under the regulations established for the appeals process which is outlined in the National Historic Preservation Amendments Act of 1980. If either or both the HPRB and the chief elected official agree that the property should be nominated, the nomination will be scheduled for the review by the Kentucky Historic Preservation Review Board (KHPRB). The opinion or opinions of the HPRB and the chief elected official will be presented to them for their consideration.

After considering all opinions, the KHPRB shall make its recommendation to the State Historic Preservation Officer (SHPO). The final decision by the SHPO may be appealed by the HPRB, chief elected official, or the property owner under the aforementioned appeals process.

SECTION 2112
Establishment of Historic Landmarks and District Overlays
The procedure for the establishment of a Historic Landmark/District Overlay shall be as follows:

Application for Zoning Action
An application for the establishment of a Historic Landmark or District Overlay may be filed only by the Historic Preservation Review Board, the Planning Commission, the legislative body with jurisdiction over the subject property(s), the owner(s) of the subject property(s) or by a person with written authorization of the owner(s) for Landmarks or Districts in the unincorporated areas of the county. The owner’s permission is not required for property within the incorporated areas of the county. Said application shall be filed with the Historic Preservation Review Board in such form as the HPRB may require and in accordance with the requirements and procedures provided in Article 3. Upon the filing of an application the HPRB shall promptly notify the Planning Commission.

SECTION 2113
Recommendation by Historic Preservation Review Board
If the applicant is a party other than the HPRB, that body shall review the application at the next regularly scheduled business meeting, provided the application was received fifteen (15) working days prior to the meeting, and make an official recommendation to the Planning Commission. The HPRB’s recommendation shall be forwarded to the Commission for action. The recommendation for an overlay shall strongly consider the desire of the land owner(s), present and intended use (as known), and be based upon the request meeting one or more of the following criteria:

1. Its value as a visible reminder of the cultural heritage of the area, state, or nation;

2. Its location as a site of a significant local, state, or national event;

3. Its identification with a person or persons who significantly contributed to the development of the area, state, or nation;
4. Its identification as the work of a master designer, builder, or architect, whose individual work has influenced the development of the area, state, or nation;

5. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing its architectural significance;

6. Its distinguishing or unusual characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;

7. Its character as a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures, united by past events or aesthetically by plan or physical development;

8. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

SECTION 2114
Hearing for Zoning Action
A public hearing before the Planning Commission shall be scheduled to hear comments on the Historic Landmark/District Overlay. All notifications for the hearing must follow the procedures established within Article 3. At this hearing, the HPRB, through the Rural/Open Space Planner, shall report on the relationship between the proposed designation and the future land use of the county as noted in the Boone County Comprehensive Plan. Additionally, comments by the applicant and other individuals shall be heard.

SECTION 2115
Recommendation by Planning Commission
After receiving the recommendation of the Historic Preservation Review Board and conducting a public hearing, the Commission shall vote to approve or deny the request at their next regularly scheduled business meeting. The Commission’s recommendation must be based on the HPRB’s recommendation and a finding of fact as required in Section 308 of this ordinance.

Results of the Commission vote shall then be sent to the appropriate legislative body or Fiscal Court.

SECTION 2116
Action by City Council or Fiscal Court
Within ninety (90) days of receipt of the recommendation from the Planning Commission, the legislative body or Fiscal Court shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the legislative body or Fiscal Court denies or modifies the recommendation of the Planning Commission, a majority of the entire membership shall be required to take such action, and the applicant shall be notified. This decision is to be sent to the KHC and signed by the chief elected official.

SECTION 2117
Development in Historic Overlay Zones or to Historic Landmarks
The Building Inspector shall issue no building permits for the construction, demolition, alteration, change in exterior appearance, moving, of any building, structure, site or object in a Historic Overlay Zone or a Historic Landmark, except as authorized under this article.

SECTION 2118
Action by Historic Preservation Review Board
Upon the filing of an application for a building permit in a Historic District or affecting a Historic Landmark, the Building Inspector and Zoning Administrator shall promptly notify the HPRB of such application. The applicant must also complete an application for a Certificate of Appropriateness (COA) and a COA must be approved prior to the issuance of a zoning or building permit. The HPRB shall then discuss the application at their next business meeting, as long as the application is received a minimum of fifteen (15) working days prior to that
meeting. The HPRB, shall require the submission of any or all of the following items (unless they do not apply to a specific proposal): architectural plans, plot plans, landscaping plans, plans for off-street parking, proposed signs, elevations of all portions of proposed structures facing streets, and elevation photographs for perspective drawings showing proposed structures and all such existing structures as are within one hundred (100) feet of the Historic District or Landmark and are substantially related to it visually or by reason of function, traffic generation or other characteristics.

In its review of the material submitted, the HPRB shall examine the architectural design and the exterior surface, treatment of the structures on the site in question, and their relationship to other structures within the area, and other pertinent factors affecting the appearance and efficient functioning of the district or landmark. Conformance with the standards and guidelines in the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and design guidelines tailored to each historic district, if such guidelines have been adopted, shall be the basis for the HPRB’s decision. The HPRB shall not consider any interior arrangements. The HPRB shall vote to approve or disapprove the application within ninety (90) days after the application is filed for a building permit with the Building Inspector.

SECTION 2119
Approval by HPRB
If the HPRB approves the application for a COA in a Historic District or at the site of a Historic Landmark, it shall immediately forward its recommendations in writing, stating the reasons for such approval to the Planning Commission. The Commission shall promptly cause a COA to be issued to the applicant, and shall at the same time transmit a copy of said certificate to the Building Inspector. Upon receipt of the COA, the Building Inspector shall issue the building permit if it meets all other requirements of the law. The Building Inspector shall inspect the construction or alteration approved by such certificate from time to time and report to the HPRB and the Commission any work not in accordance with such certificate.

SECTION 2120
Disapproval by Historic Preservation Review Board
If the Historic Preservation Review Board denies an application for a COA in a Historic District, it shall promptly transmit a written statement of the reasons for such disapproval to the Planning Commission and send a copy of that statement to the applicant.

SECTION 2121
Appeal Process
In the event the Historic Preservation Review Board denies an application for a building permit COA in a Historic Overlay, the applicant for said permit may appeal to the Planning Commission, which shall hold a public hearing thereon and shall vote on said appeal within thirty (30) days after the notice of appeal is filed with the Commission. The Commission shall give notice of the Public Hearing in accordance with Section 2114 of this order. If the Commission votes to recommend that the application for a building permit be approved, it shall issue a COA to the applicant and transmit a copy to the Building Inspector.

If the Commission votes to uphold the HPRB’s denial of a COA, it shall transmit its decision in writing to the Building Inspector. In such cases, no building permit shall be issued by the Building Inspector on said application for a period of six (6) months from the date of the decision of the Commission. During this period, representatives from the Planning Commission, the HPRB and the applicant shall undergo meaningful discussions for the purpose of finding a method to resolve the issues resulting in the Commission’s denial of the COA. The Commission shall also investigate the feasibility of preserving the historic structure or the integrity of the historic district through such actions as leasing, sub-leasing, or acquisition of all or part of interest in the property.
SECTION 2122
Failure of Historic Preservation Review Board to Act
Upon failure of the HPRB to take action upon any case within ninety (90) days after the application for a building permit has been filed with the Building Inspector, and unless a mutual agreement between the HPRB and the applicant has been made for an extension of said time, the application shall be deemed to be approved and the Planning Commission shall promptly issue a COA as provided herein above.

SECTION 2123
Demolition in Historic Districts or of Historic Landmarks
No permit for the demolition of all or any part of a structure in a Historic Overlay shall be issued by the Building Inspector unless the Commission shall certify that the demolition permit may be issued through the issuance of a COA. The procedure for issuance of such a certificate shall be as provided by Section 2115 through 2120. The HPRB and the Commission shall review the importance of preservation of said structure, the KHC will be notified for assistance, and a means of preserving the structure shall be sought.
ARTICLE
23

FLORENCE MAIN STREET ZONING STUDY (FMS)

SECTION 2300
Intent/Purpose
The intent of this article is to preserve and protect the existing character of the businesses and residences found along Main Street in Florence, Kentucky and to promote their continued vitality. The Florence Main Street affords the opportunity to create a strong community identity and pedestrian environment, therefore, the zoning should encourage and promote this type of development. The purpose of this zoning district is to provide a mixing of commercial, professional and residential uses which establish, protect and promote a neighborhood and community identity while establishing a more urban character that provides needed community services.

The variety of land uses and unique character found on Main Street cannot be practically accommodated by the other basic zoning districts established by this order. Therefore, this article creates and permits the flexibility and mixing of uses that are essential to maintaining the vitality, viability and character of Main Street.

The purpose of the Design Review Guidelines for Main Street in Florence, to be implemented in conjunction with a new zoning district, is to provide a unified direction for proposed alterations to existing Main Street buildings, or new construction within the zoning district. The guidelines are based on maintaining the historic character of Main Street in terms of scale, rhythm, and massing, but are not intended to recreate a particular historical time period or architectural style. These guidelines will serve as an advisory tool for property owners contemplating changes to their buildings, or planning new construction. The Guidelines will also provide standards on which a Design Review Board can base decisions. All exterior alterations (except those noted in the guidelines), additions, demolitions, or new construction within the study area would be required to obtain a Certificate of Appropriateness for the proposed work.

Design Review Guidelines can assist in re-establishing and reinforcing a unique sense of place for Main Street. They encourage a positive relationship between buildings and open spaces, and provide for continuity of existing scale, rhythm, massing, and setback. These guidelines are not intended to force a property owner to make unwanted changes, or require that new construction mimic historical design. The Design Review Guidelines support an effort to make Main Street a pleasant, accessible, and identifiable community center for the residents of Florence.

SECTION 2305
Location
The Study area is defined as all properties which have lot frontage along Main Street in Florence, Kentucky and is identified on Map #2. This zoning district is identified on the Official Florence Zoning Map as Florence Main Street (FMS).

SECTION 2310
Principally Permitted Uses
All principally permitted uses can be found within the Florence Main Street Zoning Study.

23.1
SECTION 2315
Accessory Uses
All accessory uses can be found within the Florence Main Street Zoning Study.

SECTION 2320
Conditional Uses
All conditional uses can be found within the Florence Main Street Zoning Study.

SECTION 2325
Applicability and Review
The Florence Main Street Zoning Study application and review requirements shall be applied to all properties identified by the Official Florence Zoning Map under the identification of Florence Main Street (FMS) and other applicable articles of this zoning order.

Application and review procedural requirements are specified in Florence Main Street Zoning Study as well as other appropriate articles in this zoning order. Design review and sign permits will be required for all developments as outlined in the Florence Main Street Zoning Study.

SECTION 2330
Procedure
An applicant will be required to file an application for a Certificate of Appropriateness (COA) in conjunction with the procedures required in Article 30 and 31 of this order for any property located within the Florence Main Street Zoning Study area on which a building is proposed to be erected, altered or expanded. A COA will not be required for any interior alterations to an existing building.

All applications for a Certificate of Appropriateness shall be reviewed by a designated Boone County Planning Commission staff member. Approval of applications shall be based on the compliance with the Design Review Guidelines established specifically for the Florence Main Street Zoning Study. A COA will not be required for ordinary maintenance and repairs intended to correct deterioration, and where no change is made to the appearance of the building or grounds. A list of ordinary maintenance and repairs can be found in Appendix C of the Study.

The designated staff members can approve a COA for alterations, additions, and signs but can not deny any application made for a COA, but rather shall forward the application to the Florence Main Street Design Review Board. The Board’s action on the application shall be based on the Intent and Purpose section of the Florence Main Street Zoning Study and the established Design Review Guidelines. Site Plan approval and/or Zoning Permit approval shall only be issued in conjunction with the appropriate COA.

SECTION 2335
Waiver of Requirements
The Zoning Administrator in conjunction with the Florence Main Street Design Review Board may reasonably waive or modify, with conditions, the design review guidelines within this Article if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the Intent and Purpose of this Article. In addition, a waiver can be granted if the strict provision of the regulations found within this Article would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The applicant shall request a waiver of the Design Review Guidelines in writing and shall have the responsibility of demonstrating the hardship and reasons for the waiver.

SECTION 2340
Minimum Dimensional Standards
Building setbacks, lot size requirements and parking requirements are identified in the Florence Main Street Zoning Study. Minimum standards not mentioned within the Florence Main Street Zoning Study shall be found in other applicable articles of this zoning order.
SECTION 2345
Design Review Board
A Design Review Board is created to review proposed alterations, additions, and/or new construction in the Florence Main Street Zoning Study area in accordance with the Design Review Guidelines within the Study. The Board will have the ability to issue a Certificate of Appropriateness (COA), signed by the Chairmen, after a vote by a majority of the Board.

SECTION 2350
Membership
The Florence Main Street Design Review Board shall consist of a minimum of five (5) and a maximum of seven (7) members, to be appointed by the Mayor and City Council of Florence. Board membership should include at least two Main Street property or business owners, a professionally certified architect, at least one member with a demonstrated interest in, and knowledge of historic preservation, or architectural history, and other members with an interest in the Main Street corridor, and a background in business, real estate, planning, or a related field.

Initially, three members shall be appointed for three years, two members for two years, and two members for one year. Subsequently, members shall be appointed to three year terms, and may be reappointed. Board vacancies shall be filled within sixty days.

SECTION 2355
Organization and Meetings
The Board shall annually elect a Chairman and Vice-Chairman from their members. A quorum shall consist of a majority of the members, and is required in order to vote on an application. Board members shall serve without compensation. No member of the Board may vote on any matter that may affect the property, income, or business interests of that member. Meetings shall be held on an as needed basis. Regular meetings may be held more frequently, depending on the number of requests received. The Chairman, or in his/her absence the Vice-Chairman, as well as the Florence City Council, may call a special meeting, as necessary.

The Board shall keep minutes of its proceedings, as well as any other business. These records will be available for public inspection. The Board will also adopt rules and procedures, and make them public.

SECTION 2360
Meeting Notification
Notice of all meetings shall be published in a newspaper of general circulation (one or more), at least 7, but not more than 21 days prior to the meeting date. Such notice shall include the date, time and place of a meeting, and the addresses of properties being reviewed.

SECTION 2365
Powers and Duties
The Board shall take necessary and appropriate action as to accomplish the purpose and intent of the Design Review Guidelines. This includes, but is not limited to, issuing a COA, denying a COA, and advising an applicant of possible alternatives in accordance with the Guidelines.

SECTION 2370
Appeals
In the event that a Certificate of Appropriateness is denied an appeal of the Board decision can be made to the Florence City Council within 30 days of the Boards action for denial. The Florence City Council will have 60 days upon receipt of the appeal and render a decision on the appeal.
ARTICLE 24

WALTON DOWNTOWN DISTRICT (WD)

SECTION 2400

Intent
The intent of this article is to provide for the development and maintenance of Walton's Main Street where an integrated variety of business and residential uses comprise the Walton downtown area. The purpose of the district is to facilitate development along Main Street where the unique circumstance of having rail roads that parallel Main Street on both sides creates a situation that inhibits growth and opportunity for Walton. The creation of a mixed-use central business district is essential to the vitality, viability, and well-being of Walton and encourages a variety of new growth that cannot practically be accommodated by other zoning districts established by this order.

SECTION 2401

Principally Permitted Uses
1. Banking services, savings and loan associations, credit unions and other credit services;
2. Real estate management services, operators, agents, brokers, lessors and real estate subdivision and development services, operative builders and related services;
3. Security brokers, dealers and flotation services, investment services and finance companies, personal credit and title services;
4. Employment services, news agencies;
5. Consumer and mercantile credit, adjustment and collection services;
6. Business associations and professional membership organizations including civic, social and fraternal organizations;
7. Accounting, auditing and bookkeeping services, insurance carriers and agents;
8. Medical, dental or optical clinics;
9. Legal services, engineering and architectural services, education and scientific research services;
10. Veterinary services and pet grooming services;
11. Beauty and barber services and tanning salons;
12. Day care centers;
13. Laundering, dry cleaning and dyeing services including self-service;
14. Stenographic and other duplication and mailing services;
15. Travel arranging, transportation ticket and public event or promotional booking agencies;
16. Radio and television broadcasting studios excluding transmitting stations and towers;
17. Postal services and packaging services;
18. Welfare and charitable services, social services administration offices;
19. Department stores, mail order houses, direct retail selling organizations of general merchandise, auction house facilities;
20. Furniture, home furnishings including specialty and floor coverings, draperies, curtains, and upholstery, china, glassware and metal ware, specialized upholstery and furniture repair or refinishing services;
21. Family clothing, specialty clothing or boutiques, shoe stores and other apparel retail trade, alteration and garment repair and custom tailoring, shoe repair, shoe shining and hat cleaning services;
22. Household electronics sales, watch, clock, and jewelry repair and sales
23. Sporting goods including bicycles;
24. Hardware stores and rental equipment, paint, glass and wallpaper stores;
25. Manufacturing, refinishing, or the production of crafts and woodwork products for the household;
26. Automobile dealerships, auto parts and accessories stores, auto, truck, and trailer rentals, rental equipment;
27. Motorcycle sales or bike shops;
28. Eating establishments which may include alcoholic beverages;
29. Grocery stores and supermarkets, stores with retail sales of meat, fish, seafood, dairy and poultry products, fruit and vegetable stores, bakeries, candy, nut and confectionery stores, florists;
30. Convenience stores, gasoline filling stations, video stores;
31. Liquor, beverage, drug and proprietary stores, retail sale of office supplies and equipment;
32. Art, craft, hobby supplies and products, gifts and novelties;
33. Antiques and used merchandise;
34. Books, stationery, newspapers and magazines;
35. Churches, synagogues, temples, and other places of religious assembly for worship;
36. Funeral homes and crematoriums excluding cemeteries or mausoleums;
37. Recreation centers, gymnasiums, clubs and similar athletic uses;
38. Art, music and dancing schools, libraries, museums, business colleges, trade schools, buildings including public facilities;
39. Arcades and other amusement centers, motion picture theaters (indoor), bowling alleys, skating rinks;
40. Hotels, motels, bed and breakfast inns;
41. Mixed use buildings with the principally permitted uses noted herein on any floors and apartment or dwelling units on second or third floors only;

42. Attached and detached dwelling units including:
   a. private garage and parking;
   b. structures such as fences and walls;
   c. buildings such as storage sheds;
   d. the keeping and use of appropriate household pets;

43. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses that fulfill the objectives of this district as determined by the Zoning Administrator.

SECTION 2402
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
   a. Temporary exhibit spaces;
   b. Aquariums, botanical gardens and other natural exhibitions;
   c. Stages and similar assembly areas;
   d. Public parks, commons, squares and plazas;

2. Accessory dwelling units;

3. Family day care;

4. Temporary buildings incidental to construction;

5. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;

6. Signage (see Section 2409 and Article 34);

7. Parking (see Section 2409 and Article 33);

8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.
SECTION 2405
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the residents, employees or users of the district's permitted uses; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract, or conflict with the purpose and permitted use of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Automobile repair facility;
2. Small equipment and engine repair and service;
3. Plumbing, electrical, building material, and home and garden supply;
4. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 2407
Intensity
The maximum density for residential uses in the Walton Downtown district shall be eight dwelling units per acre. There shall be no maximum density for building area per acre provided that all other standards of this article are met. There shall also be no minimum lot size or minimum lot dimensions within this district.

SECTION 2409
Minimum Standards
All principally permitted, accessory and conditional uses, buildings and structures in the Walton Downtown district are subject to the following size, height, setback, landscaping, signage, and parking requirements.

Minimum Size
There is no minimum size or extent required for the Walton Downtown District.

Height Limitation
The maximum height for any structure within this district shall not exceed 40 feet.

Setback Requirement
The Walton Downtown District shall have no minimum front, side, or rear yard setback requirements for buildings that are used for principally permitted or conditional uses. Accessory use structures shall be required to be placed behind principal structures. It is suggested that new building construction generally conform with the front yard setbacks of adjacent existing buildings or structures. Buildings shall not be permitted to be located on lots in such a manner as to cause driver visibility impairment and shall meet adequate site distances of Section 3217 of Article 32. This shall be determined during the Site Plan Review or Zoning Permit process.

Landscaping
The Walton Downtown District shall comply with Article 36 where setbacks are provided and for any parking area or loading area located on site.

Signage
The Walton Downtown District shall comply with all signage requirements stated in Section 3450 of Article 34.

Parking
Buildings or structures not containing residences, with a gross floor area of 7,500 square feet or less shall not be required to provide on-site parking. Any building or structure not containing residences, which exceeds 7,500 square feet shall be required to provide one (1) parking space on-site for every 250 s.f. increment over 7,500 square feet. Residences, regardless of size, are required to provide on-site parking. One (1) parking space shall be provided on-site for each dwelling unit. Mixed use structures or buildings that contain

24.4
residences are required to provide one (1) parking space on-site for every dwelling unit and one (1) parking space for each 250 s.f. increment over 7,500 square feet. With the exception of the minimum required number of parking spaces stated above, all off-street parking shall comply with the requirements of Article 33.
ARTICLE 25

UNION TOWN PLAN DISTRICTS

SECTION 2500
Union Town Plan Zoning Districts Purpose and Intent
Zoning implementation methodology includes two main courses of action. First, three zoning districts are created, the Union Town Center (UTC), the Union Commercial (UC), and the Union Neighborhood Office (UNO) zones. Secondly, a Union Town Overlay District (UTO) is established to provide an incentive to develop the residential, recreation, and public facilities land uses of the Study Area in a certain manner. Both methods establish the potential for “higher” or more dense development in most areas than the existing zoning would allow under the current regulations.

The potential for a shortened review process and the density represented in the Plan are the incentives for developers to develop according to the Plan recommendations. Property owners and developers have a choice to develop under existing zoning or to take advantage of the opportunity described in the Union Town Plan. If the developer provides the items defined in detail in Section 2562, Design Criteria, of the Plan, then the project can potentially develop to the densities shown on the Plan and bypass a public hearing process or zone change. Existing and Union Town Plan Proposed zoning are shown in Resolution Exhibit “B”.

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

Detailed architectural design plans are required for all individual structures within the Union Town Center (UTC), Union Commercial (UC), and Union Neighborhood Office (UNO) zoning districts. A separate design review application shall be submitted at the same time as Site Plan Review for commercial, institutional, and office uses. Certificate of Occupancy permits or zoning permits shall not be approved until the pertinent design review approval has been granted by the Planning Commission.

SECTION 2501
Applicability and Review
As described in this Article, these regulations contain three conventional zoning districts that describe permitted uses, dimensional requirements, and minimum standards. The remainder of the Study Area is proposed to retain its current zoning under the Union Town Overlay District. As proposed, this zoning overlay would allow a greater density than the current zoning as long as certain development impacts are addressed. The Union Town Plan recommendations are specific enough, however, to allow the Planning Commission to consider proposed developments for a shortened review process. If deemed consistent with the recommendations of the Union Town Plan for the subject area, the development may be found eligible for normal site plan and subdivision review processes to occur without requiring a zone change, or the review of a Concept Development Plan, or other public hearing processes. Of course, a developer or property owner can at any time apply for other zoning districts and be subject to the normal Zoning Map Amendment process described in Article 3 of the Boone County Zoning Regulations.
SECTION 2510
UNION COMMERCIAL (UC)
The purpose of the Union Commercial (UC) zone district is to allow for the protection of existing commercial uses, but also to bring them into conformance with the Union Town Plan over time. The location of the UC zone district allows limited additional commercial uses or limited expansion of existing commercial uses in areas that have historically supported them, but does not promote a continuous or extensive strip of commercial development. The permitted uses are designed to serve the immediate area and accommodate the demands of an expanding Union area population. The type and scale of commercial uses is not intended to be of a highway commercial nature or bring significant numbers of patrons into the Study Area that would not otherwise be in the area. Residential development can also occur in the UC zone. The extent of the UC zone is shown as commercial land use on the Union Town Plan.

SECTION 2511
Principally Permitted Uses
1. Detached single-family dwelling units;
2. Attached town house-style dwelling units;
3. Eating and drinking establishments including alcoholic beverages, and drive-through, franchise style fast food establishments;
4. Hardware stores;
5. Grocery stores and supermarkets;
6. Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
7. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
8. Liquor, beverage, drug and proprietary stores;
9. Banking services including drive-through facilities;
10. Insurance carriers and agents;
11. Real estate and related services;
12. Accounting, auditing and bookkeeping services;
13. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
14. Medical, dental or optical clinics;
15. Veterinary services and pet grooming services but not including the boarding of animals;
16. Beauty and barber services and tanning salons;
17. Day care centers;
18. Laundering, dry cleaning and dyeing services including self-service;
19. Alteration, and garment repair and custom tailoring;
20. Shoe repair, shoe shining and hat cleaning services;
21. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
22. Jewelry stores;
23. Household electronics sales;
24. Art, craft and hobby supplies and products, gifts and novelties;
25. Antiques and used merchandise;
26. Books, stationery, newspapers and magazines;
27. Florists excluding greenhouses;
28. Sporting goods including bicycles;
29. Draperies, curtains, upholstery and floor coverings;
30. Paint, glass, and wallpaper stores;
31. Photo finishing services;
32. Funeral homes and crematoriums excluding cemeteries or mausoleums;
33. Furniture, home furnishings including specialty and floor coverings;
34. Specialized upholstery and furniture repair or refinishing services;
35. Apparel stores;
36. China, glassware and metalware;
37. Legal services, engineering, and architectural services;
Title abstracting services, holding and investment services;
Advertising services including direct mail;
Business and management consulting services, credit services;
Employment services;
Consumer and mercantile credit reporting, adjustment and collection services;
Travel arranging, transportation ticket and public event or promotional booking agencies;
Radio and television broadcasting studios excluding transmitting stations and towers;
Art, music and dancing schools, libraries and museums;
Welfare and charitable services;
Business associations and professional membership organizations including civic, social and fraternal organizations;
Art and craft galleries and similar exhibit space;
Aquariums, botanical gardens and other natural exhibitions;
Churches, synagogues, temples and other places of religious assembly for worship;
Real estate management services and builders offices excluding any outside storage;
Photographic and stenographic services;
Business colleges and trade schools;
Retail sale of office supplies and equipment;
Generic professional offices;
Video rental and sales; and
Storm water management facilities designed in accordance with Article 3 of the Boone County Subdivision Regulations (site plan review required).
Expansion of existing auto repair uses, provided the expansion meets the requirements of the Union Town Plan.

SECTION 2512
Accessory Uses
Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:
1. Accessory uses for a dwelling unit including:
   a. Private garages and parking;
   b. Structures such as fences, walls, and satellite dishes;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of a recreational vehicle or unit;
   e. Private recreational courts, fields, swimming pools, or similar recreational activities; and
   f. Private stable or other keeping and use of pets and animals.
2. Signage (see Article 34);
3. Parking (according to Article 33 and Section 2576-7. Streetscape and Improvements);
4. Delivery areas with no outside storage or unpacking;
5. Temporary buildings incidental to construction;
6. Retail sales of motor fuels;
7. Automatic teller machines attached to the principle structure; and
8. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

SECTION 2513
Conditional Uses and Criteria

1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
SECTION 2515

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

SECTION 2517

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

SECTION 2519

Design Standards
Development in the UC zone follows Section 2540.

SECTION 2520

UNION TOWN CENTER ZONE (UTC)
The Union Town Center (UTC) zone shall be located in areas that are immediately adjacent to the intersections of Old U.S. 42, new U.S. 42, existing Mt. Zion Road and the possible re-alignment of new Mt. Zion Road. This area shall include what has been historically considered the town center. The purpose of the Union Town Center (UTC) zone district is to allow for a condensed commercial and residential area that is pedestrian scale and creates a sense of place for the surrounding area. Mixed use development with buildings designed to accommodate commercial uses on the first level and office or residential uses on the second level are encouraged. The UTC zone district allows commercial, office and residential uses in a concentrated area which does not promote a continuous or extensive strip of commercial development along the new U.S. 42. The UTC zone district corresponds to the Town Center Land Use Classification on the 2000 Union Town Plan Land Use Map.

The permitted uses are designed to serve the immediate area and accommodate the demands of an expanding population, but not to replicate the “big box” retail that exists along Houston Road and Mall Road. The type and scale of commercial uses is not intended to be of a highway commercial nature, or bring significant numbers of patrons into the Union Town Study Area that would not otherwise be in the area.

As the Union Town Plan Land Use Map depicts, Phase II of the Union Town Center zone can develop as office or residential, but is not recommended to develop as commercial until undeveloped property of Phase I is fifty percent built out. However, the Long Range Planning/Comprehensive Plan Committee shall have the ability to review commercial or other land uses in the Phase II Town Center area before fifty percent build out of Phase I if the proposed development offers a unique, well designed plan that establishes or reinforces the Town Center Concept beyond the minimum requirements contained in the Union Town Plan. The Committee shall recommend a course of action to the full Planning Commission for a vote. The developer can then apply to the Planning Commission for the appropriate review.

SECTION 2521

Principally Permitted Uses
1. Detached single-family dwelling units;
2. Attached town-house and row-house style dwelling units;
3. Eating and drinking establishments including alcoholic beverages, and drive-through and franchise style fast food establishment;
4. Hardware stores;
5. Grocery stores and supermarkets;
6. Stores with retail sales of meat, fish, seafood, dairy, and poultry products;
7. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
8. Liquor, beverage, drug and proprietary stores;
9. Banking services (including drive-through facilities);
10. Insurance carriers and agents;
11. Real estate and related services;
12. Accounting, auditing and bookkeeping services;
13. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
14. Medical, dental or optical clinics;
15. Veterinary services and pet grooming services but not including the boarding of animals;
16. Beauty and barber services and tanning salons;
17. Day care centers;
18. Laundering, dry cleaning and dyeing services including self-service;
19. Alteration, and garment repair and custom tailoring;
20. Shoe repair, shoe shining and hat cleaning services;
21. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
22. Jewelry stores;
23. Household electronics sales;
24. Art, craft and hobby supplies and products, gifts and novelties;
25. Antiques and used merchandise;
26. Books, stationery, newspapers and magazines;
27. Florists excluding greenhouses;
28. Sporting goods including bicycles;
29. Draperies, curtains, upholstery and floor coverings;
30. Paint, glass, and wallpaper stores;
31. Photo finishing services;
32. Funeral homes and crematoriums excluding cemeteries or mausoleums;
33. Furniture, home furnishings including specialty and floor coverings;
34. Specialized upholstery and furniture repair or refinishing services;
35. Apparel stores;
36. China, glassware and metalware;
37. Legal services, engineering, and architectural services;
38. Title abstracting services, holding and investment services;
39. Advertising services including direct mail;
40. Business and management consulting services, credit services;
41. Employment services;
42. Consumer and mercantile credit reporting, adjustment and collection services;
43. Travel arranging, transportation ticket and public event or promotional booking agencies;
44. Radio and television broadcasting studios excluding transmitting stations and towers;
45. Art, music and dancing schools, libraries and museums;
46. Business associations and professional membership organizations including civic, social and fraternal organizations;
47. Art and craft galleries and similar exhibit space;
48. Aquariums, botanical gardens and other natural exhibitions;
49. Churches, synagogues, temples and other places of religious assembly for worship;
50. Security brokers, investment services and finance companies;
51. Real Estate management services and builders offices excluding any outside storage;
52. Photographic and stenographic services;
53. Charitable and social services administration offices;
54. Business colleges and trade schools;
55. Retail sale of office supplies and equipment;
56. Residential in accordance with this article;
57. Video rental and sales;
58. Generic professional offices; and
59. Storm water management facilities designed in accordance with Article 3 of the Boone County Subdivision Regulations (site plan review required);
60. Federal, state, regional, county, and local and other governmental offices;
61. Police, fire, civil defense and other protective and related services;
62. Primary, elementary, and secondary schools;
63. Junior colleges, colleges, and universities;
64. Vocational or trade schools, professional schools, and special training and schooling facilities;
65. Hospital complexes and mental health facilities, inpatient;
66. Elderly housing facilities and nursing homes;
67. Libraries, museums, art and craft galleries, conservatories and cultural exhibits;
68. Churches or religious assembly uses, including apartment dwelling units related to the religious use;
69. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeways, pedestrian mall systems and similar uses;
70. Indoor commercial parking facilities and indoor commercial recreational vehicle parking facilities, limited to parcels with frontage on Old Union Road between the intersections with Mt. Zion Road and U.S. 42/Whispering Trail.

SECTION 2522
Accessory Uses
1. Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:
2. Accessory uses for a dwelling unit including:
   a. Private garages and parking;
   b. Structures such as fences, walls, and satellite dishes;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of a recreational vehicle or unit;
   e. Private recreational courts, fields, swimming pools, or similar recreational activities; and
3. Signage (see Article 34);
4. Parking (according to Article 33 and Section 2586-9. Streetscape and Improvements);
5. Delivery areas with no outside storage or unpacking;
6. Temporary buildings incidental to construction;
7. Retail sales of motor fuels;
8. Automatic teller machines attached to the principle structure; and
9. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

SECTION 2523
Conditional Uses and Criteria
1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 2525
Intensity
The intensity of new residential uses in a Union Town Center (UTC) zoning district shall be a minimum of three (3) dwelling units per one (1) acre and a maximum of eight (8) dwelling units per one (1) acre. There is no maximum intensity of commercial or office use in a Union Town Center (UTC) zoning district as long as all parking, landscaping, and other requirements of this order are supplied.

SECTION 2527
Minimum District Size
The minimum size and extent of a Union Town Center (UTC) zoning district, including all the contiguous private property so designated, shall not be less than five (5) acres.
SECTION 2529
Design Standards
Development in the UTC zone follows Section 2540.

SECTION 2530
UNION NEIGHBORHOOD OFFICE ZONE (UNO)

SECTION 2531
Principally Permitted Uses
1. Generic professional offices;
2. Banking services including drive-through facilities;
3. Insurance carriers and agents;
4. Real estate and related services;
5. Accounting, auditing and bookkeeping services;
6. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
7. Medical, dental, or optical clinics;
8. Veterinary services and pet grooming services but not including the boarding of animals;
9. Legal, engineering, architectural, education and scientific research services;
10. Accounting, auditing and bookkeeping services;
11. Charitable and social services administration offices;
12. Professional membership organizations and civic associations;
13. Storm water management facilities designed in accordance with Article 3 of the Boone County Subdivision Regulations (site plan review required);
14. Churches or religious assembly uses, including apartment dwelling units related to the religious use;
15. Day care centers;
16. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeways, pedestrian mall systems and similar uses;

SECTION 2532
Accessory Uses
Accessory uses and structures customarily incidental and subordinate to any of the permitted uses including:
1. Accessory uses for a dwelling unit including:
   a. Private garages and parking;
   b. Structures such as fences, walls, and satellite dishes;
   c. Buildings such as storage sheds, private greenhouses and gazebos;
   d. Storage of a recreational vehicle or unit;
   e. Private recreational courts, fields, swimming pools, or similar recreational activities; and
2. Signage (see Article 34);
3. Parking (according to Article 33 and Section 2586-9. Streetscape and Improvements);
4. Delivery areas with no outside storage or unpacking;
5. Temporary buildings incidental to construction;
6. Automatic teller machines attached to the principle structure; and
7. Storage of materials must be located in the principle structure; no commercial or office outbuildings are permitted.

SECTION 2533
Conditional Uses and Criteria
1. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
SECTION 2535
Intensity
The maximum intensity in a UNO zone district shall not exceed 20,000 square feet of gross floor area per acre of land.

SECTION 2537
Minimum Lot Size
The minimum lot size in the UNO zone district is 20,000 square feet.

SECTION 2539
Design Standards
Development in the UNO zone follows Section 2540.

SECTION 2540
Design Requirements for UTC, UC, and UNO Zoning Districts
1. Setbacks
   a. Principally Permitted Structures
      1) Front Yard Minimum - ten (10) feet from the right-of-way line.
      2) Front Yard Maximum - fifty (50) feet from the right-of-way line.
      3) Rear Yard Minimum Setback - twenty (20) feet from property line.
      4) Side Yard Minimum Setbacks - five (5) feet from property line.
   b. Accessory Structures - The following setbacks shall apply to any accessory structure in the district: All accessory structures shall be located in the rear yards at least five (5) feet from all property lines.
2. Height - Maximum height of any structure is fifty (50) feet.
3. Impervious Space - No more than eighty percent (80%) of the site can be covered with impervious surfaces. The remaining twenty percent (20%) shall be landscaped or kept in its natural state.
4. Interior Open Space - The minimum shall be provided:
   a. Pedestrian/Bike Connections - at critical points in the development linking the Town Center with green space as depicted on the 2000 Union Town Plan Land Use Map and other areas including other residential developments, parks, churches and schools;
   b. Civic/Public Space - all developments shall provide some form of a public gathering place, such as a landscaped picnic table area or a decorative bus stop area, that is fronted on at least one (1) side by a public street when the site abuts a public street; and
   c. Landscaped entryways
   d. Pedestrian/Bike Path - developers shall construct a 10' minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.
5. Utilities - All utilities except for street lights must be located underground.
   Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.
6. Building Orientation - All structures shall front toward existing Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 when the subject site adjoins one of these roads. Any drive-through windows, automatic teller machines, or gasoline pump canopies must be located on the side or rear building facades away from these roadways.
7. Fences - Fences shall conform to Section 3655 of the Boone County Zoning Regulations. The UNO and UC zoning districts must provide a post and rail, horse-style fence in the front setback.
8. Architecture
   The following architectural standards shall serve to guide the Planning Commission’s Technical/Design Review Committee. Deviations from these standards shall be weighed by the
Committee to determine the appropriateness of the design with the overall intent of the 2000 Union Town Plan and the extent of which the site is visible from public view.

a. Materials - All sides of the principle structure that are visible from all roads except for rear accessed alleys shall constructed of traditional materials including: stone, brick, architectural concrete masonry units with integral color (painted blocks not acceptable), wood or glass; or synthesized materials that appear as such. Rear and side elevations shall have the same architectural treatment as the front. Exposed concrete foundations shall be finished with brick or stone or a material of the appearance of such. Concrete foundations can be exposed at a minimum of two feet but screened with landscaping.

b. Garage/Loading/Unloading Doors - If the dwelling unit contains an attached garage or the principle structure contains a loading/unloading area, the garage or loading/unloading doors shall not face the road on which the principle structure faces and in the case of a single-family dwelling unit, the garage wall shall be extended or recessed at least two (2) feet from the front facade. This garage wall shall contain at least two (2) windows giving the garage an appearance of being a finished room within the dwelling unit.

c. Entrance - All buildings shall have their main entrance on the primary street with an equally defined rear entry from the parking area.

d. Building Length - No building which fronts on to current Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 shall have a continuous unbroken facade along that road of greater than 150 feet.

e. Roof - All residential buildings shall have a sloped or pitched roof.

9. Streetscape and Improvements

a. Street Connections - Street connections shall be provided in accordance with Section 305 - N) Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas - of the Boone County Subdivision Regulations.

b. Street Trees
   1) Spacing - Street trees shall be planted along the affected side of all public streets adjoining the development on average forty (40) feet apart on center. They can be on the right-of-way with permission of the street owner.
   2) Caliper Width - Street trees shall have a minimum of a two and one-half (2.5) inch caliper.

c. Sidewalks - Sidewalks at least 5 feet wide are required on both sides of all local, collector and arterial streets and at least 4 feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives.

d. Parking Requirements
   1) Location - All parking shall be located in the side or rear of all buildings. Buildings along New U.S. 42 shall be considered to front toward that road. Exceptions to this requirement can be considered by the Zoning Administrator through the waiver procedure in the case of existing buildings, and renovations or additions to existing buildings, only if the proposed development advances the recommendations of the Union Town Plan and intent of this Article.
   2) Minimum/Maximum Number of Spaces
      aa. Retail/Office - minimum of one (1) space per 300 feet of gross floor area and a maximum of one (1) space per 200 feet of gross floor area. Adequate shared parking arrangements are permitted upon approval of the Zoning Administrator.
      bb. Multi-family Residential - two (2) spaces per dwelling unit.

e. Bicycle Racks - All businesses and office space that is 3,000 square feet or more shall provide and maintain bicycle parking and security features.

f. Street Lights - Decorative, vintage street lights are required in the UTC zone for all streets at a minimum spacing of at one hundred (100) feet. In the UC and UNO zones, they are required at each drive or pedestrian entrance and at any intersection with new U.S. 42.

g. Street Furniture - Decorative waste receptacles and street furniture including benches shall be provided in front of each commercial or office building of over 3000 square feet.
h. Interior Driveway Connections - Parking lots for adjacent uses shall be connected.

SECTION 2550
Technical/Design Review Committee
A function of the Boone County Planning Commission’s Technical/Design Review Committee shall be to review architectural design plans for all proposed structures or the remodeling of existing structures within the Union Town Center (UTC) Union Commercial (UC) and Union Neighborhood Office (UNO) zoning districts. The Planning Commission staff will provide technical support, and prepare reports for the Technical/Design Review Committee. For proposed buildings in these three zones located in the Union City Limits a member of the Union City Commission shall serve as an adjunct committee member. For proposed buildings in these three zones located in the unincorporated areas a member of the Boone County Fiscal Court or designee shall serve as an adjunct committee member. The committee shall seek professional architectural advice on a case by case basis. Architectural plans shall be stamped or sealed by a registered architect licensed by the Commonwealth of Kentucky.

1. Members - The Technical/Design Review Committee shall consist of members who are appointed by the Chairman of the Boone County Planning Commission.

2. Review Criteria - The Board shall consider the following topics while reviewing the minimum standards (SECTION 2540) within each zoning district for a proposed development:
   a. Building height;
   b. Building scale and mass;
   c. Building facade design and relationship of materials;
   d. Type, size and location of windows and doors;
   e. Relationship of colors and accents;
   f. Entrances and porch projections;
   g. Architectural details;
   h. Roof types and shapes;
   i. Lighting;
   j. Retaining walls, fences, or similar structures;
   k. Drive-through windows;
   l. Storage areas; and
   m. Dumpster areas;

A member of the Planning Commission staff will present submitted design information to the Technical/Design Review Committee at a scheduled Committee meeting. At a regular Planning Commission Business Meeting, staff will present the design information to the full Planning Commission along with the Technical/Design Review Committee’s recommendation. The full Planning Commission shall then vote within 30 days of application, approval, approval with conditions, or denial of the design.

SECTION 2560
Residential, Agricultural, And Other Districts
These proposed zones include the Union Town Overlay (UTO) zone. All residential developments follow the process described below, unless the applicant elects to pursue a zoning map amendment. Agricultural uses may follow the requirements and review procedures described in the Boone County Zoning Regulations for the underlying zoning district. Proposed development can occur according to the underlying zone uses and density without any special review. Any property owner may apply for a zoning map amendment at any time. However, if a developer wishes to pursue the short review process within an area that contains the overlay zone, the following steps must be taken:

1. Pre-application meeting with Planning Commission staff to familiarize the applicant with the process and criteria for review, and to allow staff comment on the proposed development in light of the Union Town Plan.

25.10
2. Application to full Planning Commission as an official business item to determine if the project is eligible for the shortened review process. Minimum requirements for application include an application form and fee, and a conceptual development plan.

3. The Long Range Planning/Comprehensive Plan Committee evaluates the request and makes recommendation in the form of a written report within two regular business meetings to the full Planning Commission. The full Planning Commission votes to determine the review process that the specific request should follow. The Committee Report may contain conditions which help make the application consistent with the Union Town Plan. The applicant and property owner should agree to these conditions or place them on the submitted development plan.

4. If the Planning Commission votes that the request does not meet the recommendations of the Union Town Plan, or the request presents unanticipated potential impacts on public infrastructure, then the applicant should apply for a zoning map amendment under the Boone County Zoning Regulations. If the Planning Commission determines that the request does meet the recommendations of the Union Town Plan, and that no extenuating potential impacts on public infrastructure are foreseen, the applicant can make application for Preliminary Plat or Site Plan Review, whichever is appropriate. These processes are described in the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

Regardless of which review process is determined for a specific request, an official letter from the Planning Commission shall advise the respective legislative body of the decision. The letter shall include a copy of the Committee Report, any written agreements on conditions, and any minutes of pertinent meetings.

SECTION 2561
Density in the Union Town Overlay (UTO) zone
In order to achieve the development density and location of density proposed in the Union Town Plan, the items in SECTION 2562, Design Criteria, must be provided. Minimum lot sizes are not specified, however, each development must meet the maximum densities described on the Union Town Plan Map. Green areas designated on the Union Town Plan Land Use Map shall be included in the density calculation for the lowest immediately adjoining density area on the map. Developments of one lot or several lots under conveyance plat review must also meet the density to avoid unbuildable remnant parcels. The incentive here is to allow flexibility in lot size and placement, as well as dwelling unit placement in relation to topography and other site issues. In addition, as an extra incentive, if the developer submits a development plan that contains a complete true neotraditional design and layout package (grid street system, alleys, traditional house design, small front setbacks, street trees, etc.) for a full development or a section of a development, then moderate density areas depicted on the Union Town Plan at 2.2 dwelling units per acre can be developed at a maximum density of 4.0 dwelling units per acre. Areas where significant man made site features, such as the retention ponds shown on the Union Town Plan Map can be developed at the lowest adjacent residential density represented on the map if the feature is not constructed for some reason.

SECTION 2562
Design Criteria for All Residential and Agricultural Development

1. Building Orientation - the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road must face (contain a typical designed front facade) toward the roadway. They can be served by combined driveways, private streets or alleys, or rear entrance. Maximum building height in high density areas will be a total of three levels.

2. Building Materials - The first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road
shall not contain vinyl or aluminum siding.

Exposed concrete foundations shall be finished with brick, stone, or material having that appearance. Concrete foundations can be exposed at a maximum of two feet if screened with landscaping.

3. Garages - Attached and detached garages of the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be rear or side-entry only with garage doors at least ninety degrees from those roadways.

4. Setbacks - Building setbacks from Old U.S. 42, New U.S. 42, and Hathaway Road generally follow topography and are depicted on the Union Town Plan Land Use Map. All other principle structure setbacks shall be determined by the developer. Accessory structures shall be 10 feet from all property lines.

5. Utility/Cable Boxes - Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.

6. Open Space - A minimum of five percent of the total development shall be retained as publically accessible open space in the form of pocket parks, or recreation areas surrounding a lake or pond. The body of water can only be considered a part of the five percent if the entire shoreline is publically accessible. Purely designated landscape areas do not satisfy this requirement. The proposed bike/pedestrian path area along old U.S. 42 can be counted toward this total on this particular part of the Study Area.

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

7. Fences - Installation of a three or four rail post and board style horse fence is required within the setbacks for Old and New U.S. 42, and Hathaway Road for all developments.

8. At the entrance of all new developments, ornamental street lights are required. These street lights must be depicted and approved as part the Subdivision Plat review process.

9. Street trees are required along New U.S. 42 on average of 40 feet on center.

10. Sidewalks at least 5 feet wide are required on both sides of all local, collector and arterial streets and at least 4 feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives.

11. The first 300 feet of a street entering a new residential development directly accessed from new U.S. 42 shall be a boulevard with landscaping in the middle. The only permitted driveway cuts will be for UNO zone development as shown on the 2000 Union Town Plan.

12. Main streets shall contain no private driveway access where described on the 2000 Union Town Land Use Plan.

13. A Sign package shall be submitted in accordance with the Union Town Special Sign District.

14. Parking for townhouse or multi-family dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be located outside of the setback and screened from public view from these roads by the building or a berm with landscaping.

SECTION 2563
Additional Design Criteria for Neotraditional Residential Development

25.12
To achieve the 4.0 maximum dwelling units per acre density, the development, as reviewed by the Long Range Planning/Comprehensive Plan Committee, must meet the following Neo-Traditional Design Standards:

**Housing Layout**
1. A common architectural theme shall be established and used on all houses throughout the development.
2. All houses must be rear-accessed via an alley or accessed in front on a single-loaded street.
3. Garage doors on single-loaded streets may not face the street from which they are accessed.
4. At least 50% of the house must be located on a set-to line no further than 20' from the street right-of-way line.
5. Vinyl and Aluminum siding is prohibited on all facades that are visible from the street excluding rear-accessed alleys. Houses like a traditional cape cod where windows extend out from the roof may use siding on the portions of the windows that extrude from the roof.
6. All houses must have a porch, or at the minimum, brick steps leading up to the front of the house.
7. An ornamental fence shall be designed and used throughout the entire development. The front yards of all houses must contain at least ten feet of this fencing.
8. An ornamental house light (attached and detached from the house on a pole) must be designed and used on all houses within the development.
9. All houses must have a pitched roof.

**Landscaping/Green Space**
10. All streets must have street trees no less than 20 feet apart.
11. Street trees must be at least 4" in diameter.
12. At least 10% of the total acreage of the subdivision must be developed in the form of a pocket park. A pocket park must be created for every 20 houses/units in the development. A pocket park must contain at the minimum, a bench/sitting area and shade trees. The pocket park shall be surrounded by the same fencing material used in front of the houses.

**Street Design**
13. No cul-de-sac or dead-end streets.
14. All street where the houses are accessed in the rear via an alley way must have sidewalks on both sides of the street at a minimum of 5 feet in width. Single-loaded streets shall have one sidewalk located on the opposite side of the street from where the houses sit - at least 8 feet wide.
15. All intersections of streets must be paved with brick or stone.
16. All entries to developments must contain at least a 200 feet long landscaped boulevard.
17. An ornamental street sign must be designed and used throughout the development.
18. An ornamental street light must be designed and used throughout the development. Street lights cannot be spaced further than 200 feet.
19. At least one corner of a street intersection must contain a minimum 100 square foot planted or paved (brick or stone) sitting area.
20. Raised curbs are required on all streets.
SECTION 2570
Other Pertinent Articles of the Boone County Zoning Regulations

Landscaping areas and provisions in both incorporated and unincorporated areas shall be constructed according to Article 36, Landscaping, of the Boone County Zoning Regulations. With the exception of buffer yards required between differing zones, in instances where the landscape areas required by Article 36 are wider than the building setbacks required by Section 2540 for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) zones, the maximum required width for such landscape areas shall not exceed the setback dimensions required by Section 2540.
SECTION 2600

Intent

The purpose or intent of this district is to assist in the implementation of the Boone County Comprehensive Plan and The Mall Road District Study. The Mall Road District Study is comprised of two separate documents entitled the Existing Conditions Report and the Plan Recommendations Report. The Mall Road (MR) Overlay District is to be used in conjunction with an underlying zone and the Planned Development overlay district per Article 15 of this order as described in Chapter 1 of the Plan Recommendations Report. The Mall Road District Study and the resulting Mall Road (MR) Overlay District are intended to fulfill the following objectives that are outlined in Chapter 1 of the Plan Recommendations Report.

A. Facilitate a mixed-use district which includes a realistic variety of 24 hour functions including retail, service, office, residential, and entertainment uses, while maintaining Mall Road as a local and regional shopping destination. Encourage redevelopment for sites with obsolete projects.

B. Capitalize on the assets afforded by each of the eight sub-areas, and tailor the land use recommendations to the sub-areas when applicable.

C. Include urbanistic qualities in all recommendation topics per the prior documents and conclusions outlined in the Existing Conditions Report, yet acknowledge that the overall Study Area must still effectively function as a suburban shopping area which relies on automobile travel.

D. Create architectural standards which will establish high quality design and “timeless” aesthetic attributes to the built environment, and which will be adaptable to changing occupants and tenant needs over time.

E. Rework the Mall Road Commercial Sign District to correlate to the recommended architectural standards, address contemporary signage issues, and provide appropriate scale and legibility.

F. Create site design standards which correlate to the recommended architectural standards and the overall Study recommendations.

G. Establish parking standards which effectively serve the District’s needs and do not result in large amounts of routinely unused surface parking.

H. Enhance connectivity between sites and travel routes for all modes of transportation. Make non-motorized modes of transportation convenient for short trips.

I. Recommend specific types of business incentives which would facilitate implementation of the Study's
recommendations.

J. Provide an expedited review process for routine projects such as Tenant Finish applications, and development/redevelopment proposals which fulfill the objectives, recommendations, and standards recommended in this Study.

SECTION 2605
Location and Definition
The Mall Road (MR) Overlay District is an overlay zoning district shown on the Boone County Zoning Map to which it is applied; the rights and obligations herein as set forth, in addition to those specified by Article 15 of the Boone County Zoning Regulations and the underlying zoning district, are described in the Plan Recommendations Report of The Mall Road District Study. The boundaries or location of the MR overlay zone are described and identified in Chapter 1 “Introduction” and the “Establishment of Mall Road (MR) Overlay District” section of Chapter 2 “Recommended Development Concepts and Development Review Process” of The Mall Road District Study Plan Recommendations Report, and shall be designated by the suffix "MR". The current zoning of the overlay district shall also be identified on the Boone County Zoning Map.

SECTION 2610
Applicability and Review
The Mall Road (MR) Overlay District shall be applied to all properties identified in Chapter 1 “Introduction” of The Mall Road District Study Plan Recommendations Report. Detailed review procedures, which work in tandem with the requirements of Article 15 “Planned Development District,” are outlined in Chapter 2 “Recommended Development Concepts and Development Review Process” of The Mall Road District Study Plan Recommendations Report, as well as other appropriate articles in this zoning order. Specific land uses, zoning, design, development, and signage standards are outlined in the The Mall Road District Study Plan Recommendations Report.
ARTICLE
30

SITE PLAN REVIEW

SECTION 3000

Intent
The purpose of this article is to provide a procedure for the review of Site Plans of proposed developments which impact adjacent properties and public infrastructure. Further, this article is written for the benefit of a property owner or developer so as to meet the minimum design standards and requirements listed in this Zoning Order. This article includes references to all other pertinent articles related to the Site Plan Review procedure and requirements.

SECTION 3001

Authority
The purpose of Site Plan Review is to protect the public health, safety, and general welfare of Boone County. The provisions and requirements in this article are written in accordance with K.R.S. 100 and shall be administered to ensure orderly growth and development of Boone County. No building shall be erected or expanded, nor shall any grading take place or other site improvements occur, on any lot, site, or parcel for uses or in zoning districts where Site Plan Review is required except in accordance with the regulations in this Zoning Order and with the requirements stated in this article. All such Site Plans shall be reviewed by the Boone County Planning Commission and a determination either approving or rejecting such plans shall be made in accordance with the requirements of this article and other applicable articles of this order.

The Planning Commission shall not be given the power to impose any additional regulations not included in this Zoning Order with the exception of specific public or private improvements, such as stormwater, sanitary sewer water, and road construction as adopted by the appropriate legislative body of Boone County. The Planning Commission shall not be permitted to reject any Site Plan which is in full conformance with the requirements, terms and conditions of this article and Zoning Order. All approved Site Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the construction work as shown on the approved Site Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Site Plans shall be subject to the provisions of section 3008. Site Plan Review is required when specified by the individual zoning district, when the proposal is beyond the scope of a Zoning Permit as specified in Article 4, or when the scope of the proposal is within the definition of a Minor Site Plan or Major Site Plan as described in Section 3002.

SECTION 3002

Procedure
Prior to application for Site Plan Review and approval before the Planning Commission, each applicant, property owner, or developer is required to have a pre-application meeting with the Boone County Planning Commission's staff. This meeting shall occur within sixty (60) days of submitting the formal site plan application. The purpose of the pre-application meeting is to advise each applicant, property owner, or developer of the Site Plan Review procedure and requirements and to allow the applicant the opportunity to present a plan for building construction and/or site work. At such a meeting, the staff will be able to discuss
any initial concerns and omissions about the Site Plan that is being previewed. In addition, the results of the meeting will also permit the Zoning Administrator to determine whether the applicant, property owner, or developer will follow the Minor Site Plan Review procedure or the Major Site Plan Review procedure. Both types of procedures are described below.

**Minor Site Plan:** a Site Plan that involves no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), either no grading work or a minimal amount of grading work, no more than 12 parking spaces, no more than a 15% increase of the existing building square footage, no additional access points or curb cuts, loading areas that are less than 10,000 square feet, and does not involve the construction of a new building upon demolition of an existing building. Minor Site Plans are required for uses that are principally permitted and conditional. Minor Site Plans are reviewed by the Boone County Planning Commission's Staff.

**Major Site Plan:** a Site Plan that involves exterior utility construction (storm sewer, water, sanitary sewer, etc.), grading work, more than 12 parking spaces, more than a 15% increase in the existing building square footage, access points or curb cuts, a loading area in excess of 10,000 square feet, or construction of a new building regardless of size upon demolition of an existing building. Major Site Plans are required for uses principally permitted and conditional. Major Site Plans are reviewed by the Project Review Committee and other outside agencies in addition to the Boone County Planning Commission's Staff.

Accessory structures which are not required to obtain a Building Permit are subject only to the Zoning Permit procedure. For proposed retaining walls, a Zoning Permit or Minor Site Plan application as applicable is required if the wall is 4 feet or less in height, will not change the overall grading and/or drainage design of the site, is not a substantive structural component of a grade, and will not result in property damage if the wall fails. When the scope of work is limited to a retaining wall that is merely a decorative component of a landscape design, then no approval by the Planning Commission is required. A Major Site Plan application, or Grading Plan application per the Boone County Subdivision Regulations if applicable, is required if a proposed retaining wall is greater than 4 feet in height, will change the overall grading and/or drainage design of the site, is a substantive structural component of a grade, or would potentially cause property damage if the wall fails.

**SECTION 3003 Application and Approval**

An applicant, property owner, or developer is required to file an application, seven copies of a Site Plan and a fee in the offices of the Boone County Planning Commission. Action in the form of approval or denial of a Minor Site Plan is by the Planning Commission's Staff only and shall occur within 10 working days of when the plan is officially submitted to the Boone County Planning Commission's office in complete form. Appeal of the Staff denial of a Minor Site Plan is possible before the Technical Committee at its next regularly scheduled meeting after written notification is made by the applicant to the Zoning Administrator within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Minor Site Plan shall be made by the Technical Committee and shall occur within thirty (30) days of the date when the written notification of appeal was filed.

Action in the form of approval or denial of a Major Site Plan is by the Planning Commission's Staff only, in consultation with the Project Review Committee, and shall occur within 30 calendar days of when the Site Plan is submitted to the Boone County Planning Commission's office in complete form. Upon approval of a site plan application, a Certificate of Land Use Restriction that specifies “site plan approval and improvements” shall be recorded for the real property in question as specified in Section 280.

30.2
Appeal of the Staff denial of a Major Site Plan is possible before the full Planning Commission, upon the recommendation of the Technical Committee, at its next regularly scheduled Business Meeting after written notification is made by the applicant to the Zoning Administrator within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Major Site Plan shall be made by the full Planning Commission and shall occur within thirty (30) days of the date when the written notification of appeal was filed. In addition, all time limits for both types of reviews can be extended only by mutual agreement by the Planning Commission and the applicant, property owner or developer. Finally, reasons for denial of a Minor Site Plan and Major Site Plan by the Planning Commission shall be given to the applicant in written form.

Any waiver of a Site Plan requirement, exclusive of dimensional requirements, can only be issued by the Zoning Administrator. Such a waiver may be granted due to unusual or extreme circumstances inherent in the project site and if the use and the requested waiver does not adversely affect existing drainage, traffic circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other Site Plan requirements.

SECTION 3004
Site Plan Requirements
All minor Site Plans submitted to the Boone County Planning Commission shall be in accordance with this article and shall contain the following information:

1. Dimensions of the site or lot;
2. Location and width of all public and private streets, driveways, and other vehicular circulation areas;
3. Location of all existing and proposed structures;
4. The proposed use at the site;
5. Square footage, footprint dimensions, and height of proposed building or addition, and required building setbacks;
6. Location of all existing water, sanitary sewer, storm sewer, electric and cable television lines, easements and poles;
7. Location of any proposed parking spaces and dimensions and access points;
8. Statement pertaining to "no grading or utility construction necessary for construction of building addition or site work;"
9. A copy of the approved Demolition Permit if the proposal includes demolition work.
10. An electronic copy of the site plan (e-mail, CD, etc.) if the plan was computer generated.

All Major Site Plans submitted to the Boone County Planning Commission in accordance with this article shall contain the following information:

1. Project name, date, north arrow, location map (a map which clearly shows the location of the property in respect to existing road and landmark;
2. A scale not smaller than 1 inch equals 100 feet;
3. A stamp or seal of a Kentucky registered professional engineer, architect, landscape architect or land surveyor; the scope of work performed by such professionals in conjunction with a site plan submission
is limited to that permitted by their respective licensing authorities. If grading and/or storm sewer construction work are being proposed, a Kentucky registered professional engineer shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Kentucky registered professional engineer is required for grading and stormwater construction work;

4. The present zoning of the subject property and all adjacent properties;

5. All existing and proposed public and private right-of-ways and streets;

6. All abandoned streets;

7. Existing and proposed finished topography of the subject property shown by contours with intervals not to exceed 5 feet. If necessary, the Boone County Planning Commission may request a geotechnical report of a specific site;

8. Location of existing and proposed structures on the property with each existing and proposed use noted. Height of proposed structures;

9. Dimensions of each lot or property boundaries;

10. Proposed housing units proposed on the property depicting location, arrangements, height, number or units in each building, and where applicable, location and dimensions of all lots;

11. Location and arrangement of all common open space areas and recreational facilities;

12. Location size and type of all landscaping features (e.g. berms, walls fences, planting material), including: a landscape schedule that specifies plant species, number of plants per species, plant size at installation, and mature plant size; total square footage of the Vehicular Use Area (VUA), the total square footage required to be landscaped and the total landscaped area provided; and, existing trees which are to be retained including temporary fenced or taped areas which will be used to protect the trees during site disturbance (See Article 36);

13. Location, orientation, lighting, materials, size, and height of signs (See Article 34);

14. Location of all existing and proposed utility lines and easements (each line should be labeled existing or proposed);
   a. Water distribution systems, including line size, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
   b. Sanitary sewer system, including pipe sizes, width of easements, gradients, types of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
   c. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of detention or retention and/or sedimentation basins, and data indicating the quality of stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of stormwater generated by development of the subject area, and the quantity of stormwater to be discharged at various points to areas outside the subject property. Show location of all detention/retention ponds (See Article 31 for Design Standards);
   d. Other utilities (e.g., electric, telephone, etc.), including the type of service and the width of easements, if information is available;

NOTE: It is advised that each applicant contact the appropriate legislative unit to determine the necessary storm sewer, water, and sanitary sewer requirements.

15. Location of all off-street parking, loading and/or unloading and driveway areas, the type of surfacing,
dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces (See Article 33);

a. the type of surfacing;
b. width and depth of parking stalls, including disabled stalls;
c. driveway angle width;
d. traffic flow areas for one way traffic;
e. angle of parking used;
f. number of parking spaces and loading spaces;

16. Circulation system details that include the following:

a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;

NOTE: For public sidewalk requirements, see Article 31 of the Boone County Zoning Regulations and Article 3 of the Boone County Subdivision Regulations.

b. Streets, including alignment, grades, type of surfacing, width of pavement, and right-of-way and whether public or private;

c. Provisions for access management, which may include, but are not limited to:
   - a frontage road (public or private);
   - coordination of curb cuts;
   - curb cut connections accessible to adjoining properties;

d. Location of all above ground and underground storage tanks;

e. Location of dumpsters;

f. Location of outdoor storage areas.

17. Construction or installation details for the following:

a. paving, curbing, and sidewalk sections;

b. wheelchair ramps and/or curbs;

c. on-site traffic/vehicular regulatory signs, including disabled parking stall signage;

d. curbcuts;

e. garbage storage area enclosure or screening;

f. site lighting fixtures;

18. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction. A Best Management Practice document shall be provided for developments over one acre in size. Show all affected or disturbed areas during construction on or within close proximity of the site (i.e., excavation, fill or storage);
19. If the proposed site was part of a zone change request, submit a copy of the approved concept development plan, or show the relationship of the location of the proposed structure(s) to the approved zone change request;

20. Each applicant shall be required to submit traffic information estimating at a minimum peak hour traffic entering and exiting the site under review. This information shall be used by the Planning Commission in determining the location of curb cuts or any additional traffic management controls on each site. When appropriate, a Traffic Impact Assessment may be required to (See Article 32) be submitted for review by the Boone County Planning Commission;

21. Architectural information including the location of man doors and overhead doors shown on the site plan and the height of all structures noted on the site plan. Architectural elevations and renderings which illustrate the overall external building design, and materials and colors to be used in the building design, shall be provided for sites within the Houston-Donaldson Study Corridor Overlay District (see to the Houston-Donaldson Study), or proposals that are subject to other design review requirements, such as conditions of zone change or Concept Development Plan approval;

22. Location of existing recorded or unrecorded cemeteries, buildings listed on the National Register or archaeological sites (see Article 31);

23. Location of parking lot and driveway lights and their illumination on the project site and adjoining properties (see Design Standards in Article 31).

24. A copy of the approved Demolition Permit if the proposal includes demolition work.

25. An electronic copy of the site plan (e-mail, CD, etc.) if the plan was computer generated.

26. For a proposed Sexually Oriented Business, the applicant shall submit a drawing based upon an accurate scale demonstrating compliance with the standards outlined in Section 3198 of these regulations.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

The Applicant shall submit a written response to the review comments with their revised plans.

For property to be developed in sections or phases, detailed Site Plans containing the above information need not be submitted for the entire property. Plans conforming to these criteria should be submitted for the section or phase to be developed along with conceptual or schematic plans for the entire property in order to show the relationship of the relevant section not the entire development plan.

SECTION 3005
Expiration and Extension of Approval Period
The approval of a Site Plan shall be for a period not to exceed two years. If no grading work or building construction has begun within two years after approval is granted, the approved Site Plan will be void. One one (1) year extension of an approved Site Plan may be granted upon request to the Zoning Administrator prior to the two year expiration date.

SECTION 3006
Completion of Site Plan Construction Work and Requirements
All requirements of the approved Site Plan must be completed within six months of building occupancy unless an extension is granted by the Zoning Administrator upon request. Completed site construction work will be
inspected by the Planning Commission’s Zoning Inspector when the applicant receives a certificate of building occupancy and thereafter if necessary. If no building construction is being proposed, all site construction work if begun, is to be completed within six months. A copy of the approved Site Plan shall be retained on the job site until all site improvements have been completed and have been accepted by the Boone County Planning Commission.

SECTION 3007  
Approval of Site Plans by the Boone County Planning Commission

Property involving a conditional use and/or a variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district.

SECTION 3008  
Changes or Amendments

The Zoning Administrator, in reviewing a Site Plan, may authorize minor adjustments from the approved Site Plan, provided that the adjustments do not: affect the special relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this zoning order. Any amendments to plans, except for the minor adjustments which may be permitted by the Zoning Administrator as noted above, shall be made in accordance with the procedure required by this zoning order, subject to the same limitations and requirements as those under which such plans were originally approved. Such review of changes shall involve submittal of application and a review fee.
ARTICLE
31

SUPPLEMENTAL PERFORMANCE STANDARDS

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 Cluster Residential Subdivisions
Open Space and Cluster Residential Subdivisions are permitted in accordance with Article 31 of the Boone County Zoning Regulations.

These regulations are intended to provide for the development of residentially and agriculturally zoned property in Open Space or Cluster Residential Subdivisions as an alternative to Conventional Subdivisions. A Conventional Subdivision generally covers the entire buildable portion of a site with residential lots. Both Open Space and Cluster Residential Subdivisions permit the same overall gross density of total dwelling units per total acres and the same permitted uses as a Conventional Subdivision under the existing zoning district, however lot dimension and setback requirements are less restrictive. This permits greater unit per acre net densities on portions of the site and permits the same maximum number of dwelling units as would be permitted under a Conventional Subdivision. Both types of subdivision designs may enable more dwelling units than could normally be achieved for a Conventional Subdivision. Open Space Residential Subdivisions are permitted under certain standards within the A-1, A-2 and RSE zoning districts. Cluster Residential Subdivisions are permitted under certain standards within the RS, SR-1, SR-2, SR-3, UR-1, UR-2, and UR-3 zoning districts. The remnant land not designated as building lots is required to be left undeveloped, and must serve the purpose of effective buffering, passive recreation, protection of significant vegetation, significant historic preservation or scenic qualities.

The potential applicant should advise Planning Commission staff at pre-application meetings for Preliminary Plat Review if he/she intends to submit a plan designed to meet the Open Space or Cluster Residential Subdivision requirements. This will affect the dimensional standards and open space standards which the proposed subdivision will be required to meet. A subdivision designed under either of these two options will also likely result in a greater built density than most Conventional subdivision designs for the same site. The Open Space Residential Subdivision is permitted in relatively low density zoning districts, and is generally intended to promote a rural character. Therefore, a three step process is described in these regulations to make sure the proposed development meets the intent of conserving open space and benefitting individual home sites. The Cluster Residential Subdivision is intended to allow the clustering of dwelling units within the more dense residential zoning districts to enable cohesive, visible, and accessible open space that noticeably affects the character of the subdivision and addresses the impacts of the increased density on portions of the site.
<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>MAXIMUM INTENSITY</th>
<th>MINIMUM SIZE OF DISTRICT</th>
<th>MINIMUM LOT SIZE (sq. ft.)</th>
<th>MINIMUM FRONTAGE</th>
<th>MAX. HEIGHT</th>
<th>MINIMUM YARD SETBACKS:</th>
<th>MINIMUM YARD SETBACKS:</th>
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<td>FRONT:</td>
<td>REAR:</td>
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<td>16,000 sq. ft.</td>
<td>2 acre</td>
<td>6,500</td>
<td>40'</td>
<td>45'</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>O-2</td>
<td>30,000 sq. ft.</td>
<td>3 acres</td>
<td>12,000</td>
<td>40'</td>
<td>70'</td>
<td>40'</td>
<td>30'</td>
</tr>
<tr>
<td>I-1</td>
<td>25,000 sq. ft.</td>
<td>5 acres</td>
<td>20,000</td>
<td>150'</td>
<td>50'</td>
<td>50 (50)*</td>
<td>30 (50)*</td>
</tr>
<tr>
<td>I-2</td>
<td>22,000 sq. ft.</td>
<td>10 acres</td>
<td>100,000</td>
<td>250'</td>
<td>100'</td>
<td>50 (100)*</td>
<td>30 (100)*</td>
</tr>
<tr>
<td>I-3</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
</tr>
<tr>
<td>C-1</td>
<td>8,000-11,000 sq. ft.</td>
<td>n/a</td>
<td>5,000</td>
<td>50'</td>
<td>45'</td>
<td>25'</td>
<td>30'</td>
</tr>
<tr>
<td>C-2</td>
<td>12,000-15,000 sq. ft.</td>
<td>2 acres</td>
<td>5,000</td>
<td>50'</td>
<td>50'</td>
<td>30'</td>
<td>20 (50)*</td>
</tr>
<tr>
<td>C-3</td>
<td>18,000 sq. ft.</td>
<td>3 acres</td>
<td>20,000</td>
<td>100'</td>
<td>50'</td>
<td>50'</td>
<td>20 (50)*</td>
</tr>
<tr>
<td>C-4</td>
<td>15,000 sq. ft.</td>
<td>3 acres</td>
<td>10,000</td>
<td>100'</td>
<td>50'</td>
<td>50'</td>
<td>20 (50)*</td>
</tr>
<tr>
<td>O-1</td>
<td>16,000 sq. ft.</td>
<td>2 acre</td>
<td>6,500</td>
<td>40'</td>
<td>45'</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>O-2</td>
<td>30,000 sq. ft.</td>
<td>3 acres</td>
<td>12,000</td>
<td>40'</td>
<td>70'</td>
<td>40'</td>
<td>30'</td>
</tr>
<tr>
<td>I-1</td>
<td>25,000 sq. ft.</td>
<td>5 acres</td>
<td>20,000</td>
<td>150'</td>
<td>50'</td>
<td>50 (50)*</td>
<td>30 (50)*</td>
</tr>
<tr>
<td>I-2</td>
<td>22,000 sq. ft.</td>
<td>10 acres</td>
<td>100,000</td>
<td>250'</td>
<td>100'</td>
<td>50 (100)*</td>
<td>30 (100)*</td>
</tr>
<tr>
<td>I-3</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
<td>see Article 11</td>
</tr>
<tr>
<td>O-1A</td>
<td>16,000 sq. ft.</td>
<td>n/a</td>
<td>6,500</td>
<td>40'</td>
<td>45'</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>FMS</td>
<td>12,000-15,000 sq. ft.</td>
<td>n/a</td>
<td>6,500</td>
<td>40'</td>
<td>45'</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>PF</td>
<td>25,000 sq. ft.</td>
<td>n/a</td>
<td>20,000</td>
<td>40'</td>
<td>45'</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>A</td>
<td>25,000 sq. ft.</td>
<td>n/a</td>
<td>20,000</td>
<td>40'</td>
<td>45'</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>CONS</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>R</td>
<td>see Article 7</td>
<td>n/a</td>
<td>20,000</td>
<td>40'</td>
<td>45'</td>
<td>30 (50)*</td>
<td>20 (50)*</td>
</tr>
</tbody>
</table>
Table 31.1 Abbreviations:
d.u. = dwelling unit; s.f. = single-family; n/a = not applicable; GFA = gross floor area.

**Dimensional Standards indicated in this table are applicable only to Residential Subdivisions that meet the Open Space Subdivision criteria of Article 3 of the Boone County Subdivision Regulations.

NOTES:
* When adjoining any of the following zoning districts: A-1, A-2, R, CONS, RSE, RS, SR-1, SR-2, SR-3, UR-1, UR-2, UR-3, MHP, and R1F.
** The minimum lot frontage in the RSE zone may be reduced to 80 feet when the lot utilizes public water and sanitary sewer systems.
+ Denotes apartments, condominiums, landominiums, and townhomes.
# Applicable to the City of Florence only.
^ When a non-residential use adjoins an existing residential use.
= 5 foot minimum side yard setback where a patio house adjoins a conventional single family dwelling.
### 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 Article 31 of the Boone County Zoning Regulations.

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 as private open space, which includes the Primary and Secondary Conservation Areas. Primary Conservation Areas include constrained lands (including inundated or flood prone areas and areas of slope greater than 20%) (see Figure 31.1), river and stream corridors, and any areas within the Developmentally Sensitive Future Land Use Classification as described in the Boone County Comprehensive Plan text (i.e., existing slope of twenty percent or greater for a height of 20 meters or more; 1 meter = 39.37 inches). The exact extent of the Developmentally Sensitive area is determined by site analysis and not from the general Future Land Use map. Secondary Conservation Areas (See Figure 31.2) include amenity-forming features of the property such as mature woodlands, greenways, trails, prime farmland, hedgerows, individual free-standing trees or tree groups, wildlife habitats and travel corridors, historic sites and structures, historic stone fences, cemeteries, scenic viewsheds, stream buffer areas, etc.

**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 31.3). In an Open Space Subdivision, the number of permitted units is based on the overall total site acreage multiplied by the permitted density in the zoning district(s).

**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 31.4 and 31.5). The number of houses permitted is calculated by the gross site density permitted within the zoning district(s) for the entire site.

**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 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. There is no specific surfacing requirement for other trails and paths.
- Undevelopable or undesirable areas shall not constitute open space areas for an Open Space Subdivision if they do not serve such a function. It is the responsibility of the developer to demonstrate that the open space areas can serve one of the required uses, and is not just an attempt to increase density by accounting for undevelopable or undesirable land.
- The use of native tree and grass vistas and buffers is encouraged as an alternative to higher maintenance landscaping and ornamental plantings. The street trees required by Section 3619 of the Boone County Zoning Regulations may be clustered on individual lots versus dispersed across the lot's street frontage, and may include healthy, mature existing trees which are retained.
- Conserve a stream setback as outlined in these regulations, or as guided by the Boone County Conservation District based on stream classification.
- One way street loops are permitted. Streets are not required to have curb and gutter.

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 Article 31 of the Boone County Zoning Regulations.
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. Open Space Areas: All subdivisions are encouraged to provide non-development areas for the purpose of preserving open space. Open Space Subdivisions are required to provide a combination of Primary and Secondary open space that totals at least the minimum percentage specified for the zoning district in Table 31.1. Sites that contain more than one zoning district shall provide the total percentage of open space based on the pro-rated acreage in each zoning district, however, the physical location of the open space may be concentrated on any of the affected zoning districts. The proposed open space areas shall be treated as permanent open space, and can not be developed in the future. Open space areas shall be functional in terms of providing realistic areas that provide for passive recreation, scenic views, protection of significant vegetation, significant historic preservation, private cemeteries, or effective buffering. These areas can be used for pasture land, crops, and tree production. Related recreation structures and agricultural outbuildings are permitted in the open space area. They also can serve the septic leach area needs of an Open Space Subdivision upon review and approval of the appropriate regulating agency. Utility easements are permitted to be located within Secondary Conservation Areas, but not in Primary Conservation Areas. It is particularly important during Step 1 of the design process to make sure open space suits this objective and does not result in inaccessible, invisible perimeter strips that create maintenance issues. If the proposed development cannot meet the minimum percentage open space requirement in Table 31.1 for Primary and Secondary open space, pocket parks or stormwater retention/detention areas can qualify when designed as suitable private or HOA recreation space. At a minimum, private pedestrian access to the open space areas shall be provided.

The open space portions of any subdivision shall be clearly designated during subdivision review, and referenced in a Certificate of Land Use Restriction filed at the Boone County Clerk’s office. They shall be protected from development by an appropriate private restrictive covenant, scenic or conservation easement, or homeowner’s agreement. The ownership and responsibility for continued maintenance of the open space areas is also required. These documents shall be submitted at the Final Plat review, and shall demonstrate long term financial stability of the proposed HOA.

Cluster Residential Subdivisions (within RS, SR-1, SR-2, SR-3, UR-1, UR-2, and UR-3 Zoning Districts)

Design Concepts
The intent of Cluster Residential Subdivisions is to provide highly visible and functional open spaces within residential subdivisions, and to allow the developer flexibility in lot size and dimensions to achieve these objectives. This type of subdivision will often allow the developer to build higher dwelling unit densities than normally experienced under conventional subdivision design by using reduced lot size and setback requirements.

A Cluster Residential Subdivision will incorporate amenity-forming features of the property such as mature woodlands, stream valleys, trails, meadows, hedgerows, groups of prominent trees, notable wildlife habitats, historic sites and structures, historic stone fences, cemeteries, scenic views, etc. to provide interconnected, usable open space. In the design of the proposed subdivision, these types of features will be examined as to their connections within the site as well as to adjacent existing or future development if agreed to by the property owner.

Standards The following standards must be met by a Cluster Residential 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 private open space that makes a visual difference at street level. Small, fragmented open spaces are not desirable.
   • Open space is recommended to be connected throughout the development by sidewalks and/or paths.
   • Stream buffer areas and groundwater infiltration areas may provide an opportunity for the developer to achieve mitigation credits for use on the subject site or another site as arranged with the pertinent agencies.
   • Open space should be designed to coordinate with adjacent parcels and future development if agreed to by the neighboring property owner.
   • Wet stormwater retention areas and lakes may qualify for open space for the purposes of density
calculation if properly designed to accommodate 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. There is no specific surfacing requirement for other trails and paths.

- Undevelopable, undesirable, or inaccessible areas shall not constitute open space areas for an Open Space or Cluster Residential Subdivision if they do not serve as a usable open space, a prominent green vista, or buffer from an adjacent site or thoroughfare. It is the responsibility of the developer to demonstrate that the open 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 native tree and grass vistas and buffers is encouraged as an alternative to higher maintenance landscaping and ornamental plantings. The street trees required by Section 3619 of the Boone County Zoning Regulations may be clustered on individual lots versus dispersed across the lot's street frontage, and may include healthy, mature existing trees which are retained.

- 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 required 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 allow adequate drainage provisions, especially between houses. The use of temporary construction easements to ensure proper drainage, fence construction, and similar items may be necessary.

- 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. Depending on adjoining uses and close proximity, an additional landscape buffer may be required.

- Open Space at the perimeter of a Cluster Residential Subdivision qualifies toward the Minimum Open Space Area Percentage only if it is oriented to serve the subdivision 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. One way street loops are permitted. Streets are not required to have curb and gutter.

- 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 open space shall be designed to provide for stormwater infiltration and for future low cost maintenance native grass or rain garden areas. The developer can pursue a stormwater credit or wetland mitigation credit for natural infiltration areas.

2. Gross Density: In a Cluster Residential Subdivision, the number of permitted dwelling units on a site is based on the zoning density allowed for the total acreage of the site. It is calculated by multiplying the number of units permitted per acre in the existing zoning district by the total site acreage. Cluster Residential subdivision design may allow a developer to attain a greater overall density on a site under the existing zoning whereas normal site constraints and infrastructure needs typically result in a lower gross density potential for a conventional subdivision design;

3. Net Density: The maximum density of a portion of a Cluster Residential Subdivision shall be governed by the minimum lot sizes permitted in the zoning district as described in Table 31.1 of Article 31 of the Boone County Zoning Regulations.


5. Open Space Areas: All subdivisions, including conventional design, are encouraged to provide non-development areas for the purpose of preserving open space. Cluster Residential Subdivisions are required to provide at least the minimum percentage specified for the pertinent zoning district in Table 31.1. Sites that contain more than one zoning district shall provide the total percentage of open space based on...
the pro-rated acreage in each zoning district, however, the physical location of the open space may be concentrated on any of the affected zoning districts. The proposed open space areas shall be treated as permanent open space, and can not be developed in the future. Open space areas shall be functional in terms of providing realistic areas that provide for passive recreation, scenic views, protection of significant vegetation, significant historic preservation, private cemeteries, wetland mitigation, stream mitigation, or effective buffering. These areas can be used for pasture land or cropland. Recreation structures and utility easements are permitted in the open space areas. It is particularly important during Step 1 of the design process to make sure open space suits the objectives of this article and does not result in inaccessible, invisible perimeter strips that create maintenance issues.

A Cluster Residential Subdivision offers flexibility in lot size and building setbacks, and to help address this impact, it must include the minimum open space identified in Table 31.1, and provide at least two of the four open space types described below. More than one of each type can be provided in the subdivision to help reach the minimum open space area on the site. Ponds and groundwater recharge areas can be counted toward the required open space percentage. Dry detention and wet retention areas can also be counted if they are “extended” basins with an increased capacity and perimeter vegetated recharge areas. Typical dry detention basins do not count toward the required open space percentage. Street trees must be of a large canopy variety suitable for this climate and acceptable to the owner of the street, and measure 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 open space are considered to meet the development impacts:
1. Open Space
2. Village, corner, side, and court green(s)
3. Neighborhood corner park(s)
4. Green boulevard street(s)

**Open Space**
A linear, non-fragmented area established along a natural corridor, such as a stream valley, or along a manmade feature such as an old roadway converted to a recreational use, or along a fence row or other connecting feature. Open Space may be a part of a future network that provides recreational, transportation, ecological, and property value benefits. As indicated in Table 31.1, Dimensional Standards, a Cluster Residential Subdivision will have a minimum of 30 percent open space if trails are not constructed through the usable length of the planned open space, while the subdivision can have a minimum of 20 percent open space if the developer commits to building paved connecting trails throughout the open space. Main spine trails should be 10 feet wide, while intra-development connecting trails should be 8 feet wide. This open space type is required in the subdivision design when a suitable stream valley, meadow, or tree pattern exists, or the site forms part of a planned or existing trail network. Connections to sidewalks within developments must contain a wide or flared shape to the parcel to avoid narrow strips between houses, and must contain entry features such as landscaping, decorative fencing, planted mounds, lighting, and/or decorative trailhead signage. Suitable existing vegetation areas that will be retained can be applied toward the 30 percent (20 percent with trail construction) required open space in Table 31.1. Following are three examples of open space that meet the intent of these regulations:

**Village Green**
This feature is a formal two-acre minimum community landscaped island and tree plantings within the center of a street or offset open space within an entrance or major street of the development. It shall include as a minimum: an open shelter type structure such
as a gazebo, a fountain or similar focal point, single-loaded street with sidewalk around the perimeter, box curb design, street trees around the perimeter, and appropriate paved pedestrian access to the structure(s). The emphasis should be on a grass commons type of area with shade trees rather than landscaping that is expensive to maintain. No utility boxes, manhole lids or similar should be located in the Green. One example of a Village Green is attached:

**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 these areas.

**Neighborhood Corner Park**
This type of open space is a two-acre minimum neighborhood style park that is highly visible within the residential fabric. It shall contain as a minimum: a significant playground facility, a sidewalk along the adjacent streets, paved pedestrian paths to serve the playground, benches, and shade tree plantings. The adjacent street contains box curbs along the park. Decorative fence is required along all adjoining residential lots.

**Green Boulevard Street**
This option contains a minimum 65 foot wide right of way which has landscaping, and pedestrian/bike routes on both sides of the roadway. The street contains no individual driveway access. Streetscape improvements are required and must be detailed. These shall include as a minimum: street trees or trees near the right-of-way edge, decorative fence or berms, and wider grass areas than on a typical subdivision streetscape. The green areas along this street need to be HOA maintained, however, the developer can receive open space credit for the entire right-of-way of the subject street including the street area itself. The open space portions of any subdivision shall be clearly designated during subdivision review, and clearly described with use restrictions referenced on a Final Plat filed at the Boone County Clerk’s office. They shall be protected from development by an appropriate restrictive covenant, scenic or conservation easement, public dedication, or homeowner’s agreement. The ownership and responsibility for continued maintenance of the open space areas is also required. HOA documents shall be submitted at the Improvement Plan and Final Plat review stages, and shall demonstrate long term financial stability of the proposed HOA.
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 the A-1 zone) 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 (½) 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, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections which occupy space three (3) or more feet above the general ground level of the yard shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard. Chimneys, overhangs and gutters may extend up to two and one-half (2 ½) feet into a required front, side, or rear yard. However, such extensions into a required yard shall not impede, disrupt, or interfere with storm water flow and may need to be cantilevered above grade or necessitate the construction of a storm pipe system with drainage structures or other improvements to provide adequate site drainage.

SECTION 3124
Exceptions to Height Regulations
Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, silos, wind turbines for on-site power production and consumption, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

SECTION 3130
Radioactivity or Electrical Disturbance
No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

SECTION 3131
Vibration
No activity shall cause a vibration which is discernible without instruments on any adjoining lot or property.

SECTION 3138
Other General Provisions
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. These temporary buildings cannot be used for advertisement of any kind. However, the temporary building may display the builder’s and/or developer’s names.

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 31.13
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. (THE FOLLOWING PASSAGE APPLIES TO UNINCORPORATED BOONE COUNTY ONLY). Roof structures that are open at the sides and/or partially enclosed structures that are used solely to house farmers marts may also be located in the front yard area or corner side yard area provided the respective front yard or corner side yard setback is met.

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 following shall apply:

1. The combined area of all accessory structures on a lot, not including open, outdoor swimming pools or other non-roofed structures, shall not exceed fifty percent (50%) of the gross floor area of the principal structure or 750 square feet, whichever is larger.

2. A maximum of three roof covered accessory structures are permitted.

3. Accessory structures shall not exceed the height of the principal structure.

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
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 two (2) stories above finished floor level.

2. Patio homes shall be oriented so that the side facades are proportionally longer than the front and rear facades. This requirement may be modified or waived when it is impractical due to physical limitations inherent in the site such as topography or shape of the development’s parent tract.

3. A uniform architectural program which must be followed by all patio homes within the same development shall be submitted and approved at the Preliminary Plat stage. The program shall include standards for consistent building massing, roof design, materials, and colors.

SECTION 3160
Residential Townhouse and Multi-family Design Standards
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.

7. Landominiums: The applicable density/intensity, setback, parking, landscaping, and other requirements outlined in this order shall be applied to the overall project site for landominium developments, versus individual buildings or lots within the overall project site. There is no required minimum lot size or lot frontage.
for individual lots or building sites within a multi-building/multi-lot landominium development.

SECTION 3162
Hillside Development Guidelines
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.
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 with the material of the proposed new structure(s) (e.g. stone fence, brick fence and wooden picket fence) and should also fit in with the character of the existing cemetery and surrounding residences or buildings. If a portion of an original fence or wall remains, and it is a compatible material (as above, and including cast iron fencing), the permanent fence or wall shall be properly repaired using the same material. If the existing fence is an inappropriate material (e.g. chain link fence, barbed wire fence, or farm fence), it 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
Refer to current Boone County Subdivision Regulations

SECTION 3184
Storm Water Quality BMP Sizing Requirements
Refer to current Boone County Subdivision Regulations

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
Soil Erosion and Slope Control
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 wood.
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 ½ 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 ½ 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 ½ inch airspace. In areas over 70 Ldn, skylights are not permitted.

F. Ceilings
1. Gypsum board of plaster ceilings at least ½ inch thick shall be provided where required by Section 5.0 (A)(5). Ceilings shall be substantially airtight, with minimum number of penetrations.
2. Glass fiber or mineral wood 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**

<table>
<thead>
<tr>
<th>Yearly Day-Nite Average Sound Level (LDN) in Decibels</th>
<th>Below 65</th>
<th>65-70</th>
<th>70-75</th>
<th>75-80</th>
<th>80-85</th>
<th>Over 85</th>
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<td>Y N N</td>
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<td>Y N</td>
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<td>Y N</td>
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<td>Transient lodgings</td>
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<td><strong>PUBLIC USE</strong></td>
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<td>Y Y</td>
<td>Y Y</td>
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<tr>
<td>Schools, hospitals and nursing homes</td>
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<td>Educational services</td>
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<td>Hospitals, nursing homes</td>
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<td>Y Y</td>
<td>Y Y</td>
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<td>Churches, auditoriums and concert halls</td>
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<td>Y Y</td>
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<td>Y Y</td>
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<td>Y Y</td>
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<td>Railroad, rail transit and street railway transportation</td>
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<td>Marine craft transport</td>
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<td>Highway and street right-of-way</td>
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<td>Y Y</td>
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<td>Offices, business and professional</td>
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<td>Finance, insurance and real estate</td>
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<td>Y Y</td>
<td>Y Y</td>
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<tr>
<td>Personal services</td>
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<td>Business services</td>
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<td>Professional services</td>
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<td>Y Y</td>
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<tr>
<td>Other medical facilities</td>
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<td>Miscellaneous services</td>
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<tr>
<td>Wholesale and retail - building materials, hardware and farm equipment</td>
<td>Y Y Y Y Y Y</td>
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<td>Wholesale trade</td>
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<td>Retail trade - building materials, hardware and farm equipment</td>
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<td>Contract construction services</td>
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<td>Retail trade - automotive, marine craft, aircraft and accessories</td>
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<td>Y Y</td>
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<td>Retail trade - apparel and accessories</td>
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<td>Retail trade - furniture, home furnishings and equipment</td>
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<td>Retail trade - eating and drinking establishments</td>
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<td>Other retail trade</td>
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<td><strong>MANUFACTURING AND PRODUCTION</strong></td>
<td>Y Y Y Y Y Y</td>
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<td>Manufacturing - general</td>
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<td>Food and kindred products - manufacturing</td>
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<td>Textile mill products - manufacturing</td>
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<td>Apparel and other finished products made from fabrics, leather and similar materials - manufacturing</td>
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<td>Printing, publishing and allied industries</td>
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31.26
<table>
<thead>
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<th>Yearly Day-Nite Average Sound Level (LDN) in Decibels</th>
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<tbody>
<tr>
<td>Below</td>
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<tr>
<td>65</td>
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<td>65-70</td>
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<td>80-85</td>
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<td>Over</td>
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**LAND USES**

**MANUFACTURING AND PRODUCTION (CONT’D)**

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<th>Compatibility</th>
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<td>Petroleum refining and related industries</td>
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<td>Rubber and miscellaneous plastic products - manufacturing</td>
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<td>Stone, clay and glass products - manufacturing</td>
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<td>Primary metal industries</td>
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<td>Fabricated metal products - manufacturing</td>
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<td>Photographic and optical</td>
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<td>optical goods: watches and clocks - manufacturing</td>
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<td>Agriculture (except livestock and forestry)</td>
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<td>Agriculture (except livestock)</td>
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<tr>
<td>Forestry activities and related services</td>
<td></td>
</tr>
<tr>
<td>Hunting and fishing, resource production and extraction</td>
<td></td>
</tr>
<tr>
<td>Fishing activities and related services</td>
<td></td>
</tr>
<tr>
<td>Hunting activities and related services</td>
<td></td>
</tr>
<tr>
<td>Other resource production and extraction</td>
<td></td>
</tr>
</tbody>
</table>

**RECREATIONAL**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Compatibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor sports arenas and spectator sports</td>
<td>Y Y Y Y N N N</td>
</tr>
<tr>
<td>Outdoor n\text{music} shells, amphitheaters</td>
<td>Y N N N N N</td>
</tr>
<tr>
<td>Nature exhibits and</td>
<td>Y Y N N N N</td>
</tr>
<tr>
<td>Amusements, parks, resorts and camps</td>
<td>Y Y Y N N N</td>
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<tr>
<td>Amusements</td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td></td>
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<tr>
<td>Public Assembly</td>
<td></td>
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<tr>
<td>Resorts and group camps</td>
<td></td>
</tr>
<tr>
<td>Other cultural, entertainment and recreation</td>
<td></td>
</tr>
<tr>
<td>Golf courses, riding stables and water recreation</td>
<td>Y Y 25 30 N N</td>
</tr>
</tbody>
</table>

**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** Land use and related structures generally compatible; measures to achieve Noise Level Reduction (NLR), or 35 outdoor to indoor, of 25, 30 or 35 must be incorporated into design of structure.

**NOTES FOR TABLE**

1. Where the community determines that residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) or at least 25db and 30db should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 db, thus, the reduction requirements are often stated as 5, 10 or 15 db over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.

2. Measures to achieve NLR of 25db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

3. Measures to achieve NLR of 30db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

4. Measures to achieve NLR of 35db must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

5. Land use compatible provided special sound reinforcement systems are installed.


8. Residential buildings are not permitted.
SECTION 3197
Regulations For Cellular Telecommunication Facilities

Purpose
The purpose of these regulations is to facilitate the planning for and placement of cellular telecommunication facilities (see "Cellular Antenna Tower" and a Small Cellular Pole" definitions in Article 40 of these regulations) and services in the community in accordance with the requirements of KRS 100.985 - 100.987. In addition, it is intended to provide such facilities and services in coordination with the recommendations of the Boone County Comprehensive Plan and the Boone County Zoning Regulations.

In general, cellular antenna towers may be permitted administratively in any zoning district if the proposed facility is placed on an existing cellular antenna tower or other tall structure (utility tower, rooftop, water tank, silo, etc.) for co-location purposes and meets all the preferred application criteria in Table 1 below. If the proposed cellular antenna tower does not meet the preferred application criteria then it will be subject to Uniform Application process that is outlined in Table 2 below.

Small cellular poles may also be permitted administratively in any zoning district if the application requirements and design standards are met.

I. Cellular Antenna Towers

Existing Sites

Existing cellular telecommunication facilities in existence on the date of the adoption of these regulations are subject to the following provisions:

A. A wireless provider that replaces or adds ground equipment and/or equipment shelters within the limits of the existing fence compound and/or replaces antennas or other equipment at the same elevation (RAD center) on the tower shall be viewed as maintenance and repair and shall not be subject to zoning approval.

B. Any proposal by a wireless provider to add equipment at a RAD center on a cellular antenna tower, other than which they are currently located, shall be viewed as a co-location and is subject to approval by Boone County Planning Commission Staff.

C. All proposals to enlarge the fence compound shall be in conformance with the setback and fencing and landscaping standards found in the Uniform Application Design Guidelines. A Uniform Application shall be required to waive the setback and fencing and landscaping design guidelines if there is a proposal to enlarge the fence compound and the setback, fencing, or landscaping requirements cannot be met.

D. In the event an existing cellular telecommunication facility is damaged or destroyed for any reason, the tower and accessory structures may be repaired or rebuilt in the same location with the same physical dimensions and do not have to comply with these regulations.

Application Criteria and Processes

Table 1 below outlines which cellular telecommunication facilities can be approved administratively by Staff (preferred approval) and which are subject to a Uniform Application (Public Hearing and action by the full Planning Commission).

<table>
<thead>
<tr>
<th>Request</th>
<th>Preferred Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Co-locating on an existing cell tower and the overall height of the tower is not changed.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

31.28
2. Modifying or replacing an existing cell tower, public utility tower, or athletic stadium light tower for co-location purposes. The modified or replaced tower shall meet the following standards:

A. The tower type (monopole, lattice, etc.) shall not change;

B. The modification or replacement shall not cause the tower to be lit; and

C. The modified or replaced tower can be up to fifteen percent (15%) taller than the original structure unless a prior Planning Commission approval limited the overall tower height.

Note: A privacy fence, not less than eight (8) feet in height, shall enclose all proposed ground equipment and/or equipment shelters when they are located in a residential zone or viewable from any residential property.

Yes, if all three standards are met. A Uniform Application shall be required if all three standards are not met.

3. Locating antennas on a public or private building or other tall structure (water tanks, silos, etc.) in non-residential zones. The overall height of the antennas shall be no more than 15 feet above the roofline or top of the structure.

Note: This category does not apply to the construction of tower (stacking steel) on top of building or other structure.

Note: A privacy fence, not less than eight (8) feet in height, shall enclose any proposed ground equipment or equipment shelters if they are viewable from any residence.

Yes, if the standards are met. A Uniform Application shall be required if the standards are not met.

4. Construction of a new tower or temporary tower in any zoning district. No. A Uniform Application is required.

5. Any other proposal that does not meet the preferred approval criteria found in numbers 1, 2, and 3 of this chart. No. A Uniform Application is required.

The Zoning Administrator or his designee shall determine if the request meets the preferred approval criteria in Table 1. If so, Planning Commission Staff shall process the co-location or tower modification application and sign the zoning approval line on building permit application. The applicant shall furnish Planning Commission Staff with Federal Aviation Administration (FAA) and/or Kentucky Airport Zoning Commission approval letters if the request involves increasing the height of tower or tall structure, or involves antennas extending above the highest point of a building or tall structure.

Uniform Applications will follow the process outlined in Table 2 below.

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Uniform Application Process</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STEP 1</strong></td>
<td>Applicant files the Uniform Application to Boone County Planning Commission and a public hearing date is set at the next scheduled Business Meeting.</td>
</tr>
<tr>
<td><strong>STEP 2</strong></td>
<td>Staff reviews the application in terms of its agreement with the appropriate sections of the Boone County Comprehensive Plan and the Boone County Zoning Regulations.</td>
</tr>
<tr>
<td><strong>STEP 3</strong></td>
<td>The Public Hearing is held (Staff Report presented, applicant’s presentation, and public comment). A date is given for the Technical/Design Review Committee Meeting</td>
</tr>
<tr>
<td><strong>STEP 4</strong></td>
<td>The Technical/Design Review Committee meets and recommends approval or denial of the Uniform Application to the full Planning Commission.</td>
</tr>
<tr>
<td><strong>STEP 5</strong></td>
<td>The Full Planning Commission votes to approve or deny the Uniform Application at a scheduled Business Meeting.</td>
</tr>
</tbody>
</table>
Uniform Application Requirements

A Uniform Application and review fee shall be required for the construction of a tower, modified tower, rooftop, or other co-location that does not meet the preferred approval criteria in Table 1. The Uniform Application shall be submitted to the Boone County Planning Commission and shall contain the following information per KRS 100.9865 and 100.987:

A. Grid Map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area includes:
   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), KRS 278.030, 278.040 and 278.280.

D. The full name and address of the applicant;

E. The applicant's articles of incorporation, if applicable;

F. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations;

G. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas;

H. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;

I. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);

J. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;

K. A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;

L. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;

M. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky;

N. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower;
O. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

(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.

X. KRS 100.987 (6) states that the Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the local planning commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:
(1) 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

(2) 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:

A. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and

B. Lists the reasons why the co-location was unsuccessful in each instance.

KRS 100.987 (7) states the Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

As a result, the Planning Commission shall require the applicant to document all existing cell towers and other tall structures (utility towers, building rooftops, church steeples, farm silos, water tanks, stadium light poles, etc.) within a mile of their search ring and provide written reasons why the co-location was unsuccessful. The Planning Commission may ask the applicant to provide a radio frequency analysis of a potential co-location site. This analysis shall document the coverage and/or capacity differences between the proposed cellular antenna tower site and the potential co-location site.

Public Notification of a Uniform Application

The public notification for the construction of a new or modified cellular telecommunications facility that does not meet the preferred approval criteria shall consist of the following:

A Public Hearing on the proposal shall be held by the Boone County Planning Commission to solicit input from the public. Notice of the date, time and location of such hearing shall be published once in a newspaper of several circulations in Boone County and shall appear not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the hearing is held.

Notice of the Public Hearing shall be posted conspicuously on the subject site under review for at least fourteen (14) consecutive days immediately prior to the Public Hearing. The posting shall consist at least one sign, 2' x 2.5' in size constructed of durable material and shall depict the following information:

"A Wireless Communication Facility is proposed on this property. A Public Hearing will be held on (date and time) at location - name of building and location. For further information, contact the Boone County Planning Commission at 334-2196."

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

After holding the public hearing, Boone County Planning Commission will advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the Uniform Application is submitted or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the Planning Commission and the applicant to a specified date for the Planning Commission to issue a decision, the Uniform Application shall be deemed approved.

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 Boone County Comprehensive Plan and Boone County 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 unless agreed by both parties.

Permitted Locations

Cellular telecommunication facilities are permitted in all zoning districts. To the largest extent feasible, applicants are encouraged to consider properties owned by local, state, or federal government for the location of cellular towers, if such properties are appropriate in view of surrounding land uses. Whenever possible, cellular antenna towers, whether temporary or permanent, shall be sited at locations that minimize their adverse effect on adjoining properties and residential uses in the immediate area.

Non-Preferred Locations - The following locations shall be avoided unless no other reasonable site is available.

1. No cellular antenna tower shall be located in a residential zoning district unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.

2. No cellular antenna tower shall be located in or within a quarter mile (1,320 feet) of a Historic Landmark/Historic District Overlay District (H) or within a quarter mile of a National Register District or Property unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.

3. No cellular antenna tower shall be located within a Kentucky Scenic Byway as designated by the State of Kentucky or its viewshed, so as to have a negative impact on the scenic qualities of the roadway and the views from the roadway unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.

Design Guidelines

1. Tower Design

   A. Stealth towers (such as clock towers, church steeples, flagpole towers, etc. with concealed antennas) shall be permitted in all zoning districts.

   B. Monopole towers shall be permitted in all zoning districts and shall have a grey or galvanized
steel finish. The monopole and foundation shall be designed to accommodate as many co-locators as possible.

C. Lattice towers shall be permitted in non-residential zoning districts and shall have a grey or galvanized steel finish. The lattice tower and foundation shall be designed to accommodate as many co-locators as possible. Lattice towers shall only be permitted when the tower height is greater than 199 feet.

D. Guyed towers shall be permitted in agricultural zones only and shall have a grey or galvanized steel finish. The guyed tower and foundations must be designed to accommodate as many co-locators as possible. Guyed Towers shall only be permitted when the tower height is greater than 199 feet.

2. Tower Heights

A. The overall height of a cellular antenna tower in a residential zone shall be limited so it does not have to be lit or marked per FAA standards.

B. The overall height of a cellular antenna tower in a non-residential zone (except agricultural zones) shall be limited to 199 feet.

C. The overall height of a cellular antenna tower in an agricultural zone shall be limited to 315 feet.

3. Setback Requirements

A. Cellular antenna towers shall be setback a minimum of one (1) times the tower height (tower, antennas and lightning rod) from any public or private street. This setback requirement does not apply to freeways (I-71, I-75, and I-275) as defined by Article 32 of the Zoning Regulations.

B. Cellular antenna towers shall be setback a minimum of two (2) times the tower height (tower, antennas, and lightning rod) from any residence or residentially zoned property.

C. Cellular antenna towers shall be setback a minimum of one (1) times the tower height (tower, antennas, lightning rod) from agriculturally zoned property.

D. Cellular antenna towers shall be setback a minimum of one-fourth (¼) the tower height (tower, antennas, lightning rod) from any non-residentially zoned properties (does not apply to agriculturally zoned properties).

E. All accessory structures associated with the cellular antenna tower shall be located as close to the tower base or tower legs as possible. All accessory structures shall be located a minimum of twenty-five (25) feet from adjoining property lines.

4. Lighting

A. Cellular antenna towers shall not be lit, except as required by the Federal Aviation Administration (FAA).

5. Access and Parking

A. If applicable, a proposed access point on a public or private street shall meet the Transportation Management regulations found in Article 32 of the Boone County Zoning Regulations regarding the number of curb cuts permitted on a property, spacing of driveways, and required sight distance.

B. The first twenty (20) feet of a proposed driveway (measured from the right-of-way line) that is used exclusively to access a cell tower site shall be improved with either asphalt concrete or portland cement concrete to minimize gravel from being carried onto public or private roads.

C. One parking space and/or turnaround area shall be provided immediately to the side of the cell tower compound.
6. **Fencing and Landscaping**

   A. A wood privacy fence, not less than eight (8) feet, shall enclose the base of the cellular antenna tower and associated ground equipment. In addition, the outside perimeter of the fence compound (except the access gate) shall be bound on all sides by a ten (10) foot wide landscaping buffer. The landscaping buffer shall contain one large evergreen tree from Plant List D (see Article 36 of the Zoning Regulations) for every thirty (30) linear feet, or fraction thereof, of buffer boundary.

7. **Signage**

   No signs and/or commercial advertising shall be located on the cellular antenna tower, on the fence surrounding the tower and equipment, or on any buildings accessory to the cellular antenna tower, with the exception of signs providing ownership, safety, and emergency information.

8. **Mitigating Design Standards for Cellular Antenna Towers Proposed in Residential Zoning Districts and other Non-Preferred Locations**

   The Planning Commission shall consider the following mitigating design standards.

   A. The Planning Commission shall have the power to require a stealth tower in a residential zone or other non-preferred locations.

      Considerations
      1. Is the cellular antenna tower proposed at a location that minimizes adverse impacts on adjoining properties, residential uses, historic properties, or scenic byways?
      2. Would a stealth tower design help mitigate these impacts and still allow the wireless provider(s) to fulfill their coverage objectives? If so, what type of stealth tower should be used?
      3. How many wireless providers will be able to locate on the stealth tower? The applicant shall document the co-location opportunities on alternative stealth tower designs and a similarly sized monopole, lattice, or guyed tower.

   B. The Planning Commission shall have the power to impose additional landscaping requirements, which may include trees, shrubs, and fencing designed to complement the character of the surrounding area.

   C. Design and building materials standards may be imposed on accessory buildings.

   D. Asphalt or other hard surface parking may be required to complement the character of the surrounding area.

**Temporary Cellular Antenna Towers**

Temporary cellular antenna towers shall be subject to approval by the Boone County Planning Commission through the Uniform Application process. The tower shall be located on the subject site no more than six (6) months or a time period specifically agreed upon by the Planning Commission and the applicant. The 6 month or agreed upon time period shall start once Boone County Building Department issues a Building Permit. Temporary cellular antenna towers shall be limited to an overall height of seventy (70) feet and shall be subject to the same setback and fencing requirements (landscaping not required) as a permanent tower. Removal of the accessory structures and privacy fencing shall occur within thirty (30) days of the temporary cellular antenna tower being removed from the site. A temporary cellular antenna towers shall be permitted by right when a permanent cellular antenna tower has been approved for the same applicant and on the same property, until such time that the permanent facility is constructed.

**Waiver of Requirements**

When reviewing a Uniform Application, the Boone County Planning Commission can modify or waive any design guideline if there are special circumstances or conditions. Examples would be waiving the height limit because the permitted tower height does not allow the applicant to fulfill their coverage objectives or reducing setbacks requirements because there is mature vegetation in a portion of a site that will minimize the visual
impact on the area and adjoining uses.

The following information shall be submitted by the applicant if the following Waivers are sought:

A. Tower Height Waiver - A written statement and propagation plots shall be submitted by the wireless provider's radio frequency department indicating why the increased tower height is needed to fulfill coverage objectives.

   Note: The wireless provider locating at the highest elevation of the tower shall submit this documentation in the event that a building to suit company, such as Crown Castle, proposes a new cellular antenna tower with a height waiver.

B. Setback Waiver - Applicants shall submit an explanation indicating why the setback waiver is being sought. The applicant shall be responsible to identify other areas on the subject site where the setback(s) can be met or better achieved and where their coverage objectives will be met.

**Kentucky Public Service Commission Notification**

Upon the approval of an application for the construction of a cellular antenna tower by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction of the cellular antenna tower until such notice has been made.

**Appeal**

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

**II. Small Cellular Poles**

**Intent**

These regulations seek to balance the public need for access to reliable telecommunication infrastructure and service against the potential adverse community land use impacts. The intent is to regulate the location and placement of telecommunication poles and associated equipment because such deployment can affect the aesthetics and visual character of the environment.

**Pre-Application**

Prior to submitting a Uniform Application, an applicant is required to contact the Boone County Planning Commission and request a pre-application meeting with Staff. The purpose of the pre-application meeting is to advise the applicant of the submittal procedure and requirements. It is recommended that the applicant arrange the pre-application meeting with not only the Staff, but also with any applicable utility providers, the local governmental entity and the property owner on which the Small Cellular Pole or co-location is proposed.

**Application Submittal Requirements**

All proposed Small Cellular Poles and co-locations shall be subject to administrative review and approval by the Staff of the Boone County Planning Commission based upon the application submittal requirements, design standards and review criteria outlined below. Written permission from the property owner either through the encroachment permit process or a letter from the private property owner is required to be submitted prior to construction or installation.

**New Poles**

A. A Uniform Application and fee are required to be submitted. In addition, the applicant and/or wireless provider shall provide a written coverage objective and accompanying propagation maps showing the existing and proposed coverage area for the proposed Small Cellular Pole site and all adjacent sites for the subject wireless provider. The required information shall demonstrate whether the proposed pole location is necessary to fill a gap of coverage. The applicant and/or provider shall also provide written proof that co-location on an existing utility pole, traffic control pole, or other structure are
prohibitive or that there are no alternate sites that would have a lesser visual and land use impact while providing comparable service.

B. A statement by an authorized representative that the applicant and/or provider holds all, local state and federal applicable approvals (including but not limited to franchises, permits and licenses) to construct and operate the proposed Small Cellular Pole site.

C. A detailed site development plan, signed and sealed by a professional engineer or surveyor registered in Kentucky, showing the proposed location of the Small Cellular Pole and properly identifying all structures (e.g. buildings, utility poles, etc.) easements, right of ways, driveways, parking lots and other utilities (overhead and underground) within two hundred (200) feet of the proposed site (includes across the street). The plan shall also show all existing Small Cellular Poles or towers (cellular, electrical, water, etc.) that are located within 500 feet of the proposed new Small Cellular Pole location.

D. A vertical profile drawing showing dimensions, structure materials and color of the Small Cellular Pole signed and sealed by a professional engineer registered in Kentucky indicating the height of the pole and the placement of all antennas and equipment (including lighting). The applicant shall also identify all projected noise levels from the proposed equipment and its impact on adjacent properties.

E. Written approval from the property owner stating the applicant has permission to construct a Small Cellular Pole on their property. In the case of public right-of-way, the review and approval of a Small Cellular Pole site by the Planning Commission is contingent on the issuance of an encroachment permit by the governmental entity.

F. Photographs from the proposed pole location taken in four directions.

G. Photographs and distance measurements of the utility poles that are nearest to the proposed pole site.

Co-locations

A. A Uniform Application and fee are required to be submitted. In addition, the applicant and/or wireless provider shall provide a written coverage objective and accompanying propagation maps showing the existing and proposed coverage for the proposed Small Cellular Pole site and all adjacent sites. The required information shall demonstrate whether the proposed co-location is necessary to fill a gap of coverage.

B. A statement by an authorized representative that the applicant and/or provider holds all, local state and federal applicable approvals (including but not limited to franchises, permits and licenses) to operate the proposed Small Cellular Pole site.

C. A detailed site development plan, signed and sealed by a professional engineer or surveyor registered in Kentucky, showing the proposed location of the Small Cellular antennas and equipment on the co-location structure and property identifying all structures (e.g. buildings, utility poles, etc.) easements, right-of-ways, driveways, parking lots and other utilities (overhead and underground) within two hundred (200) feet of the proposed site (includes across the street).

D. A vertical profile drawing signed and sealed by a professional engineer registered in Kentucky indicating the height of the co-location structure and the proposed placement of all small cellular antennas and equipment (including lighting). The applicant shall also identify all projected noise levels from the proposed equipment and its impact on the adjacent properties.

E. Written approval from the property owner stating the applicant has permission to co-locate Small Cellular antennas and equipment on their property. In the case of the public right-of-way, the review and approval of a co-location by the Planning Commission is contingent on the issuance of an encroachment permit by the governmental entity.

F. Photographs of the from the proposed co-location site taken in four directions.

Processing of Application

The Planning Commission Staff shall review and take final action on an application for a new Small Cellular Pole within thirty (30) days of a completed application. This time period will not begin until the filing fee is
submitted and the application is deemed complete by Staff. The Staff shall approve, approve with conditions, or deny the application. If the Staff does not make a final decision within the required thirty (30) days, the application shall be deemed to be approved as submitted. An applicant may request a written extension of the 30 day time limit for up to 30 additional days. Any party aggrieved by the final action of the Planning Commission Staff shall follow the Uniform Application appeals process under the provisions of KRS 100.985 to 100.987 and may further bring an action for review in any court of competent jurisdiction.

Design Standards
Small Cellular Poles and co-locations shall be permitted in all zoning districts, on private property and in the public right of way provided they meet these applicable regulations and they do not interfere with other utilities, functionality of sidewalks, visibility or other matters of public safety. The installation of a Small Cellular Pole and/or antennas and equipment is subject to the following Design Standards identified below:

A. Small Cellular Poles shall not exceed thirty five (35) feet in height from grade. An antenna or similar type structure of six (6) feet or less in height can be installed on a pole and it does need to meet the 35 feet pole height requirement. Note - Small cell co-locations shall be limited to forty-one (41) feet in height. Co-locations more than 41 feet above grade shall be treated as a cellular antenna tower co-location.

B. The utilization of existing utility, traffic control, or other previously erected poles is encouraged where feasible possible.

C. New Small Cellular Poles shall utilize materials, colors and textures that are generally compatible with existing structures in the immediate area. This includes neighboring buildings, utility poles and traffic control poles located on both public and private property. Architectural grade or some type of decorative metal with a dark finish is recommended. Stealth design/technology is also encouraged. Final determination and options of the required pole design and materials used will be at the discretion of the Planning Commission by the designated Zoning Administrator in order to be in substantial compliance with these regulations.

D. New Small Cellular Poles shall maintain a minimum distance from the nearest residential structure equal to twice the height of the proposed pole.

E. Noise levels from any antennas or equipment shall not be discernable at the closest principal residential structure. If noise levels are objectionable, the applicant shall muffle the sound to meet the requirements or eliminate the fan generating the noise or remove the pole, antennas, and equipment upon written notification.

F. New Small Cellular Poles shall be designed and constructed to accommodate a minimum of two (2) service providers.

G. If a Small Cellular Pole is proposed to be located in an area where there are underground utilities or where no adjacent overhead utilities exist, the applicant shall pursue options other than a stand alone overhead utility pole.

H. A new Small Cellular Pole shall not be located within five hundred (500) feet of another existing Small Cellular Pole.

I. Priority shall be given to located new Small Cellular Poles in the public right-of-way according to the hierarchy of roads: interstate, arterial, collector, sub-collector, alley, and local.

J. Priority shall be given to Small Cellular Systems locating on existing utility poles in order to minimize the proliferation of poles and their impact on the community.

K. Small Cellular Poles shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets including locating poles as close as possible to property lines, lot corners and away from the center of the property frontage.

L. Any cable connecting antenna to the equipment box shall be flush mounted to the pole or co-location structure. In addition, the cable shall be fully contained in a metal or plastic conduit pipe that
complements the pole or co-location structure. All such conduit pipes shall be properly secured and maintained by the applicant or property owner.

M. No signage or advertising is permitted on a Small Cellular Pole or co-location site with the exception of public safety or emergency contact information.

N. No lights are permitted on a Small Cellular Pole or co-location site unless it's a dual purpose decorative light pole or required by a federal agency or local government. No flash or beacon lighting is permitted.

O. Every Small Cellular Pole and associated equipment must be removed at the cost of the owner/provider when it is no longer in use or when it has not been in operation for a continuous period of six (6) months. The Small Cellular Pole and associated equipment must be removed with 90 days after receiving notice from the Boone County Planning Commission or a legislative unit.

P. Any modification of an existing Small Cellular Pole or co-location site shall be required to be reviewed and approved by the Boone County Planning Commission Staff. Addresses for Small Cellular Poles and co-location sites shall be assigned by the Boone County Planning Commission.

Application Review Criteria
The review of each application shall be based upon the information submitted, the merits of the application, substantial compliance with these regulations and following criteria. The application shall be subject to administrative approval by the Staff of the Boone County Planning Commission:

A. Is the application consistent and in substantial compliance with the design standards for Small Cellular Poles as noted in these regulations?

B. Does the application minimize the adverse impacts on adjacent land uses and public safety?

C. Can the Small Cellular equipment be co-located onto an existing utility pole, structure, building, etc.? Has it been appropriately pursued by the applicant?

D. Does the proposed Small Cellular Pole conform with the visual character of the surrounding area (i.e., adjacent poles, primary structures etc.)?

Waiver of Standards or Requirements
When reviewing a Uniform Application for a Small Cellular Pole site, the Boone County Planning Commission can modify or waive any of the design standards or requirements in these regulations due to special circumstances, conditions or hardship. An applicant may file an application to waive such a requirement. The Planning Commission through its designee (Zoning Administrator) will review such application and the information provided by the applicant and make a final determination on the waiver request based substantial compliance with the applicable standards and requirements.

Section 3198
Standards Related to a Sexually Oriented Business

Purpose, Findings, and Rationale Related to Sexually Oriented Businesses

1. Purpose: It is a purpose of these Zoning Regulations to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Boone County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the county. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material.

2. Findings and Rationale: Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Boone County Fiscal Court and to the legislative bodies of Florence, Walton, and Union, and on findings, interpretations, and narrowing constructions incorporated in
(a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

(b) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

(c) Each of the foregoing negative secondary effects constitutes a harm which the Fiscal Court and the municipal legislative bodies have a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects is the rationale for these regulations. Additionally, the interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in Boone County. The Fiscal Court and the municipal legislative bodies find that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

The Boone County Fiscal Court and the legislative bodies of Florence, Walton, and Union hereby adopt and incorporate herein their stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

Standards Related to a Sexually Oriented Business

1. Separation of Uses and Distance - No sexually oriented business (as defined in Article 40) shall be located within 1,000 feet of any parcel of land or building used or occupied as a residence, government building or community facility, day care center, church, hospital, library, a business which serves alcoholic beverages and has a local/state liquor sales license, public and private parks, recreation center, interstate interchange (including the rights of way associated therewith), public or private school principally attended by students 18 years of age or younger, or a senior center. In addition, no Sexually Oriented Business (as defined in Article 40) shall be located within 1,000 feet of any other Sexually Oriented Business (as defined in Article 40) regardless of whether it is located in the unincorporated area or the City of Florence, City of Union or the City of Walton or in an adjacent city or county outside of Boone County.

2. Nonconformity - No legally established and permitted Sexually Oriented Business (as defined in Article 40) shall become nonconforming through the subsequent establishment of any of the above protected uses described in section 1; nor shall a Zoning Permit for such use be denied based on the filing of a Zoning Permit application for one of the above protected uses subsequent to the filing of a Sexually Oriented Business application.

3. Measurement Method - Because this section of the zoning regulations requires a dimensional separation of uses, measurements shall be made in accordance with the following provisions: First, measurement shall be made from the proposed Sexually Oriented Business structure to the property line of the protected uses stated in Section 1 above. Second, this measurement shall be made by the shortest distance (straight line) between the proposed Sexually Oriented Business structure to the property line of the buffered uses.

4. Zoning Permit/Tenant Finish Review and/or Site Plan Review - Where a Sexually Oriented Business as defined in Article 40 is required to submit an application for a Zoning Permit under Article 4 or for a Site Plan under Article 30, the application shall also include a drawing based upon an accurate scale demonstrating whether the Sexually Oriented Business complies with the separation standards set forth in subsection 1.

SECTION 3199
Design Standards for Business Districts
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)
The following design standards apply to all building improvements:

1) **Building Massing** - All new building construction shall be of similar scale and massing to the mode of the buildings on the street. Multi-tenant structures which have individual, separate exterior entrances for different tenant spaces are to be designed to reflect individual buildings. If necessary, the use of projecting or recessed sections to reduce bulk sizes shall be used to avoid a continuous building line over 100 feet. All buildings shall be designed to have a pedestrian focus through the use of awnings, canopies, storefront windows, oversized doorways, etc. This includes adequate spacing for pedestrian entrances and safety.

2) **Architectural Style and Detail** - New construction of buildings or building additions may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms, thus respecting building scale, proportion, character and materials. The use of special architectural elements such as but not limited to towers, turrets and corner cut-offs are to be used at major street corners to accent structures.

3) **Primary Entrances** - The primary entrance of a building shall be easily identifiable and face the primary street. Doors and entry ways shall follow traditional storefront design (a frame with differentiating infill material, usually recessed with an awning or overhang) and shall be compatible with the architectural style of the building.

4) **Windows** - The front elevation of commercial and office buildings shall provide a minimum of 60% and a maximum of 85% window transparency. The front building elevation and those facing a public road shall include windows.

5) **Roofs** - Roofs on primary and accessory buildings shall be pitched with overhanging eaves or be flat with articulated parapets and cornices. Roof materials shall be dimensional shingles or metal formed to resemble standing seams. If the roof is pitched, then the use of fascias, dormers and gables is encouraged to provide visual interest. Dormers should only be utilized for when they will provide windows for interior occupied space and not as non-functional adornment. Mansard and gambrel roofs are prohibited.

6) **Awnings** - Awnings may be constructed from heavy canvas, matte finish vinyl or fabric. A minimum 8' vertical clearance between the sidewalk and the lowest part of the awning shall be maintained. The color of the awning shall be an accent or complementary to the basic color of the building and shall not be illuminated. Sign copy on awnings is addressed in Article 34.

7) **Building Materials** - Exterior wall materials shall include stucco/EIFS, architectural grade CMU, stone, brick or precast concrete. Metal buildings are prohibited. It is recommended that no more than 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. Color schemes shall be comprehensive and directly relate to the architectural design. Exterior colors shall be paired with features such as differing building materials, openings, and/or three dimensional
changes in the facades.

10) **Loading Areas/Docks** - Loading areas/docks shall be incorporated into the overall design of the building so that the visual and acoustical impacts are contained. Screening should be accomplished by wing walls, which match the design and materials of the principal building or dense vegetation.

11) **Mechanical Equipment** - All mechanical equipment shall be screened, either with landscaping or a parapet wall designed to be compatible with the existing or proposed building material. This includes roof top and ground-mounted mechanical equipment.

12) **Building Signage** - Building signage shall be incorporated into the architectural design and the selection of building materials. Internally lit box cabinet sign, board signs, and signs or graphics painted directly on the exterior building walls are prohibited and individual channel letters are acceptable signs.

**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.
SECTION 3200

Intent
To promote effective multi-modal transportation including safe and reasonable access between public roadways and adjacent land, transit service, bicycle, and pedestrian travel. These regulations aim to improve the convenience and ease of movement of travelers on public roads and provide for the reasonable speeds and economy of travel while maintaining the capacity of the roadway. The location and design of transportation facilities shall be in accordance with the following regulations. These regulations shall apply to all existing, planned, or proposed transportation facilities within unincorporated Boone County and the cities of Florence, Union, and Walton. These regulations shall also provide the basis for further detailing of acceptable street access for specific areas within the County, through special corridor/district studies conducted by the Planning Commission.

SECTION 3205

Provision For Bicycle Facilities
The Boone County Planning Commission and Kentucky Transportation Cabinet may provide for or require bike lanes, routes, or paths. Bicycle facilities are currently planned for Boone County in the current Boone County Transportation Plan, adopted Boone County and Florence pedestrian/bike path plans, the OKI Regional Bicycle Plan, and specific corridor plans.

All bicycle facilities must be accompanied by appropriate pavement markings and signage and designed according to the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities. These multimodal facilities must be incorporated into the design of circulation patterns of sites and in the location of access points. Such facilities shall be considered in the design of public streets by both developers and the applicable public works agency and reviewed in accordance with local and regional bicycle plans.

SECTION 3208

Provision For Pedestrian Network
Sidewalk connections to adjacent developments and/or public rights-of-way shall be provided along public roads. New developments or re-development of existing sites shall provide sidewalks along public roads. Where adequate right-of-way does not exist, right-of-way or public sidewalk easements shall be granted. Provisions shall be consistent with local pedestrian and multi-use trail plans.

The width of the sidewalks shall be in conformance with the requirements of the Boone County Subdivision Regulations. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed.

SECTION 3210

Functional Roadway Classification
Roadways in Boone County are grouped into categories based upon their function or use to insure that each roadway can operate at an acceptable level-of-service. Figure 2-4 of the 2006 Boone County Transportation Plan.
Plan refers to existing functional classifications for analysis purposes, however, the lists in this Article 32 take into account the future needs of each roadway based on projected growth and other impacts described in the Transportation Plan, as well as the Boone Comprehensive Plan. The lists in this article are anticipated to grow in the future, especially with the future construction of Controlled Access Collectors that are conceptually described in the Transportation Plan. For developments specifically fronting on the affected portion of Dixie Highway (U.S. 25), the recommendations of the Dixie Fix Study should be followed. The classifications of roadways in Boone County are as follows:

**Freeway** - A multi-lane divided highway having a minimum of two lanes in each direction for exclusive use of through traffic. Access is fully controlled, with full grade separation at interchanges.

*Freeway Roadways:*
- I-71
- I-75
- I-275

**Expressway** - A divided arterial highway that serves through-traffic. Access is partially controlled, with full or partial grade separations at major intersections.

*Expressway Roadways:*
- KY 212 (Airport Access Road)

**Arterial** - High volume roadways that serve primarily through-traffic at relatively high speeds. The provision of direct access to abutting land is subordinate to providing service to through traffic as facilitated through the following conditions:

1. Direct private access to arterial roadways shall be permitted only when the property in question has no other reasonable access to the public roadway network;
2. The design and location of allowable private access points must comply with all applicable sections of this regulation;
3. Direct private access points to arterial roadways may be designated as "Temporary" and all requirements of Section 3234 shall apply.

*Arterial Roadways:*
- US 25 (Dixie Highway)
- US 42 (Highway 42)
- KY 8 (River Road)
- KY 14 (Verona-Mudlick Road)
- KY 14/16 (Mary Grubbs Highway, Walton-Verona Road, Glencoe-Verona Road)
- KY 16 (Walton-Nicholson Road)
- KY 18 (Burlington Pike, McVille Road)
- KY 20 (Petersburg Road, Bellevue Road)
- KY 236 (Donaldson Highway)
- KY 237 (North Bend Road, Pleasant Valley Road, Camp Ernst Road)
- KY 338 (East Bend Road, Beaver Road, Richwood Road)
- KY 491 (Lebanon-Crittendon Road)
- KY 536 (Mt. Zion Road, Hathaway Road, Rabbit Hash Road)
- KY 842 (Houston Road, Hopeful Church Road, Weaver Road)
- KY 1017 (Turfway Road from US 25 to Aero Parkway, Aero Parkway)
- KY 1018 (Houston Road, Hopeful Church Road, Weaver Road, Richardson Road)
- KY 1292 (Beaver Road)
- KY 1829 Industrial Road
- KY 3608 Idlewild Bypass
- Aero Parkway
- Mall Road
**Collector** - Streets having the dual function of providing land access and traffic circulation service within residential, commercial, and industrial areas. Collector streets provide the connecting link between local streets and the arterial network.

**Collector Roadways:**

<table>
<thead>
<tr>
<th>Collector Roadway</th>
<th>KY Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beemon Lane</td>
<td>717</td>
<td>(Thoroughbred, Oakbrook Road)</td>
</tr>
<tr>
<td>Big Bone Church Rd.</td>
<td>1017</td>
<td>(Turfway Road, Old Lexington Pike)</td>
</tr>
<tr>
<td>Boat Dock Road</td>
<td>1925</td>
<td>(Big Bone Road, Point Pleasant Road)</td>
</tr>
<tr>
<td>Brown Road</td>
<td>2846</td>
<td>(Tanner Road, Rice Pike)</td>
</tr>
<tr>
<td>Bullittsville Road</td>
<td>1017</td>
<td>(Turfway Road, Orleans Boulevard)</td>
</tr>
<tr>
<td>Camp Ernst Road</td>
<td>3052</td>
<td>(Frogtown Road, Southpark Drive)</td>
</tr>
<tr>
<td>Cayton Road</td>
<td>3076</td>
<td>(Mineola Pike, Dolwick Boulevard)</td>
</tr>
<tr>
<td>Coachtrail Drive</td>
<td>3159</td>
<td>(Mineola Pike, Thornwilde Drive)</td>
</tr>
<tr>
<td>Conner Road</td>
<td>2847</td>
<td>(Empire Road, Richwood Road (east of US 25))</td>
</tr>
<tr>
<td>Conrad Lane</td>
<td>2852</td>
<td>(Riddles Run Road, Rogers Lane)</td>
</tr>
<tr>
<td>Cougar Path</td>
<td>2951</td>
<td>(Chambers Road, Salem Creek Road)</td>
</tr>
<tr>
<td>Courtney Road</td>
<td>3502</td>
<td>(Frogtown Road, Springfield Road)</td>
</tr>
<tr>
<td>Eads Road</td>
<td>3076</td>
<td>(Mineola Pike, Dolwick Drive)</td>
</tr>
<tr>
<td>Elijah Creek Road Drive</td>
<td>3159</td>
<td>(Ted Bushelman Boulevard, Triple Crown Boulevard)</td>
</tr>
<tr>
<td>Ewing Boulevard</td>
<td>3503</td>
<td>(Sam Neace Drive, Weller Road)</td>
</tr>
<tr>
<td>Frogtown Connector Road Boulevard</td>
<td>3503</td>
<td>(Houston Road to Aero Parkway, Violet Road)</td>
</tr>
<tr>
<td>Garrard Street</td>
<td>3503</td>
<td>(Parkway, Wetherington Boulevard)</td>
</tr>
<tr>
<td>Graves Road</td>
<td>3052</td>
<td>(Sam Neace Drive, Williams Road)</td>
</tr>
<tr>
<td>Grand National Boulevard</td>
<td>3503</td>
<td>(Litton Lane, Woodspoint Drive)</td>
</tr>
<tr>
<td>Hanover Boulevard</td>
<td>3503</td>
<td>(Litton Lane, Worldwide Boulevard)</td>
</tr>
<tr>
<td>Hicks Pike</td>
<td>3503</td>
<td>(Longbranch Road, Williams Road)</td>
</tr>
<tr>
<td>High Street Connector) KY 8</td>
<td>3503</td>
<td>(Maher Road, Woodspoint Drive)</td>
</tr>
<tr>
<td>KY 237 (Gunpowder Road)</td>
<td>3503</td>
<td>(Main Street (Florence), Woolper Road)</td>
</tr>
<tr>
<td>KY 338 (Idlewild Road)</td>
<td>3503</td>
<td>(North Pointe Boulevard, Worldwide Boulevard)</td>
</tr>
</tbody>
</table>

**Sub-Collector and Local** - Streets that provide the greatest degree of access to abutting property. A sub-collector, while serving access to adjacent parcels, must facilitate traffic movement within a development. Service of through traffic on local streets is clearly subordinate and even discouraged by low posted speeds, street design, and signing or signalization which causes frequent stops.

**SECTION 3213**

**Reclassification of Roadways and Assignment of New Roadways.**

The access classification of an existing or proposed roadway, through action of the Planning Commission, may be reviewed based upon a consideration of existing and projected traffic volumes, newly adopted transportation plans, changes in the existing and/or proposed character of lands adjoining the roadway, amended land use plans and zoning (including Special District/Corridor Studies) and the availability of reasonable access to affected lands. If through its review, the Planning Commission finds reasonable cause it may recommend to the appropriate legislative unit(s) a modification, change, or assignment of a new access classification to an existing or proposed roadway within Boone County.

The Planning Commission may also recommend to the appropriate legislative body a change in the access classification of a roadway as part of a request for a zoning map amendment, when determined that the requested zone change, if approved, would significantly change the transportation function of the roadway.
SECTION 3215
Minimum Spacing of Driveways
In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must be separated by the minimum distance shown in Table 32.1. These minimum spacing requirements may be adjusted slightly to better accommodate minimum sight distance requirements if determined by the Zoning Administrator that such adjustment is necessary to preserve the intent of these regulations.

| TABLE 32.1 |
| Minimum Spacing of Adjacent Driveways |
| Collector Roadways: Arterial Roadways |
| < 40 M.P.H. = 185’ = 275’ |
| ≥ 40 M.P.H. = 230’ |

SECTION 3216
Minimum Corner Clearance of Driveways from Intersecting Streets
The locations of driveways adjacent to intersecting streets shall conform to the minimum corner clearances provided in Table 32.2.

| TABLE 32.2 |
| Minimum Corner Clearances of Driveways from Intersecting Streets |

SIGNALIZED INTERSECTION:
<table>
<thead>
<tr>
<th>Item</th>
<th>Arterial</th>
<th>Collector</th>
<th>Commercial or Industrial Sub-Collector, Controlled Access Collectors</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>230’</td>
<td>175’</td>
<td>125’</td>
</tr>
<tr>
<td>B</td>
<td>115’</td>
<td>85’</td>
<td>100’</td>
</tr>
<tr>
<td>C</td>
<td>230’</td>
<td>175’</td>
<td>125’</td>
</tr>
<tr>
<td>D</td>
<td>230’</td>
<td>175’</td>
<td>125’</td>
</tr>
<tr>
<td>E</td>
<td>75’</td>
<td>0’</td>
<td>0’</td>
</tr>
</tbody>
</table>

NON-SIGNALIZED INTERSECTION:
<table>
<thead>
<tr>
<th>Item</th>
<th>Arterial</th>
<th>Collector</th>
<th>Commercial or Industrial Sub-Collector, Controlled Access Collectors</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>115’</td>
<td>75’</td>
<td>75’</td>
</tr>
<tr>
<td>B</td>
<td>115’</td>
<td>85’</td>
<td>85’</td>
</tr>
<tr>
<td>C</td>
<td>85’</td>
<td>85’</td>
<td>85’</td>
</tr>
<tr>
<td>D</td>
<td>115’</td>
<td>75’</td>
<td>75’</td>
</tr>
<tr>
<td>E</td>
<td>75’</td>
<td>0’</td>
<td>0’</td>
</tr>
</tbody>
</table>
SECTION 3217
Minimum Sight Distances
All minimum sight distances at intersections shall meet the specifications of Chapter 902 of the current Kentucky Transportation Cabinet Highway Design Manual.

SECTION 3220
Provisions for Maintaining the Level of Service of the Roadway
The Planning Commission may require that all traffic requiring access to and from a development shall operate in such a manner as to not adversely affect the level of service of the roadway. Provisions for the present or future construction of a frontage road, restriction or channelization of turning movements, or other improvements may be required, as a condition of approval, in order to maintain the level of service of any adjacent roadway.

SECTION 3221
Number and Location of Access Points
An encroachment permit shall be obtained from the appropriate legislative unit for whichever road is to be accessed. Each existing tract of land is entitled to one access point provided that its location and design fulfill, as a minimum, the requirements of these regulations including the following:

1. Where an undeveloped parcel adjoins another undeveloped parcel on collector or arterial roadways, access points shall be located along common property lines of such parcels, providing the potential access meets other applicable portions of these regulations. When the second undeveloped parcel is developed, it shall utilize the common access. Where access is provided along common property lines, an easement granting common access shall be provided. In addition, such access easements shall be of sufficient depth to provide adequate stacking distance for vehicles entering the access point from a public street, and shall also provide for dedication of right-of-way if the access should ever be developed into a public street.

2. A proposed development is permitted one access point for each 500 feet of site frontage, however, a single family dwelling in a residential or agricultural zone may be granted one additional access point on a local or subcollector street where the lot frontage is at least 100 feet. All access points must be in compliance with all applicable sections of these regulations.

3. If a property has frontage on more than one street, access will be permitted only on those street frontages where standards contained in this ordinance and all other regulations can be met.

4. If a property cannot be served by any access point meeting these standards, the Planning Commission will designate one or more access point(s) based on traffic safety, operational needs and conformance to as much of the requirements of these regulations as possible.

SECTION 3222
Coordination of Access Points
Access points on opposite sides of the arterial, collector, and subcollector roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Planning Commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the Planning Commission may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties if the uses are similar or compatible and such connection is physically possible.
SECTION 3223
Change in Property Use
Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or reauthorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study in accordance with Section 3240 of this order.

SECTION 3224
Existing Access
Existing access points, even if not in use, may not be relocated, altered, or developed without approval of the Planning Commission.

SECTION 3225
Temporary Access Points
Any access point that does not comply with one or more sections of this regulation may be designated as "Temporary" upon approval by the Planning Commission. Any access point so designated may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Planning Commission at such time as the particular use served by an access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, an intersecting street, or a shared common driveway. In all cases where said access points are classified as "temporary", such designation shall be duly noted on the plan submitted for approval and also recorded as a Certificate of Land Use Restriction at the Boone County Clerk’s office with the expiration date noted. An encroachment permit shall be obtained from the appropriate legislative unit for whichever road is to be accessed.

SECTION 3226
Restriction of Turning Movements
Where necessary for the safe and efficient movement of traffic, the Planning Commission may require access points to provide for only limited turning movements (see Figure 32.2). Access points with restricted turning movements must still meet requirements for number and location of access points as specified in these regulations.

FIGURE 32.2
Right Turn In/Out Access Design
SECTION 3227  
Construction Access Points
Construction access may be granted to undeveloped property prior to development of a site plan if access is needed for construction or preliminary site access. Construction accesses are subject to removal, relocation, or redesign after final site plan approval.

SECTION 3230  
Driveway Design
Design of driveway width, angle, grade, curb radii shall comply to the provisions of this section. Table 32.5 presents the required dimensions for driveway design based on rural or urban conditions. These dimensions should be adjusted upward as necessary to accommodate design vehicles. If center channelizing islands are used in a 2-way driveway, clearance widths of 1.5 to 2 feet should be added on both sides of the center island.

### TABLE 32.5  
Recommended Basic Driveway Dimension Guidelines

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Reference</th>
<th>Urban</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width¹</td>
<td>Minimum</td>
<td>W</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Maximum</td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>Right-turn Radius²</td>
<td>Minimum</td>
<td>R</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Maximum</td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>Angle³</td>
<td></td>
<td>A</td>
<td>45</td>
</tr>
</tbody>
</table>

1. The minimum width of commercial driveways is intended to apply to one-way operation. In high pedestrian areas, the maximum basic width should be 30 feet.
2. On the side of a driveway exposed to entry or exit by right-turning vehicles. In high pedestrian areas, the radii should be half the values shown. The maximum radii for major generator driveways can be higher than the values shown.
3. Minimum acute angle measured from edge of pavement, and generally based on one-way operation. For two-way driveways, and in high pedestrian areas, the minimum angle should be 70 degrees.

FIGURE 32.3  
Recommended Basic Driveway Dimension Guidelines
In high traffic areas the grade of a driveway should reflect the design illustrated in Figure 32.4. Existing curbing should be completely removed to insure a safe and efficient access to the development. Where drainage of water flowing onto a roadway is anticipated, a trench drain shall be installed as part of the driveway. Figure 32.5 indicates recommended driveway grades. The value of G1 is limited by shoulder slopes and the presence of a sidewalk. In general G1 should not exceed 8% and the change in grade between the driveway grade and street cross-slope should not exceed 10%. Driveway grades, G2 should not exceed 15% for residential driveways and 8% for commercial or industrial driveways. A level “landing” area should be provided at the approach to the roadway. However, the effect of a vertical curve on sight distances should also be considered. Concrete sidewalk sections are to be provided through curbcuts where existing sidewalks exist or are required.

**FIGURE 32.5**

**Driveway Grade**

<table>
<thead>
<tr>
<th>Suggested Max. Grade Change (D)</th>
<th>Desirable</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Volume</td>
<td>0%</td>
<td>+/- 3%</td>
</tr>
<tr>
<td>Low Volume on Major or Collector Streets</td>
<td>+/- 3%</td>
<td>+/- 6%</td>
</tr>
<tr>
<td>Low Volume on Local Streets</td>
<td>+/- 6%</td>
<td>Controlled by vehicle clearance(+/- 15%)</td>
</tr>
</tbody>
</table>

**SECTION 3232**

**Vehicle Storage/Circulation**

No access will be approved for parking or loading areas that require backing maneuvers in a public street right-of-way except for single-family, duplex or townhouse residential uses on local streets. Any parking facility must have full internal vehicular circulation and storage. Vehicular circulation must be located completely within the
property. In addition, each portion of the development must have access to all other portions without using the adjacent street system. Where a proposed development includes a truck loading operation, adequate space must be provided such that all truck maneuvering is performed off street.

Adequate stacking capacity must be provided for both inbound and outbound vehicles to facilitate safe movement. Inbound vehicle storage areas must be of sufficient size to ensure that vehicles will not obstruct the adjacent street, sidewalk, or circulation within the development. Outbound vehicle storage areas must be provided to eliminate backup and delay of vehicles within the development.

SECTION 3233
Spacing Restrictions for Signalized Access Points
Access points shall be designed such that those which will warrant signalization shall be spaced a minimum distance of one quarter mile apart. The location and design of the signalized access points shall be determined by a traffic engineering study prepared by the developer and subject to the approval of the Planning Commission, as detailed in Section 3240. If the installation of a traffic signal is approved, the developer may be responsible for the cost of purchasing, installing, operating, and maintaining the signal equipment.

SECTION 3235
Provision of Exclusive Turning Lanes and Deceleration Lanes
At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration lanes as necessary to maintain the capacity of the roadway. If the roadway in question has bike lanes, the developer shall also include adequate right-of-way for the bike lane and continue the bike lane through the access point. Acceleration lanes should be discouraged except for freeway applications.

SECTION 3236
Provision of Frontage Roads
The Planning Commission may require the use of frontage roads, backage roads, or driveway connections to provide access to property adjacent to arterial and collector roadways. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction of such road.

As adjacent property develops, the landowner/developer shall be required to interconnect the individual portions of frontage roads as appropriate. Access to the roadway via an intersecting street or a common driveway may be required if the use of a frontage road is not feasible, as may the interconnecting of parking lots.

SECTION 3237
Approval of Access Points
A copy of the plans for all access points to be constructed along a state-maintained or controlled route shall be submitted to the Kentucky Transportation Cabinet for review and approval at the same time as plans are submitted to the Planning Commission. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the local and state agencies. Proposed access points along local public roadways must also be approved by the respective legislative unit.
SECTION 3238
Approval of Access Points
All access to roadways for development purposes require Site Plan or Preliminary Plat and Improvement Plan (if applicable) approval from the Planning Commission. Access to collector and arterial roadways will only be permitted if no other reasonable access is possible.

The Planning Commission (or Zoning Administrator where appropriate) will review development plans for compliance with these regulations at the earliest practical stage of plan review. These regulations shall be reviewed at the following stages unless otherwise designated by the Planning Commission or Zoning Administrator:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Review Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivisions</td>
<td>Preliminary Plat Review, and if applicable, Improvement Plan</td>
</tr>
<tr>
<td>Planned Developments, Employment Planned Developments</td>
<td>Subdivision or Site Plan Review</td>
</tr>
<tr>
<td>Principally Permitted and Conditional uses in Commercial, Employment, Public Facilities, and Recreation Zones</td>
<td>Site Plan Review</td>
</tr>
<tr>
<td>Conveyance Plats and Single Family</td>
<td>Zoning Permit Review with building permit</td>
</tr>
</tbody>
</table>

SECTION 3239
Waiver of Requirements
The Planning Commission through the official Zoning Administrator for the subject jurisdiction, may reasonably waive or modify, with conditions, the requirements of these regulations, if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations. The Zoning Administrator can require a detailed traffic study from the applicant in order to make a determination.

SECTION 3240
Traffic Studies
Traffic studies may be required by the Planning Commission in order to adequately assess the impact of a development proposal on the existing and/or planned street system. The primary responsibility for assessing the traffic impacts associated with a proposed development will rest with the developer, while the Planning Commission serves in a review capacity.

The traffic study will be the responsibility of the applicant and must be prepared by a professional individual or firm with adequate experience in Transportation Engineering and Planning. Upon submission of a draft traffic study, the Planning Commission will review the study data sources, methods, and findings. Comments will be provided in a written form. The applicant/developer will then have an opportunity to incorporate necessary revisions prior to submitting a final report. All studies must be approved by the Planning Commission before acceptance.

The applicant should be notified at the pre-application stage whether a traffic study will be required, provided adequate information is available to the Planning Commission. If the proposed development appears to generate significant impact on the infrastructure, the applicant will be informed that a traffic study is required.
Transportation consultants are required to discuss projects with the Planning Commission prior to starting the study. Topics for possible discussion at such meetings will include trip generation, directional distribution of traffic, trip assignment, definition of the study area, intersections requiring critical lane analysis, methods for projecting build-out volume, and needs analysis of pedestrian/bicycle facilities. Specific requirements will vary dependent upon the specific site location being reviewed. No traffic study will be accepted unless the traffic study requirements of this regulation are met, and the applicant has a pre-application meeting with the Planning Commission.

Traffic Study Format
In order to provide consistency and to facilitate Staff review of traffic studies, the following format shall be followed in the preparation of such studies by transportation consultants. The analysis shall be presented in a logical sequence with footnotes where appropriate. A detailed description of what should be incorporated into a study is detailed in Traffic Access and Impact Studies for Site Development, published by the Institute of Transportation Engineers. The following outline, taken from that document indicates the information that shall be included in a transportation study:

**TABLE 32.6**
Sample Table of Contents-Site Traffic Access/Impact Study Report

I. Introduction and Summary
   A. Purpose of Report and Study Objectives
   B. Executive Summary
      1. Site location and study area
      2. Development description
      3. Principal findings
      4. Conclusions
      5. Recommendations
   C. Qualifications and experience of firm or individual(s) who prepared the study.

II. Proposed Development (Site and Nearby)
   A. Off-site development
   B. Description of on-site development
      1. Land use and intensity
      2. Location
      3. Site plan
      4. Zoning
      5. Phasing and timing

III. Area Conditions
   A. Study Area
      1. Area of influence
      2. Area of significant traffic impact (may also be part of Chapter IV)
   B. Study Area Land Use
      1. Existing land uses
      2. Existing zoning
      3. Anticipated future development
   C. Site Accessibility
      1. Area roadway system (a. Existing; b. Future)
      2. Traffic volumes and conditions
      3. Transit service and Pedestrian/Bicycle facilities
      4. Existing relevant transportation system management programs
      5. Other as applicable

IV. Projected Traffic
   A. Site Traffic (each horizon year)
      1. Trip generation (24 hour, AM peak hour and PM peak hour)
2. Trip distribution
3. Modal split
4. Trip assignment

B. Through Traffic (each horizon year)
   1. Method of projections
   2. Trip generation (24 hour, AM peak hour and PM peak hour)
   3. Trip distribution
   4. Modal split
   5. Trip Assignment

C. Total Traffic (each horizon year)

V. Traffic Analysis
   A. Site Access
   B. Capacity and Level of Service (including AM and PM peak hour LOS changes)
   C. Critical Lane Analysis
   D. Traffic Safety
   E. Traffic Signals
   F. Vehicle/Bicycle/Pedestrian Circulation and Parking

VI. Improvement Analysis
   A. Improvements to accommodate base traffic
   B. Additional improvements to accommodate site traffic
   C. Alternative improvements
   D. Status of improvements already funded, programmed, or planned
   E. Evaluation

VII. Findings
   A. Site accessibility
   B. Traffic impacts
   C. Need for any improvements
   D. Compliance with applicable local codes

VIII. Recommendations
   A. Site access/circulation plan
   B. Roadway improvements
      1. on-site
      2. off-site
      3. phasing, if appropriate
   C. Transportation System Management Actions
      1. off-site
      2. on-site operational
      3. on-site
   D. Other

IX. Conclusions

The executive summary should be a one or two-page synopsis that concisely summarizes the study purpose, conclusions, and recommendations. Throughout the study, assumptions must be detailed and described. The study should also specify which transportation improvements will be the responsibility of the developer to complete.
ARTICLE 33

OFF-STREET PARKING AND LOADING FACILITIES

SECTION 3300
General Requirements
1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this order;

2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where there is a change of use, there shall be provided as many of such spaces as may be required by this order;

3. Whenever a building or structure constructed after the effective date of this order is changed or enlarges in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this order is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

SECTION 3310
Parking Space Dimensions
Parking spaces must be designed using the angles, layout and dimensions in Table 33.1.

SECTION 3311
Loading Space Requirement and Dimensions
A loading space shall have minimum dimensions of not less than ten (10) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every building designed to house uses which require delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof designed for such uses. The Zoning Administrator shall have the power to reduce the number of required loading spaces based on the special circumstances of a particular use or site and to place appropriate conditions on such an exemption.
TABLE 33.1
Parking Area Dimensions

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>8</td>
<td>23</td>
<td>8</td>
<td>23</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td>30°</td>
<td>9</td>
<td>18</td>
<td>17</td>
<td>18</td>
<td>20</td>
<td>15</td>
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<tr>
<td>45°</td>
<td>9</td>
<td>18</td>
<td>19</td>
<td>12.67</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>60°</td>
<td>9</td>
<td>18</td>
<td>20.17</td>
<td>10.33</td>
<td>24</td>
<td>20</td>
</tr>
<tr>
<td>75°</td>
<td>9</td>
<td>18</td>
<td>19.67</td>
<td>9.33</td>
<td>24</td>
<td>20</td>
</tr>
<tr>
<td>90°</td>
<td>9</td>
<td>18</td>
<td>18</td>
<td>9</td>
<td>24</td>
<td>20</td>
</tr>
</tbody>
</table>

Dimensions in feet

Stall width (B) may be reduced by one foot for low turnover uses, excluding parallel parking.

Stall length (C) may be reduced by 2.5 feet when a clear overhang of 2.5 feet is provided.

Interior parking radii shall be a minimum 5 feet.

A - angle of parking
B - stall width
C - stall length
D - stall depth
E - curb length
F - two-way drive width or double loaded drive width
G - one-way drive width or single loaded drive width

SECTION 3312
Striping and Signage
All parking areas shall be striped to facilitate the movement into and out of the parking stalls. This includes the delineation of access isles and permitted turning movements. The entrances and exits to the parking area shall be clearly marked. All signage and stripping will be adequately maintained to insure safe and efficient movement of vehicles (See Figure 33.2).
SECTION 3312
Parking and Passenger Loading Zones for the Disabled

1. All accessible parking for the disabled shall conform to the applicable requirements in the 2013 Kentucky Building Code. Detailed building code requirements that pertain to handicapped parking and accessibility are administered by Boone County Building Department.

In any commercial or employment district, or wherever any townhouse of multi-family housing is provided, parking spaces for disabled people shall be provided as indicated on the following table:

<table>
<thead>
<tr>
<th>Parking Spaces for the Disabled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
</tr>
<tr>
<td>26 to 50</td>
</tr>
<tr>
<td>51 to 75</td>
</tr>
<tr>
<td>76 to 100</td>
</tr>
<tr>
<td>101 to 150</td>
</tr>
<tr>
<td>151 to 200</td>
</tr>
<tr>
<td>201 to 300</td>
</tr>
<tr>
<td>301 to 400</td>
</tr>
<tr>
<td>401 to 500</td>
</tr>
<tr>
<td>501 to 1,000</td>
</tr>
<tr>
<td>1,001 and over</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

33.3
1. Exceptions

A. This chart does not apply to parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an accessible passenger loading zone.

B. Groups R-2 and R-3 - At least 2%, but not less than one, of each type of parking space provided for occupancies in Group R-2 and R-3, which are required Accessible, Type A or Type B dwelling or sleeping units, shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

C. Hospital outpatient facilities - At least 10%, but not less than one, of care recipient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible.

D. Rehabilitation facilities and outpatient physical therapy facilities - At least 20%, but not less than one, of the portion of care recipient and visitor parking spaces serving rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.

2. Van spaces - For every six (6) or fraction of six (6) accessible parking spaces, at least one (1) shall be a van-accessible parking space. Van-accessible parking spaces shall be a minimum of eleven (11) feet in width and shall have an access aisle that is a minimum of five (5) feet in width. Access aisles shall extend the full length of the parking spaces they serve and shall be marked to discourage parking in them.

Exception - Van parking spaces shall be permitted to be a minimum of eight (8) feet in width where the adjacent access aisle is a minimum of eight (8) feet in width.

3. Car spaces - Car parking spaces shall be a minimum of eight (8) feet in width and a shall have an access aisle that is a minimum of five (5) feet in width. Access aisles shall extend the full length of the parking spaces they serve and shall be marked to discourage parking in them.

4. Location - Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

![Figure 33.3](image)

*FIGURE 33.3*  
Handicapped Parking

TYPICAL PARKING STALL  
VAN ACCESSIBLE HC STALL  
CAR HC STALL

33.4
5. Accessible routes within the site shall be provided from public transportation sites, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.

Exception - Other than in buildings or facilities containing or serving Type B units, an accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing for pedestrian access.

6. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.

Exception - An accessible route is not required between accessible buildings, accessible facilities, accessible elements and accessible spaces that have, as the only means of access between them, a vehicular way not providing for pedestrian access.

7. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with Section 703.6.3.1 of ICC/ANSI A117.1-2003. Signs identifying van parking spaces shall contain the designation “van accessible”. Such signs shall be 60 inches minimum above the floor of the parking space, measured to the bottom of the sign.

8. Passenger loading zones are typically required at institutional facilities such as assisted living facilities, hospitals and nursing homes. Passenger loading zones, when voluntarily provided, should also comply with these provisions:

   A. Passenger loading zones shall provide a vehicular pull-up space 8 feet minimum in width and 20 feet minimum in length. The space does not have to be marked because vehicles will only temporarily stop to load and unload passengers.

   B. Passenger loading zones shall have an adjacent access aisle. The access aisle shall adjoin an accessible route. Access aisles serving vehicle pull-up spaces shall be 5 feet minimum in width. Access aisle shall be marked to discourage parking in them.

FIGURE 33.4
Handicapped Parking Signage

FIGURE 33.5

33.5
SECTION 3314
Paving
All parking and loading spaces set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust-free surface. Interlocking, concrete pavers that permit grass to grow through openings are an acceptable substitute for asphalt concrete or portland cement concrete for parking spaces and driveways that serve 50 or less parking spaces provided that at least 50 percent of the paver surface is exposed as the driving surface. Driveways and parking areas serving one single-family residence on a lot of one acre or more in size shall be exempt from this requirement, except in the City of Florence; however, an asphalt concrete or portland cement concrete apron, of a minimum of 19 feet in length for the width of the driveway, shall be provided from the edge of the paved portion of the street upon which the driveway is encroaching. Paved surfaces in vehicular areas shall be kept free from deterioration and maintained in a solid, integral pavement condition. For residential uses within residential zones, no portion of a front yard or corner side yard may be paved or otherwise covered with an impervious surface except for driveways, defined parking areas, sidewalks, and stoops and patios adjoining a building entrance. Exceptions to these requirements shall be determined by the Zoning Administrator upon written request of an applicant. *(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)* Provided that, for residential uses within residential zones, no more than 45% of a front yard or corner side yard may be paved or otherwise covered with an impervious surface.

SECTION 3315
Drainage
All parking and loading areas shall provide for proper and approved drainage of surface water (See Articles 30 and 31).

SECTION 3316
Lighting
Any parking area intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. During the Plan Review Process, the Zoning Administrator has the authority to require plans specifying foot candle minimums and illumination patterns when lighting is an integral part of a developments use (See Figure 33.5 and 33.6). Any lights used to illuminate any out-of-doors area shall be arranged to minimize direct illumination, reflection, or glare on any adjoining property or on any public street (See Article 31). Measurable light shall be less than one (1) footcandle at all property lines. Exterior fixtures mounted on freestanding masts shall be downlit, and the light from exterior floodlights and wall packs mounted on buildings and similar structures shall be directed at 45 degrees or more below horizontal.
FIGURE 33.6
Proper Lighting Requirements

<table>
<thead>
<tr>
<th>General Application</th>
<th>Average Footcandles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Exterior-Site Areas Adjacent to</td>
<td></td>
</tr>
<tr>
<td>Active entrances-pedestrian or vehicle</td>
<td>5.0</td>
</tr>
<tr>
<td>Inactive entrances-normally locked</td>
<td>1.0</td>
</tr>
<tr>
<td>Vital locations or structures (security)</td>
<td>5.0</td>
</tr>
<tr>
<td>Building Surroundings</td>
<td>1.0</td>
</tr>
<tr>
<td>Parking Areas</td>
<td></td>
</tr>
<tr>
<td>High Activity</td>
<td>3.6</td>
</tr>
<tr>
<td>Medium Activity</td>
<td>2.4</td>
</tr>
<tr>
<td>Low Activity</td>
<td>0.8</td>
</tr>
<tr>
<td>Roadways-Non Dedicated and Private</td>
<td></td>
</tr>
<tr>
<td>High Activity</td>
<td>2.0</td>
</tr>
<tr>
<td>Medium Activity</td>
<td>1.0</td>
</tr>
<tr>
<td>Low Activity</td>
<td>0.5</td>
</tr>
</tbody>
</table>

SECTION 3317
Location of Parking Spaces
The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached or semi-detached residential uses shall be located on the same lot as the use which they are intended to service;

2. Off premises parking spaces for recreation, commercial, employment, or infrastructure uses shall be located not more than seven hundred (700) feet from the principal use;

3. Parking spaces for attached residential uses shall be located not more than five hundred (500) feet from the principal use. Off-street parking spaces for any residential use may not be in any public or street right-of-way.

SECTION 3320
Joint Use
Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap. The use joint parking in lieu of required parking will require a written agreement between property owner and a parking study to be approved by the Zoning Administrator.

SECTION 3321
Wheel Blocks
Curbs, wheel blocks or other suitable devices must be provided to prevent vehicles from extending beyond a property line, pedestrian walk-way, or drainage area. A minimum of 2.5 feet should be provided for overhang of a vehicle. When a sidewalk is used as the wheel stop and overhang for a parking stall, the width of the sidewalk shall be no less than 6 feet (See Figure 33.7; also refer to Section 3327).
SECTION 3322
Access
Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Any parking area, except for single-family residential, duplexes and townhouses shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street. Where possible and appropriate, inter-connecting parking lots shall be provided for the purpose of reducing the number of local trips onto public streets.

SECTION 3323
Internal Driveways
Interior vehicular circulation by way of access roads shall maintain the following minimum standards. No parking is to be allowed along internal driveways. For one-way traffic, the minimum width shall be fourteen (14) feet; for two-way traffic the minimum width shall be twenty (20) feet. Internal driveways must be clearly divided from parking areas with directional signs or markings in each aisle or driveway.

SECTION 3325
Parking Space Requirements
The following table outlines the formulas for determining the minimum number of required parking spaces. The maximum number of parking spaces which may be provided, for all uses except for single family dwellings, is thirty (30) percent greater than the required minimum number, unless a parking study acceptable to the Zoning Administrator is provided which demonstrates that a specific use or proposal has a greater parking need or demand.
### USE / DISTRICT
(WHICHEVER IS MORE RESTRICTIVE)

#### OFF-STREET PARKING CRITERIA

<table>
<thead>
<tr>
<th>Recreational</th>
<th>Off-Site Parking Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>libraries, museums, and art craft galleries and other cultural exhibits</td>
<td>1.00 space per 400 gross floor area (gfa.)</td>
</tr>
<tr>
<td>amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies</td>
<td>1.00 space per four seats</td>
</tr>
<tr>
<td>stadiums, arenas, field houses and other sports assemblies</td>
<td>1.00 space per four seats</td>
</tr>
<tr>
<td>auditoriums, exhibit halls and other public or miscellaneous assembly</td>
<td>1.00 space per four seats</td>
</tr>
<tr>
<td>ice and roller skating rinks</td>
<td>1.00 space per 100 sf. of floor area used for the activity</td>
</tr>
<tr>
<td>bowling alleys</td>
<td>4.00 spaces per alley or lane plus 1.00 space per four seats or 1.00 space per 30 sf. of floor area used for restaurant, cocktail lounge or similar use</td>
</tr>
<tr>
<td>swimming pools</td>
<td>1.00 space per 5 person capacity plus 1.00 space per 4 seats or 1.00 space per 30 sf. of floor areas used for seating purposes - whichever is greater</td>
</tr>
<tr>
<td>tennis clubs</td>
<td>2.00 spaces per court plus 1.00 space per 3 employees plus 1.00 space per 4 spectator seats plus 1.00 space per 2 seats in any eating/drinking area plus 1.00 space per 250 sf. for any retail area</td>
</tr>
<tr>
<td>gymnasiums/fitness clubs</td>
<td>1.00 space per 200 gfa.</td>
</tr>
<tr>
<td>dance school studios, martial arts studios, and gymnastic schools</td>
<td>1.00 space per 150 gfa.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential</th>
<th>Adequate off-street parking must be provided for two vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>detached single-family and duplex dwelling types</td>
<td>1.5 spaces per unit</td>
</tr>
<tr>
<td>townhouse and multi-family dwelling types: efficiency and one bedroom units</td>
<td>2.00 spaces per unit</td>
</tr>
<tr>
<td>townhouse and multi-family dwelling types: two or more bedroom units</td>
<td>2.00 spaces per mobile home unit</td>
</tr>
<tr>
<td>mobile home park</td>
<td>2.00 spaces per mobile home unit</td>
</tr>
</tbody>
</table>
### Commercial

<table>
<thead>
<tr>
<th>Category</th>
<th>Space Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>when consolidated within integral centers in C-1, C-2, C-3, and C-4 districts</td>
<td>4.00 spaces per 1,000 gfa. up to 30,000 sf. 3.00 spaces per 1,000 gfa. thereafter</td>
</tr>
<tr>
<td>as individual retail stores</td>
<td>1.00 space per 250 gfa.</td>
</tr>
<tr>
<td>furniture/home furnishing stores larger than 30,000 gfa</td>
<td>1.00 space per 600 gfa.</td>
</tr>
<tr>
<td>banks, financial institutions and similar uses</td>
<td>1.00 space per 250 gfa.</td>
</tr>
<tr>
<td>convenience stores with gas sales</td>
<td>1.00 space per 250 gfa. plus</td>
</tr>
<tr>
<td>other types of businesses or commercial outlet</td>
<td>1.00 space per 300 gfa.</td>
</tr>
</tbody>
</table>

### Employment

<table>
<thead>
<tr>
<th>Category</th>
<th>Space Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>office, business, research and service uses in C-1, C-2, C-3, C-4 or O-1, O-2 I-1, I-2 or I-3 districts</td>
<td>1.00 space per 250 gfa. plus 1.00 space for each automobile used in the business, plus any additional parking area as required by Section 3326</td>
</tr>
<tr>
<td>office condominiums</td>
<td>1.00 space per 300 gfa. plus 1.00 space for each automobile used in the business, plus any additional parking area as required by Section 3326</td>
</tr>
<tr>
<td>light and heavy manufacturing, transportation, and other</td>
<td>1.00 space per two employees on the largest shift for which the building is designed or 1.00 space per 1,000 gfa, whichever is greater, plus 1.00 space for each automobile used in the business, plus any additional parking area as required by Section 3326</td>
</tr>
<tr>
<td>industrial uses in an I-1, I-2 or I-3 district</td>
<td>1.00 space per employee on the largest shift for which the building is designed, plus 1.00 space for each automobile used in the business, plus any additional parking area as required by Section 3326</td>
</tr>
<tr>
<td>warehouse and distribution uses in I-1 or I-2 district</td>
<td>1.00 space per three seats</td>
</tr>
<tr>
<td>hospitals</td>
<td>1.00 space per bed</td>
</tr>
<tr>
<td>sanitariums, homes for the aged, nursing homes and similar uses</td>
<td>1.00 space per 2 beds</td>
</tr>
</tbody>
</table>
elementary and junior high schools 2.00 spaces per classroom plus, 
1.00 space per 8 seats in auditorium or 
assembly halls

high schools 1.00 space per 5 seats in assembly hall of 
greatest capacity on the school grounds or 
1.00 space per 9 students - whichever is 
greater

junior colleges, colleges and 
universities 1.00 space per 4 students

business, vocational, trade and similar 
schools 1.00 space per 2 students

public offices or buildings 1.00 space per 400 gfa.

police, fire, utility and other service 
1.00 space per 2 employees on the largest uses shift 
for which the building is used plus 1.00 space for each 
motor vehicle maintained on the premises

Miscellaneous 

automotive repair facilities and 
gasoline service stations 1.00 space per 2 gasoline pumps if applicable 
plus 2.00 spaces per service bay (access and 
circulation areas where a motor vehicle would 
be temporarily parked for the purpose of 
obtaining fuel from a gasoline pump shall not 
be considered acceptable parking spaces for 
the purpose of these regulations

hotels, motels 1.00 space per sleeping room plus 
1.00 space per 2 employees

funeral homes 1.00 space for every 3 seats based on 
maximum seated occupancy plus 1.00 space 
for each business vehicle maintained on the 
premises

(THE FOLLOWING PASSAGE APPLIES TO UNINCORPORATED BOONE COUNTY, CITY OF UNION, AND 
CITY OF WALTON ONLY)
eating and drinking establishments 1.00 space for every 2 seats including wait area 
seating, plus 1.00 space for each 20 sf of open 
wait area, plus 1.00 space per 250 gfa of any 
retail area, plus 4.00 spaces per billiard table, 
plus 1.00 space per 100 gfa, of dance floor 
area; any drive-in service spaces shall not be 
credited towards required spaces

(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE ONLY)
eating and drinking establishments 1.00 space for every 2 seats including wait area 
seating, plus 1.00 space for each 20 sf of open 
wait area, plus 1.00 space per 250 gfa of any 
retail area, plus 4.00 spaces per billiard table, 
plus 1.00 space per 100 gfa, of dance floor 
area; any drive-in service spaces may be 
credited towards required spaces; up to 500 sf 
of outdoor dining shall be excluded from the 
parking space requirements
<table>
<thead>
<tr>
<th>Activity</th>
<th>Parking Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>banquet and reception halls</td>
<td>1.00 space for every 4 seats based on maximum seated occupancy</td>
</tr>
<tr>
<td>teen dance clubs</td>
<td>1.00 spaces per 3 occupants based on maximum standing occupancy</td>
</tr>
<tr>
<td>medical and dental clinics</td>
<td>1.00 space per 200 gfa.</td>
</tr>
<tr>
<td>nursery and child care centers</td>
<td>2.00 spaces per each instructor/care giver, plus 1.00 space per other employee, plus 1.00 space for each automobile used in the business, but not less than 6.00 spaces overall</td>
</tr>
<tr>
<td>kennels</td>
<td>1.00 space for each employee on the largest shift, plus 1.00 space for each automobile used in the business; for overnight boarding, add 1.00 space for accommodations for every 20 animals; for animal day care, training, grooming, and comparable activities, add 1.00 space for each customer that can frequent the business at any given time</td>
</tr>
</tbody>
</table>

**SECTION 3326**  
**General Interpretations**  
In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Zoning Administrator;

2. Fractional numbers shall be increased to the next whole number;

3. Where there is adequate public transit system or where for any other reason parking demand is unusually low, such as a use which customarily has a lower parking demand based on credible industry data, then the parking space provisions cited above may be reduced proportionately by the Zoning Administrator.

4. In employment districts, wherever parking of large trucks, vans, or tractor-trailers is planned or may reasonably be expected, a parking area of sufficient size to accommodate such vehicles parked on site shall be required. Such parking areas shall be clearly designated and marked, and shall be exclusive of driveways, aisles, and other circulation areas. The provision of parking areas for such vehicles shall under no circumstances cause a reduction in the minimum required number of automobile parking spaces.

**SECTION 3327**  
**Pedestrian/Bicycle Improvements**  
Sidewalk construction shall follow the construction requirements of the Boone County Subdivision Regulations. Requirements for the provision of adequate pedestrian walkways are as follows:

1. Walkways between parking areas, building entrances, and adjacent streets shall be provided.

2. Within the interior of a parking lot, landscaping shall be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot;

3. Pedestrian walks shall be lighted;
4. At appropriate intervals/locations, street furniture should be provided along the pedestrian walk.

5. Raised walkways shall be provided between buildings and immediately adjacent parking spaces (also refer to Section 3321).

A sufficient number and type of bicycle racks and associated facilities shall be provided at the entrance to each development/building. The parking shall be located so as to provide safety, security and convenience for bicycle riders. As such these facilities shall be located a safe distance from pedestrian and vehicular traffic. The following requirements apply to multi-family residential, commercial, and employment uses located within the cities of Florence, Walton and Union, and along collector and arterial roads within Boone County:

1. Provide at least two spaces for each 25 vehicular spaces required, with a minimum of four spaces for each development entrance/building. No more than 100 bicycle parking spaces shall be required for any individual development;

2. Locate parking facilities outside of vehicular or pedestrian traffic ways, by providing either a minimum three foot separation, or a curb or other physical barrier;

3. Parking facilities shall be constructed of durable, strong materials that can be permanently anchored to the ground and designed to allow the easy use of locks.

4. Sufficient lighting shall be provided.
ARTICLE 34

SIGNS

SECTION 3400

Intent

The purpose of this Article is to coordinate the type, placement and physical dimensions of signs within the different zones; to recognize the commercial communication requirements of all sectors of the business community; to recognize free speech; to encourage the innovative use of design through Special Sign Districts. Furthermore, this article is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. Lastly, this article is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development.

SECTION 3401

Government Signs Excluded

For the purpose of the order, "sign" does not include signs erected and maintained pursuant to and in discharge of any government function, or required by any law, order, or governmental regulations.

SECTION 3402

General Requirements for All Signs and Districts

The regulations contained in this section shall apply to all signs and all land use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights except signs performing a public service function indicating time, temperature, or similar services (as provided in Section 3430). In no event shall an illuminated sign or lighting device be placed or directed so as to directly beam upon a public road, highway, street, sidewalk, or other vehicular or pedestrian system, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

2. No sign shall employ any parts of elements which revolve, rotate, whirl, spin or otherwise make use of motion so as to constitute a traffic hazard or nuisance.

3. No part of any sign (permanent or temporary) may be placed on or above the roof or parapet.

4. Building mounted signs shall not overhang the edge or corner of the wall or section of wall on which they are mounted (except for projecting signs).

5. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs, and other signs as permitted by the legislative body or agency which owns the right-of-way. Removal of signs that are in violation of this section is the responsibility of the legislative body or agency which owns the right-of-way.
6. The bottom edge of any free standing pole sign (excluding entrance signs) erected in or above any area used for vehicular movement or parking shall be at least ten (10) feet above the paved level of such area. This height may need to be increased in the case where tractor trailer traffic would require a greater height clearance. (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE ONLY.) The bottom of the sign structure on any free standing sign (excluding entrance signs) erected in or above any area used for vehicular movement or parking shall be at least ten (10) feet above the paved level of such area. This height may need to be increased in the case where tractor-trailer traffic would require a greater height clearance.

7. Signs containing expressions which are protected by the First Amendment of the United States Constitution are permitted in all zoning districts. The permitted height and area of such signs must be in accordance with the underlying zoning district regulations. Under no circumstance will additional free-standing or building mounted signs be permitted because an establishment has opted to use their permitted signage as free speech.

8. All signs must conform to building code requirements.

9. Pursuant to KRS 100.111(21), signs are “structures” and signs legally existing prior to the enactment of these regulations relating to signs are entitled to exist the same as any other pre-existing, nonconforming structure under KRS 100.253. As such, a pre-existing, nonconforming sign may be kept, repaired, or replaced in a manner which maintains its pre-existing, nonconforming condition(s), provided such condition(s) is not enlarged (refer to Article 2).

SECTION 3403
Measurement of Sign Area
The surface area of a sign shall be computed as including the entire area serving as written or graphic advertisement within a regular, geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not used for advertising matter shall not be included in computation of surface area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area, provided the two (2) sign faces are not visible from one location therefore constituting two (2) signs.

SECTION 3404
General Sign Setback Requirements
No permitted sign may be placed in the public right-of-way or in any easement without written permission from the easement holder. No sign will be permitted to obstruct traffic visibility at street or highway intersections (See Section 3218).
SECTION 3405
Sign Permits
Sign permits are required for all signs except those noted in Section 3406.

In those cases where a sign permit is required, an application for said permit shall be filed with the Zoning Administrator. The application shall include, at minimum, the following information:

1. Name and address of the applicant.
2. Name, signature of authorization, and address of the owner of property on which the sign is to be located.
3. A written description of the proposed sign including type of sign and supporting structure, method of illumination (if any) and construction materials to be used in the sign.
4. A sketch map of the property on which the sign is to be erected showing existing structures, rights-of-way lines and proposed location of the sign.
5. A drawing of the proposed sign showing display area dimensions, height of sign from grade to bottom of sign, and information to be conveyed on sign.

Upon receipt of a full and complete application for a sign permit, Staff shall issue a permit or notify the applicant of any non-conformance with the provisions of this article within ten (10) working days. Failure to issue a permit or notify the applicant of any non-conformance does not constitute approval of the proposed sign. If the sign described in any sign permit has not been erected or installed within one (1) year from the date of issuance thereof, said permit shall expire without further notice. The permit may be extended upon request of the applicant prior the date of expiration for a period not to exceed six (6) months. The Zoning Administrator shall maintain a file of all applications for sign permits.

SECTION 3406
Signs Not Requiring a Permit (The following signs may also be used for free speech without any time limit restrictions)

The following signs do not require a permit:

1. One temporary sign announcing the erection of a building, the development of a subdivision and/or any phase within a subdivision may be kept on-site for a period of sixty (60) days plus the construction period, as long as no permanent sign is erected on the project site or within the limits of the subdivision phase within that time period. Such signs shall not exceed eight (8) feet in height and fifty (50) square feet in area if located within a residential zoning district and eight (8) feet in height and one hundred (100) square feet in area if located within any other zoning district. Such temporary signs shall conform to the general requirements listed in Section 3402 and such other standards deemed necessary to accomplish the intent of this Article.

2. Temporary political signs placed outside a public street right-of-way. The signs shall be removed within one week after a final election.

3. One temporary sign not exceeding fifty (50) square feet in area, announcing special public or institutional events is allowed on-site thirty (30) days prior to the event and shall be removed one (1) day after the conclusion of the event. These signs shall not be located in the public street right-of-way.

4. Temporary special event directional signage for community events is allowed seven (7) days prior to the event and shall be removed one (1) day after the conclusion of the event. These signs shall not be located in the public street right-of-way.

5. One (1) real estate sign per road frontage may be posted on an available property. The sign shall be limited to 12 square feet and 3½ feet in height in residential districts and 32 square feet and 8' in height in other
districts. Regular open house signs shall be permitted one (1) week prior to the scheduled event and shall be removed by 9:00 p.m. the day of the event. A sold sign shall be removed by the seller of his or her agent within one week after the date of closing. Also, such signs, if constructed of a non-rigid material (such as a banner) must conform to the requirements of Section 3420 of this Article, including the issuance of a permit.

6. Professional name plates of six (6) square feet or less in area.

7. Signs denoting the name and address of the occupants of the premises of two (2) square feet or less in area.

8. Signs advertising the sale of agricultural goods produced on the premises (such as fire wood, vegetable, etc.) of sixteen (16) square feet or less in area.

9. Official flags of cities, the county, commonwealth, or any nation bearing no advertising material. Additionally, one fabric flag per lot that does not exceed 15 square feet in area and that bears a corporate or commercial name, emblem, and/or logo may be displayed or mounted on a permanent flag pole in non-residential districts.

10. Height bar/vertical clearance directional signs with no advertising matter

11. Sandwich Board/A-frame signs permitted in the Florence Main Street (FMS), Walton Downtown (WD), and Small Community Overlay (SC) Districts (See Sections 3446 and 3460).

SECTION 3408
Signs Prohibited in All Districts
The following types of signs are prohibited in all districts:

1. Abandoned signs and support structures (see abandonment definition in Article 40).

2. Banners, pennants, posters, ribbons, flags for advertising purposes, streamers, spinners, strings of lights, other similar moving devices or any sign that is temporary in nature due to its design or construction except as provided in Section 3420.

3. Signs imitating or resembling official traffic or government signs or signals.

4. Signs attached to trees, telephone poles, street lights, public benches, bus stops, or placed on any public property or public right-of-way.

5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of supplementing or replacing on-site signage. This does not apply to signs or lettering on vehicles operating during the normal course of business.

6. Portable signs (including portable signs mounted to poles, buildings, or other structures). (Exception: Sandwich board/A-frame signs permitted in the Florence Main Street (FMS), Walton Downtown (WD), and Small Community Overlay (SC) Districts (See Sections 3446 and 3460).

7. Hot air balloons, spot lights or search lights.

8. Any other sign not specifically permitted by this order.

SECTION 3410
Entrance Signs Requiring a Permit
In Agricultural and Residential zoning districts, including Residential Planned Developments, entrance signs for residential developments shall be permitted for any residential subdivision that involves the construction of new
streets or for any multi-family residential development that contains twenty (20) or more dwelling units. An "entrance sign" is defined as a low-profile (eight foot maximum height) monument style sign. Typically, entrance signs utilize masonry walls or similar structures and are placed within landscaped areas such as earthen berms. The sign may not obstruct visibility within vision triangles at curbs or intersections (see Article 32; Section 3218).

One (1) entrance sign of up to one hundred (100) square feet in area or two (2) entrance signs of up to fifty (50) square feet each shall be permitted for each entrance into the residential development from an arterial or collector street. Information conveyed on such signs shall be limited to the name of the development and the name of the owner, builder, or developer of the project. Entrance signs shall conform to the general requirements listed in Section 3402 and 3404.

SECTION 3411
Other Signs Permitted in Residential, Agricultural and Conservation Districts Requiring a Permit
In residential districts, one monument style sign is permitted when customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, or societies. This monument sign shall not exceed eight (8) feet in height and thirty-two (32) square feet in area and shall be located on the premises of such institution. In agricultural districts, one freestanding sign that does not exceed eight (8) feet in height and thirty two (32) square feet in area, or one building mounted sign that does not exceed thirty two (32) square feet, is permitted when customarily incidental to places of worship, schools, civic associations, libraries, museums, social clubs, societies, or permitted businesses. The permitted sign shall be placed on the premises of such institution or business.

SECTION 3412
Directional Signs Requiring a Permit
One (1) directional sign shall be permitted near each entrance of a commercial, industrial, or office zoned property with a maximum sign area of six (6) square feet and maximum height of five (5) feet. Advertising on such a sign shall minimally include the words "enter" "exit" or arrows. Signs directing and guiding traffic and parking on private property, such as drive-thru lanes, shall be permitted on any property. Such directional signs shall not exceed ten (10) square feet in area and five (5) feet in height.

SECTION 3413
Signs Permitted in Commercial, Employment, and Recreational Districts Requiring a Permit

1. Building Mounted Signs (All Commercial, Employment, and Recreation Districts Except I-3)

A business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted.

Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage. Up to fifty percent of the area of any permitted building mounted sign may be used for a manually changeable copy sign to display messages relating to the occupants of the development.
2. **Freestanding Canopy Signs** (All Commercial and Employment Districts)

Canopy (on gasoline and other completely detached canopies) mounted signage is permitted on no more than three (3) elevations of the canopy. The square footage allowed for canopy signs may not exceed 25% of the area of the fascia on which they are mounted and are figured within one rectangular sign area. The signs may not extend above or below the fascia of the canopy. A non-illuminated, two-dimensional horizontal stripe (paint, decal, etc.) consisting of a maximum of two (2) colors, including the background color, will be permitted on no more than three (3) elevations of the canopy and will not be counted as sign area. The signs may not extend above or below the fascia of the canopy.

3. **Drive-Through Signs or Menu-Boards**

Drive-Through establishments which have a pick-up windows will be permitted one (1) drive-through sign or menu-board adjoining each drive-through lane. Menu-boards shall not exceed six (6) feet in height and forty-eight (48) square feet in size if the sign is free standing and forty-eight (48) square feet in size if the sign is mounted to the building.
4. Freestanding/Monument Signs

(1). Commercial One District (C-1):
   a. Individual parcels of land which are not located within a shopping center, mixed-use commercial, commercial subdivision, or planned development shall be permitted a density of one (1) on-premises, monument sign (see Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) monument sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages. The maximum size of the monument sign shall be no more than one-half (½) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No monument sign shall exceed one-hundred (100) square feet in area and ten (10) feet in height.
   b. Shopping centers, mixed use commercial, commercial subdivisions, and planned developments shall be permitted a density of one (1) on-premises, entrance monument sign, for the purpose of identifying the name of the development, its major tenant(s), and its major access point. (see Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals authority regarding density). The maximum size of the entrance monument sign shall be no more than one-half (½) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No entrance monument sign shall exceed one-hundred (100) square feet in area and ten (10) feet in height.

   In addition, any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced entrance monument sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one-half (½) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed sixty (60) square feet in area and eight (8) feet in height. (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.) In addition, any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one-half (1/2) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed sixty (60) square feet in area and eight (8) feet in height.

(2). Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) Districts
   a. Individual parcels of land which are not located within a shopping center, mixed-use commercial, commercial subdivision, or planned development shall be permitted a density of one (1) on-premises, architectural freestanding sign (see Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) architectural freestanding sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.
   b. Shopping centers, mixed use commercial, commercial subdivisions, and planned developments shall be permitted a density of one (1) on-premises architectural freestanding sign for the purpose of identifying the name of the development, its major tenant(s), and its major access point. (see Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals authority regarding density). In addition, any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural freestanding sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed one hundred (100) square feet in area and ten (10) feet in height.
c. In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum size of an architectural freestanding sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No freestanding sign in C-2, C-3, and C-4 districts may exceed two-hundred (200) square feet in area. (THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS.) In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum size of an architectural freestanding sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No freestanding sign in C-2, C-3, and C-4 districts may exceed one-hundred fifty (150) square feet in area.

d. In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum height of an architectural free standing sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale:

<table>
<thead>
<tr>
<th>Road Frontage</th>
<th>Maximum Sign Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 feet or less:</td>
<td>15 feet in height</td>
</tr>
<tr>
<td>51 to 100 feet:</td>
<td>20 feet in height</td>
</tr>
<tr>
<td>101 to 200 feet:</td>
<td>25 feet in height</td>
</tr>
<tr>
<td>201 feet or more:</td>
<td>30 feet in height</td>
</tr>
</tbody>
</table>

(3). Other Non-Residential Districts (PF, O-1, O-2, I-1, I-2, O-1A, I-1A, EPD, R and A)

a. Uses in these zones shall be permitted a density of one (1) on-premise monument sign per parcel of land. There shall be only one (1) monument sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages. The maximum size for a monument sign for an office or industrial establishment shall not exceed one-half (½) square foot of area per lineal foot of road frontage along the street frontage where the monument sign is to be located with a maximum allowable size of one-hundred (100) square feet. The maximum height for an monument sign is ten (10) feet.

b. Office and industrial parks shall be permitted one (1) entrance sign for each entrance to such parks from a major thoroughfare for a total of two (2) signs. Such signs cannot exceed one-hundred fifty (150) square feet in area and ten (10) feet in height.

c. Each development in a Recreation zoning district shall be permitted one (1) entrance sign for each entrance to such development from a major thoroughfare for a total of two (2) signs. Such signs cannot exceed one-hundred (100) square feet in area and ten (10) feet in height each.

4. If a freestanding sign is not possible or desirable, each building shall be permitted one (1) projecting sign subject to the following requirements: the sign shall not project further than four (4) feet from the face of the building; the bottom of the sign shall be at least ten (10) feet above grade; and the surface area of the sign shall not exceed one-half (½) square feet for each lineal foot of building width, provided that no projecting sign shall exceed a maximum sign area of thirty-two (32) square feet.

5. Up to fifty percent of the area of any permitted freestanding sign may be used for a manually changeable copy sign to display messages relating to the occupants of the development.
SECTION 3420
Temporary Advertising Display Permits
Temporary devices utilized for advertising or attracting attention to a permitted use in Commercial or, Employment and Recreation zoning districts, when not part of a sign, shall be permitted only under the following rules and procedures:

1. A Temporary Advertising Permit shall be obtained prior to the placement, out of doors, of any combination of banners, poster, pennants, flags, ribbons, streamers, spinners, or other similar moving devices, as well as strings of lights or spot lights. The procedure for obtaining a Temporary Advertising Display Permit shall be the same as the procedure for obtaining a Sign Permit as outlined in Section 3405 except for Temporary Advertising Display Permits must contain the dates the advertising devices will be utilized.

2. Any Temporary Advertising Display shall meet all other safety and setback requirements of Article 34.

3. A Temporary Advertising Display permit shall allow the use of temporary advertising devices for any establishment for a maximum of fourteen (14) days. Any establishment shall be allowed up to five (5) Temporary Advertising Display Permits in any one calendar year.

4. A fee for Temporary Advertising Display permits shall be as set by the Planning Commission in its Schedule of Fees. The Planning Commission shall have the authority to charge a higher fee for such permits in the event that such displays are installed or used before the issuance of a permit. This higher fee must be directly related to any increased administrative costs associated with the permit's issuance.

5. Temporary Advertising Displays shall not be permitted in any public right-of-way and shall not be attached to any public structure including, but not limited to, telephone poles, fire hydrants, and street signs.

6. Temporary Advertising Displays must meet all other safety and setback requirements and performance standards of these regulations.

7. Temporary Advertising Display permits can only be issued at the address where the business is operating.

8. Freestanding signs or banners which are permitted under a Temporary Advertising Display permit shall not exceed 10 feet in height or 100 square feet in area.

9. Balloons or other inflatable devices larger than 18 inches across which are permitted under a Temporary Advertising Display permit must be cold air only and must be placed on the ground and not on a structure or vehicle (refer to Section 3402, #3). Hot air balloons, spot lights or search lights are not permissible (refer to Section 3408, #7).

10. Temporary Advertising Display Permits are not required for banners displayed at any public or private school which instructs any grades between kindergarten and grade 12, such as elementary, primary, middle, junior high, secondary, and high schools. This exemption does not apply to non-school uses which may be education related such as day care centers, preschools, and tutoring services. The banners exempt from the permitting requirement in this section must pertain to academic or student achievements and/or activities, such as awards, clubs, or athletics, and not for any commercial purpose such as fund raisers, festivals, sale of tickets for events on school grounds, or sale of any goods.
SECTION 3425
Off Premises Signs Permitted as a Conditional Use
The Board of Adjustment and Zoning Appeals may permit an off-premises sign as a conditional use in the I-1, I-2 districts (See footnote below). Local information signs as conditional uses shall conform to Sections 260-267, inclusive, of this order, and further, shall be subject to the following minimum regulations and requirements:

1. The application for conditional use permit shall be accompanied by the following information:
   a. All of the information required in Section 3405 of this Article; and
   b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;

2. An off-premises sign, as a conditional use, shall conform, at minimum, to the following requirements:
   a. No sign shall be larger than eight hundred (800) square feet and no linear dimension shall exceed fifty (50) feet;
   b. The maximum height of any sign shall not exceed thirty (30) feet;
   c. All signs shall be located at least six hundred and sixty (660) feet from the right-of-way lines of any interstate highways and at least one hundred (100) feet from the right-of-way lines of any other thoroughfares;
   d. Off-premises signs shall not be permitted at intervals of less than two thousand six hundred and forty (2,640) feet, measured along the centerline of each interstate highway or thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

** NOTE: The City of Florence, Ordinance 0-29-80, allows off-premises signs in the I-1 zone only. Unincorporated Boone County, Ordinance 920.179, allows off-premises signs in the I-1 zone only.

The Board of Adjustment shall convey a copy of all off-premises sign conditional use applications and permits to the Zoning Administrator.

SECTION 3430
Electronic Message Boards and Electronic Display Screens
The following version of Section 3430 applies to Unincorporated Boone County, City of Union and City of Walton only.

1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as a Conditional Use in C-1, C-2, C-3, C-4, PF and R zoning districts. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:

   (1). The application for conditional use permit shall be accompanied by the following information:
      a. All of the information required in Section 3405 of this Article;
      b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and
      c. A permit, or other documentation, to the effect that the proposed message board is permitted by the Kentucky Transportation Cabinet.

   (2). Electronic message boards and electronic display screens as conditional uses, shall conform, at minimum to the following requirements:
a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic message board or electronic display screen.

b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

c. Electronic message boards and electronic display screens shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate of thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.

d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.

e. The message displayed on the board or screen must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

f. Such message boards and screens shall have a photocell or dimmer and the displayed messages shall dim as the sky gets darker or brighten as the sky gets brighter.

g. Full color and monochrome message boards shall meet the follow pixel pitch requirements:

   A 19 mm pixel pitch or better resolution shall be required when the top of the message board is located 30 feet or less above grade.

   A 25 mm pixel pitch or better resolution shall be required when the top of the message boards is located more than 30 feet above grade.

Note: The pixel pitch requirements shall not apply to price boards (gas prices, hotel room rates, and other similar fixed price displays).

2. Electronic message boards or electronic display screens which are used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - gas prices, hotel room rates, and other similar fixed price displays) shall be permitted in the Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3), Commercial Four (C-4), Public Facilities (PF) and Recreation (R) zoning districts subject to the following standards:

a. Such message boards and screens will be considered a part of a permitted free-standing or building mounted sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or electronic display screen.

b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

The following version of Section 3430 applies to the City of Florence only.

1. The Board of Adjustment and Zoning Appeals may permit electronic message boards and electronic display screens which advertise multiple messages as Conditional Use in C-2 and C-3 zoning districts. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:

   (1). The application for conditional use permit shall be accompanied by the following information:

   a. All of the information required in Section 3405 of this Article;

   b. Identification of all interstate highways or other thoroughfares from which the sign will be visible; and
c. A permit, or other documentation, to the effect that the proposed message board is permitted by the
Kentucky Transportation Cabinet.

(2). Electronic message boards and electronic display screens as conditional uses, shall conform, at
minimum to the following requirements:

a. Such message boards and screens will be considered a part of a permitted free-standing or building
mounted sign; up to fifty percent (50)% of the permitted sign area can be used as an electronic
message board or electronic display screen.

b. All such message boards and screens shall meet the minimum standards of the Kentucky
Transportation Cabinet and any other controlling local, state, or federal agency.

c. Electronic message boards and electronic display screens shall not be permitted at intervals of less
than six-hundred sixty (660) feet, measured along the centerline of each interstate of thoroughfare
from which the sign will be visible, between lines through the center of the signs and perpendicular
or radial to said centerline.

d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects,
moving patterns or boards of light, expanding contracting, or rotating shapes or other similar
animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.

e. The message displayed on the board or screen must be displayed for a minimum of five (5) second
intervals. In no instance can a message, or part thereof, flash on the message board.

SECTION 3440
Special Sign Districts
The legislative bodies, upon recommendation of the Planning Commission, may establish special sign districts to
insure proper development of special areas of the County. Also, the majority of sign users within a district may
petition the Planning Commission to establish standards and procedures for signs within their district for
recommendations to the appropriate legislative unit. The creation of a special sign district shall be in conformance
with Article 3 of this order. Applications for such Special Sign Districts shall include, at a minimum, the following
criteria: objectives of the District; boundaries, sign types (height, materials, total sign area); sign locations;
administration of District; illustrations and elevations; and, relationship to Comprehensive Plan. A map of all special
sign districts shall be maintained in the Planning Commission offices.

The effect of a special sign district shall be to modify according to standards established by the Commission the
requirements, regulations, and the procedures for signs in the area included as part of the district. The purpose
of the district shall be to respond to the special circumstances of development, renewal, redevelopment, or
rehabilitation of areas of the County and to better achieve county-wide policies for growth and development. The
special sign district regulations may provide for the creation of a sign review board to review and approve proposals
for the construction or erection of signs in the district. Except where certain duties are assigned to a sign review
board, the Zoning Administrator shall be responsible for enforcing the regulations and requirements established
in the special sign district.

1. Special Sign Districts Proposed By the Planning Commission and Legislative Bodies

   A. Mall Road Overlay Sign District
   The Mall Road Overlay Sign District applies to those properties which are within the Mall Road (MR) Overlay
   as part of the Mall Road District Study. The purpose of the sign district is to promote the mixed-use district
   that is visualized by the study with high quality construction materials and to follow the recommendations
   of the 2005 Boone County Comprehensive Plan. The Land Use Element found in the 2005 Comprehensive
   Plan states that “the minimal use of signs is encouraged; signage should be adequate to identify a specific
development, but should not be used as a means to compete for motorist attention. The objective is to avoid
the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the
visual appearance of a development or corridor” (Future Land Use Development Guidelines - Design, Signs,
and Historic Preservation, pg. 142).
For the purpose of the Mall Road Overlay Sign District, the following standards shall apply:

1. All sections of Article 34 not otherwise replaced below;

2. A density of one (1) architectural freestanding sign which identifies a shopping center, mixed use commercial, commercial subdivision, planned development, or single-use commercial development and its major access point shall be permitted in accordance with the following standards:

   A. The sign shall not exceed 20 feet in height.

   B. The maximum size of the sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No architectural freestanding sign shall exceed two hundred (200) square feet in area.

   C. The base of the sign shall be constructed of materials, colors, and design details which match or correlate to one of the principal buildings on site. A second option is for the pole structure(s) to have sculptural or artistic characteristics. Lastly, a monument sign may be substituted as the permitted freestanding sign. The base of the monument sign shall be constructed with materials, colors, and design details which match or correlate to one of the principal buildings on site. The top of the monument sign shall have an architectural feature or finish, such as a gable, arch, or pediment.

   D. Up to 50% of the area of any permitted architectural freestanding or monument sign may be used as manually changeable copy display. Proposed manually changeable copy display(s) shall be located beneath all fixed copy signs.

   E. One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the architectural freestanding or monument sign as a Conditional Use. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:

      1) The application for conditional use permit shall be accompanied by the following information:

         a. All of the information required in Section 3405 of this Article;

         b. Identification of all thoroughfares from which the sign will be visible; and

      2) Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:

         a. Such message boards and screens will be considered a part of the architectural freestanding sign; up to twenty percent (20%) or twenty (20) square feet (whichever is less) of the permitted sign area can be in the form of an electronic message board or display screen.

         b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.

         c. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.

         d. The message displayed on the board shall not change more than three (3) times per day.

         e. Messages shall be displayed in one color on a black background.

         f. The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.
3. Any parcel or outlot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot based on the following standards:

A. The sign shall not exceed eight (8) feet in height.

B. The maximum size of the sign shall not exceed sixty (60) square feet in area.

C. The base and sides of the sign shall use construction materials and design details that match the outlot building.

D. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.

E. Single panel plexi-faced cabinets shall not be permitted.

F. Up to 50% of the area of any permitted monument sign may be used for manually changeable copy. Any proposed manually changeable copy shall be located immediately on top of the sign base.

G. One (1) electronic message board or electronic display screen which is used solely to advertise infrequently changing alphanumeric and numeric messages (e.g. - fuel prices, hotel room rates, etc.) shall be permitted on the monument sign as a Conditional Use. Such message signs must conform to Article 2, Sections 260-267, inclusive, of this order, and further shall be subject to the following minimum standards and requirements:

1) The application for conditional use permit shall be accompanied by the following information:
   a. All of the information required in Section 3405 of this Article;
   b. Identification of all thoroughfares from which the sign will be visible; and

2) Infrequently changing electronic message boards or electronic display screens as conditional uses, shall conform, at a minimum to the following requirements:
   a. Such message boards and screens will be considered a part of the monument sign; up to twenty percent (20%) of the permitted sign area can be in the form of an electronic message board or display screen.
   b. All such message boards and screens shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
   c. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling", "running", or "flashing" messages.
   d. The message displayed on the board shall not change more than three (3) times per day.
   e. Messages shall be displayed in one color on a black background.
   f. The sign shall be equipped with a dimmer and the message shall dim as the sky gets darker.
   g. Off-premise advertising shall be prohibited on the sign.

4. Sections 3402 and 3413 of the Boone County Zoning Regulations shall be used in determining permitted locations and the amount of building mounted signage that is permitted on a business. Permitted
exceptions to Section 3413 are noted in Subsection 2 below.

(1) The following standards shall apply to building mounted signage in the Mall Road (MR) Overlay Sign District:

a. Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted.

b. Manually changeable copy, electronically changeable copy, board signs, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an “inflated” or plastic appearance, and similar signs shall not be permitted unless they are replacing an existing sign of like kind that is the same size or smaller.

c. Building mounted signage shall not be permitted in residential developments. Exceptions are professional name plates, addresses, and building numbers.

(2) Permitted Exceptions to the building mounted signage regulations found in Section 3413 of the Boone County Zoning Regulations are as follows:

a. Projecting, shingle, or blade signs shall be permitted when a main building entrance is in close proximity to a street, private access drive, or shared private development street. Projecting signs will not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on that given facade. The maximum size of a projecting sign shall not be more than 32 square feet in size. Projecting signs shall have a minimum clearance of 10 feet over sidewalks and shall not be permitted to project over vehicular ways.

b. Restaurants and entertainment uses (limited to night clubs and live performance venues) shall be allowed to have neon or L.E.D. accent banding along cornice lines and main entrances. The accent banding shall not be treated as one of the three permitted sign areas on a primary or secondary facade but the sign area shall be factored into the total square footage that is permitted on a given facade. The neon or L.E.D. banding shall be limited to 2 inches in height.

5. Section 3410 of the Boone County Zoning Regulations shall be used in determining the location, height, area, and number of entrance signs that are permitted for a residential development. The following standards shall apply to residential entrance signs:

A. The base and sides of the sign shall use construction materials and design details that match or correlate to the residential structures on the lot.

B. The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment.

C. Single panel plexi-faced cabinets shall not be permitted.

D. Electronically changeable message boards, electronic display screens, and manually changeable reader boards shall not be permitted.

6. Seasonal non-commercial banners for the advertising of holidays and special community events shall be permitted without the issuance of a Temporary Advertising Display Permit but are subject to the following standards:

A. The banner shall be located on permanent brackets on a light standard.

B. The light standard shall be located in close proximity to Mall Road or a shared development private street.
C. The banner shall be no larger than sixteen (16) square feet in area and shall not obstruct sight distance.

B. Special Sign Regulations, Houston-Donaldson Study Area
The Houston-Donaldson Study is a detailed, comprehensive land use plan for the Houston, Donaldson, and Turfway Road area. This Study sets specific regulations and procedures for signage within this area. Refer to the Houston-Donaldson Study for specific details, including the geographic boundaries of the Study area.

C. Florence Main Street Special Sign District
The Florence Main Street Zoning Study generally affects property fronting on both sides of Main Street in Florence from the intersection of U.S. 42/Dixie Highway to Turfway Road. The study sets specific regulations and procedures for signage in the area. Signs located within the Florence Main Street Study area shall conform to the requirements in Article 34 of this order that are not replaced by sections below, the Design Review Guidelines and those listed below. (See Boone County Planning Commission Resolution R-94-036-A and City of Florence Ordinance 0-29-94)

1. The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width. Building mounted signs shall not exceed 32 square feet in size.

2. Signs cannot project more than four (4) feet into the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs will be 16 square feet.

3. No sign shall be permitted to be located above the roof line.

4. A density of one (1) sign per building frontage will be permitted for a maximum of three (3) building mounted signs.

5. Window signage will be permitted, but shall not become cluttered to the point where visibility into the store front is prevented.

6. Canopy signs will be permitted on all three (3) sides of the canopy. The size of each sign shall be determined by the width of the canopy upon which the sign is mounted and not the building width. No sign will be permitted on the building facade where a canopy sign is located.

7. Free standing signs shall not exceed eight (8) feet in height above ground level and 32 square feet in size. All free standing signs shall be set in an appropriately landscaped area. In addition, free standing signs shall be located out of all public rights-of way and shall not obstruct a driver’s visibility.

8. Multiple tenant buildings shall be permitted one building mounted sign or projecting sign per building facade. The area of the sign shall be calculated by the building frontage occupied by the individual establishment.

9. Portable signs shall be permitted but shall not exceed eight (8) square feet in size. The sign shall be of an “A” frame chalk board design. One sign will be permitted per entrance of the building and can be located within the public sidewalk next to the building. The sign shall not be located in such a way as to obstruct movement along the sidewalk or a driver’s visibility. The sign shall be removed at the close of business each day.

D. Union Town Plan Special Sign District
An approximate 1,850 acre site located in the City of Union and unincorporated Boone County as defined in the 2000 Union Town Plan. The following sections are intended to create a harmonious sign package for the Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union Town Overlay (UTO) districts while providing for the proper identification of all developments. Signage in these districts is subject only to the sign permit process.

1. All sections of Article 34 not otherwise replaced by the subsections below shall apply.
2. Permitted Sign Types
   a. Residential Monument Entrance Signs - One (1) residential entrance sign shall be permitted in the
      Union Commercial (UC), Union Town Center (UTC), Union Neighborhood Office (UNO) and the Union
      Town Overlay (UTO) districts at the major entry points to any residential development that involves
      the development of ten (10) dwelling units or more.
      (1) Display - Seventy-five percent (75%) or more of the sign area shall display the name of the
          residential subdivision. No greater than twenty-five percent (25%) of the sign area can identify
          individual home builders or Realtors.
      (2) Construction - Monument style with a brick and/or stone base.
      (3) Size - Fifty (50) square feet or split into two (2) signs at a maximum size of 25 square feet each.
          The sign is encouraged to have additional brick and/or stone surrounding the sign area.
      (4) Height - Six (6) feet from the ground to top of the sign. Any additional brick or stone areas can
          be higher.
      (5) Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet
          from any property line. Signs must be located in a landscaped planting area.
   b. Business Monument Entrance Signs - One (1) business entrance sign shall be permitted in the UNO,
      UTC and UC zone districts at the major entry points to any commercial, office or related development.
      Individual offices or businesses are not permitted a business monument entrance sign.
      (1) Display - Fifty percent (50%) or more of the sign area shall display the name of the development.
          No greater than fifty (50%) of the sign area can identify individual tenants or out-lot tenants of the
          development.
      (2) Construction - Monument style with a brick or stone base.
      (3) Size - Sixty (60) square feet or split into two (2) signs at a maximum size of 30 square feet each.
      (4) Height - Six (6) feet high from ground to top of sign which includes the base and additional brick,
          stone or masonry areas.
      (5) Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet
          from any property line. Signs must be located in a landscaped planting area.
   c. Monument Identification Signs - Individual businesses, offices, places of worship, schools, civic
      associations, libraries, museums, social clubs, societies or related uses excluding residential uses
      shall be permitted in the UC, UTC, UNO, and UTO zone districts.
      (1) Display - No greater than thirty (30) percent of the sign area can be a manual, changeable, display
          area to identify seasonal events, specials, and sales. This type of signage is intended to take the
          place of Temporary Advertising Display permits.
      (2) Construction - Monument style with a brick or stone base.
      (3) Size - Forty-eight (48) square feet.
      (4) Height - Six (6) feet from the ground to top of sign which includes the base and additional brick or
          stone areas.
      (5) Location - Sign must be located outside of any vehicular sight triangle and at least five (5) feet
          from any property line. Signs must be located in a landscaped planting area.
   d. Off-Premise Monument Community Signs - One (1) off-premise community sign shall be permitted
      in the UC, UTC, and UNO zone districts at each corner of a street intersection which includes at least
      one (1) arterial or collector street for a maximum of four (4) such signs per intersection. Off-premise
      monument community signs shall be used to identify residential subdivisions and are not be used to
      identify commercial, office or related uses.
      (1) Display - The subdivision for which the sign identifies must be located within a distance of 1,000
          feet from the sign. The sign area shall display the name of the subdivision only. Each sign can
          display the names of no more than four (4) subdivisions.
      (2) Construction - Monument style with a brick or stone base.
      (3) Size - Twenty-four (24) square.
      (4) Height - Four (4) feet from ground to top of sign which does not include the base and additional
          brick, stone or masonry areas.
      (5) Location - Sign must be located outside of any vehicular sight triangle and at least two (2) feet
          from any property line. Signs must be located in a landscaped planting area.
   e. Building Mounted Signs - Building mounted signs shall be permitted for commercial, office and similar
      uses in the UTC, UNO and UC zone districts. One (1) building mounted sign is permitted for each
      building facade for a total of three (3) signs. Buildings that contain more than one tenant are
permitted one (1) sign for each tenant.

(1) Size - Twenty-four (24) square feet.

(2) Height - Individual letters shall not exceed twenty-four (24) inches in height.

f. Projecting Signs - are permitted in place of any building mounted sign in accordance to Section 3460 - 2. of the Boone County Zoning Regulations.

g. Canopy Signs shall conform to Section 3413.2.

h. Sandwich Board/A-frame Signs - one sign per establishment is permitted in the UTC and UC zoning districts to identify temporary events, such daily lunch specials, sales, gatherings, etc. This type of sign is intended to take the place of Temporary Advertising Display Permits.

(1) Size - 24 inches wide by 36 inches high.

(2) Location - on premises, within 20 feet of the business for which it advertises, and not to impede pedestrian circulation.

(3) Configuration - placed on the ground, not mounted on a pole or raised off the ground.

3. Additional Standards

a. Illumination - If is a sign is to be illuminated, it shall be externally illuminated by a source that is concealed from public view. In the UNO and UC zones only, internally illuminated channel letters are also permitted for building mounted signs.

b. Color - All signs shall contain a maximum of three (3) colors.

2. Special Sign Districts Proposed By Developers and Property Owners

A. Commonwealth Park Special Sign District

A 16 acre site bounded by Turfway Road on the north, Houston Road on the west, the south-bound I-75/Turfway Road exit ramp on the south, and I-75 on the east (see Boone County Planning Commission Resolution R-09-87 and City of Florence Ordinance #0-6-87).

B. Turfway Commercial Park Special Sign District

A 54.6 acre development site located south of I-75 and west of Burlington Pike is the Turfway Commercial Special Sign District (see Boone County Planning Commission Resolution R-25-87 and City of Florence Ordinance #0-2-88).

C. Airport Exchange Business Park Special Sign District

An approximate 76 acre site bounded by Mineola Pike to the east, I-275 to the south, and Point Pleasant Road to the west (see Boone County Planning Commission Resolution R-07-89 and Boone County Ordinance 920.173).

D. Richwood Park Commercial Subdivision Special Sign District

A 6.14 acre site located at the northeast quadrant of I-75 and Richwood Road (see Boone County Planning Commission Resolution R-95-019-A and Boone County Ordinance 920.310).

E. Turfway Park Special Sign District

A 210 acre site located at 7500 Turfway Road, Florence and unincorporated Boone County, Kentucky (see Boone County Planning Commission Resolution R-95-031-A and Boone County Ordinance 920.319).

F. Limaburg Subdivision Special Sign District

A 6.5 acre site located on the south side of KY 18 at its intersection with Limaburg Road. The north side of the Special Sign District is bound by KY 18, the east side is bound by Limaburg Road, the south side is bound by The Crossings at Oakbrook apartments, and the west is bound by undeveloped real estate (see Boone County Planning Commission Resolution R-95-001-A and Boone County Ordinance 920.300).

G. Corporex I Special Sign District

A 32 acre site located at the southwest quadrant of I-275 and Mineola Pike comprises the Circleport I Special Sign District (See Boone County Planning Commission Resolution R-96-001-A and Boone
H. **Galerie Au Chocolate Special Sign District**
   A 24 acre site located at 3380 Langley Drive (see Boone County Planning Commission Resolution R-02-005-A and Boone County Ordinance 02-05).

I. **Kingsgate Station Special Sign District**
   A 5 acre site located at the southeast corner of the KY 18/Kingsgate intersection (see Boone County Planning Commission Resolution R-02-013-A and Boone County Ordinance 02-12).

J. **Answers in Genesis Special Sign District**
   An approximate 48 acre site located at 2800 Bullitsburg Church Road and 2754 Deck Lane (see Boone County Planning Commission Resolution R-04-022-A).

K. **Jeff Wyler Honda Special Sign District**
   An approximate 10 acre site located at 949 Burlington Pike (see Boone County Planning Commission Resolution R-05-015-A and City of Florence Ordinance O-25-05).

L. **Mall Road Shoppes Special Sign District**
   An approximate 2.33 acre site located at 7901 Mall Road (see Boone County Planning Commission Resolution R-06-017-A and City of Florence Ordinance O-20-06).

M. **St. Luke Hospital West Special Sign District**
   A 24 acre site located at 7380 Turfway Road (see Boone County Planning Commission Resolution R-07-016-A and City of Florence Ordinance O-24-07).

N. **Walton Land Development Special Sign District**
   An approximate 98 acre site located along the south side of Mary Grubbs Highway (see Boone County Planning Commission Resolution R-07-024-D and City of Walton Ordinance O-2008-03).

O. **Walton Towne Center Special Sign District**
   A 0.0501 acre site located along the west side of Service Road (see Boone County Planning Commission Resolution R-09-009-D and City of Walton Ordinance O-2009-09).

P. **Kerry Toyota Portal Special Sign District**
   An approximate 12 acre site located at 6050 Hopeful Church Road (see Boone County Planning Commission Resolution R-10-003-A and City of Florence Ordinance O-3-10).

Q. **Holiday Inn Express (Richwood) Special Sign District**
   A 2.58 acre site located at 12928 Frogtown Connector Road (see Boone County Planning Commission Resolution R-10-004-A and Boone County Ordinance 10-07).

R. **Holiday Inn (Florence) Special Sign District**
   A 24 acre site located at 7905 Freedom Way (see Boone County Planning Commission Resolution R-10-005-A and City of Florence Ordinance O-08-10).

S. **Spiral Drive Retail Special Sign District**
   A 2.589 acre site located on the northeast corner of the Houston Road/Woodpoint Drive intersection (see Boone County Planning Commission Resolution R-11-009-A and City of Florence Ordinance O-18-11).

T. **Action Boulevard Special Sign District**
   A 3.3 acre site located at 8025 Action Boulevard (see Boone County Planning Commission Resolution R-12-002-A and City of Florence Ordinance O-06-12).
U. New Plan Holdings Special Sign District
An 11.5 acre site located at 7619-7647 Mall Road (see Boone County Planning Commission Resolution R-12-003-A and City of Florence Ordinance O-08-12).

V. Corporex Parks of Kentucky Special Sign District
A 1.5234 acre site located on the northwest corner of the Mineola Pike/Olympic Boulevard intersection (see Boone County Planning Commission Resolution R-12-011-A and Boone County Ordinance 13-05).

W. Kleiman/St. Paul/Bishop of Covington Special Sign District
A 6.78 acre site located at 7221, 7301, and 7303 Dixie Highway (see Boone County Planning Commission Resolution R-13-003-A and City of Florence Ordinance O-04-13).

SECTION 3450
Small Community Overlay District and Walton Downtown District Signage
Building mounted and free standing signs located within Small Community (SC) Overlay and Walton Downtown (WD) Districts shall conform to the following requirements:

1. Business establishments may be permitted one (1) building mounted sign for each building elevation that is directly on, or has high visibility from any arterial, collector, or marginal access street (includes areas of major internal traffic circulation). The size of building mounted signs shall not exceed one (1) square foot of sign area per linear foot of building width or lease space on which the sign is mounted. Building mounted signs shall not exceed 32 square feet in size.

2. Signs cannot project more than four (4) feet into the right-of-way or interfere with pedestrian traffic on sidewalks. Signs that project into a right-of-way will require written permission from the owner of the right-of-way. The bottom of the sign shall be located a minimum of ten (10) feet above the ground. The maximum permitted size for projecting signs is 16 square feet.

3. No sign shall be permitted to be located above the parapet wall on flat roofed buildings nor shall a sign be located on any roof plane of a pitched roof building or on or above the ridge line.

4. Individual parcels of land and mixed-use commercial projects shall be permitted a density of one (1) on-premises, monument sign. The size of monument signs shall not exceed one half (½) square foot for each lineal foot of road frontage. Monument signs shall not exceed eight (8) feet in height and 32 square feet in size and shall be set in an appropriately landscaped area.

5. Sandwich board/A-frame Signs
The purpose and intent of the sandwich board/A-frame sign is to provide pedestrian-scaled advertising for temporary events, such as daily lunch specials, sales, gatherings, etc. A sandwich board/A-frame sign is defined as a non-illuminated portable sign that does not exceed two (2) feet in width or six (6) feet in height. The sign may be double sided and can fold out forming a triangular A-frame shape when viewed from the side. Each business establishment is allowed a maximum of one sandwich board/A-frame sign. This type of sign is only to be displayed during normal operating hours of the individual business establishment and must be removed during non-operating hours. The sign must be located on-premise or within ten (10) feet of the business which it advertises, and cannot interfere with pedestrian or vehicular traffic. A Sign Permit for sandwich board/A-frame signs is not required.

SECTION 3460
Violations
In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this order, the Zoning Administrator shall notify the owner or lessee thereof in writing to alter such sign so as to comply with this order. The order to comply shall specify those sections of the code of which the individual is deemed to be in

34.20
violation and shall state a time limit for compliance. Any decision by the Zoning Administrator may be appealed to the governing Board of Adjustment. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 4 of this order.
ARTICLE
35

TEMPORARY COMMERCIAL DISPLAYS,
SEASONAL TEMPORARY COMMERCIAL DISPLAYS,
STORAGE TRAILER PERMITS AND
TEMPORARY USE PERMITS

SECTION 3500

Intent
The intent of this article is to permit the sale of seasonal goods under particular circumstances and to benefit the general public by providing access to general commercial goods and services by allowing temporary commercial displays, sales, and contract sales of goods and services on hard surfaced areas with adequate parking for both the principle use as well as the temporary commercial display. Such displays are subject to certain requirements and, if these requirements cannot be satisfied, the display is prohibited. It is also the intent of this article to permit Temporary Storage Trailers as defined in Article 40, subject to specified performance standards, to account for seasonal fluctuations in inventory and storage needs for merchants.

The following sequence of Section 3510 through Section 3545 applies to Unincorporated Boone County only.

SECTION 3510

Temporary Commercial Displays
Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this Article 35 and other provisions of the zoning regulations as applicable. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas. Temporary Commercial Displays are exhibits or showings of products, goods, equipment, or services listed as a principally permitted use in Commercial One (C-1), Commercial Two (2), and Commercial Services (C-3) zoning districts. Additionally, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Temporary Commercial Display permit.

Seasonal Temporary Commercial Displays
Seasonal Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this Article 35 and other provisions of the zoning regulations as applicable. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas. Seasonal Temporary Commercial Displays are pedestrian-oriented in nature and include the exhibit and sale of seasonal items not sold on the premise during the remainder of the year. The retail sale of the particular seasonal good must be listed as a Principally Permitted Use in the Commercial Two (C-2) zoning district and may include such items as Christmas trees, pumpkins, seasonal plants and seasonal food products. Additionally, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Seasonal Temporary Commercial Display permit.
The construction of Temporary Commercial Displays and Seasonal Temporary Commercial Displays shall be stationary in nature such as when conducted in tents and buildings and shall not be mobile in nature as if conducted from a truck or other vehicle. Safety in terms of vehicular circulation, fire separation and accessibility for emergency vehicles, shall be a prime consideration when evaluating the location of the displays. Both types of displays must be positioned so that the existing vehicular and pedestrian traffic flow is not impeded. All applicable building, fire and health codes must also be met.

SECTION 3515
Time Limits for Displays
Temporary Commercial Displays cannot exist or be present on a site in any form, whether open for viewing or not, more than seven (7) consecutive days. Seasonal Temporary Commercial Displays may not exist or be present on a site in any form, whether open for viewing or not, more than thirty (30) consecutive days.

SECTION 3520
Permit Required
Prior to placing any Temporary Commercial Display or Seasonal Temporary Commercial Display on any property, the person or persons owning or having control or supervisory authority of such display shall apply and be required to obtain a permit from the Zoning Administrator for the display.

SECTION 3521
Application Contents
The application must contain the following information and be submitted with three copies of the appropriate drawings or plans:

1. Name, address, telephone number and signature of the owner of the property where the display is proposed to be located.

2. Indicate any existing development, structures and types of uses on the site as well as on adjoining sites of the proposed temporary commercial display.

3. Show the dimensions and location of the area to be used for the temporary commercial display on the site. The front, side, and rear setbacks of the area to be used for the display must also be indicated.

4. Estimate the maximum number of parking spaces to be used by the temporary commercial display; the number of parking spaces to be "borrowed" from the site's principle commercial establishment, if applicable.

5. Accurately state and describe the amount and type of goods or services to be on display.

6. State the dates the display is to be located on the site.

7. Depict all structures regardless of nature to be part of the temporary commercial display, including tents, canopies, fences or barriers of any kind.

8. Indicate traffic access to the temporary commercial display as well as parking and vehicular circulation areas.

9. Indicate anticipated flow of pedestrian and vehicular traffic, if applicable, on the site relative to existing commercial or recreational developments and the temporary commercial display.

The zoning administrator shall review the application and determine within three (3) working days from submittal date whether or not the plan conforms with this Article 35 and all other applicable provisions of these zoning regulations.
SECTION 3525
Review of Zoning Administrator
The Zoning Administrator is permitted to issue a permit for the Temporary Commercial Display or Seasonal Temporary Commercial Display upon receiving a completed application containing all the information required in this Article 35 and all other provisions of the zoning regulations, as well as the full applicable fee. After reviewing the completed application, the Zoning Administrator may issue a permit if review of the application and plans submitted indicates that:

1. The Temporary Commercial Display or Seasonal Temporary Commercial Display as depicted is compatible with existing commercial or recreational development on the site;

2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.

3. Minimum parking requirements are met on site for both the existing use(s) and Display and the maximum estimated parking spaces necessary for the Display is not anticipated to detract from parking area provided for existing commercial or recreational developments at the site.

4. No structure shown will block, impair or otherwise unduly inconvenience patrons of existing commercial developments on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed structures and display areas will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points, parking lots, setbacks, and existing structures.

5. Proposed site is hard surfaced, and is located in a Commercial Two (C-2), Commercial Services (C-3), or Recreation (R) zoning district. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas. Proposed use is principally permitted in C-1, C-2 or C-3 for a TCD and C-2 for a Seasonal TCD.

6. The construction of the Display is not mobile in nature such as a truck or other vehicle but contained within a building or tent.

7. All other applicable requirements of this order have been fulfilled.

8. Any deviation in the location of a display from the requirements of the Zoning Regulations must be approved by the Zoning Administrator.

SECTION 3526
Refusal to Issue Permit
If the Zoning Administrator refuses to issue a permit for a Temporary Commercial Display or Seasonal Temporary Commercial Display, he shall set forth the reasons for such refusal in writing and submit the findings to the applicant with his refusal to issue the permit. Submission of the findings of fact upon which the refusal is based shall be made no later than three (3) working days from the date the completed application and fee were submitted.

SECTION 3530
Appeal to Board of Adjustment and Zoning Appeals
An applicant refused a permit for the Temporary Commercial Display or Seasonal Temporary Commercial Display by the Zoning Administrator may appeal to the Board of Adjustment and Zoning Appeals which has jurisdiction over the site upon which the display was to be located in accordance with the provisions of Article 2.
SECTION 3535
Fee
At the time of application for a Temporary Commercial Display or Seasonal Temporary Commercial Display permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3540
Sales and Contracts Allowed
At any Temporary Commercial Display or Seasonal Temporary Commercial Display for which a permit has been issued, sales or contracts for selling or providing the goods or services that are the subject of the approved Temporary Commercial Display or Seasonal Temporary Commercial Display shall be allowed.

SECTION 3545
Limit of Permits on each Site
The purpose of this Article is to provide access by the public to commercial displays, exhibits or events of limited duration rather than to establish a regular or long-term use of land. Thus, no permit shall be issued for a site under this Article that has had three (3) prior Temporary Commercial Display permits issued during the same calendar year for the same site. Only one (1) Seasonal Temporary Commercial Display is permitted for a site during each calendar year.

The following sequence of Section 3510 through Section 3545 applies to the City of Florence, City of Union and City of Walton only.

SECTION 3510
Temporary Commercial Displays
Temporary Commercial Displays shall consist of: (1) Exhibits or showings of goods or services which are ancillary to an existing business establishment. The goods or services must be of the same general type as those displayed or sold by the business establishment to which the display is ancillary. The goods or services must be listed as principally permitted uses in Commercial One (C-1), Commercial Two (C-2), and Commercial Services (C-3) zoning districts. This type of Temporary Commercial Display must occur on the same premises occupied by the business establishment to which it is ancillary and those premises must be owned or leased by the business establishment conducting the commercial display, and sales may only be conducted by the same business establishment that owns or leases the permanent business premises; or

The following version of Section 3510, Subsection 2 applies to the City of Florence only.

(2) The display and sale of motor vehicles (Ordinance No. 0-19-04 in the City of Florence), and the display and sale of seasonal goods, including Christmas trees, pumpkins, seasonal plants, and seasonal food products, but shall not include fireworks of any type in the City of Florence, Kentucky. Seasonal plants are defined as plants that typically germinate, flower, and die in one year which may include items such as flowers, food plants, and grains, but do not include plants that typically live longer than two years such as potted house plants or landscape nursery stock such as trees or shrubs.

The following version of Section 3510, Subsections 2 and 3 applies to the City of Union and City of Walton only.

(2) The display and sale of motor vehicles and the display and sale of seasonal goods including Christmas trees, pumpkins, seasonal plants, and seasonal food products, all consumer or common fireworks also known as Class C and Division 1.4G permitted for retail sales to the general public by KRS 227 may be sold and displayed in conformance with all applicable requirements through the issuance of a Temporary Commercial Display permit; (3) Temporary Commercial Displays allowed by approved concept development plans shall be governed by the provisions of the approved plan.
Temporary Commercial Displays are permitted on hard-surfaced areas located in the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zoning districts, subject to the terms and provisions of this Article 35 and other provisions of the zoning regulations as applicable. Tents used as part of a display may be located in yard areas, provided they are not placed in required landscape areas or rights of way.

The construction of Temporary Commercial Displays shall be stationary in nature such as when conducted in tents and buildings and shall not be mobile in nature as if conducted from a truck or other vehicle. Safety in terms of vehicular circulation, fire separation and accessibility for emergency vehicles, shall be a prime consideration when evaluating the location of the displays. Displays must be positioned so that the existing vehicular and pedestrian traffic flow is not impeded. All applicable building, fire and health codes must also be met.

SECTION 3515  
Time Limits for Displays  
Temporary Commercial Displays cannot exist or be present on a site in any form, whether open for viewing or not, more than ten (10) consecutive days.

SECTION 3520  
Permit Required  
Prior to placing any Temporary Commercial Display on any property, the person or persons owning or having control or supervisory authority of such display shall apply and be required to obtain a permit from the Zoning Administrator for the display.

SECTION 3521  
Application Contents  
The application must contain the following information and be submitted with three copies of the appropriate drawings or plans:

1. Name, address, telephone number and signature of the owner of the property where the display is proposed to be located and the operator of the business activity where the display is proposed to be located.

2. Indicate any existing development, structures and types of uses on the site as well as on adjoining sites of the proposed temporary commercial display.

3. Show the dimensions and location of the area to be used for the temporary commercial display on the site. The front, side, and rear setbacks of the area to be used for the display must also be indicated.

4. Estimate the maximum number of parking spaces to be used by the temporary commercial display; the number of parking spaces to be “borrowed” from the site’s principle commercial establishment, if applicable.

5. Accurately state and describe the amount and type of goods or services to be on display.

6. State the dates the display is to be located on the site.

7. Depict all structures regardless of nature to be part of the temporary commercial display, including tents, canopies, fences or barriers of any kind.

8. Indicate traffic access to the temporary commercial display as well as parking and vehicular circulation areas.

9. Indicate anticipated flow of pedestrian and vehicular traffic, if applicable, on the site relative to existing commercial or recreational developments and the temporary commercial display.

10. An approved Transient Merchant Permit from the Boone County Clerk, if applicable.
The zoning administrator shall review the application and determine within three (3) working days from submittal date whether or not the plan conforms with this Article 35 and all other applicable provisions of these zoning regulations.

SECTION 3525
Review of Zoning Administrator
The Zoning Administrator is permitted to issue a permit for the Temporary Commercial Display upon receiving completed application containing all the information required in this Article 35 and all other provisions of the zoning regulations, as well as the full applicable fee. After reviewing the completed application, the Zoning Administrator may issue a permit if review of the application and plans submitted indicates that:

1. The Temporary Commercial Display as depicted is compatible with existing commercial or recreational development on the site;

2. Anticipated pedestrian and vehicular traffic flow is shown to be compatible with existing traffic patterns at the site.

3. Minimum parking requirements are met on site for both the existing use(s) and Display and the maximum estimated parking spaces necessary for the Display is not anticipated to detract from parking area provided for existing commercial or recreational developments at the site.

4. No structure shown will block, impair or otherwise unduly inconvenience patrons of existing commercial developments on the site. To ensure the safety of the individuals utilizing the site, retain a positive aesthetic view and adequate parking, the location of all proposed structures and display areas will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points, parking lots, setbacks, and existing structures.

5. Proposed site is hard surfaced, and is located in a Commercial Two (C-2), Commercial Services (C-3), or Recreation (R) zoning district. Tents used as part of a display may be located in yard areas provided they are not placed in required landscape areas or rights-of-way. Proposed use is principally permitted in C-1, C-2 or C-3 for a TCD.

6. The construction of the Display is not mobile in nature such as a truck or other vehicle but contained within a building or tent.

7. All other applicable requirements of this order have been fulfilled.

8. Any deviation in the location of a display from the requirements of the Zoning Regulations must be approved by the Zoning Administrator.

9. An approved Occupational License/Payroll Tax Application from the applicable legislative body(ies) for the business activity must be obtained and kept on the premises before a Temporary Commercial Display may be placed or operated on a site.

10. A maximum of two temporary signs may be used in conjunction with a Temporary Commercial Display. A Temporary Advertising Display (TAD) Permit per Section 3420 is not required for these signs. The type of temporary signs permitted to be used with a Temporary Commercial Display include banners, board and placard types, including real estate style signs. These signs shall not exceed 100 square feet in area, 10 feet in height if freestanding, and may not be placed on the roof of a tent or any other structure. Other types of temporary signs, such as banners attached to permanent signs or poles, inflatable devices, any type of portable signs, pennants and streamers, light strings, balloons, and flags, may not be used with a Temporary Commercial Display. A Temporary Advertising Display (TAD) Permit may not be issued for a Temporary Commercial Display to permit the types of temporary signs prohibited under this section.

SECTION 3526
Refusal to Issue Permit
If the Zoning Administrator refuses to issue a permit for a Temporary Commercial Display, he shall set forth the reasons for such refusal in writing and submit the findings to the applicant with his refusal to issue the permit. Submission of the findings of fact upon which the refusal is based shall be made no later than three (3) working days from the date the completed application and fee were submitted.

SECTION 3530
Appeal to Board of Adjustment and Zoning Appeals
An applicant refused a permit for the Temporary Commercial Display by the Zoning Administrator may appeal to the Board of Adjustment and Zoning Appeals which has jurisdiction over the site upon which the display was to be located in accordance with the provisions of Article 2.

SECTION 3535
Fee
At the time of application for a Temporary Commercial Display permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3540
Sales and Contracts Allowed
At any Temporary Commercial Display for which a permit has been issued, sales or contracts for selling or providing the goods or services that are the subject of the approved Temporary Commercial Display shall be allowed.

SECTION 3545
Limits of Permits on Each Site
The purpose of this Article is to provide access by the public to commercial displays, exhibits or events of limited duration rather than to establish a regular or long-term use of land. Thus, no permit shall be issued for a site under this Article that has had five (5) prior Temporary Commercial Display permits issued during the same calendar year for the same site.

SECTION 3550
Non-Applicability to Yard Sales, Sidewalk Sales, and Mobile Food/Beverage Sales
This Article 35 shall not apply to regulate or prohibit yard sales where articles or goods are displayed for sale at a person's dwelling and where articles so displayed are personal belongings of such person.

Nor shall this Article 35 apply to sidewalk sales by a commercial establishment which regularly does business on the same premises, where the articles or goods on outdoor display are the same as are usually displayed for sale at its establishment.

This Article 35 shall not apply to mobile food and beverage vendors, such as ice cream, snow cone, coffee, and food trucks, which remain mobile and sell from various locations over the course of the business day versus one fixed location (also refer to Section 3149 regarding the parking or storage of business vehicles).

SECTION 3551
Non-Applicability to Indoor Displays
This Article 35 shall not apply to indoor Temporary Commercial Displays.

SECTION 3560
Temporary Storage Trailer Permits
Temporary Storage Trailers, as defined in Article 40, are permitted within Commercial Two (C-2), Commercial Services (C-3) and Recreation (R) zones subject to the terms and provisions of this Article 35 and other provisions of this order as applicable.
SECTION 3565
Time Limits for Temporary Storage Trailers
Temporary Storage Trailers are permitted on a site for one period of up to sixty (60) consecutive calendar days per calendar year, per address.

SECTION 3570
Temporary Storage Trailer Permit Required
Prior to placing any Temporary Storage Trailer on any property, the person or persons owning or having control or supervisory authority of such trailer(s) shall apply and be required to obtain a permit from the Zoning Administrator. A completed application form as prescribed by the Zoning Administrator, fee, and a plot plan which indicates the location of the Temporary Storage Trailer(s), existing buildings and paved areas, and property lines, shall be submitted. The Zoning Administrator shall review the application and determine within three (3) working days from the submittal date whether or not the plan conforms with this Article 35 and all other applicable provisions of this order.

If the Zoning Administrator refuses to issue a Temporary Storage Trailer Permit, the reasons for such refusal shall be submitted to the applicant in writing within three (3) working days from the date the complete application was submitted. An applicant refused a permit for a Temporary Storage Trailer Permit may appeal such action to the Board of Adjustment and Zoning Appeals in accordance with the provisions of Article 2.

SECTION 3575
Temporary Storage Trailer Permit Performance Standards
The Zoning Administrator shall approve a complete Temporary Storage Trailer Permit application which complies with the following performance standards and all other applicable requirements of this order.

1. Two Temporary Storage Trailers are permitted per permit.
2. Permits are limited to enclosed trailers or portable storage containers.
3. Temporary Storage Trailers shall be placed in the rear yard, except that such units may be located in the front yard or side yard if located in a screened dock or delivery area.
4. Temporary Storage Trailers must be placed on a paved surface and not within designated parking areas.
5. The placement of a Temporary Storage Trailer must meet a minimum 5 foot setback, except that any trailer with a refrigeration unit or other device used for power shall not be located within 200 feet of a property line adjacent to a residential zone or use. Any Temporary Storage Trailer without a refrigeration unit or other device for power shall not be located within 50 feet of a property line adjacent to a residential zone or use.
6. Merchandise shall not be sold directly out of a Temporary Storage Trailer, nor shall a Temporary Storage Trailer be used for the storage of bulk hazardous or toxic materials.
7. No Temporary Storage Trailer shall block, impair, or otherwise unduly inconvenience patrons of existing commercial developments on a site. To ensure the safety of the individuals utilizing the site, a positive aesthetic view must be retained as well as adequate parking. The location of all proposed Temporary Storage Trailers will be evaluated in regard to pedestrian and vehicular traffic patterns, emergency access, access points to the site, parking lots, setbacks, and existing structures.
8. Vertical stacking of Temporary Storage Trailers and stacking of other materials or merchandise on top of any Temporary Storage Trailer is prohibited.
9. A Temporary Storage Trailer shall have no signage other than the name, address, and telephone number of the person or firm engaged in the business of renting or otherwise placing the Temporary Storage Trailer.

35.8
10. All Temporary Storage Trailers in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration.

11. The property where a Temporary Storage Trailer is placed must be occupied by a principal building, and the Temporary Storage Trailer must serve the requesting business and be located on the requesting business’s premises.

12. Any deviation in the location of an approved Temporary Storage Trailer from the location indicated on the approved permit must be approved by the Zoning Administrator.

SECTION 3580
Temporary Storage Trailer Permit Fee
At the time of application for a Temporary Storage Trailer Permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.

SECTION 3582
Temporary Use Permits
Temporary Use Permits allow seasonal commercial activities which are open to the public and of limited duration on farms which contain at least fifty (50) contiguous acres, regardless of zone. The seasonal commercial activities must be accessory to active agricultural production occurring on the property. Examples include but are not limited to farm tours, hay rides, agricultural exhibits, corn mazes, petting zoos, barn dances, and other agri-tourism activities. Sales of produce grown on the premises or other goods that are related to the seasonal commercial activities are also permitted.

If the proposed activities are listed under the applicable zone as a Conditional Use, a property owner may elect to apply for a Conditional Use Permit per the requirements of Article 2. If a Conditional Use Permit is obtained for the seasonal commercial activities, a Temporary Use Permit is not required and the terms of the Conditional Use Permit apply to the seasonal commercial activities and not the Temporary Use Permit requirements.

SECTION 3584
Time Limits for Temporary Use Permits
Activities authorized by a Temporary Use Permit are permitted on a site for one period of up to six (6) calendar weeks per calendar year.

SECTION 3586
Temporary Use Permit Required
Prior to initiating any activities permitted by a Temporary Use Permit, the person or persons owning or having control of the property shall apply and be required to obtain a permit from the Zoning Administrator. A completed application form as prescribed by the Zoning Administrator, fee, and a plot plan which indicates the location of the proposed temporary activities including parking areas, existing buildings and paved areas, and property lines, shall be submitted. The Zoning Administrator shall review the application and determine within three (3) working days from the submittal date whether or not the plan conforms with this Article 35 and all other applicable provisions of this order.

If the Zoning Administrator refuses to issue a Temporary Use Permit, the reasons for such refusal shall be submitted to the applicant in writing within three (3) working days from the date the complete application was submitted. An applicant refused approval for a Temporary Use Permit may appeal such action to the Board of Adjustment and Zoning Appeals in accordance with the provisions of Article 2.

SECTION 3588
Temporary Use Permit Performance Standards
The Zoning Administrator shall approve a complete Temporary Use Permit application which complies with the following performance standards and all other applicable requirements of this order.

1. The proposed seasonal commercial activities must be accessory to active agricultural production on a site which contains at least fifty (50) contiguous acres.

2. A two-way driveway minimally surfaced with gravel shall be provided between the road and parking area. No specific surfacing material is required for the parking area. A designated parking area which is large enough for the anticipated demand shall be provided on site.

3. The seasonal commercial activities shall be open to the public only between dawn and 9:00 p.m.

4. No amplified sound shall be permitted outdoors.

5. All activities authorized by a Temporary Use Permit, including parking, shall not be located within 200 feet from a side or rear property line adjoining a tract which contains a residence, or within 50 feet from a side or rear property line adjoining a tract with an active agricultural operation. Other than the access drive, all activities authorized by a Temporary Use Permit shall not be located within 50 feet from a road right-of-way.

6. The Zoning Administrator may approve exceptions to the performance standards in this section provided a specific proposal fulfills the essential purpose and effect of the stated requirements.

SECTION 3590
Temporary Use Permit Fee
At the time of application for a Temporary Use Permit, the applicant shall pay in full to the Boone County Planning Commission a fee as indicated in the adopted fee schedule.
ARTICLE 36

LANDSCAPING

SECTION 3600

Intent

The purpose and intent of this Article is to preserve and promote the health, safety and general welfare for the citizens of Boone County. The County has an abundant resource and amenity with the tree and vegetation cover located within the County. This resource provides ecological, environmental and economical benefits to every resident or employee within Boone County. Development often requires the removal of this resource in order to accommodate new structures, parking and vehicular access.

Certain land uses by their nature are not compatible with other land uses. These incompatible uses can create adverse visual impacts, noise, light, and air pollution, which could potentially diminish the quality of life and the health, safety and welfare of the community. This Article shall serve to mitigate these impacts and hazards and improve the visual character of the community. Landscaping also provides a separation between parking areas and buildings which defines pedestrian and vehicular circulation areas and, lessens the visual impact and mass of continuous building facades. Therefore, this Article requires landscaping to be planted between uses, around buildings, within and around parking lots, around signs and along street frontages in order to:

1. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;
2. Facilitate the creation of an attractive and harmonious community which enhances property values;
3. Improve the visual quality of the County by minimizing negative impacts of development such as dust, glare of lights, parking lots, traffic, outside storage, loading docks, and buildings;
4. Reduce environmental impacts, such as, noise, air and light pollution, reduce stormwater runoff and decrease soil erosion, improve water quality, protect wildlife habitat, and reduce heat convection from impervious surfaces;
5. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy;
6. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

SECTION 3605

Landscape Review Procedure

This article applies to all developments subject to Site Plan Review as required by Article 30 and does not apply to detached single family residential development except for the requirements in Section 3619 “Street
The requirements stated in this article shall be addressed during the applicable Site Plan Review procedures outlined within Article 30 for all sites listed below:

1. **New Sites Currently Undeveloped** - No new site development, building, or structure shall be constructed or vehicular use area created or used unless landscaping is provided as required by this Article.

2. **Existing Sites Currently Developed** - Improvements to an existing site that include building additions, vehicular use area expansions or load/unloading area expansion shall be required to bring only the new improvements into compliance with this Article.

**SECTION 3610**  
**General Requirements**  

1. A Landscaping Plan will be required as part of the Site Plan Review procedure. The information required on this plan is listed in Article 30, Section 3004, Item 12.

2. The owner of the property is responsible for maintenance of all landscaping materials, and shall keep all plants in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced by the next planting season.

3. All landscaping shall be installed and maintained according to the Planting Details contained herein.

4. The Plant Lists within this article identify types of plants that are compatible with U.S.D.A. Zones for Plant Hardiness and are arranged by the size of plant. Deviations from the plant lists will be permitted, but the applicant must identify this deviation and provide information of the size and characteristic of the plant. Any deviations from the approved landscaping plan shall be pre-approved by the Planning Commission staff before the plant is installed. A minimum of two species shall be used from each required plant list on all sites. Sites that are greater than one acre in size shall not use any one cultivar for more than 35 percent of the plants required from any single plant list.

5. All trees from Plant List D shall be a minimum of six (6) feet (not to include the root ball) in overall height at the time of planting. In addition, all trees from Plant List A and B shall be a minimum of 2 inches in caliper size. Small trees from Plant List C shall have a minimum installation size of 1 1/2 inches in caliper size or 6 feet in height if a “clump” variety. Tall shrubs from Plant List C shall have a minimum installation size of 24 inches B & B and small/low shrubs from Plant List E shall have a minimum installation size of 3 gallons.

6. All plant material must be installed according to the approved landscaping plan by no later than the next planting season or within 6 months from the date that a building occupancy permit is issued, season permitting. If no occupancy permit is required all plant material must be installed by the next planting season from the date of approval for the landscaping plan.

7. All plant material that is selected should be able to tolerate their specific planting environment, including but not limited to exposure to sunlight or shade, and be easily maintained. Also, all landscaping shall be designed and installed to permit access to any area where repairs, renovations or maintenance to site, buildings, utilities, etc. can be reasonably expected, and shall not interfere with overhead utility lines at maturity.

8. Figure 36-5 provides representative formulas for determining the quantities of plants required by several Sections in this Article.
SECTION 3615
Enforcement
Inspections will be conducted by the applicable Zoning Inspector before and after construction to assure compliance with the submitted and approved Site Plan. Post Development site inspections will be conducted according to Article 30.

SECTION 3617
Waiver of Requirements
The Zoning Administrator shall have the authority to grant a waiver of any of the requirements in this article except Section 3655 upon receipt of a written request which outlines the rationale for the waiver. The Zoning Administrator shall review each written request and grant a waiver only: under unusual or extreme circumstances which cause an unreasonable hardship such as the size of the lot; or, when a design proposal is more responsive to and compatible with the surrounding environment than would otherwise be achieved under the requirements of this Article; or, when an innovative or alternative approach can be made which still meets the intent and purpose of this Article.

SECTION 3618
Sight Triangles
No landscaping materials which impair visibility for motorist shall be placed in sight triangles. See Article 32, Section 3218 for definition and Figure 32.1 for diagram of sight triangles. Any plant materials taller than 3.5 feet above the adjoining driving surface at maturity shall not be permitted within sight triangles. This includes trees which are limbed up because a mature tree trunk can impair motorist visibility.

SECTION 3619
Street Trees
Street trees shall be provided with the construction of all new dwelling units within residential districts that are subject to the Zoning Permit procedure. Large canopy trees (deciduous and single trunk) from Plant List A with a minimum installation size of 2 inch caliper shall be provided at a minimum rate of one tree per 50 linear feet of lot width for each road frontage. The width of any driveway(s) at the right-of-way line shall be subtracted from the total width of the applicable frontage(s) for the purposes of calculating the required street tree quantity. The required trees shall be placed on the subject lot and within 10 feet of the right-of-way line, and shall be dispersed across the lot’s street frontage. The required trees shall be placed within the adjoining street right-of-way if required by any applicable Preliminary Plat or Concept Development Plan approval, or by agreement with the applicable legislative body. The placement of street trees shall not interfere with any underground or overhead utilities, shall be placed at least 10 feet from fire hydrants, shall conform to any applicable requirements of utility providers, and shall not be placed within sight triangles per Section 3618. The required street trees shall be delineated on the plot plan required through the Zoning Permit procedure. Alternative planting schemes which deviate from the requirements of this section may be proposed during the plan review process.

SECTION 3620
Landscaping Along Street Frontages
When a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A (See Table #2). This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by 50 percent if the buffer yard width is increased from 10 feet to 20 feet and can be eliminated if the buffer yard area is increased to 30 feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.
SECTION 3625
Interior Landscaping for Vehicular Use Areas (VUAs)

Landscaping shall be provided for vehicular use areas, as defined in Article 40 in accordance with the following standards:

1. A minimum of 5 percent of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area (See Figure 36-1). This V.U.A. landscaping shall only be required for uses which have more than 50 parking spaces. This landscaped area cannot be combined into one large planting area, except as permitted by Items 4 and 5 of this section. No interior landscaping will be required within industrial zones if the V.U.A. is located outside of front yard and corner side yard areas. This interior landscaping shall be in addition to any other planting or landscaping required within this article.

2. The VUA landscaping shall contain a variety of trees listed from Plant List A and be dispersed in the form of islands or peninsulas throughout the VUA (See Figure 36-1). The minimum size of planting areas shall be 9 feet in width and 18 feet in length.

3. Planted areas will be required to have 1 tree from Plant List A per 162 square feet of area if designed as in (Figure 36-2.B) and 1 tree per 40 linear feet, (or fraction thereof), if designed as in (Figure 36-2.A).

4. Planted areas shall be required at the end of every other parking row and when parking adjoins each other at or near right angles (See Figure 36-3). Planting areas that are a minimum of 600 square feet will be required if rows of parking are unbroken for 180 linear feet or more (See Figure 36-2.B).

5. Sites which have large uninterrupted circulation areas for tractor trailers and trucks, such as warehouses and distribution centers, can provide one or more large landscape islands in order to comply with the required 5% landscaped area within the large circulation areas.

6. All planting islands shall be planted with either grass, low ground cover, shrubs, flowers, mulch or any combination of these. Hard surfaces or gravel are not permitted. All planting islands shall have minimum 6 inch curbs installed to protect the planting area from vehicular traffic.

7. All plant material (other than grass or ground cover) located within landscape islands where vehicle overhangs are needed shall be setback a minimum of 2' 6" from the edge of pavement or face of curb (See Figure 36-4).

SECTION 3630
Building Landscaping

Any blank facade or portion of a facade of a building that is not used for outdoor display, storage or loading/unloading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank facades shall be classified as any wall or portion thereof which does not have windows used for display or entry doors for customers or the general public. Buildings which are 10,000 square feet or smaller shall be exempt from the requirement within this section.

1. Trees from Plant Lists A, B, C, and/or D shall be provided on an average of at least one tree per 40 linear feet of blank facade as defined above and shrubs from Plant List E shall be provided on an average of at least one shrub per 10 linear feet of blank facade; the minimum required amounts of trees and shrubs may be substituted for one another at a ratio of one tree for every four shrubs. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the length of the building facade. If the required buffer yard can be used to adequately reduce the view of the facade from the public right-of-way no building landscaping shall be required. However, the determination of whether the required buffer yard can be used for building landscaping shall be determined by the Boone County Planning Commission Staff.
2. Facades that abut VUAs shall have a minimum eight (8) feet wide planting area. This planting area can be reduced by four (4) feet if sidewalks are installed.

SECTION 3635
Loading/Unloading Areas, Storage Areas, Utility and Mechanical Equipment and Trash Collection Areas
The loading/unloading areas, storage areas, utility and mechanical equipment and trash collection areas shall be screened from any public street right-of-way or if visible to an adjoining property. This screening shall be accomplished by continuous solid closed fence or wall if such a structure is permitted on the affected portion of the site by sections 3153 and 3655, earthen berm, hedging, evergreen plant materials or combination thereof which is high enough to effectively screen the items mentioned above from view. Any wall or fence shall be the same or compatible, in terms of texture and quality, with the material and color of the principle building. This section does not apply to sites within the I-1 and I-2 zones when the activities noted above are located on a site so that they abut other I-1 or I-2 zoned sites, or abut a local or subcollector street when the area across the street is zoned I-1 or I-2; this section does apply to I-1 and I-2 zoned sites, or portions thereof, where neither of these circumstances exist (also refer to Section 3154).

SECTION 3645
Buffer yards
Table #1 indicates the buffer yard which is required when one zoning district adjoins another zoning district. If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall still be required. This buffer yard along with all buffer yards are identified within Table #2. This table specifies the width of the required buffer yard and the plant material required for the specified buffer yard.

A buffer yard is defined as a planted area that is used to separate different sites and uses that are not compatible. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year-round or partial visual separation. Buffer yards shall consist of a continuous strip of land and screening that shall contain existing vegetation, planted vegetation, a berm, a wall or fence or any combination of these. Buffer yards shall be required in addition to any other landscaping requirement listed in this Article except Section 3620.

1. The buffer yard shall extend along the entire property line which abuts another or an incompatible land use.

2. A proposed use may reduce the required buffer yard width by one-half if the developing use adjoins an existing use which has an established mature buffer which meets or exceeds the buffer yard required for the adjoining developing use. However, the same quantity of plant material shall still be required within the buffer yard if a healthy planting environment can be provided.

3. The elimination or reduction of buffer yard requirements can be made if a developing site contains healthy mature vegetation. The amount of reduction permitted will depend on the size, type and density of the trees and vegetation which exists on the site. However, the maximum reduction which can be made in the buffer yard width is 50 percent. The required plant material can be completely eliminated if the existing vegetation accomplishes the type of screening required by the prescribed buffer yard. If this is not accomplished by the existing vegetation, then evergreens, fencing, berming, masonry wall or combination shall be used to supplement the existing screening if required within that buffer yard. The determination regarding whether a buffer yard is not required or regarding the amount of reduction which can be permitted shall be made during the Site Plan Review process.

4. Buffer yards can be located within building setbacks, and in some circumstances can be located within utility easements or rights of ways. However, this will require approval by the Planning Commission Staff and shall only be permitted if the required amount of plant material can be accommodated in an area in which the plants will be permitted to flourish. Planting within these areas shall require a written agreement
from the grantee of the easement or owner of the right-of-way. If the vegetation is removed or damaged because of necessary maintenance or construction, it will be the responsibility of the owner of the property to replace the required vegetation at their expense. No activity can be conducted within the buffer yard except for ingress and egress to the site (including driveway connections between adjoining sites), sidewalk and bicycle trail connections between adjoining sites, and passive recreation uses. In addition, detention and retention system can also be located within the required buffer yards, however, the visual screening requirements shall not be altered or diminished. Activities not permitted within buffer yards shall include parking, loading, storage, paving except for that mentioned above or accessory structures.

5. The design and exact placement of the buffer yard shall be the decision of the designer or developer, but shall be reviewed during Site Plan Review procedure to ensure compliance with this article. However, trees and shrubs should be planted a minimum of five (5) feet away from the property line to ensure maintenance access and to avoid encroachment on neighboring property.

6. When a proposed use adjoins an undeveloped parcel of property the required buffer yard shall be determined by the adjoining property’s zoning designation and shall be installed in the time period required by this Article as if the adjoining property were developed.

7. Buffer yards can be shared between uses in commercial or employment zones if an easement is provided and recorded which indicates how maintenance and replacement of unhealthy plants will be accomplished. Buffer yards shall not be shared between residential and non-residential zones. The more restrictive buffer yard width and plant material shall be provided between the two properties in this instance if different requirements would normally apply.
### Table #1
**BUFFER YARDS**

<table>
<thead>
<tr>
<th>ADJOINING ZONES</th>
<th>DEVELOPING USE ZONE</th>
<th>BUFFER YARD REQUIRED</th>
</tr>
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<tr>
<td>I-1, I-2, I-3</td>
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<td>O-1, O-2, C-1 thru C-4, PF, R, FMS</td>
<td>I-1, I-2,</td>
<td>B</td>
</tr>
<tr>
<td>UR-1 thru UR-3, MHP</td>
<td>I-1, I-1,</td>
<td>C</td>
</tr>
<tr>
<td>All other residential &amp; agricultural</td>
<td>I-1, I-2,</td>
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<td>A</td>
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<tr>
<td>C-1 thru C-4, PF, R, FMS</td>
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<td>A</td>
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<td>UR-1 thru UR-3, MHP</td>
<td>O-1, O-2</td>
<td>B</td>
</tr>
<tr>
<td>All other residential &amp; agricultural</td>
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<td>C</td>
</tr>
<tr>
<td>All other residential &amp; agricultural</td>
<td>O-1, O-2</td>
<td>D</td>
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<td></td>
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<tr>
<td>I-1 thru I-3</td>
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<td>I-1 thru I-3</td>
<td>UR-1 - UR-3, MHP</td>
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<td>B</td>
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<td>All other residential &amp; agricultural</td>
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<td>C</td>
</tr>
<tr>
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<td>(if more than 80 apartment units or 25 mobile home lots)</td>
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</tr>
</tbody>
</table>

No buffer yard is required for single-family residential homes.
Attached or multi-family dwellings in developing use zones not listed above shall be the same as UR-1. O-1A for the purpose of this table shall be the same as O-1.

SC, WD, UC, UNO, and UTC for the purpose of this table shall be the same as FMS.

### Table #2
**BUFFER YARD TYPES**

36.7
The numbers shown are the minimum quantities required for each plant type. Smaller trees may be replaced with larger varieties. Buffer yards are established in 100 feet increments with the number of plants specified. The number of plants required for a given buffer yard shall be determined by dividing the actual length of the buffer yard by 100 and multiply that number by the number of plants from each plant list required and rounding to the next whole number. Fences or walls which are used within buffer yards shall be located within the center of the buffer yard and the plants shall be installed on both sides of the fence or wall. Fences shall be solid and provide 100 percent opacity. Chain link fences with slats shall not be permitted.

BUFFER YARD A - 10 FOOT WIDTH
Landscaping required per 100 linear feet at 10 feet wide.
5 Small Trees - Plant List C, OR
3 Large Trees / 3 Medium Trees / or 3 Evergreen or any combination of 3 - Plant List A, B, or D, AND
30 Shrubs - Plant List E or 15 Shrubs - Plant List C
Ground Cover (Required in all areas not covered with grass)
Mulch (Temporary)

BUFFER YARD B - 20 FOOT WIDTH
Landscaping required per 100 linear feet at 20 feet wide.
5 Evergreens - Plant List D, AND
Any 6 Large Trees / Medium Trees / Small Trees / Additional Evergreen Trees or any combination thereof
- Plant List A, B, C, or D, AND
30 Shrubs - Plant List E or 15 Shrubs - Plant List C
Mulch (Temporary)
Ground Cover (Required)

BUFFER YARD C - 60 FOOT WIDTH
Landscaping required per 100 linear feet at 30 and 60 feet wide.
10 Evergreen - Plant List D, AND
8 Large or Medium Trees - Plant List A or B, AND
35 shrubs - Plant List C

30 FOOT WIDTH
The same number of trees, are required as for the 60 feet width buffer yard, but the width may be reduced to 30 feet if a 6 foot high berm, fence, or masonry wall is used and the number of shrubs may be reduced to 15 from Plant List C. The maximum slope for the berm is 2.5 to 1.

BUFFER YARD D - 80 FOOT WIDTH
Landscaping required per 100 linear feet at 80 and 40 feet wide.
20 Evergreens - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration, AND
11 Large Trees - Plant List A
40 shrubs - Plant List C

40 FOOT WIDTH
The same number of trees are required as for the 80’ width buffer yard, but the width may be reduced to 40 feet if a 6 foot high berm, fence or masonry wall is used and the number of shrubs may be reduced to 20 from Plant List C. The maximum slope for the berm is 2.5 to 1.

SECTION 3655
Fences
1. All fences shall have the finished side facing out. No structural supports shall be visible from adjoining properties or right-of-way unless fence is designed so that such supports are visible from both sides.

2. Fences shall be permitted within all districts. The maximum height for fences within residential zones is six (6) feet and fences shall be required to be located within the side or rear yards. Fences within
commercial and office zones shall be permitted at a maximum height of eight (8) feet while fences within industrial zones shall be permitted a maximum height of 12 feet.

3. All fences shall be constructed of durable materials and shall be installed to withstand the elements. Fences shall be maintained in good repair at all times. Barbed wire, stock wire, chicken wire and similar type fences are not permitted for residential uses in residential zones.

4. Fences shall be permitted within the front yard and corner side yard (Unincorporated Boone County, City of Union, and City of Walton only) according to the following standards:
   a. No fence can be taller than four (4) feet. The maximum height for fences in front yard and corner side yard areas in the I-1 and I-2 zones is eight (8) feet provided the fence meets the minimum required front yard or corner side yard building setback as applicable.
   b. Fences shall be of a decorative design, (chain link, barbed wire, stock wire, chicken wire and similar type fences are not permitted) and shall be designed to have an opacity of fifty (50) percent or less.
   c. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.

5. Fences shall be permitted within the front and corner side yard (City of Florence only) according to the following standards:
   a. Fences in front yard or corner side yard areas may only be constructed on property located on a corner lot in an Industrial One (I-1) zone.
   b. Fences shall be of a decorative design (solid fence, chain link, barbed wire, stock wire, chicken wire or other similar designs shall be prohibited) and shall be designed to have an opacity of fifty (50) percent or less.
   c. Fences shall be a minimum of four (4) feet in height and shall not exceed a maximum of eight (8) feet in height.
   d. Fences placed in a front or corner side yard shall be setback a minimum of ten (10) feet from the corner side and front property line.
   e. Landscape plantings as required by Section 3620 (Buffer Yard “A”) shall be planted between the fence and corner side and/or front property line. The plantings will be required even if the site is already developed and the fencing is the only proposed improvement.
   f. No fence can be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 32.

6. Fences for Agricultural purposes are exempt from the requirements of this section.

SECTION 3660
Plant Lists
The following list includes the Scientific Name and Common Name of plants arranged by size. Plant Lists A thru E found within this Article are defined as follows:

   Plant List A: Large deciduous trees over 50 feet in height at maturity;
   Plant List B: Medium sized deciduous trees 25 to 50 feet in height at maturity;
   Plant List C: Large Shrub or Small Tree 10 to 25 feet in height at maturity;
**Plant List D:** Large evergreen trees over 50 feet in height at maturity;

**Plant List E:** Shrubs which include all sizes

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**PLANT LIST A - LARGE DECIDUOUS TREES**

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<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>HEIGHT</th>
<th>SPREAD</th>
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<tbody>
<tr>
<td>Aspen, Bigtooth</td>
<td>Populus grandidentata</td>
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<td>Tilia americana</td>
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<td>‘China Snow’</td>
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<td>Maple, Hedge</td>
<td>Acer campestre</td>
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<td>Acer x ‘white tigress’</td>
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<td>Mulberry, Red</td>
<td>Morus rubra</td>
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<td>Maclura pomifera</td>
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<tr>
<td>‘White Shield’</td>
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<tr>
<td>‘Witchita’</td>
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<tr>
<td>Parrotia, Persian</td>
<td>Parrotia persica</td>
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<td>Pine, Japanese White</td>
<td>Pinus parviflora</td>
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<td>Pine, Swiss Stone</td>
<td>Pinus cembra</td>
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<td>Redcedar, Eastern</td>
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<td>Silverbell, Carolina</td>
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<td>Stewartia pseudocamellia</td>
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<td>Common Name</td>
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<td>Height</td>
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<td>'Shirofugen'</td>
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<td>Aronia melanocarpa</td>
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<td>Chokeberry, Red</td>
<td>Aronia arbutifolia</td>
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<td>Cotoneaster multiflorus</td>
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<td>Malus (varieties)</td>
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<td>'Bob White'</td>
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<td>'Coral Burst'</td>
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<td>'Donald Wyman'</td>
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<td>'Harvest Gold'</td>
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<td>'Red Swan'</td>
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<td>'Sugar Tyme'</td>
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<td>'White Angel'</td>
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<tr>
<td>Dogwood, Corneliancherry</td>
<td>Cornus mas</td>
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<td>Dogwood, Flowering</td>
<td>Cornus florida</td>
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<td>Cornus racemosa</td>
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<td>Cornus kousa</td>
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<td>Dogwood, Kousa var Chinensis 'Milky Way'</td>
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<td>Dogwood, Pagoda</td>
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<td>Cornus drummondii</td>
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<td>Forsythia x intermedia</td>
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<td>Forsythia suspensa</td>
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<td>Fringtree</td>
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<td>Crataegus viridis</td>
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<td>Hawthorn, Washington</td>
<td>Crataegus phaenopyrum</td>
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<td>Ilex decidua</td>
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<td>Ilex x attenuata</td>
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<td>Height Range</td>
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<td>Holly, Meserve 'Blue Angel'</td>
<td>Ilex x mesevere</td>
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<td>Holly, Meserve 'Blue Prince'</td>
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<td>Holly, Meserve 'Blue Princess'</td>
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<td>Honeysuckle, Fragrant</td>
<td>Lonicera fragrantissima</td>
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<td>Indigobush</td>
<td>Amorpha fruticosa</td>
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<td>Juniper, Chinese (Cultivars)</td>
<td>Juniperus chinensis</td>
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<td>Maackia, Amur</td>
<td>Maackia amurensis</td>
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<td>Magnolia, Saucer</td>
<td>Magnolia x soulangiana</td>
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<td>Magnolia, Star</td>
<td>Magnolia stellata</td>
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<td>Magnolia virginiana</td>
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<td>Maple, Girard’s Hybrid</td>
<td>Acer griseum x nikoense</td>
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<td>Maple, Ivy Leafed</td>
<td>Acer cissifolium</td>
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<td>Maple, Japanese 'Atropurpureum'</td>
<td>Acer palmatum</td>
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<td>Maple, Japanese 'Bloodgood'</td>
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<td>Maple, Japanese 'Burgundy Lace'</td>
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<td>Maple, Japanese 'Dissectum'</td>
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<td>Maple, Japanese 'Starburst'</td>
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<td>Maple, Japanese 'Summertime'</td>
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<td>Maple, Japanese 'Lennei'</td>
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<td>Maple, Japanese 'Northern Belle'</td>
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<td>Magnolia, Star</td>
<td>Magnolia stellata</td>
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<td>Magnolia, Star</td>
<td>Magnolia stellata</td>
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<td>Magnolia, Sweetbay</td>
<td>Magnolia virginiana</td>
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<td>Pine, Japanese Red</td>
<td>Pinus densiflora</td>
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36.16
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<th>Plant Name</th>
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<th>Height 1</th>
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<td>Pinus mugo</td>
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<td>Compacta</td>
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<td>Slavinnii</td>
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<td>Plum, Wild</td>
<td>Prunus americana</td>
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<td>Quince, Flowering</td>
<td>Chaenomeles speciosa</td>
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<td>Redbud, Eastern</td>
<td>Cercis candensis</td>
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<td>'Alba'</td>
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<td>'Appalachian Red'</td>
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<td>'Forest Pansy'</td>
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<tr>
<td>'Tennessee Pink'</td>
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<td>Serviceberry, Allegheny</td>
<td>Amelanchier laevis</td>
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<td>'Cumulus' - single trunk</td>
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<tr>
<td>Serviceberry, Downy</td>
<td>Amelanchier arborea</td>
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<td>Serviceberry, Shadblow</td>
<td>Amelanchier canadensis</td>
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<td>Smoketree, American</td>
<td>Cotinus obovatus</td>
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<td>Spicebush</td>
<td>Lindera benzoin</td>
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<tr>
<td>Sumac, Smooth</td>
<td>Rhus glabra</td>
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<tr>
<td>Sumac, Staghorn</td>
<td>Rhus typhina</td>
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<td>Viburnum, American</td>
<td>Viburnum trilobum</td>
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<td>Cranberrybush</td>
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<td>Viburnum, Blackhaw</td>
<td>Viburnum prunifolium</td>
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<td>Viburnum, Burkwood</td>
<td>Viburnum x burkwoodii</td>
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<tr>
<td>Viburnum, Cranberrybush</td>
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<td>Viburnum, Doublefile</td>
<td>Viburnum plicatum</td>
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<td>var Tomentosum</td>
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<td>Viburnum, Leatherleaf</td>
<td>Viburnum rhytidophyllum</td>
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<td>Viburnum, Siebold</td>
<td>Viburnum sieboldii</td>
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<tr>
<td>Wafer-Ash, Hop Tree</td>
<td>Ptelea trifoliata</td>
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<tr>
<td>Wahoo, Eastern</td>
<td>Eunymus atropurpureus</td>
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<td>15'-25'</td>
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<tr>
<td>Willow, Pussy</td>
<td>Salix discolor</td>
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<td>15'-25'</td>
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<tr>
<td>Willow, Sandbar</td>
<td>Salix exigua</td>
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<td>Witchhazel</td>
<td>Hamamelis virginiana</td>
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36.17
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<th>HEIGHT</th>
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<tbody>
<tr>
<td>Alaska-Cedar</td>
<td>Chamaecyparis nootkatensis</td>
<td>30'-45'</td>
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<td>Arborvitae, American</td>
<td>Thuja occidentalis</td>
<td>40'-60'</td>
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<tr>
<td>Cedar, Hardy Cedar of Lebanon</td>
<td>Cedrus libani var.</td>
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<tr>
<td>Cypress, Bald</td>
<td>Taxodium distichum</td>
<td>60'-80'</td>
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<tr>
<td>Cypress, Pond</td>
<td>Taxodium ascendens</td>
<td>50'-60'</td>
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<tr>
<td>Falsecypress, Hinoki</td>
<td>Chamaecyparis obtusa</td>
<td>50'-75'</td>
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<tr>
<td>Fir, Cilician</td>
<td>Abies cilicica</td>
<td>60'-80'</td>
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<tr>
<td>Fir, Doulgas 'Glaucan'</td>
<td>Pseudotsuga menziesii</td>
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<tr>
<td>Fir, White</td>
<td>Abies concolor</td>
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<td>Hemlock, Canadian</td>
<td>Tsuga canadensis</td>
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<td>Hemlock, Carolina</td>
<td>Tsuga caroliniana</td>
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<td>Holly, American</td>
<td>Ilex opaca</td>
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<td>Pinus bungeana</td>
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<td>Pinus strobus</td>
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<td>Spruce, Colorado 'Fat Albert'</td>
<td>Picea pungens</td>
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36.18
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<tr>
<td>Spruce, Norway</td>
<td>Picea abies</td>
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<td>‘Nidiformis’</td>
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<tr>
<td>Spruce, Oriental</td>
<td>Picea orientalis</td>
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<td>Spruce, Serbian</td>
<td>Picea omorika</td>
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<tr>
<td>Spruce, White var Densata</td>
<td>Picea glauca</td>
<td>40'-60'</td>
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**PLANT LIST E - SMALL AND MEDIUM SHRUBS**

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<th>SCIENTIFIC NAME</th>
<th>HEIGHT</th>
<th>SPREAD</th>
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<tbody>
<tr>
<td>Abelia, Glossy</td>
<td>Abelia x grandiflora</td>
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<td>Allspice, Carolina</td>
<td>Calycanthus, floridus</td>
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<td>Aralia, Fiveleaf</td>
<td>Acanthopanax sieboldianus</td>
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<tr>
<td>Barberry, Japanese</td>
<td>Berberis thunbergii</td>
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<tr>
<td>‘Crimson Pygmy’</td>
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<td>Barberry, Mentor</td>
<td>Berberis x mentorensis</td>
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<td>Barberry, Wintergreen</td>
<td>Berberis julianae</td>
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<td>Boxwood, Common</td>
<td>Buxus sempervirens</td>
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<td>‘Northland’</td>
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<td>var Koreana</td>
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<td>‘Tide Hill’</td>
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<td>Spread (ft)</td>
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<td><code>Squarrosa</code></td>
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<td>Fothergilla, Dwarf</td>
<td>Fothergilla gardenii</td>
<td>2'-4'</td>
<td>3'-4'</td>
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<td>Holly, Japanese</td>
<td>Ilex crenata</td>
<td>5'-8'</td>
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<tr>
<td><code>Convexa</code></td>
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<td><code>Rotundifolia</code></td>
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<td>Holly, Winterberry</td>
<td>Ilex verticillata</td>
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<tr>
<td>Hydrangea, American</td>
<td>Hydrangea arborescens</td>
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<td>Inkberry</td>
<td>Ilex glabra</td>
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<td>Jetbead</td>
<td>Rhodotypos scandens</td>
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<td>Juniper, Creeping</td>
<td>Juniperus horizontalis</td>
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<td><code>Bar Harbor</code></td>
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<td><code>Blue Mat</code></td>
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<td><code>Douglasii</code></td>
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<tr>
<td><code>Plumosa Compacta</code></td>
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<td><code>Procumbens</code></td>
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<tr>
<td><code>Wiltoni</code></td>
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<tr>
<td><code>Youngstown</code></td>
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<tr>
<td>Juniper, Sargent’s Chinese var Sargentii</td>
<td>Juniperus chinensis</td>
<td>1.5'-2.5'</td>
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<tr>
<td>Laurelcherry, Common</td>
<td>Prunus laurocerasus</td>
<td>3'-6'</td>
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<tr>
<td><code>Otto Luyken</code></td>
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<tr>
<td><code>Schipkaensis</code></td>
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<tr>
<td><code>Zabeliana</code></td>
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36.20
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<thead>
<tr>
<th>Plant Name</th>
<th>Scientific Name</th>
<th>Height</th>
<th>Spread</th>
</tr>
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<tbody>
<tr>
<td>Lilac, Littleleaf</td>
<td>Syringa microphylla</td>
<td>4'-6'</td>
<td>9'-12'</td>
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<tr>
<td>‘Superba’</td>
<td></td>
<td></td>
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<tr>
<td>Meadowsweet</td>
<td>Spiraea alba</td>
<td>3'-4'</td>
<td>3'-4'</td>
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<tr>
<td>Ninebark, Eastern</td>
<td>Physocarpus opulifolius</td>
<td>5'-8'</td>
<td>4'-6'</td>
</tr>
<tr>
<td>Spirea, Bumalda</td>
<td>Spiraea x bumalda</td>
<td>2'-3'</td>
<td>3'-5'</td>
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<tr>
<td>‘Anthony Watereri’</td>
<td></td>
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<tr>
<td>Spirea, Nippon</td>
<td>Spiraea nipponica</td>
<td>3'-6'</td>
<td>3'-6'</td>
</tr>
<tr>
<td>‘Snowmound’</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>St. John's Wort, Shrubby</td>
<td>Hypericum prolificum</td>
<td>3'-4'</td>
<td>3'-4'</td>
</tr>
<tr>
<td>Stephanandra, Cutleaf</td>
<td>Stephanandra incisa</td>
<td>4'-7'</td>
<td>4'-7'</td>
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<tr>
<td>‘Crispa’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strawberry Bush</td>
<td>Euonymus americanus</td>
<td>4'-6'</td>
<td>3'-4'</td>
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<tr>
<td>Sumac, Fragrant</td>
<td>Rhus aromatica</td>
<td>3'-6'</td>
<td>6'-10'</td>
</tr>
<tr>
<td>Viburnum, Arrowwood</td>
<td>Viburnum dentatum</td>
<td>6'-10'</td>
<td>6'-10'</td>
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<tr>
<td>Yew, English</td>
<td>Taxus baccata</td>
<td>2'-4'</td>
<td>3'-5'</td>
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<tr>
<td>‘Repandens’</td>
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</tbody>
</table>
V.U.A. = A x B - Building Area
5% of V.U.A. = Interior Landscape
Building Area = Building + Sidewalk + Landscaping
Figure 36.2
Landscape Island Types

trees 40' on center

36 - 2.A

1 tree per 200 sf

600 sf

200 sf min.

36 - 2.B
Figure 36.5
Plant Calculations

BUFFER YARD B
Section 3645
BUFFER YARD: 200' - 60' buffer yard C = 140'
1.4 x 5 evergreen trees = 7
1.4 x 6 large/medium/small/additional evergreen trees = 8.4 = 9
1.4 x 30 small shrubs = 42

BUILDING LANDSCAPE:
- 80' width minus 6' entry doors and 15' display window = 59' of blank facade
- 59' divided by 1 tree/40' = 1.475 = 2 trees required plus
- 59' divided by 1 shrub/10' = 5.9 = 6 shrubs required

BUILDING
Section 3630

STREET FRONTAGE
LANDSCAPING
Section 3620

STREET
200' lot width along R/W

OVERLAP AREA is counted towards the more restrictive yard area requirements and not counted twice.

NOTE: fractions are rounded up to next whole number.

36.25
SECTION 4000
Interpretation of Terms or Words
For the purpose of this order, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

2. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.

3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

5. The word "lot" includes the words "plot" or "parcel."

AASHTO
American Association of State Highway and Transportation Officials.

Abandonment
To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

Abutting or Adjoining
Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

Acceleration Lane
A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

Access
Driveway or other point of access such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway will be the access.
Accessory Dwelling Unit
An additional dwelling unit within a single family residence, or within a structure accessory to a single family residence, that does not occupy more than thirty five (35) percent of the total floor area of the principle structure. Such a unit is created by partitioning or finishing space within a principle residential structure or structure accessory to the principle residential structure. The principle dwelling unit and accessory dwelling unit together shall not exceed the maximum permitted density for the zone in question. Also refer to the definition of “family” in this article.

Accessory Use or Structure
A use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

Agricultural Use

Per KRS 100.111.(2), "agricultural use" means the use of:

(a) A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;

(b) Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;

(c) A tract of at least five (5) contiguous acres used for the following activities involving horses:
   1. Riding lessons;
   2. Rides;
   3. Training;
   4. Projects for educational purposes;
   5. Boarding and related care; or
   6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or

(d) A tract of land used for the following activities involving horses:
   1. Riding lessons;
   2. Rides;
   3. Training;
   4. Projects for educational purposes;
   5. Boarding and related care; or
   6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004;

Airport
A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways passenger terminals, parking areas, aircraft maintenance and storage buildings, and open spaces.
Alley
(See Street)

Alterations, Structural
A change or rearrangement in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amusement Park
A permanent facility open to the public on a seasonal or year round basis that includes a combination of recreational and/or entertainment attractions. Attractions at an amusement park consist primarily of mechanized or non-mechanized rides and exhibits for viewing, but may also include attractions such as arcades, vendors offering food or games of chance, and/or live music, theater, or multi-media events.

Apartment Dwelling Unit
A residential structure used for occupancy by three or more families living independently of each other and which contains three or more dwelling units, but not including townhouse dwelling units. Also refer to the definition of “family” in this article.

Approach
The portion of an intersection leg which is used by traffic approaching the intersection.

Arcade
A recreational facility composed of video games. An arcade does not include a sexually oriented business.

Art, Music & Dancing Schools
A facility in which the components of art, music, dancing and theater are taught and displayed. Such a facility is not considered a sexually oriented business nor an adult theater or nude model studio.

Auto Parts and Accessories Store
A retail establishment that sells parts, components and accessories for motor vehicles but that does not conduct automotive repair activities, pursuant to the definition of “automotive repair facility,” and that does not conduct wholesaling or warehousing and distribution activities.

Automotive Repair Facility
A business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicles inspections.

Automotive Sales
The sale or leasing of new and used motor vehicles, displayed, stored, and sold or leased on site excluding repair work except incidental repair.

Automotive Wrecking
The dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to a junk yard.

Average Daily Traffic (ADT)
The total bidirectional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period.

Band Width
The time in seconds or the percent of cycle between a pair of parallel lines which delineate progressive movement on a time-space diagram. It is a quantitative measurement of through traffic capacity provided by
Basement
A story underground having at least one-half of its height below the average level of the adjoining grade.

Bed and Breakfast Inn
A owner operated residential structure(s) where short term lodging rooms and meals are provided for compensation on a small scale, typically in a agricultural or small community setting. The owner-operator must reside on the premises. A bed and breakfast inn shall be limited to a maximum of eight guest rooms or suites on the premises.

Bicycle Lane (Bike Lane)
A portion of a roadway, or a lane adjacent to a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Route (Bike Route)
A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

Bikeway
Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Board of Adjustment and Zoning Appeals
An appointed board responsible for hearing appeals of determinations made by the zoning administrator and considers requests for variances and conditional use permits as outlined in the zoning regulations.

Body-Art Services
Provision of tattooing and body piercing, as defined in KRS 211.760. This definition does not include practices that are considered medical procedures by the Commonwealth of Kentucky which may not be performed in a body-art services establishment. (Applies to the City of Florence Only)

Bookstore
A business in which books, magazines and newspapers are sold to the public. A bookstore is not considered a sexually oriented business nor an adult bookstore.

Buffer Yard
(See Landscaped Screening)

Building
A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Accessory
A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building Height
The vertical distance measured from the average elevation of the proposed finished grade at the front of building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Setback Line
A horizontal distance line which is generally parallel to the related front, rear, or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures as specified in this order.
Business Association
An organization or company formed to represent business interests, which are permitted in the community.

Capacity
The maximum number of vehicles that have a reasonable expectation of passing over a given roadway or section or roadway in one direction during a given time period under prevailing roadway and traffic conditions.

Cellular Antenna Tower:
A Cellular Antenna Tower is a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services. Such towers are considered Cellular Telecommunication Facilities (see Article 31). They are designed as any communication pole, spire, structure or combination thereof, greater than 35 feet in height from the base at grade to the top of the structure, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one (1) or more antennas or dishes, including self-supporting lattice towers, guyed towers or monopole or stealth towers.

Cemetery
A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for inurement, burial ground consisting of one (1) or more marked or unmarked graves, and a burial mound or other burial facility.

Church
A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, child care, senior services, and educational programs. For the purposes of this order, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition. A facility which is generally used for purposes other than religious worship services may be classified as a church if religious services are conducted within it at a frequency and/or intensity greater than other, non-religious assemblies that are permitted in the same district as accessory uses.

Channel
A natural or artificial water course, with bed and banks that transport continuous or intermittent water flow.

Clinic
A facility the offers care, diagnosis and treatment of sick, or injured persons. A clinic may provide out patient surgical attention but does not include accommodations.

Club - A facility owned or operated by persons for a social, literary, political, educational or recreational purpose for the exclusive use of members and their guests. A club does not include a sexually oriented business.

Commercial Recreation
A privately owned and operated facility that offers activities related to fitness or recreation. It does not include a sexually oriented business.

Commercial Solid Waste
Solid waste generated by and/or resulting from but not limited to the operation of any commercial, industrial, institutional or agricultural establishment.

Comprehensive Plan
A plan, or any portion thereof, adopted by the Planning Commission in accordance with Chapter 100 of the Kentucky Revised Statutes which establishes policies for public and private actions and decisions to safeguard the development of public and private property in the most appropriate manner. A comprehensive plan shall contain, as a minimum, a statement of goals and objectives, principles, policies, and standards; a land use plan element; a transportation plan element; a community facilities plan element; and any additional elements.
Concentrated Animal Feeding Operation
An industrial facility used for the concentrated production of livestock including birthing, raising, housing,
feeding, and/or slaughtering, where livestock production is conducted in an intensive, factory style environment versus a farm or pasture environment. A concentrated animal feeding operation is an industrial use per OAG 97-31 and not an agricultural use pursuant to KRS 100.111.

Concept Development Plan
A plan that generally illustrates, depicts, and/or describes a development proposal, in accordance with the requirements stated in Article 3. A Concept Development Plan is reviewed in conjunction with Zoning Map Amendment requests and other public hearing requests as specified in this order. A Concept Development Plan approval shall be binding upon the future development of the real property in question.

Conditional Use
A defined use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Adjustment and Zoning Appeals. A conditional use has some special characteristic inherent to its operation and is subject to special requirements to mitigate negative land use impacts.

Conditional Use Permit
A permit granted by the Board of Adjustment and Zoning Appeals permitting a defined use, other than a principally permitted use to be established within the zoning district and subject to the special requirements established by the Board.

Condominium
A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association. Also refer to the definitions of “single family dwelling unit” and “family” in this article.

Convenience Store
A small retail store that sells grocery and deli items, and other day-to-day goods, and stocks such goods on the premises, all on a limited basis. A convenience store may offer the retail sale of motor fuels as an accessory use if permitted in the particular zone, or if the particular zone allows gasoline filling stations as a principally permitted use.

Corner Lot
(See Lot Types)

Crematorium
A building used for the cremation of deceased persons and animals. Crematoriums are principally permitted in the Industrial One (I-1) and Industrial Two (I-2) zones, and must be accessory to a funeral home for other zones where they are listed as a permitted use.

Critical Volume
A volume (or combination of volumes) for a given street which produces the greatest utilization of capacity for that street in terms of passenger cars of mixed vehicles per hour.

Cul-De-Sac
(See Street)

Cycle Time
The time period in seconds required for one complete sequence of signal indications.

Day Care Center
Any facility or home that cares for more than six unrelated (unrelated to the operator) children or adults on a regular basis for the purpose of child care or adult care. Day care centers do not include overnight accommodations.

Dead-end Street
Deceleration Lane
A speed change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to safe turning speed after it has left the main stream of faster moving traffic.

Delay
Stopped time per approach vehicle, in second per vehicle.

Demolition and Construction Waste
Waste materials from the construction or destruction of residential, industrial, or commercial structures.

Density
Defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres, square footage, or number of dwelling units in relation to a site or portion thereof. For commercial and employment uses, density is typically expressed in this order as a ratio of square footage of building area per acre of land area. For residential uses, density is typically expressed in this order in terms of the number of dwelling units per acre of land. For signage, density is expressed in this order in terms of the number of a certain type of sign per wall, building, lot, or overall development or subdivision. The term “density” may be used interchangeably with the term “intensity” in this order.

Design Hour Volume
Hourly traffic volume used for street design and capacity analysis, usually one or more peak hours during a 24 hour period.

Design Speed
Five to ten miles per hour above the proposed or desired speed limit of the facility under design.

Design Vehicle
Developments intended for public use must be designed for the following types of vehicles:

- Residential (excluding single family or duplex) SU30
- Commercial Uses WB40
- Industrial Uses WB50

For public street, the following design vehicles must be used:

- Commercial/Multi-family Locals and Minor Collectors SU30
- Major Collectors WB40
- Arterials WB50

Definitions for the above vehicle types are found in AASHTO Geometric Highway Design Standards.

DHV
Design Hour Volume

Diameter At Breast Height (dbh)
The diameter of a tree trunk as measured at the height of the chest of the individual making the measurement. For the purposes of this order and the landscaping requirements contained herein, dbh is 4.5 feet from grade. (See Article 36).

Divided Highway
A highway with separate roadways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbings, traffic islands, other physical separations, or by standard pavement markings and other traffic control devices.

Drive-In Facility
A portion of a parking area or a structure such as a canopy where patrons order, are served, and can consume prepared food within their vehicles on the premises. A drive-in facility must be accessory to a permitted eating and drinking establishment.
Drive-Through Facility
A facility, used in conjunction with a permitted use, that is designed or intended to be used to provide for sales or service to patrons who remain in their vehicles (See Section 3155).

Drop-off centers
A trailer or temporary structure used as a collection point for donated items for a specific non-profit organization.

Duplex Dwelling Unit
A single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling. Also refer to the definition of “family” in this article.

Dwelling
A building or structure, which is completely or partly used for residential purposes but does not include commercial hotels, motels or tourist cabins.

Dwelling Unit
An area within a dwelling, comprising of one housekeeping unit for occupancy by a family and household employees. A dwelling unit includes facilities such as bathrooms, a kitchen and bedrooms. Also refer to the definition of “family” in this article.

Easement
A legally authorized use for a defined area by a property owner to the public, a corporation, another person, or an entity for a specified purpose.

Eating and Drinking Establishments
A restaurant serving food and/or alcoholic beverages, along with music. Eating and drinking establishments do not include an adult cabaret or any other type of sexually oriented business.

Elderly Housing Facility
A residential building or complex with multiple units, suites, or rooms for senior citizens. A elderly housing facility shall primarily consist of independent living units and/or assisted living units, and may secondarily include congregate care, skilled or nursing care, Alzheimer's units, hospice, and/or comparable arrangements. It may include customary accessory services for residents such as dining, recreation and entertainment, beauty and barber services, laundry, chapel, convenience shopping, and routine day-to-day medical care. This definition does not include standard attached or multi-family residential structures, hospitals, nursing homes, or any type of clinic.

Equipment (Light)
Equipment, implements, and machinery used for commercial, industrial, construction, small scale excavation, landscaping, and other purposes, which are equal to or smaller in size than a Bobcat style implement such as Bobcat style loaders and mini-excavators, fork lifts, scissor lifts, generators, compressors, power washers, and jack hammers.

Equipment (Heavy)
Equipment, implements, and machinery used for commercial, industrial, construction, excavation, landscaping, mining and other purposes which are larger than a Bobcat style implement such as bulldozers, excavators, backhoes, crushers, compactors, cranes, and cherry pickers.

Essential Services
The erection, construction, alteration, or maintenance, by public utility, or governmental agency of underground gas, electrical, steam, water or other distribution systems, collection, communication, supply disposal, or other transmission system. Includes, but is not limited to poles, wires, main drains, sewers, pipes, traffic signals, hydrants, or other similar equipment for the public's health, safety and general welfare.

Family
1. Any number of persons all of whom are related by blood, legal adoption, or marriage, occupying a common premises and living as one housekeeping unit using one kitchen; or
2. Five or fewer persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, lodging house, fraternity or sorority, club, hotel or a residence for social rehabilitation, or that admission to residency in or occupancy of the premises is not limited to or intended for persons in the custody of the criminal justice system or the juvenile justice system and persons engaged in the care, custody, nurturance, or supervision of such persons; or

3. More than five persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, home for the infirm and aged, nursing home, lodging house, fraternity or sorority house, club, hotel, or other exceptional residential use, or a residence for social rehabilitation.

Housekeeping unit arrangements under any of the three tiers of “family” as defined above shall not be temporary or seasonal in nature and must have a minimum duration of at least thirty (30) consecutive days.

Family Day Care
A home that regularly cares for six or less unrelated (unrelated to the operator) children or adults for the purpose of child care or adult care on a non-residential basis. A family day care facility must be accessory to a residential use.

Farm Implement and Machinery Sales
The sale or leasing of new and used farm implements and machinery displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Farmers Mart
An area or facility, which can be either open air, covered with a roof structure that is open at the sides, and/or partially enclosed, at which vendors gather to sell:

1. Fresh produce;
2. Meat and fish items;
3. Seasonal plants such as Christmas trees, flowers, and seeds;
4. Bakery goods, dairy products, delicatessen and grocery items; and
5. Related or complementary goods, such as condiments, seasonings, honey, wines, and other beverages, as determined by the Zoning Administrator.

Other goods, such as household and personal items, furniture and furnishings, clothing, crafts, auto parts and accessories, electronics, fireworks, media, novelties, collectibles, and landscape supply including items such as trees, shrubs, fertilizer, and mulch, and other similar items, shall not be offered for sale at a farmers mart. Sales and display for a farmers mart shall occur in designated areas only and shall not occur in parking spaces, any vehicular areas, or landscape areas. (This definition applies to unincorporated Boone County only).

Fence
A structure, other than a building, which is a barrier and used as a boundary, or means of security, confinement, or separation.

Ferry Boat Landing
A landing or port used for the docking of marine craft that are used exclusively to transport people and/or individually owned, personal motor vehicles across the Ohio River. A ferry boat landing shall include parking facilities.

Fireworks Retail Sales
The sale of consumer or common fireworks classified as Division 1.4G (formerly Class C) explosives by the United States Department of Transportation to the general public in a non-seasonal retail environment in accordance with KRS 227. Customary accessory uses including the storage of inventory for on-site sales are permitted at a non-seasonal fireworks retail sales establishment. Storage, warehousing, or distribution of inventory for multiple store locations, the manufacturing or wholesaling of fireworks, or the sale of display
Fireworks classified as Division 1.3G (Class B) explosives by the United States Department of Transportation, are not permitted within a fireworks retail sales establishment. Facilities used for fireworks retail sales must be approved by the Boone County Building Department and applicable fire officials. (Ancillary sales under KRS 227.715(2) are not affected by this definition.)

Fire Trucks
Must be considered as a WB40 truck with a minimum of 45 ft. radius for design purposes.

Flag Lot
(See Lot Types and refer to the Boone County Subdivision Regulations for requirements)

Flight track
Ground projections of the path an aircraft follows as it arrives or departs from an airport.

Flood Plain
A land area susceptible to being inundated by water from any source. Control Regulations in accordance with The Federal Emergency Management Agency defines the land area subject to a base flood as the 100-year flood plain.

Floor Area of a Building
The sum of the gross horizontal area of all enclosed floor levels of a building, including basement floor areas but excluding the area of open roofed structures such as porches, terraces, canopies, and awnings. Also referred as “gross floor area.”

Flowline
The transition point between the gutter and the face of the curb. For a cross or valley pan, it is the center of the pan. Where no curb exists, the flowline will be considered the edge of the outside traveled lane.

Franchise Style Fast Food Establishment
A restaurant that sells ready made food or readily prepared made to order food (hot or cold), from a typically limited menu, that is typically served in disposable containers or wrappers. A franchise style fast food establishment may include drive-in or drive-through service, although orders are generally not taken at the customer’s table. A franchise style fast food establishment is typically characterized by the use of corporate trademarks in the design of on-site signage and by standardized corporate architecture in the design of the building.

Garages, Private
A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

1. Not more than one space is rented for parking to persons not resident on the premises;

2. No more than one commercial vehicle per dwelling unit is parked or stored;

3. The commercial vehicle permitted does not exceed two tones capacity.

Garage, Public
A facility designed and used for the temporary storage of operational automobiles which is open to the public at large and/or which allows vehicle parking for a fee.

Gasoline Filling Station
A facility that primarily offers the retail sale of gasoline and similar fuels. A gasoline filling station may offer automotive wash services if permitted in the particular zone as a principally permitted, accessory, or conditional use. Gasoline filling stations include the following activities that are accessory and incidental to the principle operation:

1. Sale of cold drinks, packaged food, and similar convenience goods.

2. Sale of road maps, other travel information material and provision of restroom facilities.
General Merchandise
A type of retail operation involving a variety of items sold on-premise. It is also referred to as a department store. Such items do not include a sexually oriented business.

Handicapped Person
A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. “Handicapped person” does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under K.R.S. Chapter 218A.

Health Resort or Spa
A vacation or recreation facility which is available to the general public for medical or therapeutic purposes. Such a facility does not include a sexually oriented business.

Home Occupation
A home business that is clearly a incidental and secondary use of the principal dwelling unit and that is conducted in conformance with the home occupation requirements of this order. Examples of acceptable home occupations commonly include personal or consulting services, professional offices, or studios that do not necessitate clients coming to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.

Homeowners Association
A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
A tract of at least five (5) contiguous acres used for the following activities involving horses:
1. Riding lessons; 2. Rides; 3. Training; 4. Projects for educational purposes; 5. Boarding and related care; or 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations;

Hospital Complex
One or more buildings, one of which must be a hospital (defined as an institution to provide medical, surgical, or psychiatric care to the sick or injured, including operating room facilities and beds for overnight stay). A hospital complex may also include a chapel, cafeteria or restaurant, medically related heliports, garage and maintenance facilities, physical therapy and employee exercise facilities, employee accommodations, patient/patient family housing, and shops for medical equipment, pharmacy supplies, gifts, books, magazines, toiletries, flowers, candy, or similar items, provided such uses are primarily for the benefit of patients, staff, and visitors, and are located so as not to normally attract other retail customers. A hospital complex may also include, in the same building as the hospital or in other separate buildings, other health care and health care related services, which may include but are not limited to daycare centers, medical, dental, or optical outpatient clinics, related office buildings, and medical research and development facilities.

Hotel or Motel and Apartment Hotel
A facility that offers transient lodging accommodations on a daily, weekly or monthly rate to the general public and provides additional services such as restaurants, conference rooms and recreational facilities. Such a facility does not allow a sexually oriented business.
Hourly Volume
The number of (mixed) vehicles that pass over a given section of a lane of roadway during a time period of one hour.

Household
One or more individuals occupying a single dwelling unit.

Household Electronics Sales
The retail sale of consumer electronic goods such as computers and related equipment and devices, televisions, audio and video equipment, digital media players, game consoles, cellular telephones, two way radios, navigation systems, household appliances, cameras and photographic equipment, music supplies, cellular and/or satellite service plans, and media such as computer software, electronic games, compact discs, and digital video discs. It may also include accessory repair services for the types of goods sold on the premises. A household electronic sales establishment is not considered a sexually oriented business nor an adult video store.

Household Pets
Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. They are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

Impervious Surface
An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

Industrial Park
A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

Industry, Heavy
A use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light
A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and warehousing and distribution of such products, but excluding basic industrial processing.

Infrastructure
The total composition of public, semipublic and private utilities, facilities and service which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health general public administration and revenue.

Institution
A facility designed and used to aid individuals in need of mental, therapeutic, rehabilitation counseling, or other correctional services.

Intensity
Refer to the definition of “density.”

Junk Yards
The storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include
motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered as a junkyard.

Kennel
A lot or a facility in which four (4) or more domesticated animals greater than four (4) months of age are maintained for commercial purposes. Commercial purposes include the grooming, breeding, boarding, animal day care, training, raising, and selling of domesticated animals.

LDN
(Level of noise day and night.)
The average noise level created by aircraft over a twenty four (24) hour period. Noise level measured in decibels (DBA) logarithmically averaged over a twenty four (24) hour period. (See Article 14)

Landfill
A facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

Landominimum
A single family attached or detached dwelling unit separately owned and valued for property tax purposes which includes land under the unit along with common areas under group ownership and paid by a homeowners association. Also refer to the definitions of “single family dwelling unit” and “family” in this article.

Landscape Island
An area that contains plantings or other landscape material and that is surrounded on all sides by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc. (See Article 36).

Landscape Peninsulas
An area that contains plantings or other landscape material and that is surrounded on two sides if in a corner of a paved area, or three sides in other instances, by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc. (See Article 36).

Landscape Screen or Buffer Yard
A defined area composed of vegetation and/or structures located between different and/or conflicting types or intensities of land uses or activities. A landscape screen of buffer yard may include a combination of trees, shrubs, earthen berms, landscaping fences, and/or open space qualities. The purpose of a landscape screen or buffer yard is to minimize the potential negative impacts of noise, light, dust, dirt, pollution, and differing visual effects of one use or activity upon another. (See Article 36 for requirements).

Landscaping
The preservation, addition, and maintenance of trees, bushes, plants, and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons. (See Article 36 for requirements).

Level of Service (LOS)
A measure of the mobility characteristics of an intersection as determined by vehicle delay and secondary factor, the volume/capacity ratio.

Loading Space, Off-Street
Parking lot area designed and exclusively designated for the purpose of bulk pickups and deliveries. A loading area must be appropriately scaled to delivery vehicles expected to be used and accessible to vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.
Lot
A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records.

Lot Coverage
The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Measurements
A lot shall be measured as follows:

1. Area: The geometric, horizontal area contained within a lot of record exclusive of any portion of the right-of-way of any public or private street or alley.
2. Frontage: The distance between the side property lines as measured across the required minimum front yard setback line. Any portion of a lot which adjoins a freeway shall not be construed as lot frontage for the purposes of the requirements of Table 31.1.

Lot of Record
A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Clerk.

Lot Types
Refer to the Boone County Subdivision Regulations.

Manufactured Housing
A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and transported to a building site. See Mobile Home and Modular Home.

Marina
A facility designed and used for storing, fueling, berthing, and launching of private pleasure watercraft.

Massage Parlor or Clinic
A facility in which the practice of massage by any licensed massage therapist, hospital, physician, surgeon, chiropractor or osteopath, nurse or technician working under the supervision of the above or by trainers for athletic or medical purposes. It does not include sexually oriented businesses.

Medical, Dental or Optical Clinics
A facility operated by one or more physicians, dentists, optometrists, physical therapists, medical message therapists, chiropractors, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical, dental, or optical clinics may also include laboratories to test patient samples or make medical appliances for patients that are treated on site.

Mental Health Facility, Inpatient
A facility where psychiatrists and other medical staff diagnose, treat, counsel and care for people of any age with psychiatric conditions and meals, lodging, and overnight stays occur.
Mobile Home
A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and
designed to be transported to a building site on its own chassis for placement on a supporting structure. A
mobile home is constructed in accordance with the standards established in the U.S. Department of Housing
and Urban Development's building code for manufactured housing. A mobile home is not constructed in
accordance with the standards established in the state and local building codes that are applicable to site-built
homes.

The removal of a mobile home's wheels and/or the attachment to a permanent foundation shall not change
its classification. Mobile homes do not include modular homes, dwelling units with automotive capabilities,
or recreational vehicles. Mobile homes may be located in the Agriculture (A-1) or Mobile Homes Park (MHP)
zoning districts.

Mobile Home or Travel Trailer Sales
The sale or leasing of new and used mobile homes and travel trailers displayed, stored, and sold or leased
on site excluding repair work except minor incidental repair.

Mobile Home Park
An area designed and used for the placement of two or more residential mobile homes.

Model Home
A residential structure or series of structures built with the purpose of displaying the craftsmanship of the
builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other
lots.

Modular Home
A dwelling unit composed of two or more components substantially assembled in a manufacturing plant and
transported to a building site by truck for final assemble on a permanent foundation. A modular home must
be constructed in accordance with the standards established in the state and local building codes that are
applicable to site-built homes. Modular homes do not include mobile homes. For the purposes of this order,
a modular home is considered to be a single family dwelling unit.

Motel
A facility that offers overnight sleeping accommodations primarily for automobile travelers.

Motion Picture Theaters
An indoor facility for the public to view films. Such a facility is not considered a sexually oriented business nor
an adult motion picture theater.

Multi-Family Dwelling Unit
A residential building designed arranged, and occupied exclusively by three (3) or more families living
independent of each other.

Multi-Modal Transportation
Facilities, or a system of facilities, that accommodates more than one mode of transportation such as motor
vehicles, bicycles, pedestrians, buses, light rail, etc. Such facilities may include but are not limited to, car
pooling lots, bus stops, transit stations, bike ways or lanes, bike racks, pedestrian paths, etc.

Municipal Solid Waste
Residential solid waste and commercial solid waste.

M.U.T.C.D.
Manual on Uniform Traffic Control Devices
Noise Exposure Map
A map that presents existing and projected aircraft noise contours and identifies the incompatible land uses affected by the noise contours.

Nonconforming Use or Structure
A structure which lawfully existed at the time of adoption or amendment of the zoning regulations, which does not conform to the regulations of the zoning district in which it is situated.

Nursing Home
A facility providing bed care and inpatient services for the elderly or infirm that require regular medical attention. This definition does not include facilities providing surgical or emergency medical services, substance abuse facilities, or mental health facilities.

Office Park
A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

Open Space
A land area designated for recreation, resource protection, and/or buffering purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, trails, playgrounds, fountains, swimming pools, woods, natural drainage features, and any other passive or active recreational facilities that the Planning Commission deems appropriate. Open space is not defined as existing or future road right-of-ways, streets, driveways, parking areas, or buildings.

Owner
The person, persons, or other entity having legal title to particular real estate, or such other person, persons, or entity acting on behalf of and with the written permission and authority of the legal title holder, such as a holder of an option or contract to purchase the real estate, or a lessee. In the context of this order, “owner” means the person, persons, or entity bearing responsibility for a development review application or proposal, and the term “owner” may be used interchangeably with terms such as applicant, developer, owner by option, etc.

Parking Space, Off-Street
Parking lot area designed and exclusively designated for the purpose of automobile parking. Must be adequate for parking an automobile with room for opening doors on both sides, properly related access to a public street or alley and maneuvering room. All off-street parking spaces shall be located totally outside of any street or alley right-of-way.

Patio Home
A detached single family dwelling unit, situated on a typically reduced width lot, with a reduced or no side yard setback on one side of the lot to facilitate better overall use of the lot, and to incorporate some aspects of cluster style developments within Conventional Subdivisions (See Section 3159).

Pawn Shop
A business establishment that provides loans, usually short-term, using personal property as collateral and that retains the personal property, or legal title thereof, until the loan is repaid; if the loan is not repaid, such personal property provided as collateral is offered for sale to the public, primarily in an on-premise retail environment. A business establishment that primarily buys personal property for resale to the general public in a retail environment, without the provision of a loan, is also considered to be a pawn shop pursuant to this definition unless it is of a consignment nature. A pawn shop differs from a bank, savings and loan, credit union, or similar establishment in that a pawn shop does not offer routine banking services such as checking, savings, escrow, or similar accounts, nor the sale of certificate of deposits or similar investment instruments, nor credit services other than loans where personal property is used for collateral in accordance with the pawn provisions of the Kentucky Revised Statutes.

Planned Development
A defined land area to be planned and developed as a single development or an ordered series of developments. A planned development may include a variety of land use types and densities that are characterized by imaginative designs. A planned development’s imaginative design shall creatively address
architectural design, location of structures, integration of differing land uses, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, and the preservation of natural topography, drainage, and vegetation. (See Articles 15 and 16)

Planning Commission
Public agency in the county empowered to prepare a comprehensive plan, zoning regulations, subdivision regulations, special regulations, and corridor or special area studies. The planning commission is responsible for evaluating proposed land use changes and their conformance with any applicable plans or regulations.

Planning Commission's Staff
Individuals employed by the Planning Commission or related Boards under direct employment or by a contractual agreement.

Postal Services
A business establishment that offers private post office boxes for rent, and/or that offers drop-off, pick-up, or packing and crating services for the delivery of letters or packages, and that may include the sale of stamps, packaging materials, or other items necessary for the delivery of letters or packages, provided that the use is of a retail nature and not of a distribution, storage, or transfer nature that is more appropriate in a industrial district unless otherwise qualified by the text of a specific zoning district to allow such distribution, storage, or transfer activities.

Post Office, U.S.
A facility operated and occupied by the United States Postal Service for the purpose of delivering, storing, and/or transferring mail, and for carrying out related governmental functions.

Preapplication Meeting
Informal discussions between a developer or individual and the planning staff occurring prior to the submission of an application for action by the Planning Commission. The preapplication meeting allows the planning staff to acquaint the applicant with the applicable procedures and regulations, suggest improvements to a proposed design, encourage the applicant to contact appropriate authorities on the provision of public utility service, and provide the applicant with any pertinent information relating to the proposed application.

Principal Use or Structure
The principal use or structure located on a lot as distinguished from an accessory use. The principal use or structure is the predominant purpose for which a lot is occupied or used.

Project Review Committee
The Committee responsible for the technical evaluation of site plan applications required under this order. Membership may include, but is not limited to, a representative(s) from the Planning Commission, applicable public works department, applicable water and/or sewer district, applicable county or city engineer, applicable fire district or the Fire Chief’s Association, and the Boone County Building Department. A different project review committee may be formed for any of the legislative bodies served by the Planning Commission.

Public Assembly Spaces
A facility open to the public for the purpose of meetings or public events. Examples include, but are not limited to, auditoriums, exhibition halls, churches, schools and convention centers.

Public Way
A publicly dedicated area in which a public entity or the general public have the legal right-of-passage irregardless of improvements to the dedicated area. Publicways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path.

Recreation Center
An indoor facility designed for recreation uses as allowed in these regulations. Such a facility does not include a sexually oriented business.

Recreational Vehicle
A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles pursuant to this definition include motor homes,
camper trailers, boats, as well as dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicle may also be considered to be a trailer pursuant to the definition in this article.

Recycling Center
A completely enclosed facility that collects, sorts, and processes for shipment to a recycling plant inert recoverable resources such as newspapers, cardboard, glass, plastics, and metals.

Recycling Collection Container
A dumpster style container used for the collection of inert recyclable materials such as newspapers, cardboard, glass, plastics, or metals, or reusable materials such as clothing and small household goods, in accordance with Section 3157.

Recycling Plant
A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed, and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

Research and Development Facilities
An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or laboratories conducting educational or medical research or testing.

Residential Care Facility
A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

Residential Care Facility For Handicapped Persons
Any sponsoring private or governmental agency shall be permitted to operate a residential care facility in any residential district, zone or subdivision subject only to compliance with the same limitations upon area, height, yard, screening, parking, number of dwelling units, and number of occupants per dwelling unit as apply to other residences in the district, zone or subdivision. For purposes of determining the number of occupants in a residential care facility, or in any of the dwelling units which comprise the facility, employees of the sponsoring agency providing services to persons with disabilities shall be counted only if their permanent residence is maintained at the facility. No conditional use permit not otherwise required for other residences within a zone or land use category shall be required for the operation of a residential care facility.

Residential Solid Waste
Solid waste generated by and/or resulting from but not limited to the maintenance and operation of dwelling units.

Restaurant - A facility in which food is prepared and served to the public.

Retail
A use engaged in the sale of merchandise, and services incidental and directly related to such sales of merchandise, directly to the end purchaser or end user, and where sales to the general public are not restricted or prohibited as may occur in a wholesaling use. A retail use is generally not conducted in conjunction with warehousing or distribution functions, with the exception of factory outlet stores where the retail use is accessory to the warehousing or distribution use.

Right-of-Way
An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roadside Stand
A temporary structure designed or used for the display or sale of agricultural and related products.

Satellite Dish
A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition includes but is not
Sexually Oriented Business
A Sexually Oriented Business is defined as an adult bookstore or adult video store, adult cabaret, adult motion picture theater, semi-nude model studio or a sex paraphernalia store. Below are additional definitions:

1. **Adult Bookstore or Adult Video Store** is a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

   A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

   (a) At least 35% of the establishment’s displayed merchandise which consists of said items, or

   (b) At least 35% of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items, or

   (c) At least 35% of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items, or

   (d) The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space" maintained for the display, sale, or rental of said items), or

   (e) The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space" maintained for the display, sale, or rental of said items), or

   (f) The establishment regularly offers for sale or rental at least two thousand (2,000) of said items, or

   (g) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or specified "anatomical areas."

2. **Adult Cabaret** is a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

3. **Adult Motion Picture Theater** is a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or specified anatomical areas" are regularly shown to more than 5 persons for any form of consideration.

4. **Characterized by** means describing the essential character or quality of an item. As applied in this set of zoning regulations, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC – 17 or R by the Motion Picture Association of America.
5. *Feature* means to give special prominence to.

6. *Floor Space* means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

7. *Nudity* is defined as the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

8. *Regional Shopping Mall (Enclosed)* means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large “anchor” stores, such as department stores. The common walkway or “mall” is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.

9. *Regularly* means the consistent and repeated doing of an act on an ongoing basis.

10. *Semi-Nude or Semi-Nudity* is defined as the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

11. *Semi-Nude Model Studio* is a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:
   (a) By a college, junior college, or university supported entirely or partly by taxation;
   (b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
   (c) In a structure:
       (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
       (2) Where, in order to participate in a class a student must enroll at least 3 days in advance of the class.

12. *Sexual Device* is any 3 dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

13. *Sex Paraphernalia Store* is a commercial establishment that regularly features sexual devices. This definition shall not be construed to include any:
   (a) pharmacy, drug store, medical clinic, or any establishment or entity primarily dedicated to providing medical or health care products or services, or
   (b) any establishment located within an enclosed regional shopping mall.

14. *Specified Anatomical Areas* means and includes: (a) less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

15. *Specified Sexual Activity(ies)* means any of the following: (a) intercourse, oral copulation, masturbation or sodomy; or (b) excretory functions as a part of or in connection with any of the activities described in (a) above.
Sewers, Central or Group
A central sewage treatment facility for a single development, community, or region with an accompanying collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate health and sanitation officials.

Sewers, On-Site
A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage. Must be designed to properly provide for the safe disposal of the generated raw sewage. Subject to approval by the appropriate health and sanitation officials.

Shopping Center
A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.

Sidewalk
A portion of the road right-of-way outside the roadway, or a pathway on private property, which is improved for pedestrian traffic.

Sidewalk Sale
An outdoor sale of items by a retail establishment on a sidewalk adjoining the building, not including public sidewalks within public rights-of-way. Such sales can only be conducted by an establishment which regularly conducts business on the same premises where the articles or goods are displayed for sale. The merchandise permitted to be displayed in a sidewalk sale is limited to items which can be carried away by one person without assistance, and such displays shall not impede or hinder pedestrian circulation (refer to Section 3550).

Sight Distance
The length of roadway ahead visible to the driver. The minimum sight distance available should sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

Sign
A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

The following represents terminology associated with signs:
Sign, Architectural Freestanding: A freestanding sign which does not have a bare, exposed, and unadorned pole structure(s), but rather uses: a cover or skirting around the pole structure(s), or; a structure constructed of materials, colors, and design details which match or correlate to the principal building on the site, or; the pole structure(s) is designed to have sculptural or artistic characteristics. A monument style sign may be substituted as the permitted freestanding sign on parcels where an architectural freestanding sign is permitted.

Sign, Directional: A low-rise sign of an incidental nature that is located near an exit or entrance to an office park or commercial shopping center, or within vehicular circulation areas, to convey directional information to motorists.

Sign, Entrance Monument: A monument sign that is located near an entrance of a shopping center, mixed use commercial development, planned development, or residential or commercial subdivision which identifies an overall development.

Sign, Free-Standing: A sign which is attached to a self-supporting structure that is placed on, or anchored in, the ground and that is independent of any building.

Sign, Illuminated: A sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

Sign, Lighting Device: A light, string of lights, or groups of lights located or arranged so as to case illumination on a sign.

Sign, Monument Style: A freestanding sign that is composed of a solid structure between finished grade and

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Sign, Off-Premises: A sign advertising an attraction, facility, or product and the location of said attraction, facility, or product. The sign may or may not be located on the same property as the advertised item.

Sign, On-Premises: A sign related to a business or professional conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Sign, Portable: Any sign not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, including such signs originally designed to be transported by means of wheels but have had the wheels removed (regardless of whether they are mounted to a pole, building, or other permanent or temporary structure), and signs attached to or painted on parked vehicles that are visible from the public right-of-way, unless said vehicles is used in the normal day-to-day operations of the business.

Sign, Projecting: A sign which projects from the exterior of a building, having a display area which is other than parallel to the face of the building.

Sign, Wall: A sign which is attached to an exterior wall of a building having a display area which is parallel to that wall.

Signal Progression
Progressive movement of traffic at a planned rate of speed through adjacent signalized locations within a traffic control system without stopping.

Single Family Dwelling Unit
A residential building or structure designed, constructed and occupied by persons living as one housekeeping unit using one kitchen facility. A single family dwelling unit does include a residential care facility for handicapped persons as previously defined and stated in K.R.S. 100.92 and K.R.S. 100.984. Also refer to the definition of “family” in this article.

Site Plan
A plan prepared to scale showing accurately and with complete dimensioning, the location of all proposed uses and all site development features for a specific site. A site plan addresses physical design, location of structures, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, provision of all required improvements, and the interrelationship of the various site plan components (See Article 30).

Small Cellular Pole:
A Small Cellular Pole is considered to be a Cellular Telecommunication Facility (see Article 31). It consists of a single or multiple communication antenna(s) located on a utility pole or other approved structure 35 feet or less in height measured from the base at grade to the top of the pole. It is used to support existing cellular communication networks intended for receiving and transmitting wireless electronic communication including but not limited to wireless data transmission. An antenna or similar type structure six feet or less in height can be installed on a pole and it does not need to meet the 35 feet pole height requirement. Unlike a Cellular Antenna Tower, a Small Cellular Pole transmits a wireless signal to and from a defined area. It uses lower power and provides coverage to a significantly smaller area. A new Small Cellular Pole is constructed for the sole purpose of expanding wireless communication capacity and co-locations on existing utility or city/county owned poles are both subject to the requirements in these regulations.

Solid Waste
Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material generated by and/or resulting from, but not limited to, industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operation, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.
Solid Waste Transfer Station

A building where municipal solid waste and/or demolition and construction waste is received, unloaded, potentially compacted, and loaded into vehicles for transport to another site for processing or final disposal. A solid waste transfer station shall not accept, handle, or transfer hazardous waste. A solid waste transfer station shall be open for use by both industry customers and the general public.

Specialized Amusement Facility

An establishment that offers one or more separate, single purpose, recreational attractions such as skateboard parks; bunjee, bicycle, or ski jumping; hang gliding; etc, but that does not include live entertainment such as live music performances, theater, or multi-media events.

Speed Change Lane

A separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase (acceleration lane) or decrease (deceleration lane) its speed to a rate at which it can more safely merge or diverge with through traffic.

Stopping Sight Distance

The distance traveled by the vehicle from the instant the driver of a vehicle sights an object necessitating a stop, to the instant the brakes are applied, and the distance required to stop the vehicle from the instant brake application begins.

Storage Lane

Additional land footage added to a deceleration lane to store the maximum number of vehicles likely to accumulate during a critical period without interfering with the through lanes.

Story

The portion of a building between the surface of a floor and the ceiling immediately above.

Structure

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, satellite dishes and billboards.

Street

The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows: A public or private thoroughfare used, or intended to be used, for vehicular traffic.

Street Types

Refer to the Boone County Subdivision Regulations and Article 32 of this order.

Studio

A facility used for the production of arts and crafts or a type of dwelling unit.

Subdivision

Refer to the Boone County Subdivision Regulations.

Substance Abuse Treatment Facility, Inpatient

A facility used for the treatment of alcohol or other drug abuse where one or more patients are provided with meals, and lodging for overnight stays and care.
Substance Abuse Treatment Facility, Outpatient

A facility used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided and overnight stays do not occur.

Swimming Pool

A pool, pond, lake, or open tank containing a depth of at least 1.5 feet of water at any point and maintained by the owner or manager:

1. Private or Resident: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.

2. Community: Operated with a charge for admission; a primary use.

Temporary Storage Trailer

A portable, weather-resistant receptacle designed and used for the storage or shipment of merchandise, and which is delivered and/or removed by truck or trailer. The length of the trailer shall not exceed 53 feet.

Townhouse Dwelling Unit

A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units are so combined (attached). Also refer to the definitions of “single family dwelling unit” and “family” in this article.

Trailer

Any wheeled vehicle designed to be hauled, pulled, or towed by automobile, truck, tractor, or other vehicle, including but not limited to campers, utility wagons, construction and farm implements. Such wheeled vehicle may also be considered to be a recreational vehicle pursuant to the definition in this article.

Transitional Housing Facility

A community based residential facility that provides room, board, and counseling or other rehabilitative services for persons with medical and/or social disorders or problems, such as physical or mental disabilities, homelessness, income disparities, drug or alcohol abuse, or behavioral disorders. The purpose of a transitional housing facility is to integrate or transition the residents into mainstream society.

Trips

Generate trips referred to in this ordinance are one-way trip ends and not two-way round trips.

Truck Stop

A facility designed to provide services to the trucking industry including but not limited to dispensing of fuel, restaurants, showers, and associated retail sales. The permitted uses do not include truck repair, washes, or the sale of vehicles unless such activities are expressly listed as a permitted use for the zone in question, and a conditional use permit must be obtained for any activity to be conducted at a truck stop that is listed as a conditional use for the zone in question.

Use

The specific purposes for which land and/or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Utility Pole:

A structure originally constructed for the support of electrical, telephone, cable television, broadband or other video services, street lighting, or other similar cable and is located within the public right of way or a utility easement. A pole originally installed for the primary purpose of supporting wireless telecommunication
equipment, regardless of the timeframe between pole installation and transmission equipment operation, is considered a Small Cellular Pole.

Variance

A variance is an exception granted from the literal enforcement of the zoning regulations where, by reasons of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building or size of yards, but not intensity) of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Vehicular Use Area (VUA)

All outside paved areas within the perimeter of the site that serve as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, and ingress/egress lanes. VUAs are used to determine certain landscaping requirements as specified in Article 36.

Veterinary Animal Hospital or Clinic

A facility that offers care, diagnosis, and treatment of sick, or injured animals. May include overnight accommodations on site for the treatment, observation and/or recuperation of animals. May include boarding facilities that are incidental and subordinate to the principal activity.

Vicinity Map

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

Video Store

A business which primarily rents and/or sells video media such as digital video discs and electronic games to the public, and which may secondarily sell and/or rent related equipment such as DVD players and game consoles. A video store is not considered a sexually oriented business nor an adult video store.

Warehousing and Distribution

A use engaged in storage, wholesale, transfer, and/or distribution of manufactured products, bulk materials, food and drink, supplies, and/or equipment.

Welfare and Charitable Services

An office use with a social service orientation that may also provide client services such as rehabilitation, personal development, counseling, outreach programs, or distribution of material goods for daily living needs. For the purposes of this order, welfare and charitable services does not include residential based or in-patient programs.

Wholesaling

A use engaged in volume or on-going sales of manufactured goods, bulk materials, food and drink, supplies, and/or equipment to a retailer or other middle man, but not to the end purchaser or end user, and where sales to the general public is commonly restricted or prohibited. Wholesaling is typically conducted in, and considered a part of, a warehousing and distribution environment in contrast to a retail or commercial environment.

Wireless Communications

Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that
currently exist or that may be developed in the future.

The following represents terminology associated with Wireless Communications:

Antennas or related equipment: Transmitting, receiving or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

Cellular Communication Services: Personal Wireless Service accessed by means of cellular equipment and services, which uses radio signals transmitted through cell sites and mobile switching stations.

Co-Location: Locating two (2) or more transmission antennas or related equipment on the same wireless antenna tower.

Equipment Facility: Any structure used to contain ancillary equipment for a wireless antenna tower which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

Height: The distance measured from ground level to the highest point on the antenna tower including the Antenna Array.

Lattice Tower: A tower consisting of a webbed network of support structures.

Monopole: A tower consisting of one solid support structure from base to antenna.

Personal Communication Service: As defined in 47 U.S.C. section 332(c).

Stealth Tower: A tower that is built to resemble a flag pole, tree, church spire, etc. while blending in with the surroundings.

Support Structure: A structure designed and constructed specifically to support an antenna and may include a monopole, self supporting (lattice), guy-wire-support tower and other similar structures.

Telecommunication Facility: The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications transmission.

Uniform Application: An application to construct an antenna tower submitted to a Planning Commission in conformity with Sections 3 and 5 of HB 270.

Utility: As defined in KRS 278.010(3)

Wireless Communications Antenna Tower (Cell Tower): Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 20 feet constructed on top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

Wireless Communication Facility or Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television of AM or FM radio stations or for citizens’ band or amateur radio use. Examples of cellular telecommunications or personal communications services include, but are not limited to, cellular telephone, paging, public safety, data transmission. Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

Wireless Telecommunication Services: A retail telecommunications service that uses radio signals transmitted through wireless sites and mobile switching stations.

Yard

A required open space unoccupied an unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture...
may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines cross the front of a lot and from the front lot line, or edge of the road easement for lots along private roads within easements, to the front of the principal building. For flag lots, the front yard is the yard area between the front of the structure and the property line of the neighboring lot, however, the area between the rear lot line of the adjoining lot that is between the flag lot in question and the street shall meet the minimum corner side yard setback if this area is a side yard based on the building orientation.

2. Yard, Rear: A yard extending between side lot lines, or between a side lot line and corner side yard if applicable, across the rear of a lot and from the rear lot line to the rear of the principal building.

3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards. A "corner side yard" is a side yard which adjoins a street or road and which extends between the side of the principal building to the right-of-way line at the side of the lot, and between the front building line and rear property line.

**Zoning Administrator**

The individual appointed by the county and city legislative bodies to administer, interpret, and enforce the provisions of the zoning regulations, pursuant to the provisions of this order and Chapter 100 of the Kentucky Revised Statutes.

**Zoning District**

A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity or density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in this order.

**Zoning Map Amendment**

A change to the existing zoning district boundaries pursuant to Article 3 of this order and Chapter 100 of the
Kentucky Revised Statutes. Commonly known as a zone change.

**Zoning Map, Official**

The map officially adopted by the appropriate legislative body or Fiscal Court pursuant to Article 3 of this order and Chapter 100 of the Kentucky Revised Statutes that delineates the boundaries of all officially adopted zoning districts. The official zoning map may include geographic information, such as the location of streets, railroads, water courses or bodies, and/or public facilities, that is provided for benchmark or orientation purposes.

**Zoning Permit**

A permit issued by the Planning Commission in accordance with Article 4 of this order authorizing the permitted use of lot and/or a structure and its accompanying characteristics.

**Zoning Regulations**

The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare, pursuant to Article 3 of this order and Chapter 100 of the Kentucky Revised Statutes. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.