

# ***Shelbyville Bypass Corridor Land Use Management Plan***

## ***Appendix B: Sample Overlay Zone Regulations from Other Communities***

- 1. Noe-Bixby Road Scenic Byway Overlay District  
City of Columbus, Ohio**
- 2. 2000 Union Town Plan  
Boone County Planning Commission  
Union, Kentucky**
- 3. Urban Growth Overlay Districts**
  - Cemetery Road Corridor (KY 234)**
  - Lovers Lane Corridor (KY 880)****Bowling Green/Warren County, Kentucky**

## Noe-Bixby Road Urban Scenic Byway Overlay

### 3372.30 Purpose.

The purpose of this is to protect and enhance the unique scenic and natural features of the Noe-Bixby Road Urban Scenic Byway, as defined in the Columbus City Codes, 1959, 3372.31 through the use of reasonable and practicable development standards. The Noe-Bixby Road Urban Scenic Byway Overlay is established to meet the following objectives:

1. Preserve, conserve and maintain the natural, and scenic resources that exist along or adjacent to Noe-Bixby Road.
2. Maintain the natural beauty of the landscape along Noe-Bixby Road.
3. Encourage development that enhances the natural beauty and is compatible with the existing structures along Noe-Bixby Road.
4. Encourage uses that are compatible with Noe-Bixby Road and do not impede scenic views or detract from the aesthetic value of adjacent properties.
5. Reduce the impact of new development and redevelopment in the area upon the natural and scenic character of the area. (Ord. 0277-04 § 1 (part).)

### 3372.31 Boundary.

The Noe-Bixby Road Urban Scenic Byway Overlay District shall be the length of Noe-Bixby Road, beginning at East Broad Street, extending south, and ending at East Main Street. The Overlay District is comprised of all parcels abutting the Noe-Bixby Road right-of-way but not to exceed two-hundred (200) feet from the edge of the right-of-way. (Ord. 0277-04 § 1 (part).)

### 3372.32 Applicability and extent.

- A. Standards. The standards of the Noe-Bixby Road Urban Scenic Byway Zoning Overlay shall apply to all changes to land or development and/or construction within the Noe-Bixby Road Urban Scenic Byway Overlay District.
- B. Extent. The standards contained in the overlay are in addition to the regulations of the underlying zoning districts and the general requirements contained in the Columbus Zoning Code. Where a specific overlay standard is imposed, it is to be followed in

lieu of a general provision of the Zoning Code; where the overlay does not address a required standard and it is otherwise contained in the Zoning Code, the Zoning Code standard must be followed.

- C. Variances. The Board of Zoning Appeals (BZA) may approve a variance to any of the standards contained herein. The request must, as determined by the BZA, meet the intent of the Noe-Bixby Road Scenic Overlay. (Ord. 0277-04 § 1 (part).)

### 3372.33 Building and parking standards.

1. No building or structure shall exceed two (2) stories or twenty-five (25) feet above grade except architectural elements not containing residential or commercial floor area.
2. Roof-mounted mechanical equipment shall be sufficiently screened so as not to be seen from Noe-Bixby Road. The design of mechanical enclosures shall be architecturally integrated with the rooftop and use materials comparable to the exterior finish of the building.
3. Structures within the boundaries of the Noe-Bixby Road Urban Scenic Byway Overlay shall be finished in brick, stone, wood, stucco or any combination of these materials.
4. Lighting shall be designed and located so as not to disturb the scenic nature of the byway. Dusk to dawn lighting shall be limited to illumination of entranceways, driveways and parking areas. In these cases, cut-off lights shall be used to insure that there is no illumination of nearby scenic areas or private property.
5. Ground mounted mechanical equipment and the garbage collection area for multi-family and commercial dwellings shall be located at the rear of the building and/or completely screened from view of Noe-Bixby Road and adjacent residential properties by a combination of the following methods: native deciduous understory and canopy trees, evergreen shrubbery, or enclosed with a finish exterior veneer of the same types of building material as used on the main structure.
6. Loading and unloading areas and vehicle staging areas shall be located at the rear of the structure(s) and shall be screened from view of Noe-Bixby Road and adjacent residential properties using a combination of a fence or wall and native vegetation

(native deciduous understory and canopy trees), evergreen shrubbery, or enclosed with a finish exterior veneer of the same types of building material as used on the main structure.

7. Permitted fencing and exterior wall materials shall include stone, brick, wood, wrought iron, vinyl and native vegetation.
8. Any parking for non-single family structures located completely and entirely behind the main structure shall be screened around its perimeter with native vegetation at a minimum height of twenty-four (24) inches at installation, three (3) feet on center maximum, and reaching thirty-six (36) inches in height and eight-five (85) percent opacity within three (3) years. Any parking for non-single family structures not located completely and entirely behind the main structure shall be screened around its perimeter with a combination of a fence or wall and native vegetation. Shrubs may be used in combination with permitted fence/wall and native vegetation at a minimum height of twenty four (24) inches at installation, three (3) feet on center maximum, and reaching thirty-six (36) inches in height and eighty-five (85) percent opacity within three (3) years. These screening requirements shall be in addition to any other screening requirements in the Columbus City Codes, 1959.
9. Parking lots shall include islands with native trees at a rate of one island per ten parking spaces. The island(s) should be located in a manner that provides optimal screening of the parking areas from Noe-Bixby Road. They can be located in existing or newly constructed parking areas. (Ord. 0277-04 § 1 (part).)  
3372.34 Signage.

The regulations of the Columbus Graphics Code as it applies to specific development being proposed shall apply, except where modified as follows:

1. The entire sign shall be made of or composed of or have a finish veneer, of brick, stone, rock, wood or any combination of these materials.
2. Only a monument type ground sign shall be permitted.
3. The setback for a ground sign shall be a minimum of fifteen (15) feet from the right-of-way. The height of a ground sign shall not exceed six (6) feet above grade.
4. When indirectly lighting a ground sign, the light source shall be screened from motorist view. (Ord. 0277-04 § 1 (part).)

**2000 UNION TOWN PLAN**

**ADOPTED BY:**

City of Union ..... August 28, 2000  
Boone County Fiscal Court ..... September 19, 2000  
Boone County Planning Commission ..... May 17, 2000

# 2000 Union Town Plan

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**Bob Schwenke\***

Earl White

Lisa Wilson

**Dave Zimmer\***

*\*Long Range Planning/Comprehensive Plan Committee Members*

## ***Boone County Planning Commission Staff***

---

Kevin P. Costello, AICP - Executive Director

### **Planning Services Division**

David A. Geohegan, AICP, Director

John Huth, Planner

Michelle Smith, Intern

### **Zoning Services Division**

Kevin T. Wall, AICP, CDT, Director

Mitchell A. Light, Asst. Z.A./ZEO

Todd Morgan, Planner

Mike Homer, Planner

Rudy Cordell, Zoning Enforcement Officer

Paul J. Kohake, Zoning Enforcement Officer

### **Administrative Services Division**

Vicki L. Myers, Manager, Admin. Services

Patricia A. Russ, Administrative Assistant

Debbie Warning, Secretary

Treva Beagle, Receptionist

### **GIS Services Division**

Dan Richards, Director

Robert A. Jonas, AICP, GIS Specialist

James Horton, LIS Specialist

Shannon Spears, GIS Technician

Larry Rasche, Intern

### **Historic Preservation Services Division**

Susan M. Cabot, Historic Pres. Planner

### **Consultants**

Dale T. Wilson, Legal Counsel

Gregory V. Sketch, P.E., L.S., Engineer

Timothy R. McNeely, L.S., Surveyor

Jan Hancock, Recording Clerk

## 2000 Union Town Plan

### ***Union Town Plan Technical Advisory Committee***

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The Honorable Warren S. Moore, City of Union  
Arnold Caddell, Boone County Planning Commission  
Joel LeGris, Boone County Conservation District  
Susan M. Cabot, Historic Preservation Planner  
Richard Guidi, Kentucky Transportation Cabinet  
Gregory V. Sketch, P.E., Boone County Engineer  
Gary Aman, Sanitation District No. 1

### ***Union Town Plan Steering Committee***

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Boone County Commissioner Rob Arnold  
Cheryl Buhler  
Jim Collett  
Howard Collins  
James Daugherty  
Mike Downer  
Tony Frohlich  
Jerry Geise  
Rhonda Hinkle  
Union City Commissioner Wayne McClellan  
Patrick Muldoon  
Jim O'Daniel  
Bill Smith  
Patty Smith  
Don Stepner

### ***Alternate Members***

Randy Cooper  
Brian Kelly  
Jacquee Kopser

# The 2000 Union Town Plan

September, 2000

## Boone County Planning Commission

### History of the Union Town Plan

The Boone County Planning Commission has been requested by the City of Union to conduct a planning study for the new U.S. 42 corridor in the City of Union and unincorporated Boone County. The study has resulted in a complete land use, design, and zoning plan for an approximate 1,850 acre area along the U.S. 42 corridor. To accomplish this project, the Planning Commission engaged Myers Schmalenberger Meisner consultants (MSM) during 1998 to prepare a plan.

The *Union Town Plan* is partially in response to the reconstruction of U.S. 42 by the Kentucky Transportation Cabinet. It is clear that the magnitude of road improvements proposed for U.S. 42 will bring rapid development to the Union area. The 2000 *Union Town Plan* is a concerted effort to plan ahead of the development and produce a unique sense of place for the community.

The majority of the project area (57 Percent) is located within the incorporated limits of the City of Union with a portion (43 Percent) located in unincorporated Boone County. The project area consists of over 200 parcels of land.

### Road Improvement Plans

The proposed new U.S. 42 will be 2.87 miles in length. Existing U.S. 42 is anticipated to remain as a county-maintained road after the new U.S. 42 is in operation. It will connect to the new U.S. 42 at its north and south ends, and will continue to connect to existing Mt. Zion Road, as well as intersect a possible relocation or reconstruction of Mt. Zion Road.

The U.S. 42 project is scheduled for right-of-way acquisition starting in the year 2000, and for a construction start in the year 2002. According to the Kentucky Transportation Cabinet (KTC), the road will take approximately one year to construct. The relocation of Mt. Zion Road is not a funded project at this time, however, the location can be anticipated. Both of these are KTC projects and are subject to changes in exact road location or design details.

As a result of the 1998 *Union Town Plan* proposal of a Town Center concept, some comments were made early in the public meeting process that the final design of the new U.S. 42 should be affected to slow traffic through the town center and to give the area a unique visual quality. The "split road" concept that appeared in the 1998 *Union Town Plan* and on the zoning maps was developed from these discussions. It is important to note that the split road idea came about after the Town Center concept was incorporated into the Plan.

### **Union Town Steering Committee**

After an October, 1998 formal public hearing conducted on the *Union Town Plan* by the Planning Commission, the *Union Town Plan* Steering Committee was formed of interested citizens, land owners, and elected officials. Its charge was to work through the main issues that were raised at the public hearing with the *Union Town Plan* and recommend a course of action to the Planning Commission on each. The Committee met a dozen times throughout the spring and summer of 1999. It's most noteworthy actions included the elimination of the spit road concept for U.S. 42 and the consensus establishment of the town center concept. The Committee process led to a letter from the Union City Commission and presented to the Committee by the Mayor of Union. This letter stated that enough time and effort had been spent on the process and the Committee appeared to be stalled on several issues and that the Planning Commission should now have enough information to prepare a plan that can be adopted.

As a result, this *Union Town Plan* represents a Planning Commission effort, and is based on two years of public process. It is based on the KTC proposed five-lane design for the reconstruction of U.S. 42, and contains a formal town center. This Plan helps implement the *Boone County Comprehensive Plan*.

### **Relationship to the Boone County Comprehensive Plan**

The *Union Town Plan* has been drafted to help further define the Comprehensive Plan for this important Study Area. It does not replace the Comprehensive Plan, but is designed to be a furtherance of the Comprehensive Plan's recommendations.

The 1995 *Boone County Comprehensive Plan* recommended that a detailed specific plan be prepared for the U.S. 42 corridor area because of the anticipated impacts that major road improvements and future provision of sanitary sewer service will have in the Union area. Geographically, the Comprehensive Plan recognizes the importance of the Union area. It is near the center of Boone County, and contains developable land near existing urban and suburban development.

When the 1995 *Boone County Comprehensive Plan* was prepared, the alignment of the U.S. 42 Reconstruction was unknown. At that time, the KTC had not picked an alignment for the reconstruction of U.S. 42, and much support existed in the Union area for alternative alignment #6 which closely followed the existing alignment for U.S. 42 through the center of the existing Union business district. Since that time, the KTC conducted a public hearing process and selected alternative alignment #3, which takes a more easterly route through largely undeveloped land. This roadway, planned for construction start in 2002, is designed as a five-lane, undivided highway with limited access. Its final road grade will be less than two percent, and its horizontal alignment will be straight south of the planned curve near the Union branch of the Public Library. As a result, the planned roadway will have a profound effect on the development patterns and visual character of the corridor as it is constructed across rolling pastureland.

The Land Use Element of the 1995 Comprehensive Plan recognizes that the area is distant from interstates and is more of a developing residential area than large commercial

districts, such as the Mall Road corridor in Florence. A large commercial district like Houston Road is not what the Union area would support, nor is that type of commercial district appropriate in a residential area away from interstate access. The commercial uses that will occur in the future in this area will serve the surrounding development, and will not face the demand to be regional in scale like some areas in Florence. For this reason, the Comprehensive Plan concentrated on reinforcing or rebuilding the existing Union business district, and allowing some smaller areas of commercial along the reconstructed U.S. 42 to serve adjacent development. Between these commercial nodes, the development pattern along the new road was designed to utilize the existing rolling pastureland character of the corridor. A Rural Lands land use classification was shown along the frontages of U.S. 42 to provide an open appearance, so that the residential development planned for the corridor was set back from the roadway. East of the road (existing alignment), some High Density Residential with Recreation land uses are recommended on the Future Land Use Map. The land use pattern is similar to the area that includes Triple Crown Subdivision in nearby Richwood area where attached and clustered housing is interspersed with recreation (golf course in that case) and open space.

The 2000 Union Town Land Use Plan shows a similar land use pattern in concept, where residential development is set back from U.S. 42, but densities are higher than existing zoning or most surrounding areas. As the Comprehensive Plan recommends in several elements, high density development should occur adjacent to major arterial corridors such as U.S. 42, with a transition of densities outward. The *Union Town Plan* accomplishes this objective also with the Town Center development area being centered around the intersection of new future arterial roadways, U.S. 42 and Mt. Zion Road.

The existing zoning along the corridor, if developed, would create a low density residential coverage of the area. Much of the area would be one dwelling unit per acre and some would be one dwelling unit per two acres. As the Comprehensive Plan indicates, however, this type of development is indicative of sprawl and would have the same visual impact as developing the area in a more dense subdivision or attached housing type of development, because the units would not be clustered to utilize green space. This low density development permitted by existing zoning (except west of old U.S. 42) would not achieve the land use pattern recommended by the 1995 Future Land Use Map for the year 2020. Of course this is a twenty five year projection, and the zoning is evaluated every five years by state law.

The *Union Town Plan* takes the timing issue out of the relationship between the land use plan and the zoning of the area by basing development on threshold events that will occur either through public agency action or by private development action. The Plan is based on certain infrastructure being in place, and certain development design features being provided. If a proposed development successfully presents a design that fits into the intended landscape as proposed by the Comprehensive Plan (further designed by the Union Town land use plan) then it is eligible for the *Union Town Plan's* densities. A major incentive for this to happen is the Union Town Overlay Zone, set up in this document.

The 1995 Land Use Element specifically recommends Architectural Design Review for business activity development in this corridor. The Comprehensive Plan recognizes that the consistent development of the area will create a more coherent development than a piecemeal development that would not necessarily have the best land uses in the right locations.

As described in the 1998 *Union Town Plan*, the study area contains a unique pastoral and small town character. The planning process indicated that this uniqueness can be incorporated into the future development of the City of Union and the surrounding area, and can result in a development district that is different than any other place in Boone County. In order to promote the Union Town Center area, a conscious effort has been made through the *Union Town Plan* to concentrate future commercial activity into a viable town center and to avoid typical strip-style commercial uses along the realigned U.S. 42 arterial route. While concentrating the commercial activity into a town center, residential development is planned outside this town center. Generally, the *Union Town Plan* and these specific zoning regulations recommend residential development outside the town center in an effort to preserve the unique land characteristics of the area and support the proposed commercial activity of the town center. Planned commercial uses are intended to be local and not regional in scale.

### **The 2000 Union Town Plan**

The preferred land use plan presented is one that is based on the establishment of a formal Town Center, and contains incentives to developers and property owners to develop in a well designed manner that creates a distinct character for Union, and combats certain characteristic features of suburban sprawl.

This is an incentive-based plan that provides certain advantages in return for the developer addressing certain impacts of proposed development. This plan addresses the issue of sprawl by providing the following:

- compact town center that offers a mix of uses - possible to live and work in the same community
- planned street circulation pattern
- higher density than typical Florence/Union area development
- higher property values over time because of a sense of place and an “even playing field”
- free movement on most of U.S. 42 because of managed access and less commercial turning movements
- better commercial services for future development along Hathaway Road and Mt. Zion Road having the commercial center around the big intersection.

### **Union Town Plan Land Use Map**

The official map for this planning process is the 2000 *Union Town Plan* Land Use Map. It contains the densities for development for the review process contained in this Plan and contains many specific design requirements. The 2000 *Union Town Plan* Land Use Map contains ten (10) land use classifications along with detailed notes regarding setbacks,

street connections, building orientation, parking orientation, potential lake/pond locations, potential street locations, etc. The following is a list of the land use classifications with permitted densities, acreage and residential build-out numbers.

| <b>LAND USE CLASSIFICATION</b>              | <b>PERMITTED USES/Description</b>   | <b>POTENTIAL DENSITY</b>  | <b>ACREAGE/ BUILD-OUT</b> |
|---|---|---|---------------------------|
| Green Areas                                 | Non-buildable, uncleared land (except for connector roads, pedestrian/bike paths and recreational buildings)                                      | N/A   | N/A                       |
| Potential Retention Basins/Scenic Amenities |   | N/A   | N/A                       |
| Phase I Town Center                         | Mixed use including commercial, office, public facilities, residential and recreational uses  | See Text  | 83 Acres                  |
| Phase II Town Center                        | Mixed use including office, public facilities, residential and recreational uses. Commercial uses are permitted once 50% of Phase I is developed. | See Text  | 33 Acres                  |
| Public Facilities                           | See Text  | N/A   | 261 Acres                 |
| Commercial                                  | Largely existing commercial zoned areas.  | See Text  | 10.5 Acres                |
| Office                                      | See Text  | See Text  | 35.25 Acres               |
| Low-Density Residential                     | Single-Family detached dwelling units   | Maximum - 1 House per Acre  | 135 Houses                |
| Moderate Density Residential                | Single-Family detached dwelling units   | Maximum - 1 House per 2.2 Acres (4 houses per acre - neo-traditional style) | 2,005 (at 2.2 du's/acre)  |
| Town Home Residential                       | Single-Family attached and detached dwelling units - units cannot be on top of each other   | Maximum - 6 House per Acre  | 1,055 Houses              |
| Multi-Family Residential                    | Single-Family attached and detached dwelling units and Multi-Family dwelling units  | Maximum - 10 units per acre   | 455 Units                 |

### **Responsibility of Local Governments**

The local governments and the Planning Commission should investigate methods, such as Purchase of Development Rights and conservation easements, to create and utilize public green space in the area.

The Plan recommends that the City of Union purchase several key parcels for entry way or pocket parks, and work with Property Valuation Administration and Boone County in establishing a source of revenue to accomplish this. The city should actively search for a

parcel of land within the town center on which to create a park/civic space as a focal point. The city and county will have to take an active role in maintaining public open space including the proposed bike path.

The City should select and help implement a standard street light (including a maximum lighting level) and street sign design for the entire UTC zone.

**Responsibility of Kentucky Transportation Cabinet**

Upon direction from local government and property owners, electric line utility ducts should be constructed under new U.S. 42 to enable future major electric transmission and service to economically be placed underground.

KTC should also continue to participate in consolidating storm retention needs into lakes that serve both a flood control and an aesthetic purpose.

KTC should evaluate and adjust speed limits in the school and town center areas to promote a safe pedestrian and town center environment. Furthermore, KTC should work with the local community to design, fund and construct a pedestrian tunnel and bridge as indicated in the Town Center on the Land Use Plan Map. KTC shall provide bus pull-offs with bicycle racks along new US 42.

# The 2000 Union Town Plan

September, 2000

## Amendments to the Boone County Zoning Regulations

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### ARTICLE 25

#### UNION TOWN PLAN

##### **SECTION 2500**

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

Zoning implementation methodology includes two main courses of action. First, three new 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 new 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. Physician, dental, optical goods and services;

15. Veterinary services and pet grooming services but not including the boarding of animals;
16. Beauty and barber services and tanning salons;
17. Nursery and 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. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances and repair;
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. Household appliances, china, glassware and metalware;
37. Legal services, engineering, and architectural services;
38. Title abstracting services, holding and investment services;
39. Advertising services including direct mail;
40. Business and management consulting services, credit services;
41. Employment services;
42. Consumer and mercantile credit reporting, adjustment and collection services;
41. Travel arranging, transportation ticket and public event or promotional booking agencies;
42. Radio and television broadcasting studios excluding transmitting stations and towers;
43. Art, music and dancing schools, libraries and museums;
44. Medical and Dental laboratory services;
45. Medical clinics - out - patient services;
46. Welfare and charitable services;
47. Business associations and professional membership organizations including civic, social and fraternal organizations;
48. Art and craft galleries and similar exhibit space;
49. Aquariums, botanical gardens and other natural exhibitions;
50. Churches, synagogues, temples and other places of religious assembly for worship;
51. Real Estate management services and builders offices excluding any outside storage;

52. Photographic and stenographic services;
53. Research, development and testing services of an office nature;
54. Business colleges or schools;
55. Retail sale of office supplies and equipment;
56. Generic professional offices;
57. Video rental and sales; and
58. Storm water management facilities designed in accordance with Article 3 of the *Boone County Subdivision Regulations* (site plan review required).
59. 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 (according to this order and Article 34, Section 3451);
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**

### **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 2514**

### **Minimum Lot Size**

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

## **SECTION 2515**

### **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. Physician, dental, optical goods and services;
15. Veterinary services and pet grooming services but not including the boarding of animals;
16. Beauty and barber services and tanning salons;
17. Nursery and 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. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances and repair;
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. Household appliances, 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. Medical and Dental laboratory services;
47. Medical clinics - out - patient services;

48. Business associations and professional membership organizations including civic, social and fraternal organizations;
49. Art and craft galleries and similar exhibit space;
50. Aquariums, botanical gardens and other natural exhibitions;
51. Churches, synagogues, temples and other places of religious assembly for worship;
52. Security brokers, investment services and finance companies;
53. Real Estate management services and builders offices excluding any outside storage;
54. Photographic and stenographic services;
55. Research, development and testing services of an office nature;
56. Charitable and social services administration offices;
57. Business colleges or schools;
58. Retail sale of office supplies and equipment;
59. Residential in accordance with this article;
60. Video rental and sales;
61. Generic professional offices; and
62. Storm water management facilities designed in accordance with Article 3 of the Boone County Subdivision Regulations (site plan review required);
63. Federal, state, regional, county, and local and other governmental offices;
64. Police, fire, civil defense and other protective and related services;
65. Primary, elementary, and secondary schools;
66. Junior colleges, colleges, and universities;
67. Vocational or trade schools, professional schools, and special training and schooling facilities;
68. Hospitals, medical outpatient services, sanitariums, convalescent and rest homes and related health facilities;
69. Libraries, museums, art and craft galleries, conservatories and cultural exhibits;
70. Churches or religious assembly uses, including apartment dwelling units related to the religious use;
71. Passive open space including general, leisure, ornamental and other parks, spaces, trails, bikeways, pedestrian mall systems and similar uses;

## **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 (according to this order and Article 34, Section 3451);
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**

### **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 2524**

### **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 2525**

### **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. Physician, dental, optical goods and services;
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. Nursery and 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 (according to this order and Article, Section 3451);
- 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**

**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 2534**

**Minimum Lot Size**

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

**SECTION 2535**

**Design Standards**

Proposed office development in the Rural Suburban/Union Neighborhood Office (RS/UNO) zone located adjacent to Whispering Trails Drive must have access through neighboring parcels, adjacent development, or directly from new U.S. 42, and shall not be accessed from Whispering Trails. Development in the UNO zone follows Section 2540.

**SECTION 2540**

**Design Requirements for UTC, UC, and UNO Zoning Districts**

- 1. Setbacks
  - a. Principally Permitted Structures
    - 1). Front Yard Minimum - ten (10) feet from the right-of-way line.
    - Front Yard Maximum - fifty (50) feet from the right-of-way line.

- 2). Rear Yard Minimum Setback - twenty (20) feet from property line.
  - 3). Side Yard Minimum Setbacks - five (5) feet from property line.
- b. Accessory Structures - The following setbacks shall apply to any accessory structure in the district: All accessory structures shall be located in the rear yards at least five (5) feet from all property lines.
2. Height - Maximum height of any structure is fifty (50) feet.
  3. Impervious Space - No more than eighty percent (80%) of the site can be covered with impervious surfaces. The remaining twenty percent (20%) shall be landscaped or kept in its natural state.
  4. Interior Open Space - The minimum shall be provided:
    - a. Pedestrian/Bike Connections - at critical points in the development linking the Town Center with green space as depicted on the 2000 *Union Town Plan* Land Use Map and other areas including other residential developments, parks, churches and schools;
    - b. Civic/Public Space - all developments shall provide some form of a public gathering place, such as a landscaped picnic table area or a decorative bus stop area, that is fronted on at least one (1) side by a public street when the site abuts a public street; and
    - c. Landscaped entryways.
    - d. Pedestrian/Bike Path - developers shall construct a 10' minimum pedestrian/bike path as shown conceptually on the Land Use Plan Map.
  5. Utilities - All utilities except for street lights must be located underground. Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.
  6. Building Orientation - All structures shall front toward existing Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 when the subject site adjoins one of these roads. Any drive-through windows, automatic teller machines, or gasoline pump canopies must be located on the side or rear building facades away from these roadways.
  7. Fences - Fences shall conform to Section 3655 of the Boone County Zoning Regulations. The UNO and UC zoning districts must provide a post and rail, horse-style fence in the front setback.
  8. Architecture

The following architectural standards shall serve to guide the Planning Commission's Technical/Design Review Committee. Deviations from these standards shall be weighed by the Committee to determine the appropriateness of the design with the overall intent of the 2000 *Union Town Plan* and the extent of which the site is visible from public view.

    - a. Materials - All sides of the principle structure that are visible from all roads except for rear accessed alleys shall constructed of traditional materials including: stone, brick, architectural concrete masonry units with integral color (painted blocks not acceptable), wood or glass; or synthesized materials that appear as such. Rear and side elevations shall have the same architectural treatment as the front. Exposed concrete foundations shall be finished with brick or stone or a material of the appearance of such.

Concrete foundations can be exposed at a minimum of two feet but screened with landscaping.

- b. Garage/Loading/Unloading Doors - If the dwelling unit contains an attached garage or the principle structure contains a loading/unloading area, the garage or loading/unloading doors shall not face the road on which the principle structure faces and in the case of a single-family dwelling unit, the garage wall shall be extended or recessed at least two (2) feet from the front facade. This garage wall shall contain at least two (2) windows giving the garage an appearance of being a finished room within the dwelling unit.
  - c. Entrance - All buildings shall have their main entrance on the primary street with an equally defined rear entry from the parking area.
  - d. Building Length - No building which fronts on to current Mt. Zion Road, proposed Mt. Zion Road, Hathaway Road, old U.S. 42 and new U.S. 42 shall have a linear length 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.
  - 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.

1. Members - The Technical/Design Review Committee shall consist of members who are appointed by the Chairman of the Boone County Planning Commission.
2. Review Criteria - The Board shall consider the following topics while reviewing the minimum standards (SECTION 2540) within each zoning district for a proposed development:
  - a. Building height;
  - b. Building scale and mass;
  - c. Building facade design and relationship of materials;
  - d. Type, size and location of windows and doors;
  - e. Relationship of colors and accents;
  - f. Entrances and porch projections;
  - g. Architectural details;
  - h. Roof types and shapes;
  - i. Lighting;
  - j. Retaining walls, fences, or similar structures;
  - k. Drive-through windows;
  - l. Storage areas; and
  - m. Dumpster areas;

A member of the Planning Commission staff will present submitted design information to the Technical/Design Review Committee at a scheduled Committee meeting. At a regular Planning Commission Business Meeting, staff will present the design information to the full Planning Commission along with the Technical/Design Review Committee's recommendation. The full Planning Commission shall then vote within 30 days of application, approval, approval with conditions, or denial of the design.

## **SECTION 2560**

### **Residential, Agricultural, And Other Districts**

These proposed zones include the Union Town Overlay (UTO) zone. All residential developments follow the process described below, unless the applicant elects to pursue a zoning map amendment. Agricultural uses may follow the requirements and review procedures described in the Boone County Zoning Regulations for the underlying zoning district. Proposed development can occur according to the underlying zone uses and density without any special review. Any property owner may apply for a zoning map amendment at any time. However, if a developer wishes to pursue the short review process within an area that contains the overlay zone, the following steps must be taken:

1. Pre-application meeting with Planning Commission staff to familiarize the applicant with the process and criteria for review, and to allow staff comment on the proposed development in light of the *Union Town Plan*.
2. Application to full Planning Commission as an official business item to determine if the project is eligible for the shortened review process. Minimum requirements for application include an application form and fee, and a conceptual development plan.
3. The Long Range Planning/Comprehensive Plan Committee evaluates the request and makes recommendation in the form of a written report within two regular business meetings to the full Planning Commission. The full Planning Commission votes to determine the review process that the specific request should follow. The Committee Report may contain conditions which help make the application consistent with the *Union Town Plan*. The applicant and property owner should agree to these conditions or place them on the submitted development plan.
4. If the Planning Commission votes that the request does not meet the recommendations of the *Union Town Plan*, or the request presents unanticipated potential impacts on public infrastructure, then the applicant should apply for a zoning map amendment under the Boone County Zoning Regulations.  
If the Planning Commission determines that the request does meet the recommendations of the *Union Town Plan*, and that no extenuating potential impacts on public infrastructure are foreseen, the applicant can make application for Preliminary Plat or Site Plan Review, whichever is appropriate. These processes are described in the Boone County Zoning Regulations and the Boone County Subdivision Regulations.

Regardless of which review process is determined for a specific request, an official letter from the Planning Commission shall advise the respective legislative body of the decision. The letter shall include a copy of the Committee Report, any written agreements on conditions, and any minutes of pertinent meetings.

## **SECTION 2561**

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

In order to achieve the development density and location of density proposed in the *Union Town Plan*, the items in SECTION 2562, Design Criteria, must be provided. Minimum lot sizes are not specified, however, each development must meet the maximum densities

described on the *Union Town Plan* Map. Green areas designated on the *Union Town Plan* Land Use Map shall be included in the density calculation for the lowest immediately adjoining density area on the map. Developments of one lot or several lots under conveyance plat review must also meet the density to avoid unbuildable remnant parcels. The incentive here is to allow flexibility in lot size and placement, as well as dwelling unit placement in relation to topography and other site issues. In addition, as an extra incentive, if the developer submits a development plan that contains a complete true neotraditional design and layout package (grid street system, alleys, traditional house design, small front setbacks, street trees, etc.) for a full development or a section of a development, then moderate density areas depicted on the *Union Town Plan* at 2.2 dwelling units per acre can be developed at a maximum density of 4.0 dwelling units per acre. Areas where significant man made site features, such as the retention ponds shown on the *Union Town Plan* Map can be developed at the lowest adjacent residential density represented on the map if the feature is not constructed for some reason.

## **SECTION 2562**

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

1. Building Orientation - the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road must face (contain a typical designed front facade) toward the roadway. They can be served by combined driveways, private streets or alleys, or rear entrance. Maximum building height in high density areas will be a total of three levels.

2. Building Materials - The first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall not contain vinyl or aluminum siding.

Exposed concrete foundations shall be finished with brick, stone, or material having that appearance. Concrete foundations can be exposed at a maximum of two feet if screened with landscaping.

3. Garages - Attached and detached garages of the first row of dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be rear or side-entry only with garage doors at least ninety degrees from those roadways.

4. Setbacks - Building setbacks from Old U.S. 42, New U.S. 42, and Hathaway Road generally follow topography and are depicted on the *Union Town Plan* Land Use Map. All other principle structure setbacks shall be determined by the developer. Accessory structures shall be 10 feet from all property lines.

5. Utility/Cable Boxes - Utility/Cable boxes and similar that are visible from Old U.S. 42, New U.S. 42, Hathaway Road or Mt. Zion shall be screened by the developer with berms and/or landscaping.

6. Open Space - A minimum of five percent of the total development shall be retained as publically accessible open space in the form of pocket parks, or recreation areas surrounding a lake or pond. The body of water can only be considered a part of the five percent if the entire shoreline is publically accessible. Purely designated landscape areas

do not satisfy this requirement. The proposed bike/pedestrian path area along old U.S. 42 can be counted toward this total on this particular part of the Study Area.

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

7. Fences - Installation of a three or four rail post and board style horse fence is required within the setbacks for Old and New U.S. 42, and Hathaway Road for all developments.

8. At the entrance of all new developments, ornamental street lights are required. These street lights must be depicted and approved as part the Subdivision Plat review process.

9. Street trees are required along New U.S. 42 on average of 40 feet on center.

10. Sidewalks at least 5 feet wide are required on both sides of all local, collector and arterial streets and at least 4 feet wide on both sides of all cul-de-sacs and dead-end streets, except alleys and private drives.

11. The first 300 feet of a street entering a new residential development directly accessed from new U.S. 42 shall be a boulevard with landscaping in the middle. The only permitted driveway cuts will be for UNO zone development as shown on the 2000 *Union Town Plan*.

12. Main streets shall contain no private driveway access where described on the 2000 Union Town Land Use Plan.

13. A Sign package shall be submitted in accordance with the Union Town Special Sign District.

14. Parking for townhouse or multi-family dwelling units along Old U.S. 42, New U.S. 42, or Hathaway Road shall be located outside of the setback and screened from public view from these roads by the building or a berm with landscaping.

## **SECTION 2563**

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

To achieve the 4.0 maximum dwelling units per acre density, the development, as reviewed by the Long Range Planning/Comprehensive Plan Committee, must meet the following **Neo-Traditional Design Standards**:

#### **Housing Layout**

1. A common architectural theme shall be established and used on all houses 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*. Article 37 shall not apply to lands within the *Union Town Plan* study area.

## **SECTION 2580**

### **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 not subject to review by the Planning Commission's Technical/Design Review Committee. Rather, all permitted signs in the Union Town zoning districts shall go through 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 (UTC) 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. This dimension is considered the sign display area and does not include additional brick and stone surrounding the sign. 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. This dimension includes all brick, stone and masonry areas.
  - (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, and UNO 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, which includes all brick, stone and masonry areas.
  - (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 including additional brick or stone areas.
  - (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 - The maximum size of the sign, which is calculated by drawing a rectangle around the entire sign area including all lettering and graphics, shall not exceed twenty-four (24) square feet.
    - (2) Height - Individual letters shall not exceed twenty-four (24) inches in height.
    - (3) Location - signs shall not exceed the height or width of the building nor be roof-mounted.
  - 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. Exit/Entrance and Drive Thru Directional Sign - one (1) directional sign located on the site for which it directs traffic is permitted at the entrance, exit or drive thru lane to a commercial, office or similar use for each driveway that extends off a road or parking lot.
    - (1) Display - The name or logo of the business, office or similar use and the words "entrance" and/or "exit" are permitted on the sign.
    - (2) Construction - Monument style and pole signs are permitted.
    - (3) Size - Six (6) square feet, including additional brick, stone or masonry areas.
    - (4) Height - Four (4) feet from the 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 two (2) feet from any property line.
  - h. Canopy Signs shall conform to Section 3413 - 2. Canopy Signs of the *Boone County Zoning Regulations*.
  - i. Sandwich Board/A-frame Signs - one sign per establishment is permitted in the UTC and UC zoning districts to identify temporary events, such as 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 a sign is to be illuminated, it shall be externally illuminated by a source that is concealed from public view.
  - b. Color - All signs shall contain a maximum of three (3) colors.

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## **Overlay Districts**

### **4.9.1 General**

Where an overlay district and the underlying or base zoning district have different standards or regulations, the most restrictive standards or regulations pertaining to that land shall apply.

### **4.9.2 Urban Growth Overlay District (UG)**

A.     **Purpose and Intent.** The Urban Growth Overlay District is intended to implement focal point plans for growth areas, to promote innovative, attractive and efficient use of land, to encourage planned development and multi-modal transportation systems and to permit flexibility and creativity in the design of such planned development. The purpose of this ordinance shall include, but not be limited to the following:

1.     To encourage and promote the public health, safety and general welfare of the citizens of the City and County, including the development and coordination of municipal growth and services.
2.     To encourage originality, flexibility, innovation in site planning and development, and vehicular and pedestrian circulation, including the architecture, landscaping and graphic design of proposed developments in relation to the area as a whole.
3.     To discourage monotonous, unsightly, and inharmonious developments, minimize discordant and unsightly surroundings and visual blight, and avoid inappropriate and poor quality design.
4.     To promote orderly community growth, protect and enhance property values for the community as a whole and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values of the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources, which are the proper concern of local government, and to promote and enhance construction and maintenance practices that will tend to enhance environmental and aesthetic quality for the community as a whole.

B.     **Description of the Area.** The following areas are hereby designated an Urban Growth Overlay Districts requiring review from the Urban Growth Design Review Board:

1.     Cemetery Road Corridor (KY 234) see Exhibit C in Appendix A.
2.     Lovers Lane Corridor (KY 880) see Exhibit C in Appendix A.

C.     **Permitted Uses.** Except as prohibited in item D, below, uses permitted in each zoning district are those uses permitted in the underlying zoning district

as enumerated in the Use Table in Sec. 5.1. This table employs broad use categories containing a variety of similar uses for each Zoning District. The use categories are described in Sec. 5.2, Use Categories, and Appendix B, which lists examples of uses (showing which use categories they fall into).

D. **Prohibited Uses.** The following uses are expressly prohibited in each Urban Growth Overlay District:

Cemetery Road Corridor (KY 234) see Exhibit C in Appendix A.

1. Adult entertainment establishments;
2. Night clubs, bars, and lounges which derive less than 50 percent of their income from food sales;
3. Outdoor storage of any type;
4. Self-storage or warehousing units;
5. Manufactured home and model home sales lots;
6. Retail Establishments that have outside display units for sale, including vehicles for sale;
7. Vehicle Repair or Vehicle Service Uses; and
8. Any Light or Heavy Industrial Uses.

Lovers Lane Corridor (KY 880) see Exhibit C in Appendix A.

1. Adult entertainment establishments;
2. Night clubs, bars, and lounges which derive less than 50 percent of their income from food sales;
3. Outdoor storage (Type 3 and Type 4);
4. Self-Storage Units;
5. Manufactured home and model home sales lots; and
6. All Heavy Industrial Uses, except Manufacturing and Warehousing.

E. **Development Standards - Cemetery Road (KY 234) Overlay District.** Buildings should reflect an individual design that has considered site location, conditions, and surrounding development. Building design should provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time. Building designs should reflect an individual style and form and not merely current trends. However, reliance on or use of standardized “corporate or franchise” style is strongly discouraged. For all developments within the overlay district, other than single-family residential or agriculture, the following technical standards shall apply:

1. **General Development Standards.** All building setbacks are measured from the right-of-way.
  - a. Minimum required lot size on sanitary sewer shall be one-half acre. Minimum required lot size on septic system shall be three acres.

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- b. Minimum required front building setback abutting a local street shall be 30 feet.
- c. Minimum required rear building setback shall be 20 feet.
- d. Minimum required side building setback (not on corner lot) shall be 20 feet.
- e. Minimum side building setbacks for corner lots abutting a local street shall be 30 feet.
- f. Minimum front, side and rear building setbacks abutting a collector or arterial street shall be 50 feet.
- g. Minimum front, side and rear building setbacks abutting a single family residential district shall be 50 feet.
- h. Height limitation for structures shall be a maximum of three stories or 42 feet including mechanical penthouse and roof-top screened equipment.
- i. Maximum Usable Lot Area:
  - (1) The maximum surface land area of the building shall not exceed 30 percent of the total lot area. Parking areas, open courts and other open space uses shall not be included in building area.
  - (2) For all uses permitted within this overlay district, no more than 70 percent of the total surface land area of the lot shall be improved with buildings, structures, parking and loading areas, streets, driveways or roadways.
- j. Maximum building size. Within the Cemetery Road Overlay District, the building footprint of any building shall conform to the following:
  - (1) All one-story buildings shall not exceed 20,000 sq. ft.
  - (2) All two-story buildings shall not exceed a first floor footprint of 15,000 sq. ft.; total gross area shall not exceed 30,000 sq. ft.
  - (3) All three-story buildings shall not exceed a first floor footprint of 10,000 sq. ft.; total gross area shall not exceed 30,000 sq. ft.

- (4) Any building served by on-site septic systems shall not exceed 6000 sq. ft. in size.
- (5) If the Design Review Board determines that the proposed building and development is compatible in bulk and scale to the adjoining properties, these maximum building limits may be increased (on sewer only). For every additional square foot of building space allowed beyond the limits outlined in this section, the property owner must dedicate an additional two square feet of greenspace within this proposed site. However, under no circumstances shall a proposed development exceed the limitations outlined in Article 4.9.2.D.i. above.

k. Green space area.

- (1) All sites shall be developed with not less than 20 percent of the total area with green space. Green space shall be landscaped with trees, green shrubbery, grass and/or other plantings exclusive of any plantings or landscaping treatment in parking lot islands measuring less than 200 square feet. Such green space shall be located on the site to provide the maximum visibility of the green space to surrounding properties and public streets. No more than 50 percent of the required green space may be located within drainage facilities.
- (2) All parking areas located adjacent to an arterial or collector road right-of-way shall be screened by a permanent landscaped berm or hedge, at least 30 to 36 inches in height at maturity (and 18-24 inches in height at planting), measured at the finished grade of the top of curb of the parking area. Acceptable hedge species shall be limited to those plants contained on the Master Plant List maintained by the City-County Planning Commission. At least 50 percent of the required shrub material shall be of an evergreen species.

2. **Landscape Buffer Standards.** All adjoining non-residential property located within the Overlay District shall be required to provide a landscape plan. Also, in locations where property zoned non-residential and residential are adjacent (either immediately adjacent to or across a public right-of-way), a landscape plan will be required with the development of either site. This shall not apply to the development of one and two family homes. When a site development plan is submitted for the review and consideration of the Design Review Board, special care shall be taken to minimize the effects on the adjacent residential area.

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- a. The following shall be considered minimum standards for the development of landscape plans for required buffers/screens and interior vehicle use areas:
  - (1) A minimum 25-foot buffer strip shall be required on the outer perimeter of the non-residential building lot abutting the property currently zoned for residential or agricultural use or development. No travelways, parking areas, structures or storage of material shall be allowed within the buffer strip.
  - (2) A minimum 10 foot buffer strip shall be required on each lot between all other parcels regardless of zoning or use.
  - (3) All buffer yards as required within the overlay district shall be planted to the following minimums. The quantities listed are to be an average of each entire buffer yard as required.
  
- b. For screening of parking or vehicle use areas adjacent to any right-of-way, all areas shall be planted at the minimum average rate of one shade tree and 12 shrubs for each 400 square feet of buffer provided. Smaller ornamental trees may be used in place of the shade tree at a ratio of three ornamental trees for each shade tree for up to one-half the required shade trees. One-half of all shrub material shall be of an evergreen species. Shade trees planted to comply with this section shall also be counted towards the required street tree planting as stated in other sections of this overlay district. All plants shall come from the Master Plant list with exceptions being allowed only in writing from the City-County Landscape Architect.
  
- c. For interior parking lot landscaping, a minimum of five percent of the area parking or vehicle use area must be used for landscaping. The minimum contiguous area to be counted towards the requirements shall be 75 square feet. All landscape islands shall have a minimum width of six feet in any direction. The maximum distance between landscape islands shall be 120 feet as measured from face of curb. A minimum of one tree shall be planted for each 200 square feet of required landscaped area, with the remaining areas to be planted in shrubs or non-turf ground cover. Landscape areas within 10 feet of a building shall be considered foundation planting and not be counted towards the minimum requirements of this article.
  
- d. For screening of parking or vehicle use areas adjacent to a common property line, and buffers between incompatible

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land uses, all areas shall be planted at a rate of one shade tree, two evergreen trees and 10 shrubs for each 400 square feet of buffer provided. Smaller ornamental trees may be used in place of the shade trees at a ratio of three ornamental trees for each shade trees for up to one-half the required shade trees.

- e. The minimum size at planting of required plants shall be as noted:

| <b>TYPE</b>                | <b>Min. Size</b> |
|----------------------------|------------------|
| Shade and ornamental trees | 1-3/4" caliper   |
| Evergreens                 | 6' height        |
| Shrub material             | 18-24" height    |

- f. All plants material to be installed as required shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations. All plants must be maintained in a healthy manner and replaced during the next appropriate planting season. All dead plant material shall be removed within 45 days. Plant material placement shall comply with all sight distance requirements.
- g. In instances where a masonry or board on board fence is to be provided, the required shrub and evergreen planting requirements may be reduced by 50 percent. Shade trees shall still be required at the rates as above.
- h. For sites that contain less than 50 parking spaces, landscape plans shall be prepared for all site development within the overlay district and may be submitted by either an architect, landscape architect, engineer or surveyor, licensed to practice their profession in the State of Kentucky, or a Kentucky certified nurserymen. For sites with over 50 parking spaces the plan must be submitted by a landscape architect licensed to practice in the State of Kentucky.
- i. All submitted landscape plans shall include the following: Plan drawn to scale with all easements shown and labeled, building footprint, parking, travelways, topography at a minimum of two-foot contours, plant schedule including botanic and common names, size, quantity and condition, and the seal and signature of the person submitting the landscape plan. A minimum of four copies shall be required to be submitted, additional copies may be requested by the Design Review Board.

- j. The planting provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the Design Review Board, meet the intent and purpose of this section. In no case shall the buffer width be reduced when adjacent to the interstate or Kentucky 234. Existing vegetation may be used to satisfy the requirements of this section only when the existing vegetation is on the lot under review. The submission of an existing vegetation/tree preservation plan to the City-County Landscape Architect and the Design Review Board for review shall be required.
  - k. Prior to the issuance of a building permit, a security acceptable to the Planning Commission shall be required to ensure completion of all landscaping/screening provisions as outlined in the plan approved by the Design Review Board. The security shall be posted in an amount equal to 115 percent of the total estimated costs of the materials and installation of the improvements. Upon the issuance of a certificate of occupancy for the building, a maintenance bond or similar form of security acceptable to the Planning Commission shall be required for a period of one year to ensure that the vegetation remains as a living and viable screen.
3. **Off-Street Parking and Loading.** The number, size and design of all parking spaces, internal access ways and loading spaces for all land uses (other than single family detached) within the designated overlay district shall comply with the following requirements listed below:
- a. All parking shall be off-street in paved, landscaped parking areas.
  - b. Off-street loading or service areas shall not face a public right-of-way and shall be at least 30 feet from any right-of-way. Any loading or service area adjacent to residential property shall be screened with a masonry or wood fence, and the required landscape buffer planting.
  - c. All non-residential buildings less than 10,000 sq. ft. shall be required to have at least one service or loading/unloading space measuring a minimum of 12 feet by 24 feet. All non-residential buildings of more than 10,000 sq. ft. will be required to have a minimum of two service or loading spaces.
  - d. Within the bounds of this Overlay District, this Ordinance shall strictly comply with the access limitations of the

Kentucky Transportation Cabinet for KY 234. These limitations are as follows:

- (1) KY 234 is a fully controlled access facility from the intersection of KY 234 and Briteway Drive to the intersection of KY 234 with KY 2158 (Cumberland Trace). Within these limits, access to KY 234 is limited to the intersection of KY 234 with KY 880/Ewing Ford Road, the intersection of KY 234 with I-65 Southbound Ramps, and the intersection of KY 234 with I-65 Northbound Ramps.
  - (2) KY 234 is an “access by permit” facility from the intersection of KY 234 with KY 2158 (Cumberland Trace) to the end of the KY 234 construction project at a point west of the bridge over Drakes Creek. Within these limits, access to KY 234 is granted through the commercial/ residential entrance permit process under the jurisdiction of the Kentucky Transportation Cabinet.
- e. In office and commercial/retail developments, at least 50 percent of the required parking shall be to the rear of the front building face.
- f. Parking setbacks shall conform to the following standards:
- (1) When adjacent to compatible uses, the parking setback shall be 10 feet from the property line.
  - (2) When adjacent to incompatible uses, the parking setback shall be 25 feet.
  - (3) When adjacent to a public right-of-way or public access easement, the parking setback shall be 10 feet from the right-of-way.
- g. Traffic circulation in office, commercial, and multi-family developments should be designed so as to direct traffic away from single family residential streets.
- h. Joint driveways in commercial and office districts are desirable whenever possible in order to minimize the number of access points to streets.
4. **Lighting.** Adequate outside lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. At the same time, such lighting shall be directed downward and arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Design Review Board may require the submission of a lighting plan by a qualified professional

engineer to ensure that the illumination of outside lighting as designed and installed does not exceed one-half (.5) foot candles measured at the property line of abutting property zoned for residential use or development. All freestanding light poles and fixtures shall be black. Suggested lighting styles are as follows:

- a. Teardrop with optic cutoffs
- b. Lantern with prismatic fixtures
- c. Bollards for pedestrian access.

5. **Fence Material.** All proposed fences within the Overlay District (except for single family residential and agricultural lots) must be reviewed and approved by the Design Review Board prior to the issuance of a building permit. Acceptable fence material shall be wood, masonry, stone, vinyl/PVC, tubular steel or aluminum, agricultural fence (for agricultural purposes) and decorative wrought iron. All chain-link fences are prohibited within the Overlay District (except on existing individual single family residential lots). All fences shall be at least four feet in height and not higher than eight feet in height. Suggested fence styles are as follows:

- a. 4-rail plank
- b. Masonry columns with wood panels
- c. Decorative masonry
- d. Random-faced stone
- e. Decorative metal
- f. Agricultural fence for agricultural purposes only.

6. **Signs.** The visual transfer of business advertising and other public information through the use of external signs in this zoning district shall comply with the following sign requirements. All signs, excluding traffic signs, must be approved by the Design Review Board and shall conform to the following uniform sign standards:

- a. Materials, colors, and shades of proposed signs shall be compatible with the related buildings on the property and must be approved by the Design Review Board. All completed signs must have a high quality professional appearance. Sign materials shall be limited to high quality construction materials such as:
  - (1) Stone, brick, or decorative block
  - (2) Finished wood (painted or stained)
  - (3) Finished metal
  - (4) High quality plastic
- b. Signage shall be limited to one (1) freestanding for each roadway frontage and one (1) wall sign. In cases where

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there are multiple tenants, each tenant within the property shall be allowed one wall sign.

- c. Freestanding signs shall be ground-mounted, monument style with proper landscaping and be set back from the road sight triangle as to prohibit obstruction of view.
- d. Freestanding signs shall not exceed 5 feet in total height (from the grade to the top of the sign face) and 75 square feet per side, and shall be located in a manner that will not create a traffic hazard. Total freestanding structure shall not exceed 7 feet in height.
- e. External lighting of monument signs shall be concealed and ground-mounted.
- f. Freestanding pole signs (excluding flag poles) are prohibited. Maximum number of flag poles per site shall be three (3) with a maximum pole height of 40 feet, with the maximum area of each flag not to exceed 50 square feet. Only government, or other official designated flags of an institution or business are allowed.
- g. Changeable letter boards may make up no more than 20 percent of the area of a freestanding sign. Letters/numbers shall be no more than 12 inches in height.
- h. Signage in planned shopping centers shall be limited to one ground-mounted, monument style sign for each roadway frontage. Each tenant in the shopping center shall be allowed one wall sign per frontage with a maximum of two signs.
- i. Wall signs, including window and awning lettering, are permitted on a limited basis within the Overlay District. All wall signs shall not extend beyond the roof line. The lighting of wall-mounted signs shall be mounted on the building. The limitations for each street frontage are as follows:
  - (1) Wall signs for buildings or tenants having less than 2,500 square feet of gross leasable area shall not exceed 25 square feet.
  - (2) Wall signs for buildings or tenants having more than 2,500 square feet, but less than 7,500 sq. ft. shall not exceed 40 square feet.

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- (3) Wall signs for buildings or tenants having more than 7,500 square feet shall not exceed 100 square feet.
  
- j. Internally-lit single frame (or box) signs containing a logo or trademark are permitted on a limited basis within the Overlay District. These limitations are listed below:
  - (1) Freestanding internally-lit signs shall not exceed 12 square feet and shall be considered as part of the allowable sign as outlined in this Section.
  - (2) Internally-lit wall signs shall not exceed 20 square feet, and shall be considered as part of the allowable sign area outlined in this Section.
  
- k. Wall mounted internally-lit individual letters are permitted on a limited basis within the Overlay District and shall be considered part of the allowable wall sign area outlined in 4.9.2.D.6.i. above. These additional limitations are listed below:
  - (1) Buildings or tenants having less than 2,500 square feet of gross leasable area shall not exceed 25 square feet of total outlined sign area. No letters shall exceed 24 inches in height or width.
  - (2) Buildings and tenants having more than 2,500 gross leasable area (GLA) but less than 7,500 GLA shall not exceed 40 square feet of total outlined sign area. No letters shall exceed 30 inches in height or width.
  - (3) Buildings and tenants having more than 7,500 GLA shall not exceed 75 square feet of total outlined sign area. No letters shall exceed 36 inches in height or width.
  
- l. Illumination of signs shall be directed away from all traffic and from all adjoining residential areas. The intensity of the light shall not exceed 15 footcandles at any point on the sign face.
  
- m. Vending machines must be contained inside the principal building and shall not be allowed in direct view from the parking or right-of-way areas.
  
- n. Billboards and portable signs shall be prohibited. Flashing signs and roof mounted signs shall be prohibited.

- o. All signage shall be subject to the sign regulations outlined in the Zoning Ordinance/Resolution for Warren County or any amendments thereto. In instances where the two ordinances do not agree, the more restrictive of the two shall apply.

7. **Traffic Design**

- a. All internal streets, drives, travelways, sidewalks/trails, parking and loading areas shall be designed for safe and efficient movement of vehicles and pedestrians. Projects to be developed within the Overlay District and contiguous to the Greenbelt shall be required to provide direct pedestrian access, separate from any vehicle entry, to the Greenbelt trail. Developments that are not contiguous to the Greenbelt trail shall provide either a sidewalk or trail that will allow for the movement of pedestrians to the Greenbelt trail, separate from the street system. If the trail or sidewalk is located on the site being developed between any parking or travelway and a property line, the trail or sidewalk shall be in addition to the required landscape buffer. All development shall allow for inter-parcel access of vehicles (two-way travelway) and pedestrians (via sidewalk or trail) to adjacent property. Inter-parcel access points shall be located behind the front building setback line.

- b. **Design Standards.** All streets, drives, and parking and loading areas shall be a minimum of 24 feet in width for two-way traffic, and 12 feet for one-way traffic. The maximum slope shall not exceed six percent in any direction. All streets, drives, and travelways above grade shall be constructed with curb and gutter. The perimeter parking lots and internal islands shall have extruded curbs. Intersections shall be at 90 degrees. With the exception of designated passenger drop-off areas and loading and unloading spaces, the minimum distance from any travelway or parking space to a building shall be 10 feet. For all pedestrian circulation, the minimum sidewalk shall be five feet in width and the any asphalt trail shall be at least 10 feet in width. The maximum slope shall not exceed six percent and shall comply with all rules within the Americans with Disabilities Act (ADA).

- 8. **Erosion Control and Storm Water Management.** The control of erosion during development and the design of drainage systems suitable to handle storm water runoff after the site is developed shall comply with the requirements of the subdivision regulations of the Planning Commission. All erosion control devices must be in place prior to beginning construction. A detailed storm water management plan as specified by the Planning Commission Engineer shall be required for all new development.

9. **Utility Provisions.** All developments shall be served with minimum public sanitary sewer and water lines of eight inches and six inches respectively, with actual sizing and other technical requirements for connection to public utilities subject to approval by the Planning Commission Engineer. All electric, telephone, cable and similar service lines and other wiring shall be installed underground, and there shall be no new overhead wiring in any development.
  
10. **Exterior Treatment.** Any proposed land use or development approved by the Design Review Board shall be designed and constructed of materials so as to be architecturally compatible with the architectural character of the general area.
  - a. All building exteriors shall be finished with one or more of the following materials.
    - (1) architectural masonry units, including brick, decorative concrete masonry units, and special surface units (plain-laid concrete or cinder block will not be allowed);
    - (2) natural stone;
    - (3) precast and poured-in-place concrete with approval of surface treatment;
    - (4) glass, glass curtain, glass surface units;
    - (5) wood clapboard, trim;
    - (6) The use of vinyl or metal shall be limited to only fascia, soffit, and other minor trim uses within the district.
  - b. New single family residential units may also utilize vinyl/aluminum siding, up to 20 percent of the exterior.
  - c. Finished materials shall extend around all sides of the building.
  - d. No more than two principal colors shall be used on the building face. Accent or secondary colors shall be limited to a maximum of three additional colors and shall not cover more than 10 percent of the total building face. Use of bright or garish colors as the dominant color for the wall or roof surfaces is prohibited.
  - e. All non-residential buildings located along KY 234 shall be designed in such a way as to appear to face the highway, regardless of the location of the driveway access and

parking. All building walls facing KY 234 shall have windows, doors, or other articulated openings representing a minimum of 20 percent of the surface areas of said wall. Building components such as windows, doors, eaves, and parapet walls should have good proportion and relationship to one another. All building walls facing any other right-of-way shall have some form of articulated relief or change in direction, every 30 feet.

- f. Roof-mounted utilities and mechanical equipment should be screened from view by roof design, parapet walls, fencing, or other screening method to a height equal to or greater than the height of the equipment.

11. **Solid Waste.**

- a. Solid waste storage and disposal areas shall be screened from public view and shall be maintained in compliance with the county health department regulations.
- b. Solid waste storage and disposal areas shall be enclosed in an eight (8) foot high solid structure, of the same material as that of the principal building.

12. **Screening of Equipment and Outside Storage.** Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view.

13. **Noise.** The intensity level of sound from the activities on the commercial site measured at the property line of abutting property zoned for residential use or development shall not at any time exceed 70 decibels. In instances where the Design Review Board determines that a new commercial site may create objectionable noise or a nuisance to any adjacent property, additional buffers or other physical features shall be required to mitigate the noise.

14. **Redevelopment of Existing Site.** It is recognized that certain nonresidential properties in the overlay district were developed prior to incorporation and/or adoption of technical and development standards for the district. When an existing nonresidential site is redeveloped, the site shall be brought into conformance with the technical and development standards of this division to the greatest extent feasible or possible as determined by the Design Review Board. For the purposes of this section, redevelopment shall include any proposed expansion, addition, or facade change to an existing building, structure, or parking facility.

F. **Development Standards - Lovers Lane (KY 880) Overlay District.** Buildings should reflect an individual design that has considered site location, conditions, and surrounding development. Building design should provide a sense of permanence and timelessness. High quality

construction and materials should be used to ensure that buildings will not look dated or worn down over time. Building designs should reflect an individual style and form and not merely current trends. However, reliance on or use of standardized “corporate or franchise” style is strongly discouraged. For all developments within the overlay district, other than single-family residential or agriculture, the following technical standards shall apply:

1. **General Development Standards.** All building setbacks are measured from the right-of-way.
  - a. Minimum required lot size on sanitary sewer shall be one-half acre. Minimum required lot size on septic system shall be three acres.
  - b. Minimum required front building setback abutting a local street shall be 30 feet.
  - c. Minimum required rear building setback shall be 20 feet.
  - d. Minimum required side building setback (not on corner lot) shall be 20 feet.
  - e. Minimum side building setbacks for corner lots abutting a local street shall be 30 feet.
  - f. Minimum front building setbacks abutting Lovers Lane (KY880) shall be 50 feet.
  - g. Minimum front, side and rear building setbacks abutting an existing single family residential district shall be 50 feet.
  - h. Minimum building setbacks abutting Interstate 65 shall be 50 feet.
  - i. A portion of the Airport Overlay District is within this Urban Growth Overlay District. The Airport Overlay District outlines the area within proximity of the Bowling Green-Warren County Airport that is under the jurisdiction of the Kentucky Airport Zoning Commission (KAZC) (see Exhibit F in Appendix A). The underlying zoning restrictions, including height requirements, is governed by this ordinance; however, there may be additional restrictions on development in this area placed by the KAZC.
  - j. Maximum usable lot area.
    - (1) The maximum surface land area of the building shall not exceed 50 percent of the total lot area. Parking areas, open courts and other open space uses shall not be included in building area.

- (2) For all uses permitted within this overlay district, no more than 70 percent of the total surface land area of the lot shall be improved with buildings, structures, parking and loading areas, streets, driveways or roadways.

k. Green space area.

- (1) All sites shall be developed with not less than 20 percent of the total area with green space. Green space shall be landscaped with trees, green shrubbery, grass and/or other plantings exclusive of any plantings or landscaping treatment in parking lot islands measuring less than 200 square feet. Such green space shall be located on the site to provide the maximum visibility of the green space to surrounding properties and public streets. No more than 50 percent of the required green space may be located within drainage facilities.

2. **Landscape Buffer Standards.** All adjoining non-residential property located within the Overlay District shall be required to provide a landscape plan. Also, in locations where property zoned non-residential and residential are adjacent (either immediately adjacent to or across a public right-of-way), a landscape plan will be required with the development of either site. This shall not apply to the development of one and two family homes. When a site development plan is submitted for the review and consideration of the Design Review Board, special care shall be taken to minimize the effects on the adjacent residential area.

a. The following shall be considered minimum standards for the development of landscape plans for required buffers/screens and interior vehicle use areas:

- (1) A minimum 25-foot buffer strip shall be required on the outer perimeter of the non-residential building lot abutting the property currently zoned for residential or agricultural use or development. No travelways, vehicle use areas (VUA), outdoor display areas, structures or storage of material shall be allowed within the buffer strip.
- (2) A minimum 20 foot buffer strip shall be required along Ky 880 (Lovers Lane).
- (3) A minimum 10 foot buffer strip shall be required on each lot between all other parcels regardless of zoning or use.

- (4) All vehicle use areas (VUA) shall be required to provide a minimum of five percent (5%) of the interior of the VUA in landscape islands, as defined in Article 4.6.8.D. of this ordinance.
  - (5) All allowable outdoor display areas shall comply with the buffer width requirements, as described above, and be setback a minimum of twenty (20) feet from any right-of-way. Screening of any outdoor display area(s) from a common property line or right-of-way shall be planted to the minimum buffer requirements for incompatible land uses as outlined in Article 4.6.8.D of this ordinance.
  - (6) All buffer yards as required within the overlay district shall be planted according to the requirements listed in 4.6.8 D.
- b. Prior to the issuance of a building permit, a security acceptable to the Planning Commission shall be required to ensure completion of all landscaping/screening provisions as outlined in the plan approved by the Design Review Board. The security shall be posted in an amount equal to 115 percent of the total estimated costs of the materials and installation of the improvements. Upon the issuance of a certificate of occupancy for the building, a maintenance bond or similar form of security acceptable to the Planning Commission shall be required for a period of one year to ensure that the vegetation remains as a living and viable screen.

3. **Access Limitations.**

- a. Within the bounds of this Overlay District, this Ordinance shall strictly comply with the access limitations of the Kentucky Transportation Cabinet for KY 880. In addition, the following access requirements along the Lovers Lane are as follows:
  - (1) KY 880 is an “access by permit” facility and access shall comply with the City of Bowling Green’s adopted Traffic Access Management Guidelines.
- b. Joint driveways in commercial and office districts are desirable whenever possible in order to minimize the number of access points to streets.

4. **Lighting.** Adequate outside lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. At the

same time, such lighting shall be directed downward and arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Design Review Board may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed one-half (.5) foot candles measured at the property line of abutting property zoned for residential use or development. All freestanding light poles and fixtures shall be black. Suggested lighting styles are as follows:

- a. Teardrop with optic cutoffs
- b. Lantern with prismatic fixtures
- c. Bollards for pedestrian access.

5. **Fence Material.** All proposed fences within the Overlay District (except for single family residential and agricultural lots) must be reviewed and approved by the Design Review Board prior to the issuance of a building permit. Acceptable fence material shall be wood, masonry, stone, vinyl/PVC, tubular steel or aluminum, agricultural fence (for agricultural purposes) and decorative wrought iron. All chain-link fences are prohibited within the Overlay District (except on existing individual single family residential lots). All fences shall be at least four feet in height and not higher than eight feet in height. Suggested fence styles are as follows:

- a. 4-rail plank
- b. Masonry columns with wood panels
- c. Decorative masonry
- d. Random-faced stone
- e. Decorative metal
- f. Agricultural fence for agricultural purposes only.

6. **Signs.** The visual transfer of business advertising and other public information through the use of external signs in this zoning district shall comply with the following sign requirements. All signs, excluding traffic signs, must be approved by the Design Review Board and shall conform to the following uniform sign standards:

- a. Materials, colors, and shades of proposed signs shall be compatible with the related buildings on the property and must be approved by the Design Review Board. All completed signs must have a high quality professional appearance. Sign materials shall be limited to high quality construction materials such as:
  - (1) Stone, brick, or decorative block
  - (2) Finished wood (painted or stained)
  - (3) Finished metal
  - (4) High quality plastic

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- b. Signage shall be limited to one (1) freestanding for each roadway frontage and one (1) wall sign. In cases where there are multiple tenants, each tenant within the property shall be allowed one wall sign.
- c. Freestanding signs shall be ground-mounted, monument style with proper landscaping and be set back from the road sight triangle as to prohibit obstruction of view.
- d. Freestanding signs shall not exceed 5 feet in total height (from the grade to the top of the sign face) and 75 square feet per side, and shall be located in a manner that will not create a traffic hazard. Total freestanding structure shall not exceed 7 feet in height.
- e. All wall signs shall not exceed a maximum area of 100 sf or 10% of Facade, which-ever is greater.
- f. External lighting of monument signs shall be concealed and ground-mounted.
- g. Freestanding pole signs (excluding flag poles) are prohibited. Maximum number of flag poles per site shall be three (3) with a maximum pole height of 40 feet, with the maximum area of each flag not to exceed 50 square feet. Only government, or other official designated flags of an institution or business are allowed.
- h. Changeable letter boards may make up no more than 20 percent of the area of a freestanding sign. Letters/numbers shall be no more than 12 inches in height.
- i. Signage in planned shopping centers shall be limited to one ground-mounted, monument style sign for each roadway frontage. Each tenant in the shopping center shall be allowed one wall sign per frontage with a maximum of two signs.
- j. Illumination of signs shall be directed away from all traffic and from all adjoining residential areas. The intensity of the light shall not exceed 1.5 footcandles at any point on the sign face.
- k. Billboards and portable signs shall be prohibited. Flashing signs and roof mounted signs shall be prohibited.
- l. All signage shall be subject to the sign regulations outlined in the Zoning Ordinance/Resolution for Warren County or any amendments thereto. In instances where the two ordinances do not agree, the more restrictive of the two shall apply.

7. **Traffic Design.** All internal streets, drives, travelways, sidewalks/trails, parking and loading areas shall be designed for safe and efficient movement of vehicles and pedestrians. Projects to be developed within the Overlay District and contiguous to the Greenbelt shall be required to provide direct pedestrian access, separate from any vehicle entry, to the Greenbelt trail. Developments that are not contiguous to the Greenbelt trail shall provide either a sidewalk or trail that will allow for the movement of pedestrians to the Greenbelt trail, separate from the street system.  
All development shall allow for inter-parcel access of vehicles (two-way travelway) and pedestrians (via sidewalk or trail) to adjacent property. Inter-parcel access points shall be located behind the front building setback line.
8. **Erosion Control and Storm Water Management.** The control of erosion during development and the design of drainage systems suitable to handle storm water runoff after the site is developed shall comply with the requirements of the subdivision regulations of the Planning Commission. All erosion control devices must be in place prior to beginning construction. A detailed storm water management plan as specified by the Planning Commission Engineer shall be required for all new development.
9. **Utility Provisions.** All developments shall be served with minimum public sanitary sewer and water lines of eight inches and six inches respectively, with actual sizing and other technical requirements for connection to public utilities subject to approval by the Planning Commission Engineer. All electric, telephone, cable and similar service lines and other wiring shall be installed underground, and there shall be no new overhead wiring in any development.
10. **Exterior Treatment.** Any proposed land use or development approved by the Design Review Board shall be designed and constructed of materials so as to be architecturally compatible with the architectural character of the general area.
  - a. All building exteriors shall be finished with one or more of the following materials.
    - (1) architectural masonry units, including brick, decorative concrete masonry units, and special surface units (plain-laid concrete or cinder block will not be allowed);
    - (2) natural stone;
    - (3) precast and poured-in-place concrete with approval of surface treatment;

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- (4) glass, glass curtain, glass surface units;
- (5) wood clapboard, trim;
- (6) The use of vinyl or metal shall be limited to only fascia, soffit, and other minor trim uses within 500 feet of KY 880 (Lovers Lane). The Design Review Board (DRB) may approve the use of alternative building materials on public, institutional or industrial buildings outside of the 500 foot area, if compatible with the adjoining properties.

- b. Finished materials shall extend around all sides of the building.
- c. All non-residential buildings located along KY 880 shall be designed in such a way as to appear to face the roadway, regardless of the location of the driveway access and parking.
- d. Roof-mounted utilities and mechanical equipment should be screened from view by roof design, parapet walls, fencing, or other screening method to a height equal to or greater than the height of the equipment.

11. **Screening of Equipment and Outside Storage.** Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view.

12. **Redevelopment of Existing Site.** It is recognized that certain nonresidential properties in the overlay district were developed prior to incorporation and/or adoption of technical and development standards for the district. When an existing nonresidential site is redeveloped as defined in Article 6, the site shall be brought into conformance with the technical and development standards of this district to the greatest extent feasible or possible as determined by the Design Review Board. All new signage shall conform to the requirements of item 4.9.2 E 6,(Signs).

**4.9.3 Local Historic District, Local Historic Site (H) or Conservation District (C)**

These areas are established to maintain and preserve the unique historic and architectural characteristics of areas and buildings having special or distinctive features or a special historic, architectural, aesthetic or cultural interest and value to the community, state and nation; to promote the use of these areas and buildings thus strengthening the economy of the community and enhancing its attractions to residents, visitors and tourists; to promote the educational, cultural and general welfare of the people; to stabilize and improve property values in historic districts and in the community as a whole; and to foster civic pride in the value of notable accomplishments of the past and to enhance the visual and aesthetic character, diversity and interest of the community. (See Exhibit D in Appendix A).