

Sec. 126-120. Neighborhood Services Zone (NSZ)

The purpose of this district is to provide for residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing historic residential environment. Additionally, it is the purpose of this district to allow for home based commercial activity that closely reflects the community character.

- 1) Principal Permitted Uses
 - a. Single-family dwellings.
 1. Minimum lot area: 8,000 square feet
 2. Minimum lot width: 50 feet.
 - b. Two-family dwellings and town houses with no more than two attached units per town house.
 1. Minimum lot area: 4,000 square feet per unit.
 2. Minimum lot width: 30 feet per unit.
 - c. Park, playground, or community center owned and operated by a governmental agency.
- 2) Conditional Permitted Uses: the following uses are special exceptions and shall require written approval from the Board of Adjustment:
 - a. Multi-Family Dwellings
 1. Minimum lot area per unit: three or more units, 3,000 square feet per unit.
 2. Minimum lot width: 75 feet.
 - b. Home Occupations
 - c. Professional offices
 - d. Day Care Nurseries
 - e. Beauty shops and barbershops
 - f. Florist Shops
 - g. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading:
 1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
 2. Personal and convenience service establishments;
 3. Restaurant's (Excluding drive-thru)
 4. Any other use not listed which, in the Commission's opinion, would be compatible with the above uses.
- 3) Height regulations.
 - a. The following height regulations shall apply to buildings and structures within the Neighborhood Services Zone.
 1. Minimum height: None
 2. Maximum height: 36 feet, however, additional feet may be allowed with design approval from the HARC based on the scale of adjacent structures.
- 4) Setbacks.
 - a. Front Yard: 25 feet.
 - b. Side yard: 6 feet.
 - c. Rear yard: 25 feet.
- 5) Additional Regulations:
 - a. Off-street loading areas may not face any public right-of-way.
 - b. No loading or unloading shall be allowed between 9:00 p.m. and 7:00 a.m.
 - c. Parking Requirements. Same as section 126-101(2)f.
 - d. The Historical and Architectural Review Commission (HARC) shall have sole jurisdiction as a special board of adjustment over the Neighborhood Services Zone pursuant to KRS 100.217 and KRS 82.026.
 - e. Accessory Structures. Same as Section 126-86

- 6) Plan approval required for new/infill construction and for changes in exterior appearance. In order to maintain the existing character of the neighborhood, plans for architectural design, site layout, or changes in style of architectural elements must be approved by the Historic & Architectural Review Commission (HARC). HARC may require changes to the plan as deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties, and to preserve the intent of the Neighborhood Services Zone.
 - a. Certificate of Zoning Compliance required.
 1. No person shall, without first applying for and obtaining a special conditional use permit, to be known as a Certificate of Zoning Compliance, make any changes in exterior appearance to any exterior portion of any structures in the Neighborhood Services Zone. A Certificate of Zoning Compliance must be issued by the Planning Department before a building permit can be obtained.
 2. Infill/New Construction and additions to existing structures. All new construction and additions to existing structures must first be issued a Certificate of Zoning Compliance before any construction begins.
 3. Existing Structures.
 - a. Changes to the design or style of any exterior feature on an existing structure requires a Certificate of Zoning Compliance.
 - b. Administrative approvals. In the following instances, Certificates of Zoning Compliance can be issued by the Zoning Administrator.
 1. In instances where the design or style of any exterior feature is replicated and replaced with a new material, the Zoning Administrator has the authority to administratively approve the application for a Certificate of Zoning Compliance. The proposed materials must comply with the approved building materials list found in the design guidelines.
 2. New accessory structures that use the same building materials and an appropriately sized and style of windows and doors that complement the existing primary structure can be administratively approved. Features considered include structure orientation, openings, roof pitch, siding, and color scheme.
 3. Trees. Cutting or removal of trees that are more than one foot in diameter measured at one foot off of the ground require a Certificate of Zoning Compliance. Removal of trees can be approved administratively.
 4. Repainting. Changing the color of a surface that has already been painted can be approved administratively.
 5. Fences. Fences that are determined to comply with the advisory design guidelines can be approved administratively.
 6. Demolitions. Any proposed demolition of a principal structure requires a Certificate of Zoning Compliance prior to obtaining a demolition permit. Demolitions outside of the demolition control zone can be approved administratively.
 - b. Applications for a Certificate of Zoning Compliance.
 1. Applications for a Certificate of Zoning Compliance are submitted to the Planning Department.
 2. A public hearing is required on all applications except for administrative approvals as outlined in this section.

3. Grounds for granting a Certificate of Zoning Compliance. HARC must make written findings of fact as follows:
 - a. The proposed exterior changes comply with the intent of the Neighborhood Services Zone.
 - b. The proposed exterior changes are in harmony with the adopted design guidelines.
- c. The HARC shall adopt design guidelines for the Neighborhood Services Zone to act as a guide for board decisions on plan approvals and changes to the exterior appearance of existing structures. The document shall be made available to the public to aid in the design approval process.
- d. Maintenance and safety standards.
 1. All buildings within this zone shall be maintained to meet the requirements of the building code and property maintenance codes of the city including the Enhanced Property Maintenance Standards.
 2. Enforcement of safety standards. Nothing in this section shall be construed to prevent the city Building Inspector from enforcing all state statutes and provisions of this Code and any other ordinances of the city pertaining to the public safety.
- e. Appeals. Any person aggrieved by any action of the Zoning Administrator may appeal their decision to the HARC Board pursuant to KRS 100.257. Any person aggrieved by any action of the HARC may appeal the decision thereof to the Circuit Court in the manner prescribed for appeals from actions of boards of adjustment.

(Ord. 2007-4-7269 dated 4/10/07)

Sec. 126-121. Neighborhood Commercial Corridor Zone (NCCZ)

The purpose of this district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial and residential environment. Objectives of this district include the following: (i) creation of a dynamic street life, encouraging the placement of buildings close to property lines, and or heavily landscaped yard areas, in order to engage pedestrians and de-emphasize parking facilities; (ii) facilitation of development that demonstrates an appropriateness of scale; (iii) encouragement of landscaped spaces available for pedestrian use (e.g., pocket parks, tree lined streets and walkways).

- 1) **Principal Permitted Uses** – The following uses may not exceed 4,000 square feet of gross floor area. This area requirement may be waived based on a design concept approved by the Planning Commission that will not have an adverse impact on the neighborhood.
 - a. Any principal use permitted in an R-4 Zone
 - b. Bed & Breakfast
 - c. Home Occupations
 - d. Funeral homes
 - e. Commercial greenhouses
 - f. Beauty shops and barbershops
 - g. Florist Shops
 - h. Restaurant (Excluding drive-thru)
 - i. Assembly Building of cultural, fraternal, professional and labor organizations
 - j. The following uses, provided they are conducted wholly within a building except for off-street loading and unloading: This section may be waived by the Planning

Commission at a public hearing based on the effect of the proposed use to the neighborhood.

1. Retail establishments (product processing is allowed only if the products are sold at retail on the premises);
2. Personal and convenience service establishments;
3. Cleaners

2) Plan Approval:

- a. New infill commercial construction. Plans for site layout shall be approved by the Planning Commission, and it may require changes as may be deemed necessary or desirable to insure proper design standards, to minimize traffic difficulties, to safeguard adjacent properties and to preserve the intent of the neighborhood commercial corridor.
- b. Residential Conversion. The Zoning Administrator and City Engineer in compliance with the intent of this chapter shall approve plans for site layout.
- c. Infill Residential. The Building inspector in compliance with the intent of this chapter shall approve plans for architectural design and site layout.

3) Building Materials: The following approved materials list shall apply to all new construction projects within the NCCZ.

- a. Exterior Siding & Details - wood, cement fiberboard, traditional brick veneer with true mortar joints, appropriate stone (no concrete block) or vinyl or aluminum.
- b. Roofs - slate, composite shingles, or metal
- c. Soffits, fascia & trim - wood, cement fiberboard (hardi-plank; must be smooth faced), high-density polymer (permacast, fypon or other similar brand), smooth faced vinyl or aluminum siding.
- d. Windows may be constructed of wood, wood clad, vinyl, or fiberglass.
- e. Doors – wood, fiberglass, or steel doors;
- f. Foundations - traditional brick veneer, lap siding, or appropriate stone (no concrete block)
- g. Building façade at front and side street shall change every 30' minimum in height, or setback, or material.

4) Commercial/Residential Structure Setbacks:

- a. Primary street frontage: no minimum required; 10 feet, maximum
 1. Setbacks for new residential structures must be aligned with adjacent structures.
- b. Secondary street frontage: no minimum required 10 feet maximum
- c. Side yard: 6 feet
- d. Rear yard: None

5) Height regulations: The following height regulations shall apply to buildings and structures within the Neighborhood Commercial Corridor Zone.

- a. Minimum height: None
- b. Maximum height: 2.5 stories, however, additional stories may be allowed with design approval from the Planning Commission.

6) Parking Regulations: Parking shall be in compliance with Section 126.71. All off-street parking shall be placed to the rear of the principal structure.

7) Square footage bonuses: Following below is a list of bonuses that may be granted in return for certain amenities. The bonuses may be applied to increase the square footage of a permitted use.

- a. For every one square foot of landscaping above those required in Section 126-83, an additional (0.25) square feet of building floor area shall be granted.
- b. For every one (1) square foot of space used for a courtyard or plaza, an additional 1 square feet of building floor area shall be granted.

8) Additional Regulations:

- a. Off-street loading areas may not face any public right-of-way.

(Ord. 2007-4-7269 dated 4/10/07)