

## SECTION 10.22 GATEWAY MIXED USE ZONE (GMU Zone)

- A. **PURPOSE:** The purpose of the Gateway Mixed Use Zone is to implement the *Comprehensive Plan*, specifically the recommended land use, objectives, strategies and policies contained within the *Independence Community Small Area Study*. The intent of the Gateway Mixed Use Zone is to promote integrated development oriented at a pedestrian scale which provides for a mixture of land uses. This district should produce development that creates an attractive environment and destination for commerce, employment, living, interaction, dining and entertainment and for the residents, workers, and visitors of the City of Independence. The Gateway Mixed Use Zone provides standards which promote development designs which will create a sense of place and identity serving as a gateway to the downtown area of the city through the provision of the following:
1. Encouraging a mixture of land uses in either a horizontal or vertical development pattern;
  2. An integrated internal street network which facilitates effective and efficient automobile and pedestrian movement;
  3. Multiple parking locations and options, including on-street parking, dispersed throughout the development and arranged in a manner that promotes pedestrian movement;
  4. Building sizes, heights, and locations arranged within a walkable environment featuring a high level of integration with the exterior streetscape, street network, and parking locations;
  5. Streetscapes which contain a variety of amenities that create a sense of place and promote social interaction, outdoor activity and assembly;
  6. Proper integration with land uses in the surrounding area;
  7. Incentives for mixed use development which implement the key objectives of this classification. Incentives include increased building footprint, increased height, and reduced off-street parking standards for mixed use developments.
- B. **APPLICABILITY:** The requirements of this section shall not apply to existing single- or two-family homes that are used exclusively for residential purposes. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements contained in the R-1D Zone. Existing single- and two-family homes that are partially or fully destroyed may be rebuilt as a matter of right, as long as they are not expanded beyond the footprint of the original structure.
- C. **APPLICATION AND PROCESSING:** Developments within the GMU Zone require review and approval in accordance with the following procedures:
1. **Pre-application meeting:** Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting. The pre-application meeting is intended to be an

informal meeting with the City staff and with the Kenton County Planning Commission's duly authorized representative/NKAPC staff to discuss the development review process and the requirements of the zoning ordinance.

The pre-application meeting is intended to discuss the proposed development and identify any issues in applying the GMU Zone. The applicant shall include a conceptual development plan encompassing the proposed street and pedestrian networks and the proposed types of land uses. The applicant should also be prepared to discuss the proposed building façades and finish materials, the area, height and amount of proposed signage, as well as other design features, if applicable. Any plans brought to the pre-application meeting do not have to be engineered drawings, but should be clear enough to convey the nature and character of the proposed development.

No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application meeting as a representation or implication that the proposal ultimately will be approved or rejected in any form.

2. Applications for a map amendment to the GMU Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
3. Stage II Development Plan Review: Projects may be built as a matter of right when they meet all of the standards of the GMU Zone regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, which shall include elevation views, the KCPC's duly authorized representative/NKAPC staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the Independence City Council.
4. The City Council shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan, if applicable.

Upon City Council approval of the Stage II Plan, a copy of said plan shall be forwarded to the city's zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance.

5. Compliance with the Ordinance: Compliance with these regulations shall be evaluated based on the intent of the Ordinance, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans.

D. PERMITTED USES AND DENSITIES:

1. Residential – Residential uses shall not be less than 7 dwelling units per net acre nor exceed 14 dwelling units per net acre.
  - a. Attached single-family
  - b. Multi-family
2. Office
  - a. Administrative offices, including public and semi-public, civic, educational, religious, or charitable organizations
  - b. Business offices
  - c. Medical and dental clinics
  - d. Medical laboratories
  - e. Professional offices including, but not limited to, offices for doctors, dentists, optometrists, opticians, lawyers, accountants, architects, engineers, planners, landscape architects, surveyors, insurance agents, advertising agencies
  - f. Radio and television broadcasting studios
  - g. Research and development laboratories
3. Commercial Retail Sales and Service
  - a. Animal clinic, excluding boarding and outside runs
  - b. Apparel shop
  - c. Art supplies
  - d. Bakery and bakery goods store, provided the products are sold exclusively on the premises
  - e. Banks and other financial institutions, including savings, loan, and finance companies with or without drive-thru's, but not including payday loan or currency exchange (check cashing) facilities
  - f. Barber and beauty shops
  - g. Book, stationery, or gift shop
  - h. Camera and photographic supplies

- i. Candy store, soda fountain, ice cream store, excluding drive-ins
- j. Child day care center
- k. Copy, printing, packaging and shipping store
- l. Delicatessen
- m. Drug store/pharmacy with or without drive-thrus
- n. Eating and drinking places (excluding drive-in's and drive-thru's)
- o. Florist shop
- p. Food stores and markets
- q. Furniture store
- r. Garden supplies
- s. Glass, china, or pottery store
- t. Hardware store
- u. Health spas
- v. Hobby shop
- w. Household and electrical appliance store, including incidental repair
- x. Interior decorating studio
- y. Jewelry store, including repair
- z. Leather goods and luggage store
- aa. Locksmith shop
- bb. Music, musical instruments, and records, including incidental repair
- cc. Opticians and optical goods
- dd. Office supply store
- ee. Package liquor and wine store
- ff. Paint and wallpaper store
- gg. Personal improvement service
- hh. Pet shop, excluding boarding and outside runs
- ii. Radio and television store, including repair
- jj. Shoe store and shoe repair
- kk. Sporting goods
- ll. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
- mm. Tailor shop
- nn. Toy store
- oo. Variety store, including notions and "five and ten" stores

4. Public and Civic

- a. Cultural exhibits and libraries
- b. Schools, colleges and universities
- c. Police and fire stations

E. DRIVE-THRUS: Drive-thru facilities are limited to 3 lanes. (see Section 10.22, I., 1., e.)

F. ACCESSORY USES

1. Customary accessory uses
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

G. SITE AND BUILDING STANDARDS:

1. **MINIMUM DEVELOPMENT AREA:** 5 acres. However, development of a smaller tract adjacent to an existing GMU Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
2. **MINIMUM SITE PERIMETER AND FRONT, SIDE, AND REAR YARDS SETBACKS:** The minimum site perimeter setbacks shall be 50 feet when adjacent to a Single-Family Residential Zone.

The minimum front, side, and rear yard setbacks internal to the development shall be as in the approved Stage II Development Plan.

3. **MAXIMUM PERMITTED BUILDING FOOTPRINT AND TENANT SIZE:**
  - a. The maximum building footprint of a building with a single land use category (i.e. all offices, all residential, all commercial, etc.) shall be 15,000 square feet.
  - b. The maximum building footprint for a building with 2 or more land use categories, mixed either horizontally or vertically, shall be 30,000 square feet.
  - c. The maximum size of a single tenant shall not exceed 25,000 square feet.
4. **MAXIMUM PERMITTED BUILDING HEIGHT:** The maximum height of a building with a single land use category shall be two (2) stories or thirty-five (35) feet.

The maximum height of a building with 2 or more land use categories, either mixed horizontally or vertically, shall be three (3) stories or fifty (50) feet.

5. **BUILDING ARCHITECTURE**
  - a. Changes in façades shall occur a maximum of every 100 feet. (see Section 10.22, I., 4., b.)
  - b. Ground floor transparency of at least 40% is required for all walls with a customer entrance for all Commercial Retail Sales and Service uses. (see Figure 10.22-1, item ①)
  - c. Mansard roofs and corrugated metal roofs are not permitted. Metal standing seam roofs are an allowable roof type.

- d. Metal or vinyl siding shall not be permitted.
6. OFF-STREET PARKING AND ACCESS CONTROL: Off-street parking facilities and access control shall be provided in accordance with Article XI of this ordinance, in addition to the following additional regulations:
- a. Off-street parking areas within the GMU Zone shall utilize shared or cooperative parking in order to minimize the amount of constructed impervious surface as well as to use the land area to its highest and best use. Whichever method results in the greatest reduction shall be used to determine the minimum number of required off-street parking spaces.
    - (1) Shared parking is a type of parking management in which parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group, and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow predictable daily, weekly and annual cycles.

When any land or building is under the same ownership, or upon submission of satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility, and proposed development is for two (2) or more land uses, the number of minimum required parking spaces shall be computed by multiplying the minimum number of parking spaces normally required for each land use by the appropriate percentage, as shown in the following shared parking credit table, for each of the five (5) time periods shown. The number of parking spaces required is then determined by adding the results in each column. The column total that generates the highest number of parking spaces becomes the minimum parking requirement.

SHARED PARKING CREDIT TABLE

LAND USE TYPE	Time Of Operation				
	Weekday		Weekend		Nighttime
	Daytime (6 am - 6 pm)	Evening (6 pm - midnight)	Daytime (6 am - 6 pm)	Evening (6 pm - midnight)	(Midnight - 6 am)
Residential	50%	95%	75%	90%	100%
Office/Industrial	100%	10%	10%	5%	5%
Retail/Personal Service	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Theater/Commercial Recreational Establishment	40%	100%	80%	100%	10%
Religious Assembly	10%	80%	100%	80%	10%

- (2) Cooperative parking represents an arrangement whereby 2 or more uses from the same land use category provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking.

The following reductions in the number of off-street parking spaces required are allowed when multiple commercial uses provide their off-street parking in the same parking lot, as follows:

- (a) a 20% reduction is allowed when 4 or more individual uses are involved;
  - (b) a 15% reduction is allowed when 3 individual uses are involved; and
  - (c) a 10% reduction is allowed when 2 individual uses are involved.
- c. The primary entrance to all developments shall have a boulevard entrance. All boulevard entrances shall have a minimum throat length of 50 feet. The center median shall be a minimum of 10 feet wide and set back at least 65 feet from the edge of the intersecting roadway.
7. OFF-STREET LOADING AND/OR UNLOADING: All loading and/or unloading areas shall be provided in accordance with Article XII of this ordinance.

8. SCREENING AND LANDSCAPING: Screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance.
9. LIGHTING: Lighting requirements shall meet the following:
  - a. Light poles shall not exceed thirty (30) feet in height.
  - b. All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane.
  - c. Decorative, pedestrian-scale lights are permitted in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
  - d. Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
  - e. Lighting located on the building wall shall be fully shielded to direct the light downward.
- H. PUBLIC AMENITIES: Every development within the GMU Zone shall provide at least 2 major public amenities. (see Section 10.22, I., 5., a.)
- I. REVIEW GUIDELINES: When evaluating a proposed development within the GMU Zone, the City Council shall base their decision on the following criteria. The Council should give consideration to allow maximum flexibility, individuality, and creativity in proposed developments if the Council finds that the proposed plans are still generally consistent with the Review Guidelines and meet the intent of the GMU Zone.
  1. Internal Street and Off-Street Parking Network

*Intent: The internal street and off-street parking network provides the foundation for development within the GMU Zone. In keeping with the intent and purpose of this zone, the central elements that should be addressed and provided by the internal street and off-street parking network include the following: provide convenient and safe access; accommodate multi-modal movement and transportation within the development; provide smooth transitions between different areas of the development; provide interconnectivity between destinations, parking areas, and the pedestrian network within the development; and provide connections to adjacent areas surrounding the development.*

    - a. All streets, private or public, must conform to the street and right-of-way standards within the Kenton County Subdivision Regulations.

- b. The arrangement of streets in new developments shall provide for reasonable access to adjoining tracts, through connections between streets, logical distribution of traffic patterns, and convenient and efficient access for emergency vehicles, street maintenance, school buses, postal delivery, and other essential services. (see Figure 10.22-4, item ①)
- c. Large expanses of parking typically associated with standard big box development are discouraged. Parking areas should be dispersed in smaller areas throughout the development, including to the rear and side of buildings and structures within the development. (see Figure 10.22-4, item ②)
- d. Provision of multiple types of parking, specifically angled, on-street (within the development), or parallel parking is encouraged to reduce the amount of impervious surface and provide complete neighborhood streets. (see Figure 10.22-4, item ③)
- e. Drive-thru facilities should be integrated into the overall site design so they don't inhibit the movement and flow of the internal street network and the pedestrian network. Effort should be made to locate drive-thru facilities at the rear of buildings and out of view from public amenities.

2. Pedestrian Network

*Intent: The pedestrian network should facilitate pedestrian movement within the development and be designed in a manner that promotes walkability, social interaction and connectivity between areas and destinations creating a sense of place, identity, and character within the development area. Essential elements of the pedestrian network include the provision of a network of walking areas along the internal and external portions of the development to provide convenient access and connectivity between the parking areas, destinations within the development, and to the surrounding areas.*

- a. All sidewalks must conform to the construction standards within the Kenton County Subdivision Regulations.
- b. Landscape features, including but not limited to trees, planting boxes, planting strips, landscaped berms, shrubs, and other types of features should be used along the sidewalks to separate the vehicular traffic from pedestrians. (see Figure 10.22-4, item ④)
- c. Brick or stamped asphalt or concrete should be used for all crosswalks or pedestrian paths within an off-street parking area.
- d. Bicycle lanes that are striped into the roadway are encouraged. If bicycle lanes are provided, then bicycle parking in the form of bicycle racks or storage facilities should also be provided.
- e. Connections should be provided between the internal pedestrian network, off-street parking areas, the external pedestrian network, and to the surrounding areas. (see Figure 10.22-4, item ⑤)

3. Building Location and Orientation

*Intent: The siting and orientation of buildings within the GMU Zone shall promote pedestrian movement, social interaction, and other outdoor activities such as dining, assembly, and shopping. Proper building location is important in order to provide the sense of place outlined within the intent and purpose of this zone. Essential elements for siting buildings within the design of the development include framing and creating a pedestrian friendly public realm, providing convenient access to all areas of the development, and creating a desirable transition between open spaces, parking areas, pedestrian and assembly areas.*

- a. Buildings should be located within close proximity to one another in order to promote and provide connectivity between all areas within the development. (see Figure 10.22-4, item ⑥)
- b. The location and orientation of buildings should immediately front the pedestrian network. Exceptions can be made for architectural features or spaces for public gathering. Such features or spaces may include, but are not limited to, a plaza, patio, outdoor dining or seating area, arcade, etc. (see Figure 10.22-4, item ⑦)
- c. Buildings should be oriented to provide pedestrian access between destinations, parking areas, and external pedestrian walkways. (see Figure 10.22-4, item ⑧)

4. Building Architecture

*Intent: Building designs are encouraged that create a unique and attractive image for each business, while providing a sense of cohesiveness within a development. High design standards and creativity are encouraged. It is not the intent of these regulations to prohibit national building identity, but to integrate those designs and maintain a general theme within the development.*

- a. All buildings shall be considered four-sided buildings, and should utilize consistent materials on all four sides.
- b. Long, unbroken building facades are not permitted. Changes in roof styles, materials, setbacks, and/or colors should be used to break up the façade. (see Figure 10.22-1, item ②)
- c. The use of parapets, towers, and other elements should be used to break up continuous stretches of roofs. (see Figure 10.22-1, item ③)
- d. All mechanical equipment located on roofs should be adequately screened from the view of adjacent properties and rights-of-way. (see Figure 10.22-1, item ④)
- e. Building colors should be complimentary to one another and should not contain excessively bright or distracting colors. Bright colors may be used only when those colors are an integral part of a nationally recognized corporate logo or image.

- f. Building finishes shall be natural materials such as wood, stone, or brick. Composite or manufactured materials, including but not limited to EIFS, which provide the same styling and texture as natural materials shall be permitted.



Figure 10.22-1  
\*Example for illustrative purposes only

5. Public Amenities

*Intent: Public amenities are intended to be resources, conveniences, facilities or benefits offered to the general public for their use and/or enjoyment. Public amenities should be an asset to both the community and to the development they serve.*

- a. Major public amenities should be located at important nodes where there is the most activity. They should be used as a focal point within the development. Major public amenities include, but are not limited to:

- (1) Plaza
- (2) Pocket Park
- (3) Water Feature
- (4) Playground
- (5) Multimodal/walking paths within the development
- (6) Entry Feature – Distinctive elements located at or near the entrance to a development that communicate the nature and character of the development. (see Figure 10.22-2)

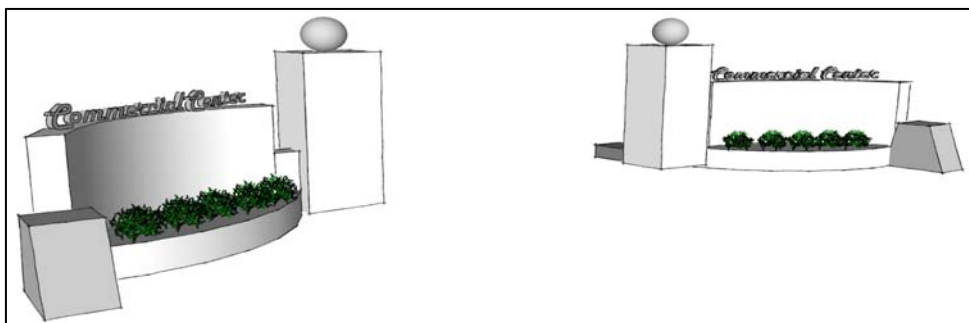


Figure 10.22-2

\*Example for illustrative purposes only

- (7) Community Gateway Feature – Distinctive elements that identify the community and/or convey the community character. They are typically located and oriented towards commuters on the adjacent roadway system. (see Figure 10.22-3)
- (8) Any amenity not specifically listed herein but deemed appropriate by the Independence City Council.

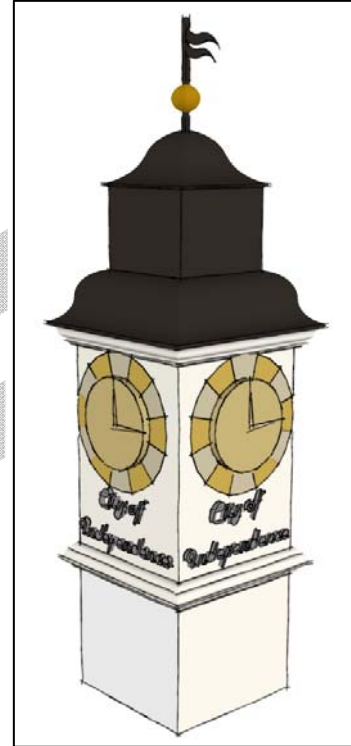


Figure 10.22-3

\*Example for illustrative purposes only

- b. Developments that are located at major intersections should incorporate a community gateway feature.
- c. Public amenities should be at a size, scale, and location within the site to be accessible and useable. Isolated public amenities should be avoided by connecting them to the pedestrian network and locating them within the development as opposed to along the fringes.
- d. Minor public amenities should be provided along the pedestrian network. Minor public amenities include, but are not limited to:
  - (1) Benches
  - (2) Trash cans
  - (3) Rain shelters
  - (4) Drinking fountains
  - (5) Bike racks
  - (6) Any amenity not specifically listed herein but deemed appropriate by the Independence City Council.

6. Signage and Lighting

*Intent: Signage and lighting should be planned and designed to be compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape within and adjacent to the site.*

- a. Exterior lighting fixtures should be unified throughout the development.
- b. The materials and types of signs used within the development shall be a consistent architectural style throughout the development.

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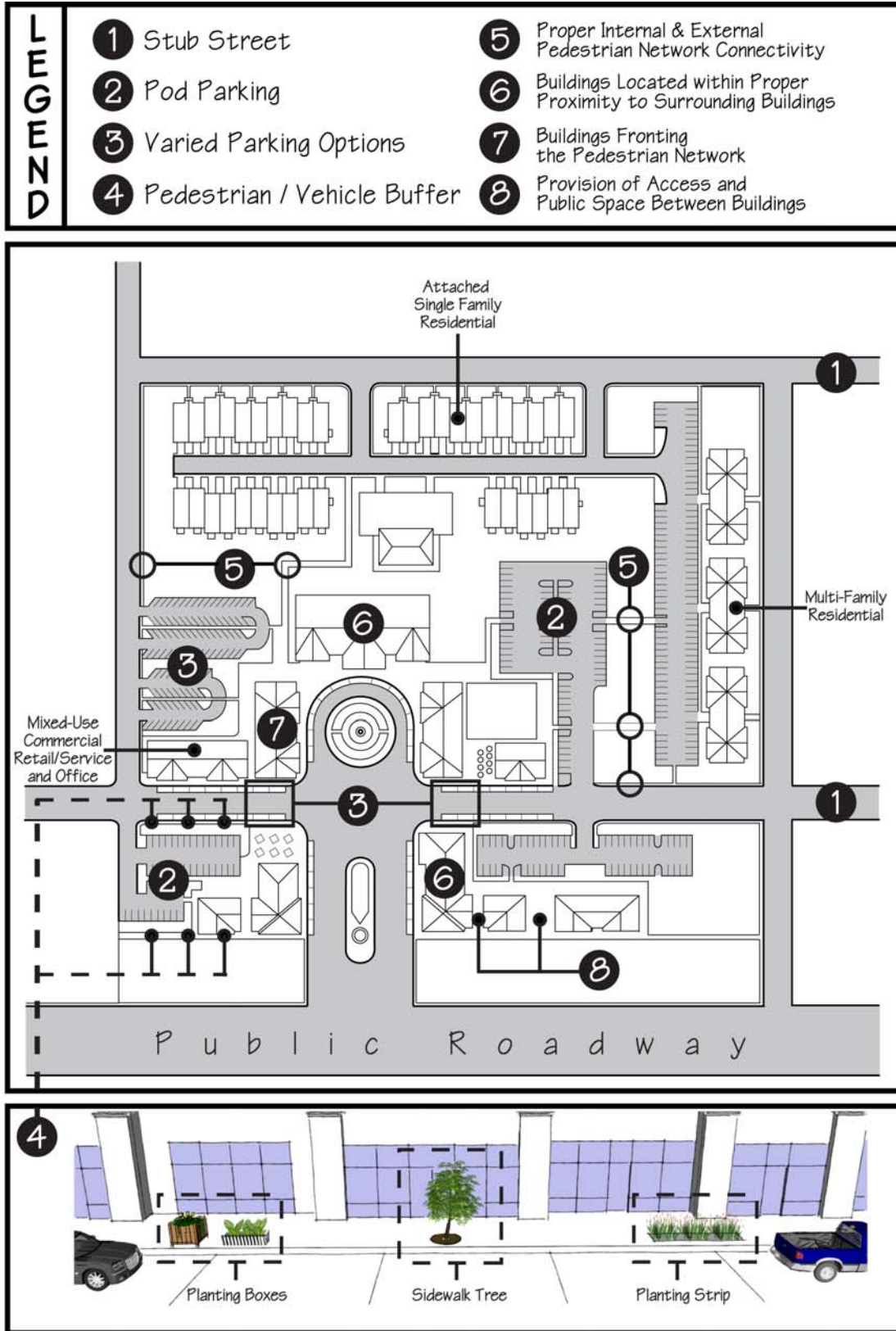


Figure 10.22-4  
 \*Example for illustrative purposes only

City of Independence, Kentucky  
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