

ORDINANCE 2021-19

AN ORDINANCE ADOPTING THE BULLITT COUNTY ZONING REGULATIONS TEXT AMENDMENT 2021T-01 AMENDING SECTION 5.603 RESIDENTIAL ZONE 'R-3' WITHIN THE CITY OF MT. WASHINGTON.

WHEREAS, Mount Washington, as a member of the Joint Planning Unit in Bullitt County, Kentucky has the authority to propose text amendments to the Joint Bullitt County/City Zoning Regulations ("Zoning Regulations") to the Joint Bullitt County-City Planning Commission;

WHEREAS, the City Council of the City of Mt. Washington passed resolution 2021-07 proposing R-3 Zone Classification Text Amendment on July 12th, 2021.

WHEREAS, the Bullitt County Joint Planning Commission has given Text Amendment 2021T-01 a favorable recommendation;

WHEREAS, the Mount Washington City Council has considered the desirability of amending the Joint Bullitt County – City Zoning Regulations ("Zoning Regulations") to modernize provisions applicable to the R-3 Zone Classification ("R-3 Text Amendment") based on facts and circumstances discussed below;

WHEREAS, the existing language for the R-3 Zoning Classification in the Zoning Regulations has been substantively unchanged for decades;

WHEREAS, the City of Mount Washington has experienced great population growth since adoption of the existing language for the R-3 Zoning Classification;

WHEREAS, the territory of Mount Washington has greatly expanded by annexation since adoption of the existing language for the R-3 Zoning Classification;

WHEREAS, multi-family and single-family housing units have greatly expanded in the City of Mount Washington since adoption of the existing language for the R-3 Zoning Classification;

WHEREAS, as a result of such growth in Mount Washington and surrounding areas, vehicular traffic in the City has also greatly increased since adoption of the existing language for the R-3 Zoning Classification;

WHEREAS, as a result of such growth in Mount Washington, there has been considerable need for expansion of utility services in the city since adoption of the existing language for the R-3 Zoning Classification and pressure on utility capacity continues with further residential development;

WHEREAS, consumer preferences, market options, and building codes, have led to many new forms of residential development to have been proposed, approved, and

constructed in the City of Mount Washington since the adoption of the existing language for the R-3 Zone Classification;

WHEREAS, excessively dense development does not provide residents, including senior citizens, children, and persons subject to the protection of the Americans with Disabilities Act, with appropriate amenities and a quality of living environment, and.

WHEREAS, reasonable regulation of density and application of appropriate modern development standards can provide residents with a significantly higher quality of life than available under existing archaic provisions of the R-3 Zone Classification.

WHEREAS, as with any ordinance, the adoption of any Text Amendment to the R-3 Zone Classification is proposed to include a severability clause.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. WASHINGTON, BULLITT COUNTY, KENTUCKY AS FOLLOWS:

SECTION I.

Section 5.602 Residential Zone ‘R-3’

a- Principal uses permitted including, in addition to those regulated in ‘R-1’ and ‘R-2 Zones, as well as attached Patio Homes¹, and Multi-Family Dwellings such as Duplexes, Four-Plex’s and other Apartments, and Row Houses (a/k/a Townhomes).

b-Accessory uses, and buildings permitted are the same as those regulated in ‘R-2’ Zone.

c-The following minimum lot area required shall be provided:

1. Every single-family dwelling shall be located on a single lot of not less than ~~seven thousand two hundred (7,200)~~ eight thousand (8,000) square feet for the first dwelling unit. The minimum required lot width at the building line shall be ~~sixty (60)~~ seventy (70) feet.
2. Every two-family and multi-family dwelling shall be located on a single lot of not less than ~~six thousand (6,000)~~ seven thousand (7,000) square feet for the first dwelling unit plus ~~one thousand five hundred (1,500)~~ one thousand seven hundred fifty (1,750) square feet for each additional unit up to four (4). Each unit beyond four (4) in a multi-family dwelling shall be located on a ~~two~~

¹ Attached Patio Homes are distinguished from Row Houses in being only one-story in height or having a second story that extends above only a part of the residence, usually 75% or less.

~~thousand five hundred (2,500)~~ three thousand (3,000) square foot lot. The minimum required lot width at the building line for two family and multi-family dwellings shall be ~~eighty (85)~~ ninety-five (95) feet.

d. The manner in which buildings are placed on a site in relation to the property lines, neighboring developments, and one another, contributes to the overall atmosphere, health, safety, and welfare impact and efficiency of a residential development. The following setback and yard requirements shall be provided for attached Patio Homes, and Multi-Family Dwellings such as Duplexes, Four-Plex's and other Apartments and Row Houses (a/k/a Townhomes) in the R-3 Zone Classification:

1. Front Yards: ~~thirty (30)~~ thirty-five (35) feet required from right-of-way line.
2. Side Yards: there shall be a minimum combined side yards lot line equal to ~~eighteen (18)~~ twenty-five (25) feet. With one (1) side yard line being a minimum of ten percent (10%) of the overall lot width and the remaining side yard line being the difference between the opposite yard line but with both side yard lines adding up to at least a combined ~~eighteen (18)~~ twenty-five (25) feet. Notwithstanding the foregoing, attached Patio Homes are only required to meet a side yard setback on a side in which they are not attached with such setback being twelve (12) feet.
3. Rear Yards: there shall be a minimum rear yard building setback of not less than twenty-five (25) feet; except those accessory buildings and uses may extend up to five (5) feet from the rear lot lines;
4. Corner Lot Yards: the minimum side yard on any street not having lots fronting upon it shall be ~~fifteen (15)~~ twenty (20) feet from the right-of-way line except that a garage or carport may extend an additional five (5) feet into the side yard adjacent to the street. Where the street on the side of a corner lot has lots fronting upon it within the same side of the street, the building line on the side of the corner lot shall be equal to the front yard line requirements of such street.
5. Yards for Public and Semi-Public Buildings: all public and semi-public buildings, including accessory buildings shall provide the same front yard setback as required for all other buildings in this zone.
6. Garages and/or carports shall be set back from interior property lines by ten (10) feet; from adjacent single-family detached or attached residential properties: twenty (20) feet; from minor arterial and collector streets: forty (40) feet; and from all local streets: thirty-five feet.

e. No building shall exceed three (3) stories or forty-five (45) feet in height. An individual multi-family building subject to a site plan on which it is the only

residential building shall not exceed two (2) stories. If two multi-family buildings are subject to a site plan on which they are the only residential buildings, then one of them must be no more than two (2) stories in height and the other may be no more than three (3) stories or forty-five feet in height. If three or more multi-family buildings are subject to a site plan, then two thirds of them must be no more than two (2) stories in height and the remainder may be no more than three (3) stories or forty-five feet in height.

f. Application of Property Maintenance Code. All plats for residential development in the R-3 Zone Classification shall reference whether any Property Maintenance Code adopted by the relevant legislative body is applicable to such property at the time of recording. If so, the plat shall identify the ordinance number of the Property Maintenance Code and the adopting jurisdiction.

g. **Design Standards in R-3 Zone Classification. The following Design Standards have been prepared to provide minimum criteria for new attached Patio Home and Multi-Family Dwelling residential developments, except that Row Houses have additional standards set forth in “h” below.** These standards are intended to establish quality appearance, compatibility of character, variety of design, and enhanced community values as reflected in the Bullitt County Comprehensive Plan and throughout the Zoning Regulations as well as to improve quality of life in particular for persons with disabilities, the elderly, and for children. Attached Patio Home Developments and Multi-Family Developments in the R-3 Zone Classification shall comply with the following Design Standards:

1. Within the required setback areas from the property lines of a residential development in the R-3 Zone Classification, a permanent 20-foot landscaped area shall be provided along each property line. No drives, detention areas, or off-street parking is permitted in this area.

2. Earth berming (3' min. height) with a maximum slope of 4:1 with evergreen and deciduous trees and shrubs shall be required in the setback areas along public streets and between differing Zone Classifications including other types of residential use in other Zone Classifications.

3. No intensive recreation area(s), such as swimming pools, playgrounds, hard-surface courts, etc., shall be permitted within seventy-five (75) feet of any adjacent single-family detached or attached R-1 or R-2 Zone Classification.

4. All internal site sidewalks in a multi-family development in the R-3 Zone Classification shall be a minimum width of four feet unless adjacent to parking spaces (min. 6-foot width).

5. All sidewalks along public streets must be detached from the curb the distance specified in any applicable ordinance of the legislative body with

jurisdiction and/or the Subdivision Regulations or as a condition of plat approval.

6. At least one-fourth (1/4th) of the required parking in a residential development in the R-3 Zone Classification shall be within carports or garages.

7. Exterior Bicycle parking shall be provided in connection with Apartment Buildings and location of such parking shall be depicted on the subdivision plat.

8. The entrance to attached Patio Home and Multi-Family Developments in the R-3 Zone Classification should be designed to provide maximum safety for visibility and turning movements. Landscaped street medians/islands are required at entranceways. Maintenance of the median/island shall be the responsibility of the developer/homeowner's group as reflected in the subdivision plat and/or covenants, conditions, and restrictions recorded in the Office of the Bullitt County, Kentucky Clerk.

9. Site lighting shall be provided throughout any multi-family residential development project in the R-3 Zone Classification and shall include lighting on buildings, garages, carports, drive aisles, parking lots, pathways, stairs, ramps, and landscaping to ensure visibility and safety for residents within the project.

10. Ground-level site lighting shall be added along all pathways, stairs, and ramps to increase visibility at night in any multi-family residential development project in the R-3 Zone Classification.

11. All trash containers to be used by multiple residents in the R-3 Zoning Classification shall be contained within permanent, opaque, masonry trash enclosures that match the building materials and colors of the nearest residential buildings and shall have opaque gates.

12. The following standards shall apply to mechanical equipment on properties in the R-3 Zone Classification: No mechanical equipment shall be placed on sloped roofs. Ground level mechanical and utility equipment and lines shall be screened with year-round landscaping, or walls that match the materials and colors of the nearest buildings. All electric and communication utility lines and services and all street lighting circuits shall be installed or relocated underground within the residential development, unless the relevant utility with jurisdiction certifies in writing that such underground installation is not feasible.

13. A covered entry area shall be designed as the main entry area of each Apartment building in the R-3 Zone Classification.

14. Any detention pond area in the R-3 Zoning Classification shall be landscaped at a rate of one tree and three shrubs per six hundred (600) square feet of landscaped area. Plant materials shall be concentrated around the

perimeter of any detention pond and distributed elsewhere throughout the site. The property owner is responsible for maintenance of such areas.

15. Parking lots for an Apartment Development larger than fifty (50) spaces shall be required to be landscaped with internal landscaped parking lot islands. Landscaped islands shall be no smaller than two standard parking spaces and shall alternative periodically with larger islands for aesthetic variety and interest. Landscaped islands shall occur approximately every twenty-five (25) spaces within parking lots larger than fifty (50) spaces. Landscaped berms are required to screen parking lots exceeding fifty (50) spaces (including covered parking spaces) from adjacent residential developments in the R-1 or R-2 Zone Classification. Maximum slope of landscaped berms shall not exceed 4:1.

16. The difference between the total land area required for an entire attached Patio Home or Multi-Family Development and the total land area of the development's recorded lots for residential purposes shall be provided as one or more Open Lots to be used for parking (if paved pursuant to standards of these Zoning Regulations, the Subdivision Regulations, and plat conditions and subject to reasonable on-going maintenance requirements), recreational, covered school bus stop, scenic views, botanical features, landscaping, gardening, wetlands, retention pond, fishing pond, utility infrastructure or appurtenances, and/or walking or bicycle trails. If any trail is to be paved, it shall be reasonably maintained as specified in conditions on the subdivision plat. Responsibility for repair of erosion of any paved or unpaved trail shall be specified as a condition on the subdivision plat. Responsibility for mowing, irrigation, and maintenance of initial landscaping features such as trees and shrubs shall be specified as condition of the subdivision plat. Open Lot area shall include reasonable lighting whether from fixtures on Row House Buildings or separate light poles. Any light poles installed in an Open Lot area shall be aesthetically consistent with placement in a residential development with any necessary shrouding to prevent them from shining directly into Row Houses. Any light pole locations shall be identified on the subdivision plat or as approved by the relevant electric utility provider. Any fencing in the Open Lot area shall be aesthetically consistent with placement in a residential development and its location shall be identified on the subdivision plat and responsibility for maintenance thereof shall be identified on the subdivision plat. Any responsibility required to be identified on the subdivision plat by this paragraph may be identified in summary form on the plat with cross-reference to more detail description of the responsibility in textual subdivision covenants, conditions, and restrictions to be recorded in the Office of the Bullitt County, Kentucky Clerk. At least **FIFTEEN PERCENT (15%)** of the total land area required for the entire attached Patio Home or Multi-Family Development shall be included in one or more Open Lots.

17. A statement shall be included on the plat of the subdivision of any attached Patio Home or Multi-Family Development that all construction on property

governed by the plat shall be in compliance with the federal Americans with Disabilities Act, as it may be amended.

18. The owner of any Apartment development in the R-3 Zone Classification shall file a copy of any notice of violation and any final determination or order of a government agency alleging or finding a violation of law applicable to any part of such development as to sanitary conditions, environmental conditions, public safety, or air or water quality with the Bullitt County Zoning Administrator and a copy to the City (or County depending on jurisdiction over the property) Clerk within seven days of receipt by such property owner.

19. A copy of the rules and regulations for any Apartment development in the R-3 Zone Classification and any subsequent amendments thereto shall be sent to the Bullitt County Zoning Administrator and a copy to the City (or County depending on jurisdiction over the property) Clerk within seven days of adoption by the property owner.

20. The Kentucky Condominium Act, KRS 381.9101 to 381.9207, as it may be amended, shall be complied with for any residential construction to which such Act is applicable.

21. KRS 100.982 and 100.984, as such statutes may be amended, governing residential care facilities for persons with a disability shall be complied with for any residential construction to which such statutes are applicable.

22. Construction of Apartment developments in the R-3 Zone Classification shall meet the Kentucky Housing Corporation (“KHC”) Minimum Design Standards for New Construction of such facilities under the Kentucky Building Code as now in effect or as it may be amended. (The KHC was created by the 1972 General Assembly and is a public corporation of the Commonwealth of Kentucky.) Construction of attached Patio Homes, Duplexes, Row Houses, or detached single family homes in the R-3 Zone Classification shall meet the Kentucky Housing Corporation Minimum Design Standards for New Construction of Single-Family Dwelling Units as regulated by the Kentucky Residential Code as now in effect or as it may be amended. Notwithstanding the foregoing, the more restrictive of the applicable KHC Standards and the Zoning Regulations shall be applicable.

h. Row House (a/k/a Townhouse) Developments. The following special development standards shall apply to Row House Developments in addition to the above development standards:

1. Subdivision requirements: A Row House Development shall be submitted as a subdivision plat and if it is recorded in sections, each section shall meet all requirements of this regulation and the Subdivision Regulations of the Planning Commission. If there is any conflict, the more restrictive of the two will apply.

Each lot shall be located on a separate lot of record fronting on a dedicated public street.

2. Yard Requirements:

- a. Front Yard: ~~30~~ 35 feet from right-of-way line
- b. Side Yard: For end developments a minimum of ~~9~~ 12 feet
- c. Street Side Yard: a minimum of ~~15~~ 20 feet.
- d. Rear Yard: A minimum of ~~25~~ 30 feet

3. Maximum building height: ~~no building shall exceed three (3) stories or 45 feet in height.~~ A Row House Development of ten (10) or more such Row Houses subject to a single subdivision plat shall provide for at least ½ of the Row Houses subject to the Plat to be no more than two stories. Minimum and maximum interior square footage of two story and three-story Row Houses subject to a Row House plat shall be restricted at the same levels by the subdivision plat in that it is the intent of these regulations that two story Row Houses be of comparable utility and value to three story Row Houses. Three story Row Houses are to be differentiated from Two Story Row Houses as a matter of style, functionality, and other features, but are not to be utilized by a developer primarily as a means to allow for more dense development of a subdivision. No Row House shall be more than (3) stories or 45 feet in height.

4. Maximum area requirements.

a. No recorded lot in a Row House Development shall contain less than ~~1800~~ 2,100 square feet.

b. Land area requirements:

- 2 units – ~~7500~~ 8625 square feet
- 3 units - ~~9000~~ 10350 square feet
- 4 units – ~~10,500~~ 12075 square feet
- Each additional unit – add an additional ~~2500~~ 2875 square feet.

c. The difference between the total land area required for the entire Row House Development and the total land area of the development's recorded lots for residential purposes shall be provided as one or more Open Lots to be used for parking (if paved pursuant to standards of these Zoning Regulations, the Subdivision Regulations, and plat conditions and subject to reasonable on-going maintenance requirements), recreational, covered school bus stop, scenic views, botanical features, landscaping, gardening, wetlands, retention pond, fishing pond, utility infrastructure or appurtenances, and/or walking or bicycle trails. If any trail is to be paved, it shall be reasonably maintained as specified in conditions on the subdivision plat. Responsibility for repair of erosion of any paved or unpaved trail shall be specified as a condition on the subdivision plat. Responsibility for mowing and maintenance of initial landscaping features such as trees and shrubs

shall be specified as condition of the subdivision plat. Open Lot area shall include reasonable lighting whether from fixtures on Row House Buildings or separate light poles. Any light poles installed in an Open Lot area shall be aesthetically consistent with placement in a residential development with any necessary shrouding to prevent them from shining directly into Row Houses. Any light pole locations shall be identified on the subdivision plat or as approved by the relevant electric utility provider. Any fencing in the Open Lot area shall be aesthetically consistent with placement in a residential development and its location shall be identified on the subdivision plat and responsibility for maintenance thereof shall be identified on the subdivision plat. Any responsibility required to be identified on the subdivision plat by this paragraph may be identified in summary form on the plat with cross-reference to more detail description of the responsibility in textual subdivision covenants, conditions, and restrictions to be recorded in the Office of the Bullitt County, Kentucky Clerk. At least **FIFTEEN PERCENT (15 %)** of the total land are required for the entire Row House Development shall be included in one or more Open Lots.

5. Lot Size: The minimum width of interior lots shall be ~~18~~ 22 feet and the minimum width of end lots shall be ~~27~~ 32 feet. The minimum depth of any lot shall be ~~80~~ 90 feet.

6. Other requirements:

a. No group of attached dwelling units in a Row House Development shall be longer than ~~200~~ 180 feet.

b. Maximum lot coverage shall be ~~60~~ 50 percent.

c. A statement shall be included on the plat of the subdivision and in all deeds of transfer of property of any land located therein, which will prevent the subdivision and resubdivision of land into a greater number of lots than originally approved.

i. Right of Ways and Minimum Design Standards. All public roads shall occupy a minimum right-of-way width of (60) feet, thirty (30) feet in each direction as measured from the centerline of the road. The developer shall show on their plan a fifteen (15) feet public utility easement on each side of the right-of-way. If the developer erects island/s in the right-of-way the minimum width of the right-of-way shall be seventy (70) feet.

SECTION II: Should any section, clause, line, paragraph, or any other part of the ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this ordinance.


SECTION III: All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

SECTION IV: This Ordinance shall take effect upon passage and publication as required by law.

First Reading: October 25, 2021


Second Reading: November 8, 2021

Adopted this 8th day of November 2021 by a vote of 5 in favor 0 against 0 abstain.



Barry Armstrong, Mayor

ATTEST:



Elizabeth D. Hardin, City Administrator

ORDINANCE 2021-20

AN ORDINANCE ADOPTING THE BULLITT COUNTY ZONING REGULATIONS TEXT AMENMENT 2021T-02 ADDING A NEW SECTION 6A SITE PLAN REVIEW WITHIN THE CITY OF MT WASHINGTON.

WHEREAS, Mount Washington, as a member of the Joint Planning Unit in Bullitt County, Kentucky has the authority to propose text amendments to the Joint Bullitt County/City Zoning Regulations (“Zoning Regulations”) to the Joint Bullitt County-City Planning Commission;

WHEREAS, the City Council of the City of Mt. Washington passed resolution 2021-08 proposing Site Plan Review Text Amendment in R-3 Zone Classification on July 12th, 2021.

WHEREAS, the Bullitt County Joint Planning Commission has given Text Amendment 2021T-02 a favorable recommendation;

WHEREAS, the Mount Washington City Council has considered the desirability of amending the Joint Bullitt County – City Zoning Regulations (“Zoning Regulations”) to modernize provisions applicable to Site Plan Review in the R-3 Zone Classification, by adding a new Article 6A ("Site Plan Review Text Amendment") based on facts and circumstances discussed below;

WHEREAS, the existing Site Plan Review provisions in the Zoning Regulations has been substantively unchanged for decades;

WHEREAS, the City of Mount Washington has experienced great population growth since adoption of the existing language for Site Plan Review;

WHEREAS, the territory of Mount Washington has greatly expanded by annexation since adoption of the existing language for Site Plan Review;

WHEREAS, multi-family and single-family housing units have greatly expanded in the City of Mount Washington since adoption of the existing language for Site Plan Review;

WHEREAS, as a result of such growth in Mount Washington and surrounding areas, vehicular traffic in the City has also greatly increased since adoption of the existing language for Site Plan Review;

WHEREAS, as a result of such growth in Mount Washington, there has been considerable need for expansion of utility services in the city since adoption of the existing language for the R-3 Zoning Classification and pressure on utility capacity continues with further residential development;

WHEREAS, consumer preferences, market options, and building codes, have led to many new forms of residential development to have been proposed, approved, and constructed in the City of Mount Washington since the adoption of the existing language for Site Plan Review;

WHEREAS, excessively dense development does not provide residents, including senior citizens, children, and persons subject to the protection of the Americans with Disabilities Act, with appropriate amenities and a quality of living environment; and.

WHEREAS, reasonable regulation of density and application of appropriate modern development standards can provide residents with a significantly higher quality of life than available under existing archaic provisions for Site Plan Review.

WHEREAS, as with any ordinance, the adoption of any Text Amendment to Site Plan Review standards applicable in the R-3 Zone Classification should and is proposed to include a severability clause.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. WASHINGTON, BULLITT COUNTY, KENTUCKY AS FOLLOWS:

SECTION I.

ARTICLE 6A - SITE PLAN REQUIREMENTS FOR NEW APARTMENT BUILDINGS (LARGER THAN A FOUR-PLEX) & CONDOMINIUM BUILDINGS (MORE THAN FOUR UNITS ATTACHED)

This Article 6A is supplemental to Article 6 of the Bullitt County/City Zoning Regulations (“Zoning Regulations”) in the R-3 Zone Classification and is applicable to proposed developments including Apartment Buildings larger than a four-plex (“4+ Apartment Buildings”) and attached four-unit plus Condominium Buildings (“4+ Condominium Buildings”). In such Zone Classification, the requirements of both Article 6 and 6A are in effect. In the event of any conflict between the two Articles, the more restrictive is effective. It is the intent of this Article 6A that a single proposed SITE PLAN be submitted which is in compliance with both Article 6 and 6A.

Apartment Buildings larger than a four-plex (“4+ Apartment Buildings”) and attached four-unit plus Condominium Buildings (“4+ Condominium Buildings”) present certain unique land use issues which can and should be addressed in the SITE PLAN Process beyond the general requirements of Article 6 of the Zoning Regulations, particularly in high traffic areas. Sound future development of Bullitt County and its political subdivisions requires that certain high intensity development, and development in certain critical areas, receive special site plan review by the Planning Commission. Site plan review and approval are required for dense residential uses which are not intrinsically objectionable, but which have inherent characteristics that, if not properly handled, have the potential for yielding unsatisfactory results of some type. They are uses which depend upon sound site planning and design to prevent them from becoming

detrimental to the health, safety, or general welfare of the public, or to neighboring land uses

A SITE PLAN for any of the foregoing new or Substantially Expanded 4+ Apartment Buildings or 4+ Condominium Buildings which are privately owned (collectively "4+ Buildings"), shall, in addition to the requirements of Article 6, comply with the following:

A. The Applicant shall file a copy of any permit application for such 4+ Buildings required to be filed with a federal, state, or other local government agency and a copy of any final decision made by such agency whether obtained before or after filing the application for a SITE PLAN. Obtaining and/or complying with such permits shall be a condition to the continued validity of the SITE PLAN.

B. A SITE PLAN shall identify the primary and Accessory Structures for the proposed 4+ Building, including routes for vehicular and pedestrian ingress and egress and circulation within the property. Locations and scale of playgrounds, golf courses, walking or bike riding trails, other recreational facilities, tennis courts, outdoor dining areas, pools, parking lots and sidewalks shall be identified. Parking lots should be sufficient to accommodate planned residents and invitees and maintenance or employee vehicles and meet the parking space requirements of the Zone Classification and the SITE PLAN should note that drainage shall be in compliance with applicable law, be consistent with best management practices, and avoid standing water in parking lots or adjoining unpaved areas as a result of runoff. Locations of clubhouses, meeting rooms, fire protection, utility connections, and first aid facilities shall be identified. Such Site Plan shall identify drainage, run off, waste and sewage disposal for the facility as well as utility access and easements. The Site Plan shall further illustrate fencing, exterior lighting, any signage required at an entrance or exit, school bus stops, location and screening of any dumpsters or similar temporary refuse storage, and any buffering or landscaping. Locations of ponds, streams, and forested areas should be generally identified. An Applicant may identify an area for one or more alternative uses for all or part of a property, so the Planning Commission has the opportunity to approve all alternative uses to allow a certain level of flexibility in the SITE PLAN process.

C. A Site Plan shall indicate the distance of any 4+ Buildings or Accessory Structures from the boundary of the nearest platted residential subdivision or residential structure to such 4+ Building or Accessory Structure and the distance from the nearest Commercial and Industrial Building. Buildings and Accessory Structures shall meet the setback and other dimensional requirements of the Zone Classification.

D. A Site Plan shall identify the location and authority under which the development shall access a public right-of-way. If a 4+ Building development

includes twelve ("12") or more residential units, the Applicant shall explain in a textual supplement to the request for Site Plan approval whether a second method of ingress and egress to a public right-of-way is feasible and in the interests of reasonable reduction in traffic congestion and safety concerns.

E. A SITE PLAN for a 4+ Building development shall describe and/or depict the property's compliance with the federal Americans with Disabilities Act, as it may be amended, to the extent applicable, particularly as to building entrance, sidewalks, and parking for disabled persons.

F. A SITE PLAN for a 4+ Building project shall be in compliance with the following:

1. Open Space Requirements.

a. Recreational Open Space is that portion of a project site not divided into individual lots and made available to residents for the purpose of outdoor living space for residents and may include lawn areas, walkways, sitting areas, courtyards, pools, and outdoor recreation facilities. Buildings, structures, or other impervious surfaces devoted to recreation or common open space uses shall also be considered as Recreational Open Space. This space shall be a central focus of the project and must be easily accessible. Driveways, parking areas, and an area not usable for recreation (ditch, berm, etc.) shall not be considered as Recreational Open Space. ***Recreational Open Space shall consist of the greater of 15% of the parcel subject to a Site Plan or the amount of Recreational Open Space otherwise required by the R-3 Zone Classification.***

b. Private outdoor space is that portion of the unit or lot devoted to outdoor recreational use by the individual resident(s) of the unit or lot. This area is provided in addition to the recreational open space. Private outdoor space shall be provided in the form of private yards, patios, or balconies. Patios or balconies shall be a minimum size of sixty (60) square feet per unit and a minimum dimension of six (6) feet.

c. Required yards and landscaping setback areas fronting onto public streets shall be entirely landscaped except for necessary driveways and walkways. Parking is not permitted within the required setback area, including driveway area.

d. No more than fifty (50) percent of the required front yard landscaped area or any other street frontage area may be used for storm water retention purposes. ***Side slopes of basins shall not exceed a 6:1 slope. The maximum side slope ratio shall be 4:1 ratio.***

2. Building Separation.

a. The following shall apply for 4+ Buildings that include two (2) or more related buildings in which the buildings have a common entrance, such as 4+ Apartments or 4+ Condominiums. The minimum distance between the principle entrance of one building and any other buildings shall be according to the following schedule:

<u>Building:</u>	<u>Minimum Distance:</u>
<u>1 story</u>	<u>20 feet</u>
<u>2 story</u>	<u>30 feet</u>

b. Except as provided above, the minimum separation between 4+ Buildings on a multi-family site shall be twenty (20) feet.

3. Relationship of Project to Surrounding Land Uses.

The relationship between a 4+ Building development and adjacent land uses shall take into account the type of adjacent uses, building scale, density, and building heights. Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less dense areas.

a. Multi-family buildings two (2) stories in height or greater shall not be placed within **seventy-five (75) feet** of a platted residential subdivision or single-family residential structure.

b. Individual design situations may present adjudicative facts requiring Additional Conditions to minimize the impact of a 4+ Building on adjacent residential uses. The Planning Commission may request Applicant to **AGREE** to one or more of the following in such circumstances:

1. use of one-story 4+ Buildings in up to **1/4th** of the development;
2. additional landscaping to expand buffer area up to **1/3** in width from Zone Classification requirement;
3. Up to **1/3rd** wider setbacks from property line;
4. modify orientation of buildings;
5. modify the orientation of windows and balconies;
6. provide screen walls

Applicant shall be requested to agree to one or more of any Additional Conditions in public meeting or hearing by Planning Commission, and applicant shall have the

opportunity to submit revisions to Site Plan at next regular meeting of Commission and agree to such conditions or may reject such conditions at or before the next regular meeting of the Commission. The Commission shall then approve or deny the original SITE PLAN or an amended SITE PLAN to the extent modified by Applicant at such next regular meeting and make appropriate findings of adjudicative facts supporting its decision.

c. Common recreation facilities in a project shall be located to minimize the intrusion of noise on adjacent platted residential subdivisions or concentrations of multiple residential structures, which would violate any applicable local noise ordinance, or statutory or common law.

4. 4+ Building Design. The following elements of design shall be considered and encouraged in the architecture of 4+ Buildings:

1. The architectural detailing and treatment of windows and doorways should be strongly considered through the use of bay windows, recessed windows, raised borders, shutters, and trellises.

3. Entryways and stairwells should be an integral part of 4+ Building design. Consideration should be given to screening stairwells or using unique architectural treatments so that they blend in with the overall building elevation

4. Patio and balcony walls and fences should be an integral part of building design and should match the main building design.

A Site Plan shall include notes illustrating how the development complies with these elements of design.

G. Approval of an original SITE PLAN or application for an additional 4+ Building or other amendment of the original SITE PLAN shall require the Applicant to file a copy of any subsequent notice of violation and any final determination or order of a government agency alleging or finding a violation of law as to sanitary conditions, environmental conditions, public safety, or air or water quality with the Administrative Official within seven days of receipt by the Applicant. Within ten ("10") days of written request from the Administrative Official, the holder of any SITE PLAN for a 4+ Building subject to such notice, determination, or order, shall provide a written report to the Administrative Official detailing any corrective measures taken or to be taken. A copy of such written report shall be simultaneously sent to the Clerk of any City in which the property is located via U.S. Postal Service Certified Mail, Return Receipt Requested at the appropriate City Hall.

H. The Application shall file an estimate of the annual vehicular traffic count for patrons anticipated from the operation of the 4+ Building development depicted on a SITE PLAN if *twenty-four* ("24") or more residential units are involved. Applicants should expect that the larger the number of residential units constructed in 4+ Buildings, the more significant will be the conditions imposed because of the health, safety, and welfare

interests and other interests recognized in KRS Chapter 100 and the Comprehensive Plan to be protected and/or based on findings of adjudicative facts.

I. Applicants should expect grant of a SITE PLAN for a 4+ Apartment Building to be conditioned on maintaining levels of liability insurance consistent with the numbers of residents and expected invitees. Applicants are encouraged to file evidence of industry standards and what other local governments in Kentucky have imposed in the way of insurance requirements on such facilities and what they propose for the subject facility when filing their Application. The Board shall condition approval of a SITE PLAN on an obligation to provide proof of insurance to the Administrative Official either annually or upon written request of the Administrative Official. A copy of any proof of insurance documentation sent to the Administrative Official shall be simultaneously sent to the City Clerk of the City in which the subject property is located at such Clerk's normal business address in City Hall.

J. Applicants shall file any proposed rules and regulations for a 4+ Apartment development and/or proposed 4+ Condominium covenants, conditions, and restrictions ("CCR") or Condominium Association bylaws and/or rules along with any application for approval of a 4+ Building. Approval of a SITE PLAN shall be conditioned on copies of subsequent amendments or replacements to such rules, regulations, or CCRs being sent to the Administrative Official and City Clerk of the City in which the subject property is located at their normal business addresses within ten ("10) days after their adoption.

K. Any decision by the Board on a SITE PLAN request for a 4+ Condominium Building shall be consistent with the Kentucky Condominium Act, KRS 381.9101 to 381.9207, as it may be amended.

L. Any decision by the Board on a SITE PLAN request for a 4+ Building shall be consistent with KRS 100.982 and 100.984, as such statutes may be amended, governing residential care facilities for persons with a disability.

M. The Administrative Official shall be responsible for certifying that the requirements of this Article have been met in the same manner as such Official is responsible in connection with Article 6.

N. Action shall be taken by the Planning Commission on a SITE PLAN submitted pursuant to Article 6A and a decision rendered thereon within sixty (60) days of the date the application is received by the Administrative Official.

O. SITE PLANS or any portion thereof, involving engineering, architecture or land surveying, shall be prepared and certified and/or signed and sealed as required by applicable law by an engineer, architect, landscape architect, or land surveyor duly authorized by the Commonwealth of Kentucky.

P. Notwithstanding anything else in this Article 6A, publicly owned 4+ Apartment Buildings are exempt from land use regulation by the Planning Commission pursuant to

state statute except for adequate information being provided to a planning commission per KRS 100.361.

Q. Notwithstanding anything else in this Article 6, a Site Plan for 4+ Apartment Buildings or 4+ Condominium Buildings limited to one extent or another to occupancy by persons over a specified age pursuant to federal or state law, may be approved for **fifteen percent (15%)** less stringent dimensional requirements than otherwise provided in this Article 6A upon appropriate Planning Commission findings of lesser need for dimensional standards which would otherwise be applicable.

R. Any appeal of a final decision by the Planning Commission on a SITE PLAN shall be made by an applicant or other aggrieved person as appellant to the Bullitt County Board of Adjustments within thirty days after the vote of the Planning Commission making such decision and be otherwise in compliance with KRS Chapter 100 and the Zoning Regulations. An appellant shall simultaneously with filing any such appeal mail a copy of such appeal document to the City Clerk of the City in which the subject property is located at the normal City Hall address of such City Clerk. The Administrative Official shall provide at least seven days written notice to such City Clerk at the normal City Hall address in advance of any Board of Adjustment hearing on such appeal.

SECTION II: Should any section, clause, line, paragraph, or any other part of the ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this ordinance.

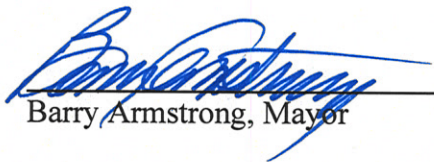
SECTION III: All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

SECTION IV: This Ordinance shall take effect upon passage and publication as required by law.


First Reading: October 25, 2021

Second Reading: November 8, 2021

Adopted this 8th day of November 2021 by a vote of 5 in favor 0 against 0 abstain.


Barry Armstrong, Mayor

ATTEST:


Elizabeth D. Hardin, City Administrator