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Mt. Washington, KY Code of Ordinances

CHAPTER 158: COMMERCIAL AND PLANNING DESIGN

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§ 158.01 PURPOSE.

This chapter, hereby noted as Chapter 158 of the City Code, provides a process and expectation for planning and design review for newly developed or remodeling of the exterior of commercial buildings in the City of Mount Washington Main Street Corridor and to include all boundaries within the city limits of Mt. Washington in addition to those established by Bullitt County, Kentucky.

(Ord. 17-10, passed 4-10-17; Am. Ord. 17-20, passed 6-12-17)

§ 158.02 APPLICABILITY.

(A) This chapter applies to properties within the City of Mount Washington Main Street Corridor as defined as the area around Dooley Drive to Snapp Street or Historic Districts and Landmarks per Chapter 154 and also includes all boundaries within the City of Mt. Washington.

(B) The requirements of this chapter are in addition to those of Building Regulations, Chapter 150.

(Ord. 17-10, passed 4-10-17; Am. Ord. 17-20, passed 6-12-17)

§ 158.03 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“ADDITION.” Any expansion or enlargement of an existing commercial establishment.

“ARCADE.” An area contiguous to a street or plaza that is open and unobstructed, and that is accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.

“ARTICULATE.” Emphasis to or distinctly identify a particular element on the face of a wall including a change in setback, materials, roof pitch or height.

“BERM.” An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.

“BREEZEWAY.” A structure for the principal purpose of connecting a main building or structure on a property with other buildings.

“BUFFER.” An area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesired views, noise and glare - effectively providing greater privacy to neighboring land uses. Typical buffers consist of materials that serve this purpose and include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses (see also “SCREEN”).

“BUFFER STRIP.” A portion of a lot or property used to visually separate one use from another through the use of vegetation, distance or other approved method.

“BUILDING FACE, FRONT.” Any building face, which can be touched by a line drawn perpendicular to street (public or private).

“BUILDING FACE, PUBLIC.” Any building site which is visible from public or private right-of-ways and/or the faces that contain public entry.

“BUILDING MASS.” A building’s expanse or bulk and is typically used in reference to structures of considerable size.

“COMMERCIAL BUILDING PERMIT.” A document confirming review and approval by the Director for a commercial land use in the applicable area of the City of Mount Washington.

“COMMERCIAL ESTABLISHMENT.” A permitted use located in a commercial zoned property or any conditional use as listed in the adopted Zoning Regulations for Bullitt County.

“DESIGN GUIDELINES.” Statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development.

“DIRECTOR.” The City of Mount Washington Community Development Director/Main Street Program Manager.

“DORMER.” A window set vertically in a gable projecting from a sloping roof.

“EXPANSION” or “ENLARGEMENT.” Any addition to an existing commercial establishment.

“FACADE.” The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

“FRONT YARD.” The portion of the front yard extending the full width of the lot and measured between the front lot line and a parallel line across the front of the building. Corner and double lots shall adhere to the front yard setback(s) for each frontage.

“GABLE.” A triangular wall section at the end of a pitched roof, bounded by the two slopes.

“HIP ROOF.” Roof without gables.

“MAIN STREET CORRIDOR.” The area around Dooley Drive to Snapp Street.

“PARAPET.” The portion of a wall that extends above the roof line.

“PEDESTRIAN ORIENTED DEVELOPMENT.” Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings/structures rather than on auto access. The buildings/structures are generally located close to the public or private right-of-way and the main entrance(s) is orientated to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location.

“PEDESTRIAN WALKWAY.” A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle.

“PORTICO.” A porch or walkway with a roof supported by columns, often leading to the entrance to a building.

“RIGHT-OF-WAY, PUBLIC OR PRIVATE.” Any public or private road, access easement intended to provide public access to any lot/development, but excluding any service road or internal driving aisles (i.e., within parking lots).

“SCREEN.” A structure to block views and constructed of opaque materials and whose height will be effective in obstructing unwanted views. (See also “BUFFER.”.)

“SETBACK.” A prescribed distance or an area between one element and another (i.e., a building and the road right-of-way). Within these guidelines, the term also refers to: the minimum distance and the area measured from the property line to the interior of a parcel where buildings may be constructed. The required distance and the area between the edge of the parking lot pavement curb and the property line or buildings/structures. Placing a building face on a line to the rear of another building line.

“STREETSCAPE.” All elements of a development or area that are in view from other points along a street.

“STREETSCAPE AND COMMUNITY ENHANCEMENT MASTER PLAN.” A document dated May 2016, and successive updates, is a tool for defining the look and feel of the city’s primary corridors including: policies, planning, infrastructure and aesthetic improvements. The Director shall use this document as part of the commercial development review.

(Ord. 17-10, passed 4-10-17)

§ 158.04 DEVELOPMENT REVIEW PROCEDURES.

(A) Review requirement. Any new commercial establishment or any addition to an existing commercial establishment that increases the establishment's total gross floor area by 25% or more shall be reviewed for compliance with this chapter prior to the issuance of a Commercial Building Permit by the City of Mount Washington.

(B) Fees. Fees shall be applied per § 150.16.

(C) Application forms.

(1) This section will be applied in addition to those required in § 150.15.

(2) All development review applications shall be in a form developed by the Director and approved by the City Council. Application forms shall be available to the public.

(3) Application contents. The Director, in consultation with and approval of the City Council, shall develop a list of development review application submittal requirements. The list shall, at a minimum, include a listing of all information, data, explanations, analysis, testing, reports, tables, graphics, maps, documents, plans, forms, or other items reasonably necessary, desirable or convenient to determine whether or not the development address and satisfy each and every applicable development standards set forth in this chapter. The Director may waive items on the submittal requirements list that are not applicable due to the particular conditions and circumstances of the proposed development.

(D) Review.

(1) Within 14 days of application submission (including fully completed forms), the Director will review the application for compliance with all adopted standards. The Director may defer any application to the City Council for full review and final action at their next regular scheduled meetings.

(2) If the Director determines that the application does not comply with all adopted standards, then the Director shall provide technical assistance and make recommendations to the applicant on compliance alternatives.

(E) Appeals.

(1) If an applicant is unwilling to make changes to the submitted application as recommended by the Director or disagrees with the Director's interpretation of the standards, then the application will be forwarded to the City Council for full review and final action at their next regular scheduled meetings.

(2) An applicant may appeal the final action of the legislative body to the Bullitt County Circuit Court. Notice of appeal shall be filed within 30 days of the date of final action by the body or adoption of operation of law.

(Ord. 17-10, passed 4-10-17)

§ 158.05 STANDARDS.

(A) Guidance materials. The Director is authorized and directed to develop and maintain guidance materials for administration of this article and associated review of commercial building permit applications.

(B) Vehicular access.

(1) The project shall provide safety and protection to adjacent residential uses by having motor vehicle access.

(2) Access can also be provided from a street, provided it can be shown that any negative impacts on residential uses or residentially zoned properties can be mitigated.

(3) Adjacent/adjoining commercial uses shall use a common vehicular access where feasible.

(C) Entrances design.

(1) All sides of a commercial establishment that directly face an abutting public street shall feature at least one customer entrance and the primary building entrance must face North or South Bardstown Roads as it applies to the Main Street Corridor.

(2) Where a large commercial establishment directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street as needed.

(D) Parking layout.

(1) Parking lots are to be located in the rear of properties.

(2) Variances may be granted by the Director for front parking lots with sufficient tree plantings and/or landscaping berms to protect the character of original structure design or historic function.

(3) Landscaping within the parking area may be required for a large-scale commercial development.

(E) Building orientation. Building face shall be placed in manner consistent with the other buildings on the street. The established pattern of distance from the road to the building face shall be continued.

(F) Building façade. Building façade facing public roads excluding alleys shall be masonry, primarily brick with manufactured or natural stone permitted for accents also included herein, is the permitted use of wood products. However, proper maintenance of the wood products will be specifically required on an ongoing basis. Concrete block and split face block is not permitted. Acceptable examples include Fick Hall and City Pavilion.

(G) Streetscape.

(1) A streetscape landscape plan, consistent with the City of Mount Washington Streetscape and Community Master Plan, shall be considered as a part of the overall design and include a mix of tree species a minimum of 3-inch diameter at breast height at planting, to be planted at 30-foot centers.

(2) Trees along the right of way and located underneath aboveground utility lines shall use species identified in the City of Mount Washington Streetscape and Community Master Plan.

(3) The total number of trees necessary shall be determined by the combined footage of the front and side line defining the streetscape yard.

(4) Shrubbery, ground cover and other planting materials shall be used to complement the tree planting, but shall not be the sole contribution to the landscaping.

(5) Effective use of earth berms, existing topography, and existing trees is also encouraged as a component of the landscape plan and shall be considered as a part of the planting requirements.

(6) Any plant materials that die or are destroyed and, which are part of overall landscape plan must be replaced in a timely manner consistent with § 157.16.

(H) Outdoor lighting.

(1) Lighting policies have been developed to insure adequate security, to prevent glare which affects approaching motorists and pedestrians, and to minimize light trespassing onto adjoining properties.

(2) Architectural and decorative lighting shall be evaluated on a case-by-case basis. Outdoor lighting shall be of a character consistent with those identified in the City of Mount Washington Streetscape and Community Master Plan.

(3) Horizontally mounted fixtures with full cut-off shall be utilized.

(a) The maximum height of lighting poles shall be 25 feet.

(b) The property lighting shall not exceed 0.5 foot candles at the property line.

(4) Outdoor lighting between 10:00 p.m. and 7:00 a.m. shall be limited to light emitting diodes (LED). The applicant may apply for variances for low-pressure sodium lighting.

(5) A photometric plan and outdoor lighting report shall be submitted that addresses all aspects of property illumination, including but not limited to the following.

(a) The parking area.

(b) Building.

(c) Parking.

(d) Signage.

(e) Approaches to mitigate negative impacts on adjacent residential uses or residentially zoned properties.

(f) Approaches to mitigate the negative impacts of outdoor lighting between the hours of 10:00 p.m. and 7:00 a.m. on adjacent properties.

(6) Signage.

(a) All signage plans shall be submitted to the Director for review and approval, and prior to approval of a Commercial Building Permit.

(b) All signs must be monument or attached (flush to wall or perpendicularly mounted) styles. Signs shall use fixed (non-digital) images.

(c) The visual transfer of business advertising and other public information through the use of external signs shall comply with all applicable sign ordinances and the following design standards.

(d) All completed signs must have a high quality professional appearance.

(e) Sign materials, colors, and shades shall be compatible with the related buildings on the property and shall be limited to high quality construction materials, such as stone, brick, or decorative block, finished wood (painted or stained), finished metal, or, high quality plastic.

(f) External lighting of monument signs shall be concealed and ground-mounted. Illumination of signs shall be directed away from all traffic and from all adjoining residential areas.

(g) The intensity of the light shall not exceed 15 foot candles at any point on the sign face.

(h) Maintenance of signs will be in compliance with § 155.03.

(I) Dumpster enclosures.

(1) Material must be solid and be at least 1-foot taller than the dumpster and gated. Gate is to be closed at all times dumpster are not being emptied.

(2) Shall be placed as to not be visible from North or South Bardstown Road.

(Ord. 17-10, passed 4-10-17; Am. Ord. 17-20, passed 6-1-17)

§ 158.98 VIOLATIONS AND ENFORCEMENT.

(A) The Director, with the assistance of officials of appropriate city departments, is hereby authorized and responsible for the enforcement of all provisions of this chapter and for ensuring that commercial establishments are developed in accordance with approved plans, requirements, and conditions.

(B) Periodic inspection of the commercial establishment development shall be made by the Director or his/her authorized representative to ensure that the development plans and requirements are properly implemented.

(C) The Director and other duly authorized official bearing proper identification shall be permitted to enter upon all properties for the purpose of inspection, observation, and measurement in accordance with the provisions of this chapter.

(D) If a commercial establishment is commenced without the required development review approval and building permit, the Director or other duly authorized official shall issue a Stop Work Order in writing. The Stop Work Order shall be issued in person or by certified, return receipt requested, mail.

(E) If the applicant fails to complete all requirements and conditions of the approved development review, the Director shall issue a notice of violation (NOV) and shall specifically state the deficiencies. The applicant shall have 30 days from the notification date to correct all deficiencies and to comply with this chapter and development review approval. If the applicant

fails to comply with the notice of violation, the Director or other duly authorized official may initiate one of the following enforcement procedures:

- (1) Issuance of a civil citation subject to penalties set forth in § 150.99; or
- (2) Issuance of Stop Work and revocation of the Commercial Building Permit.
- (3) The applicant who is issued the notice of violation may appeal any decision made by the Director to the City Council within 30 days of notification.

(Ord. 17-10, passed 4-10-17)

§ 158.99 PENALTY.

Any person, who violates or fails to comply with any provisions of this chapter shall be subject to a fine assessed as a civil penalty of not less than \$25 and not more than \$25,000, payable to the City of Mt. Washington. Each day of continuing violation is subject to a civil fine.

(Ord. 17-10, passed 4-10-17)