Resolution 2021-07

RESOLUTION OF MT. WASHINGTON, KENTUCKY CITY COUNCIL PROPOSING R-3 ZONE CLASSIFICATION TEXT AMENDMENT

Be it Resolved by the City Council of Mount Washington, Kentucky ("City Council") at a regularly scheduled meeting on July 12, 2021:

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, each legislative body in a planning unit has discretion pursuant to KRS Chapter 100 as to whether it may adopt any such text amendment, after recommendation by the Planning Commission, and there is no requirement that any or all legislative bodies of the members of the Planning Unit adopt any proposed text amendment;

WHEREAS, KRS 100.205 provides that zoning regulations in a planning unit in the Commonwealth of Kentucky are not required to be the same within the jurisdiction of each of the members of a planning unit;

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 should and is proposed to include a severability clause.

NOW THEREFORE, in the interest of the health, safety, and welfare of the City of Mount Washington and its citizens, consistent with the Comprehensive Plan, and on authority of KRS Chapter 100, the Mount Washington City Council proposes by this Resolution, the following R-3 Text Amendment to the Zoning Regulations to the Bullitt County/City Joint Planning Commission ("Planning Commission").

Section 5.603 Residential Zone 'R-3" of the Zoning Regulations is proposed for revision as follows with deletions from current text identified by strikeout and additions identified by underline:

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 Homes[1], 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 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 that accessory buildings and uses may extend up to five (5) feet from the rear lot lines;

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[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.

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-Z 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

BE IT FURTHER RESOLVED that the Mayor of the City of Mount Washington, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps necessary to perfect this Resolution proposing an R-3 Zone Classification Text Amendment.

Introduced, upon motion by City Council Member Gentry, seconded by, City Council Member Maddox and thereafter passed by roll call vote with the following Council Members voting in favor: Troy Barr, Greg Gentry, Sandra Hockenbury, George Maddox and Dustin Armstrong and the following Council Members, if any voting against: 0, at a duly convened meeting of the Mount Washington City Council, held on this 12th day of July 2021.

This Resolution shall be lawfully adopted if a majority of a quorum present of the City Council at such meeting has voted in favor of this Resolution and it is signed by the Mayor and attested by the City Clerk below.

Upon lawful adoption of the Resolution the City Clerk and/or City Attorney shall forthwith transmit an executed original of this Resolution to the Administrator of the Bullitt County/City Joint Planning Commission.

Mayor Barry Armstrong
City of Mount Washington,
Kentucky

Attest:

Elizabeth D Hardin

Elizabeth Hardin, City Clerk

Date: 7/13/2021