

**CITY OF WILLIAMSTOWN, KENTUCKY
ORDINANCE 2011-23**

AN ORDINANCE OF THE CITY OF WILLIAMSTOWN, GRANT COUNTY, KENTUCKY, AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE 80-199 ET. SEQ., ARTICLE X, (DISTRICT REGULATIONS), SECTION 10 PUD (PLANNED UNIT DEVELOPMENT ZONE).

WHEREAS, On the 25th day of July, 2011, the Grant County Joint Planning Commission did hold a public hearing on an application from the City of Williamstown, Kentucky, requesting a text amendment to the City of Williamstown Official Zoning Ordinance 80-199 et. seq., Article X (District Regulations), Section 10 PUD (Planned Unit Development Zone); and,

WHEREAS, Upon the foregoing application, the Grant County Joint Planning Commission did make written findings and conclusions in support of the requested text amendment together with written recommendations addressed to and received by the City Council of the City of Williamstown, Grant County, Kentucky, that the text amendment be granted, approved, and duly so ordained by the City of Williamstown, Kentucky, outlined in the findings and recommendations at the public hearing of the Grant County Joint Planning Commission; and

WHEREAS, The City Council of the City of Williamstown, Kentucky, did so concur in the findings, conclusions, and recommendations of the Commission concerning the change in the text amendment, by majority vote of the entire legislative body.

NOW, THEREFORE, BE IT ORDAINED by the City Council, City of Williamstown, Grant County, Kentucky:

SECTION I

As the Legislative Body of the City of Williamstown, Kentucky, the Williamstown City Council hereby adopts the findings of facts and conclusions of law review of the evidence and record of the Grant County Joint Planning Commission and adopts its hearing as its own:

- A. That on the 25th day of July, 2011, the Grant County Joint Planning Commission did hold a public hearing on the application of the City of Williamstown, requesting a text amendment change to the official Zoning Ordinance 80-199 et. seq., amending Article X (District Regulations), Section 10 PUD (Planned Unit Development Zone);
- B. Upon the following application, the Grant County Joint Planning Commission did make written findings and conclusions in support of the requested text amendment together with findings and conclusions in support of the requested text amendment together with recommendations to and received by the City Council of the City of Williamstown, Grant County, Kentucky, that the City of Williamstown's requested text amendment be granted and approved; and,
- C. That the City Council of Williamstown, Kentucky, after hearing and reviewing evidence provided thereto so concur in the findings, conclusions, recommendations, and conditions of the Commission concerning the change in the text amendment.

SECTION II

Ordinance 80-199 et. seq. and those amendments thereto and Article X (District Regulations), Section 10 PUD (Planned Unit Development Zone) is hereby amended with the words and numbers being added indicated by being double-underlined and deletions by being struck through as required by K.R.S. 83A.060(3) and the changes shall be incorporated into the Williamstown Code of Ordinances and the text of Ordinance 80-199 as follows:

SECTION 10. PLANNED UNIT DEVELOPMENT (PUD) ZONE:

PURPOSE: The purpose of this district is to provide large scale, unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces, as well as a mixture of commercial/retail development that would be consistent with surrounding land uses and through the use of flexible regulations creative design to preserve the natural features of the site would be encouraged. The lots in this district must have municipally supplied water system and municipally supplied wastewater disposal system.

- A. **PERMITTED USES AND AREA & HEIGHT REQUIREMENTS:** The following uses are permitted:
- a. Single-family dwellings (Detached); Area requirements shall be the same as the R-1-B Zoning District, except as provided for in Paragraph E, Part 1, below.
 - b. Multi-family dwellings, provided that no more than twenty-five percent (25 %) of the total PUD shall be utilized for this type of housing and that the area requirements shall be the same as the R-3 Zoning District.
 - c. Public and privately owned and operated parks and playgrounds to include but not limited to, golf courses, riding stables, fishing lakes and rental cabins.
 - d. Commercial development, provided that the development:
 1. Shall be limited to use and area requirements of the Highway Commercial (HC) Zoning District and/or as approved on the Site Development Plan.
 - ~~2. Shall be limited to no more than fifteen percent (15%) of the total area in the PUD~~
 - ~~3. 2.~~ Shall file a Site Plan, as required by Section 9.19 of this Ordinance, for each commercial development area within the PUD
 - ~~e. Theme Park defined as a theme park that will attract those persons interested in tourism, cultural and/or historical venues and/or fun themed activities, provided that the development:~~
 - ~~1. Shall file a Phase One (1) and Phase Two (2) Site Plan.~~
- B. **ACCESSORY USES:** Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses.
1. Private parking and garage;
 2. Structures such as fences and walls (As regulated by Article XIII);
 3. Buildings such as storage sheds, private greenhouses and gazebos;
 4. Private swimming pools, sauna, or bathhouse as regulated by Section 9.19 of this ordinance.
 5. Signs, as regulated by Article XIV.
 6. Home occupations, subject to the restrictions and limitations established in Section 9.11 of this ordinance.
 - ~~7. Any use customarily used and in conjunction with permitted uses within this District.~~

NOTE: Article 10, Section PUD, Paragraph B (Accessory Uses) Amended by Ordinance 2004-26

C. **CONDITIONAL USES:** The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustments.

1. Bed and Breakfasts;
2. Churches and other buildings of worship, providing they are located on an arterial street;
3. Day care center;
4. Funeral homes provided that they are located adjacent to an arterial street;
5. Government offices;
6. Nursery schools;
7. Police and fire stations, provided that they are located on an arterial street;
8. Recreational Vehicle Parks, but shall not include mobile or manufactured homes.

D. **REQUIRED COMMON-OPEN BUFFER SPACE:**

There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area ranging from ten (10%) percent to twenty (20%) percent of the entire tract depending upon the location and character of the land to be set aside, as open space or buffer zone or as required by the Planning & Zoning Commission and legislative bodies any necessary compliance with applicable Subdivision Regulations. ~~This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this common open space may be such uses as: pedestrian walkways, park land, open areas, drainage ways, swimming pools, club houses, horseback riding trails, tennis courts, and other land of essentially open character, exclusive of off street parking areas. Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to the appropriate legislative body for use as a public park. The proper legal document necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the appropriate legislative body.~~

E. **OTHER DEVELOPMENT CONTROLS:**

1. The area and height regulations for single family dwellings (detached) may be changed from those required in R-1B zoning and shall be as approved in the submitted Development Plan, provided, however, that the minimum lot width at the front yard minimum setback line for the dwelling shall not be less than fifty feet (50'), the side yard setback shall not be less than five feet (5'), and provided that any area where the side yard setback is less than ten feet (10'), the side wall of all dwellings shall meet the requirements of the current edition of the Kentucky Residential Code and/or the current edition of the Kentucky Building Code.
2. Off-street parking and loading and unloading shall be provided in accordance with Article XI and Article XII, of this Ordinance, or as indicated on the approved Site Development Plan.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any other zone.
- ~~4. All lots must abut onto a public right of way (minimum frontage 50' at the right of way line).~~
- ~~5~~4. A zoning and building permit must be obtained for each structure.
- ~~6~~5. No outside storage of any kind is permitted, but the developer may include in the approved development plan a centralized storage area for residents of the development.
- ~~7~~6. A site Stage-One Development plan, as required by Section 9.19 of this Ordinance, shall be submitted for preliminary and final approval by the Grant County Planning Commission, and the appropriate legislative body – Williamstown City Council.
- ~~8~~7. Minimum size of any PUD Zone shall be 20 acres unless the development is adjacent to an existing PUD Zone and extends the existing development.

8. Intensity – Residential land use intensity shall be that level in the R-1B zone. Commercial land use shall be that level in the H-C (Highway-Commercial) zone. A mixed land use development of residential/commercial shall be reviewed in conjunction with Stage-One Development Plan, relative to intensity.

SECTION III **Planned Unit Development Criteria**

Development Plan proposals in a Planned Unit Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. Mixed Use Development and Pedestrian Orientation: Planned Unit Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Unit Development shall only be permitted when a true mixed use and/or an amenity – oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian/customer orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multipurpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multipurpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally, in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. Compatibility of Uses: Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. When applicable, the design methods recommended in the “Development Layout, Lot Sizes, and Setbacks” section of the Comprehensive Plan’s Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. Open Space: Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These

spaces may be provided in the form of greenways, parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide greenways with multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.

4. Multi-Modal Transportation System: Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.
5. Preservation of Existing Site Features: Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. Landscaping: Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.
7. Architecture: Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings

shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts and decrease dependence on the automobile.

8. Historic and Prehistoric Features: Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. Signage: A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects and regulated by Article XIV.
10. Transportation Connections and Entry Points: The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted greenway, trails, bikeway, and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
11. Conformance with Comprehensive Plan: All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

SECTION IV

This text amendment is subject to terms and conditions established by the Grant County Joint Planning Commission in its approval of the subject application in recommending the text amendment to the City Council of Williamstown, Kentucky.

SECTION V

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION VI

All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION VII

This ordinance shall be effective as soon as possible according to law.

SECTION VIII

This ordinance shall be published in summary pursuant to K.R.S. 83A.060(9).

Rick Skinner, Mayor
City of Williamstown, Kentucky

ATTEST:

Vivian Link, City Clerk/Treasurer

2011-23

First Reading: 08/08/11

Second Reading: 08/16/11

Publication: 08/25/11

CERTIFICATION

The undersigned, Vivian Link, City Clerk of the City of Williamstown, in Grant County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 2011-23 was introduced in writing and read to the City Council of the City of Williamstown at regular or special meetings thereof on the 8th day of August, 2011, and the 16th day of August 2011, at which quorums were present; and said Ordinance was enacted by the City Council of the City of Williamstown upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 16th day of August, 2011, with the vote of each member of the City Council entered upon the official record of such meeting; and

2. After passage and adoption of the foregoing Ordinance by the City Council of the City of Williamstown, it was submitted to the Mayor of the City of Williamstown who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 25th day of August 2011, in the Grant County News, a newspaper qualified thereof, pursuant to the provisions of K.R.S. Chapter 424.

Vivian Link, City Clerk/Treasurer