

AN ORDINANCE OF THE CITY OF VILLA HILLS, KENTON COUNTY, KENTUCKY, AMENDING PARTS OF SECTION 10.10 OF THE VILLA HILLS ZONING CODE TO UPDATE THE PERMITTED COMMERCIAL USES, PUBLIC AND SEMI-PUBLIC USES, AND ALLOW PARKING REQUIREMENTS TO BE PER THE APPROVED PLAN.

WHEREAS, the of City of Villa Hills, Kentucky desires to change the allowable commercial, public and semi-public uses with the Planned Urban Development (PUD) zone; and

WHEREAS, the of City of Villa Hills, Kentucky desires to change the parking requirements in a Planned Urban Development (PUD) overlay zone to be regulated by an approved plan; and

WHEREAS, a public hearing was held on the application by the Kenton County Planning Commission on January 16, 2018, with the Kenton County Planning Commission having given its recommendation for approval with Findings of Fact;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY AS FOLLOWS:

Section I

Section 10.10 of Title X of the Villa Hills Zoning Code is amended as follows:

SECTION 10.10 PUD (PLANNED UNIT DEVELOPMENT) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Planned Unit Development (PUD) Overlay Zone may only be permitted to be superimposed over any of the Residential (R) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for a Planned Unit Development Overlay Zone shall be processed as follows in two stages:
 - 1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of

Section 9.20, A., Stage I Plan Requirements.

- a. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.
- b. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said PUD application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection C., 1., a., above. Approval of the PUD Overlay Zone shall require that development be in conformance with the Stage I approved plan.

The legislative body shall forward a copy of the approved plan to the planning commission for further processing in accordance with the requirement for Stage II Plan and record plat.

Zoning Map Amendment - Upon approval of the PUD Overlay Zone, the official zoning map shall be amended by adding the prefix "PUD" to the existing residential zone (e.g., PUD-R-1B, PUD-R-1C, etc.) for the area as shown on the Stage I approved plan.

2. Stage II - Plan and Record Plat - A Stage II Plan and Record Plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, B. and C., and submitted to the planning commission for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. The planning commission, in approving the Stage II plan, may authorize minor adjustments from the Stage I approved plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

Upon planning commission approval of the Stage II Plan, a copy of said plan shall be

forwarded to the city's zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance.

- b. Upon approval of the Stage II Plan, the planning commission shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20, C., for record plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan.

Upon planning commission approval of the record plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** All types of residential housing units (attached or detached) may be permitted within a PUD Overlay Zone, including but not limited to, single-family, two-family, and multi-family residential units. The density of dwelling units in a PUD shall be determined by the density of the existing residential (R) zone superimposed by the PUD Overlay Zone as follows: Total acres of the divided by Minimum Lot Size of the underlying R zone = Total Number of Dwelling Units. This density shall be applied to the total area excluding that land devoted to commercial uses.
- E. **COMMERCIAL USES:** Commercial uses, intended primarily for the service and convenience of residents of the PUD, may be permitted within the project area, provided a market analysis is made justifying the need for said uses.

These commercial uses shall be grouped in complexes clearly delineated on the Stage I Plan, and may include one or more of the following uses:

1. Bakery shop
2. **Banks or other financial institutions, including savings, loan and finance companies excluding drive-thrus.**
3. Beauty or barber shops
4. Business, **government**, or professional office
- ~~5. Clothing store~~
- ~~6.~~ Delicatessen, grocery, meat, fruit, or vegetable market;
- ~~7. Drug store~~
- ~~8. Hardware stores~~
- ~~9. Laundry/dry cleaning pick-up stations, or self-service facilities~~
- ~~6~~~~10.~~ **Restaurants (excluding drive-ins and drive-thrus) which may include outdoor dining.**
- ~~11. Shoe repair shops~~
- 7. Retail sales and service uses, excluding car washes, gas stations and petroleum dispensing facilities, movie theaters, arcades, video game stores, tobacco and e-cigarette/vaping shops, hardware stores, and on-site dry cleaning facilities.**
- 8. Clinic, human care and animal care**
- 9. Eating and drinking places, microbreweries or microdistilleries (excluding drive-ins and drive-thrus) which may include outdoor dining.**
- 10. Health spas or fitness studios.**

11. Nursery school or day care center.

12. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance.

- F. Another use may be substituted on the approved plan for a use previously approved providing it is one of the above listed uses and providing said use will not involve any building expansion beyond the approved plan and further providing that said use is approved by the zoning administrator.
- G. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
1. Churches
 2. Community centers, including day care facilities
 3. Country clubs
 4. Fire or police stations
 5. Libraries
 6. Open space/recreation areas
 7. Schools (nursery, elementary, and secondary)
 8. **Community gardens or agriculture**
- H. AREA REQUIREMENTS No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- I. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved in the plan.
- J. ~~{OFF-STREET} PARKING AND LOADING AND/OR UNLOADING: [Off-street p] Parking [and, when applicable, loading and/or unloading facilities, provided in accordance with Articles XI and XII of this ordinance]~~ **within the PUD Overlay Zone may be provided through any combination of on-street, off-street, collective parking or shared parking facilities as approved on the plan. Where provided, the design and layout regulations within Section 11.1 of this ordinance shall apply. Minor changes to parking facilities to accommodate future permitted changes in use may be approved by the zoning administrator. Loading and/or unloading facilities must meet the requirements of Article XII of this ordinance or as required pursuant to an approved in the plan.**
- K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- M. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed PUD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be

physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

- N. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
- O. EXPIRATION: Any amendment to the PUD Overlay Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the planning commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said PUD Overlay zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Stage II Plan has not has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved plan and Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrate that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the planning commission; provided that an extension may be permitted upon approval of the legislative body, or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.

Section II

All other portions of the zoning ordinance not inconsistent with this ordinance shall remain in full force and effect.

Section III

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 IV

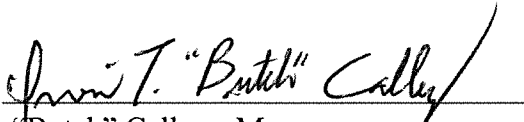
This ordinance shall take effect, and be in full force when passed, published, and recorded according to law.

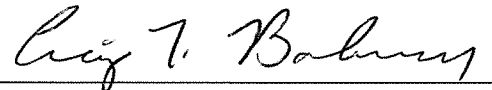
Passed by the City Council this 6th day of March, 2018.

City of Villa Hills, Kentucky

A Municipal Corporation of the Home Rule Class

ATTEST:


Irvin T. "Butch" Callery, Mayor


Craig T. Bohman, City Administrator/Clerk

Co-Sponsors: Kilburn, Waugaman

First Reading: February 21, 2018

Second Reading: March 6, 2018

Ayes: 4: Kilburn, Koenig, Vaden, Waugaman

Nays: 2: Bruns, Ringo

Abstentions: none

Absent: n/a

Published: 03-12-2018