#### **ORDINANCE NO. 17-2023**

# AN ORDINANCE OF THE CITY OF ELIZABETHTOWN, KENTUCKY AMENDING CODE OF ORDINANCES, TITLE 15: LAND USAGE, CHAPTER 154 ZONING TEXT AMENDMENTS

Whereas, the Elizabethtown Planning Commission held a public hearing on June 13, 2023 in compliance with KRS 100 to consider amendments to the Elizabethtown Code of Ordinances, Title 15: Land Usage, Chapter 154 Zoning Text Amendments (Ordinance No. 06-2008, adopted June 16, 2008); and

Whereas, the Elizabethtown City Council has reviewed the transmittals from the Planning Commission, which includes the record of the hearing and the summaries of evidence, as required by KRS 100, and a recommendation for approval. Based on this information, the City Council has determined that the request to amend the official zoning text would be appropriate as the City Council finds the request to be in agreement with the City's Comprehensive Plan; and,

Whereas the Planning Commission developed findings of fact for the basis of their recommendation to amend the official zoning text and the City Council does incorporate said findings into this ordinance as support for the decision (Attachment A).

Whereas, the Elizabethtown Planning Commission has made a recommendation to amend the Elizabethtown Zoning Text Ordinance to modify minimum parking space requirements and to amend variable density requirements.

NOW BE IT ORDAINED by the City of Elizabethtown, Kentucky, that from and after the passage, approval, and publication of this Ordinance, that the Code of Ordinances Title 15 Land Usage, Chapter 154 Zoning Text Amendments, Sections 154.058 (H), 154.059 (H), 154.060 (H), 154.062 (H), 154.063 (H), 154.064 (H), 154.068 (I), 154.071 (H), 154.065 C-5 Downtown Mixed Use, 154.189 Waiver of Parking Standards, 154.192 Accessible Parking Space Requirement and 154.193 Parking Tables and Diagrams is amended in part, as per Attachment B, which is incorporated herein by reference.

BE IT FURTHE ORDAINED by the City of Elizabethtown, Kentucky, that from and after the passage, approval, and publication of this Ordinance, that the Code of Ordinances Title 15 Land Usage, Chapter 154 Zoning Text Amendments, Sections 154.059 Urban Residential, Mixed and 154.060 High Density Residential tables are amended in part, as per Attachment C, which is incorporated herein by reference.

BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or his designee is hereby authorized and directed to take all steps necessary to perfect this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance be published in summary form.

READ THE FIRST TIME, this 7th day of August 2023.

READ, ADOPTED AND APPROVED, this 21st day of August 2023.

PUBLISHED August 25, 2023.

JEFFREY A. GREGORY, MAYOR

ATTESTED TO:

JESSICA J. GRAHAM, CITY CLERK

#### ORDINANCE NO. 17-2023 ATTACHMENT A

### FINDINGS OF FACT FOR 2023-PC-11

## PLANNING COMMISSION FINDINGS OF FACT Zoning Docket No. 2023-PC-11

The Elizabethtown Planning Commission's recommendation to amend the zoning text regarding minimum parking requirements was based on the evidence and testimony presented to the Commission, and the following findings:

WHEREAS, the Elizabethtown Planning Commission (the Commission) finds that the proposal complies with the goals and objectives of the Elizabethtown Comprehensive Plan; and

WHEREAS, the Commission finds the proposal complies with goal 1.A, action step 3 of the Comprehensive Plan, which calls to review and update zoning and subdivision regulations to encourage infill development and high-density housing when appropriate; and

WHEREAS, the Commission finds the proposal complies with goal 2.B, action step 2 of the Comprehensive Plan, which calls to update zoning and subdivision regulations to encourage redevelopment of existing sites by allowing for density bonuses, reduced parking, and other similar incentives for specific redevelopment areas; and

WHEREAS, the Commission finds the proposal complies with goal 13.D, action step 2 of the Comprehensive Plan, which calls to review the zoning and subdivision regulations to encourage creativity, flexibility, and innovation in the design of new developments and neighborhoods; and

**RESOLVED**, that the Elizabethtown Planning Commission does hereby RECOMMEND to the Elizabethtown City Council that the Zoning Text Amendment regarding minimum parking requirements, be **APPROVED**.

#### The vote was as follows:

YES: Commissioners Rice, Dozer, Young, Scott and McCrary

#### FINDINGS OF FACT FOR 2023-PC-12

### PLANNING COMMISSION FINDINGS OF FACT Zoning Docket No. 2023-PC-12

The Elizabethtown Planning Commission's recommendation to amend the zoning text regarding variable density requirements in the R-5 and R-6 zoning districts was based on the evidence and testimony presented to the Commission, and the following findings:

WHEREAS, the Elizabethtown Planning Commission (the Commission) finds that the proposal complies with the goals and objectives of the Elizabethtown Comprehensive Plan; and

WHEREAS, the Commission finds the proposal complies with goal 1.A, action step 3 of the Comprehensive Plan, which calls to review and update zoning and subdivision regulations to encourage infill development and high-density housing when appropriate; and

WHEREAS, the Commission finds the proposal complies with goal 2.B, action step 2 of the Comprehensive Plan, which calls to update zoning and subdivision regulations to encourage redevelopment of existing sites by allowing for density bonuses, reduced parking, and other similar incentives for specific redevelopment areas; and

WHEREAS, the Commission finds the proposal complies with goal 8.A, action step 4 of the Comprehensive Plan, which calls to support a mix of lot sizes, densities, and housing prices and styles.

**RESOLVED**, that the Elizabethtown Planning Commission does hereby RECOMMEND to the Elizabethtown City Council that the Zoning Text Amendment regarding variable density requirements in the R-5 and R-6 zoning districts, be **APPROVED**.

#### The vote was as follows:

YES: Commissioners Rice, Dozer, Young, Scott and McCrary

#### ATTACHMENT B

#### ZONING ORDINANCE TEXT MODIFICATIONS FOR PARKING

#### § 154.058 R-4 URBAN RESIDENTIAL-4 GENERAL

(H) Parking, R-4 Zone. Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

Land Use	Parking Required	Notes
Residential, Two family	2 spaces/D.U.	[+1 space for each 4 units (OFT) if more
	10.00	than 1 building on a parcel]

#### § 154.059 R-5 URBAN RESIDENTIAL MIXED

(H) Parking, R-5 Zone. Additional information and standards for parking as well as specific requirements

are found in §§ 154 175 through 154 192.

Land Use	Parking Required	Notes
Residential, Multi family, 10 or fewer units	2 spaces/D.U.	[1 additional space for each 4 D.U./OFT]
Residential, Multi family, more than 10 units	1.5 spaces/D.U.	
Residential, Two family	2 spaces/D.U.	[+1 space for each 4 units (OFT) if more than 1 building on a parcel]

#### § 154.060 R-6 HIGH DENSITY RESIDENTIAL

(H) Parking, R-6 Zone. Additional information and standards for parking as well as specific requirements

are found in §§ 154.175 through 154.192.

Land Use	Parking Required	Notes Notes
Residential, Multi family, 10 or fewer units	2 spaces/D.U.	[1 additional space for each 4 D.U./OFT]
Residential, Multi family, more than 10 units	1.5 spaces/D.U.	
Residential, Two family	2 spaces/D.U.	[+1 space for each 4 units (OFT) if more than 1 building on a parcel]

#### § 154.062 C-2 NEIGHBORHOOD COMMERCIAL

(H) Parking, C-2 Zone. Additional information and standards for parking as well as specific requirements

are found in §§ 154 175 through 154 192

Land Use	Parking Required	Notes	
Restaurant[ <del>, Fast Food]</del>	1 space/[75 s.f.]150 s.f. g.f.a.	Includes outdoor dining areas	
[Restaurant, Full Service]	[1 space/60 s.f.]		

#### § 154.063 C-3 REGIONAL COMMERCIAL

(H) Parking, C-3 Zone. Additional information and standards for parking as well as specific requirements

are found in §§ 154.175 through 154.192.

Land Use	Parking Required	Notes
Restaurant[ <del>, Fast Food]</del>	1 space/[ <del>75 s.f.]</del> 150 s.f. g.f.a.	Includes outdoor dining areas
[Restaurant, Full Service]	[1 space/60 s.f.]	

#### § 154.064 C-4 GENERAL SERVICE COMMERCIAL

(H) Parking, C-4 Zone. Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

Land Use	Parking Required	Notes
Restaurant[ <del>, Fast Food]</del>	1 space/[75 s.f.]150 s.f. g.f.a.	Includes outdoor dining areas
[Restaurant, Full Service]	[1 space/60 s.f.]	

#### § 154.065 C-5 DOWNTOWN MIXED USE.

- (A) Generally. This district is comprised of residential and commercial uses conducive to a compact coordinated development pattern historically associated with downtown central business districts.
- (E) Special provisions.
- (1) All permitted business uses shall confine storage to principal or accessory structures.
- (2) [Maximum residential density is 20 D.U./acre. A density bonus of 1 d.u./acre will be allowed if 0.2 parking space per d.u. in excess of the minimum requirement is provided. To qualify for the bonus, a minimum of 1.0 excess parking space per d.u. must be provided. The total density cannot exceed 40 d.u./acre. The excess parking spaces must be available for unrestricted public use.]
- (3) [Residential developments must provide on-site or off-site parking. If off-site parking is provided, it shall be under the same ownership or a long-term lease. Off-site parking must be located within 500 of the development.]
  - (2) There shall be no maximum density restriction in the C-5 Zone.
  - (H) Parking requirements, C-5 Zone.
- (1) Additional information and standards for parking as well as specific requirements are found in §§154.175 through 154.192.
- (2) Uses located within the C-5 Zone[, except for residential,] are not required to provide on-site parking. Should on-site parking be provided, it [is recommended that the parking] must meet the specific location and other standards as found in this zoning chapter to the extent possible.

#### § 154.068 PNR-1 PLANNED NEIGHBORHOOD RESDENTIAL-1

(I) Parking, PNR-1 Zone. Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

Land Use	Parking Required	Notes
Residential, Multi family.  10 or fewer units	2 spaces/D.U.	[1 additional space for each 4 D.U./OFT]
Residential, Multi family, more than 10 units	1.5 spaces/D.U.	
Residential, Two family	2 spaces/D.U.	[+1 space for each 4 units (OFT) if more than 1 building on a parcel]
Restaurant [ <del>, Fast Food]</del>	1 space/[75 s.f.]150 s.f. g.f.a.	Includes outdoor dining areas
[Restaurant, Full Service]	[1 space/60 s.f.]	

#### § 154.070 PNC PLANNED NEIGHBORHOOD COMMERCIAL

(I) Parking requirements, PNC Zone. Additional information and standards for parking as well as specific requirements are found in §§ 154.175 through 154.192.

Land Use	Parking Required	Notes
Residential, Multi family.  10 or fewer units	2 spaces/D.U.	[1 additional space for each 4 D.U./OFT]
Residential, Multi family, more than 10 units	1.5 spaces/D.U.	
Residential, Two family	2 spaces/D.U.	

Restaurant [ <del>, Fast Food]</del>	1 space/ [75 s.f.] 150 s.f. g.f.a.]	Includes outdoor dining areas
[Restaurant, Full Service]	[1 space/60 s.f.]	The second secon

#### § 154.071 WCD-1, WCD-2 WOODLAND CORRIDOR DISTRICT

(H) Parking, WCD Zone. Additional information and standards for parking as well as specific requirements

are found in §§ 154.175 through 154.192.

Land Use	Parking Required	Notes
Residential, Multi family, 10 or fewer units	2 spaces/D.U.	[1 additional space for each 4 D.U./OFT]
Residential, Multi family, more than 10 units	1.5 spaces/D.U.	
Residential, Two family	2 spaces/D.U.	
Restaurant	1 space/ [75 s.f.]150 s.f. g.f.a.	Includes outdoor dining areas

#### § 154.189 [ OFF-STREET PARKING REQUIREMENTS.] WAIVER OF PARKING STANDARDS

- (A) [Off-street parking requirements for all zones except C-5. Permitted uses within the C-5. Downtown Mixed Use Zone shall not be required to comply with the provisions of this section requiring off-street parking unless ten or more spaces are provided.]
  - (B) ] (A) Waiver of parking standards.
- (1) A property owner may request a waiver from the off-street parking requirements contained within the zoning regulations by filing and application for parking waiver with the Commission. A request for a waiver may be made for any permitted use in any zone. Waivers granted will be for the specific use stated in the request only. Waivers will not run with the land and are not transferable to other uses or other lots.
- (2) A request for parking waiver shall be accompanied by a development plan and completed application form. The application shall contain the name of all adjoining property owners, so that notification of the waiver request may be sent to those owners. As part of the waiver request, the applicant shall have the burden of proof in showing that there will be no adverse impact upon the neighborhood or general area by the granting of the waiver.
  - (3) In granting a waiver for parking, the Commission shall consider the following:
    - (a) The special circumstance of the proposed use;
    - (b) The peak demand for parking that the proposed use would require;
- (c) The potential for on street parking or public parking in the general area: and The guidelines listed in the [transportation and land use sections of the] comprehensive plan
- (1) The Commission may also consider other factors it may deem relevant in making its decision. In granting a waiver, the Commission shall not reduce the number of parking spaces by more than 50% when 50 of fewer spaces are required and shall not reduce the number of parking spaces by more than 30% when 51 or more spaces are required. The Commission may not [er] increase the number of parking spaces by more than 50% of the required number of parking spaces as provided by the zoning regulations. A waiver of the required number of parking spaces does not exempt the parking area and development from any other requirements of the zoning regulations.
  - (C) (B) Waiver not required. A property owner does not have to request a waiver from the off- street parking requirements when there is a reciprocal (joint use) parking agreement on file with the Department, the properties involved in the agreement are adjacent or are part of a shopping center or other common development project and the properties involved in the agreement jointly meet the minimum off-street parking requirements for all properties involved in the agreement.

[Table 1: Parking Spaces (Angle/Aisle Width)]				
[Pa	arking Angle (In Degrees)]	[90°]	[60°]	[Parallel 0°]
[Aisle width]	[One-way traffic]	[24]	<del>[18]</del>	[11]
[Aisle width] [Two-way traffic] [24] [23] [19				<del>[19]</del>
[Parking angles	s other than those shown above sh	all be reviewed	by the D	epartment and

10.00	[Table 2: Minimun	n Parking Allowed]	0.00
[Number of Spaces]		[Minimum Parking Allowed]	
[0—50 spaces]		[No more than 50% reduction]	
[More than 51 spaces]		[No more than	30% reduction]
	[Table 3: Accessible Par	king Space Requiremen	ets]
[Minimum N	lumber of Accessible Parkir	g Spaces ADA Accessa	ability Guidelines]
[Total Number Parking Spaces of Accessible Parking Spaces (60 In. And 96 In. Aisles)		[Van Accessible Parking Spaces with Min. 96 In. Wide Access Aisle]	[Accessible Parking Spaces with Min. 60 In. Wide Access Aisle]
[Column A]		[Column- RI	
<del>[1 to 25]</del>	<del>[2]</del>	<del>[2]</del>	<del>[0]</del>
[26 to 50]	<del>[2]</del>	<del>[2]</del>	<del>[0]</del>
[51 to 75]	[3]	<del>[2]</del>	<del>[[2]</del>
[76 to 100]	[4]	[2] [3]	
[101 to 150]	<del>[5]</del>	[2] [4]	
[151 to 200]	<del>[6]</del>	<del>[2]</del>	<del>[5]</del>

A minimum number of accessible parking spaces shall be provided in accordance with the Kentucky Building Code or Americans with Disabilities Act (ADA) Accessibility Guidelines, whichever is greater.

Diagrams for "Parallel Spaces" "60 degree Spaces" Figure 6.1 Accessible Parking Signage and Figure 6.2 Parking Aisle Widths are deleted from 154.192 and added to 154.193.

[4]

[4]

[4]

[3]

[4]

[5]

[2 van accessible spaces for every 6 or fraction-

of 6]

[2 van accessible spaces for every 6 or fraction-

of 6]

#### § 154.193 PARKING TABLES AND DIAGRAMS.

[7]

[8]

[8]

parking provided in

[20 plus 1 for each

100]

[2% of total

each lot]

[201 to 300]

[301 to 400]

[401 to 500]

[501 to 1000]

[1001 and over]

Engineering Department and may be approved.]

	Table 1: Parking Space	s (Angle/Ai	sle Width)	
Parking .	Angle (In Degrees)	<u>90°</u>	<u>60°</u>	Parallel 0°
Aisle width	One-way traffic	24	<u>18</u>	11
Aisle width	Two-way traffic	24	23	19

# ATTACHMENT C ZONING ORDINANCE TEXT MODIFICATIONS FOR VARIABLE DENSITY REQUIREMENTS

#### § 154.059 R-5 URBAN RESIDENTIAL MIXED.

#### (F) Lot criteria.

Minimum lot frontage, single-family detached	50 ft.	
Exception: Corner lots, minimum frontage	100 ft. each street frontage	
Minimum lot frontage, single-family attached and two- family	30 ft. D.U.	
Exception: Corner lots, minimum frontage	65 ft. each street frontage	
Minimum lot frontage, multi-family	100 ft.	
Exception: Corner lots, minimum frontage	185 ft. each street frontage	
Minimum lot frontage, single-family attached (3 or more residences)	20 ft. D.U.	
Exception: Corner lots	65 ft. each street frontage	
Minimum lot frontage, assembly and commercial	100 ft.	
Exception: Corner lots, minimum frontage	150 ft. each street frontage	
Minimum lot area, per dwelling unit , except multifamily	8,712 sq. ft. when abutting R-1	
	5,124 sq. ft. when abutting R-2	
	3,630 sq. ft. when abutting all other zones	
Minimum lot area, per dwelling unit, multifamily	3,630 sq. ft.	
Minimum front yard setback	25 ft.	
Minimum front yard setback, assembly and commercial	30 ft.	
Minimum side yard setback, single-family detached	10 ft.	
Minimum side yard setback, single-family detached zero lot line	15 ft. one side yard, 0 ft. other side yard	
Minimum side yard setback, single-family attached (2 residences)	10 ft. each end wall, 0 ft. each common wall	
Minimum side yard setback, multi-family and single-family attached (3 or more residences)	[15] 20 ft. each end wall, 0 ft. each common wall	
Minimum side yard setback, assembly and commercial	20 ft.	
Minimum rear yard setback, single-family and single- family attached (2 residences)	15 ft.	
Minimum rear yard setback, multi-family and single-family attached (3 or more residences)	<del>[20]</del> <u>30</u> ft.	
Minimum rear yard setback, assembly and commercial	20 ft.	
Maximum impervious surface ratio (I.S.R.), multi- family, single-family attached (3 or more residences), commercial and assembly uses	.80	
Maximum building height, single-family, and two- family	35 ft.	
Maximum building height, multi-family	45 ft.	
Maximum building height, commercial and assembly uses	75 ft.	
Note: For the purposes of this chapter abutting shall address applicable setbacks for each yard	s each lot line to determine	

(I) Landscaping, R-5 Zone. Additional information and standards for vehicular use area (VUA) landscaping as well as specific requirements are found in §§ 154.150 through 154.164.

R-5 F	Perimeter Landscape Buffer Area	
Landscape Buffer Area Category	Width Options (In Feet)	Planting Density Multiplier
	[ <del>5 ft.]</del> <mark>20 ft.</mark>	1.5
Category [ <del>A]</del> D	<del>[10 ft.]</del> <mark>25 ft.</mark>	1.33
	[ <del>15 ft.</del> ] <mark>30 ft.</mark>	1

R-5 Buffering Requirements			
Landscape Buffer Area	Buffering Use Classification		
Category	Buffered Use	Buffering Use	
Category [A] D	R-1, R-2	R-3, R-4, R-5, R-6	

Perimeter Planting Density *(OFT) Or Fraction Thereof  Planting Density Requirement Categories			
А	В	С	D
2 large trees or 1 medium and 2 small trees + 3 ft. screening/80 ft. of linear boundary (OFT)*	2 large trees or 1 medium and 2 small trees + 4 ft. screening/60 ft. of linear boundary (OFT)*	3 large trees or 2 medium and 2 small trees + 5 ft. screening/60 ft. of linear boundary (OFT)*	3 large trees or 2 medium and 2 small trees [ + 6 ft. screening] /60 ft. of linear boundary (OFT)* + 6 ft. high solid fence or evergreen shrubs

#### § 154.060 R-6 HIGH DENSITY RESIDENTIAL.

#### (F) Lot criteria.

	Topicos	
Minimum lot frontage, single-family detached	50 ft.	
Exception: Corner lots, minimum frontage	100 ft. each street frontage	
Minimum lot frontage, single-family attached (2 residences) and two-family	30 ft. D.U.	
Exception: Corner lots, minimum frontage	65 ft. each street frontage	
Minimum lot frontage, multi-family	100 ft.	
Exception: Corner lots, minimum frontage	185 ft. each street frontage	
Minimum lot frontage, single-family attached (3 or more residences)	20 ft. D.U.	
Exception: Corner lots	65 ft. each street frontage	
Minimum lot frontage, assembly and commercial	100 ft.	
Exception: Corner lots, minimum frontage	150 ft. each street frontage	
Minimum lot area, per dwelling unit <u>except multifamily</u>	8,712 sq. ft. when abutting R-1	
2 * * * *	5,124 sq. ft. when abutting R-2	
	3,960 sq. ft. when abutting R-3	
	3,630 sq. ft. when abutting R-4	
6-X	2,178 when abutting all other zones	
Minimum lot area, per dwelling unit, multifamily	2,178 sq. ft.	
Minimum front yard setback	25 ft.	
Minimum front yard setback, assembly and commercial	30 ft.	
Minimum side yard setback, single-family detached	10 ft.	
Minimum side yard setback, single-family detached zero lot line	15 ft. one side yard, 0 ft. other side yard	
Minimum side yard setback, single-family attached (2 residences) and two-family	10 ft. each end wall, 0 ft. each common wall	
Minimum side yard setback, multi-family and single- family attached (3 or more residences)	[ <del>15]</del> <u>20</u> ft. each end wall, 0 ft. each common wall	
Minimum side yard setback, assembly and commercial	20 ft.	
Minimum rear yard setback, single-family, single- family attached (2 residences) and two-family	15ft.	
Minimum rear yard setback, multi-family and single- family attached (3 or more residences)	<del>[20]</del>	
Minimum rear yard setback, assembly and commercial	20 ft.	
Maximum impervious surface ratio (I.S.R.), multi- family, single-family attached (3 or more residences) - commercial and assembly uses	.80	
Maximum building height, single-family and two-family	35 ft.	
Maximum building height, multi-family	45 ft.	
Maximum building height, commercial and assembly	75 ft.	
Note: For the purposes of this chapter abutting shall addr applicable setbacks for each yard	ess each lot line to determine	

(I) Landscaping, R-6 Zone. Additional information and standards for vehicular use area (VUA) landscaping as well as specific requirements are found in §§ 154.150 through 154.164.

R-6 Perimeter Landscape Buffer Area			
Landscape Buffer Area Category	Width Options (In Feet)	Planting Density Multiplier	
	<del>[5 ft].</del> <u>20 ft.</u>	1.5	
Category [A]	[10 ft.] 25 ft.	1.33	
	[15-ft.] 30 ft.	1	

R-6 Buffering Requirements			
Landscape Buffer Area	Buffering Use Classification		
Category	Buffered Use	Buffering Use	
Category [A] D	R-1, R-2	R-3, R-4, R-5, R-6	

Perim	neter Planting Density *(O		of
Planting Density Requirement Categories			
Α	В	С	D
2 large trees or 1 medium and 2 small trees + 3 ft. screening/80 ft. of linear boundary (OFT)*	2 large trees or 1 medium and 2 small trees + 4 ft. screening/60 ft. of linear boundary (OFT)*	3 large trees or 2 medium and 2 small trees + 5 ft. screening/60 ft. of linear boundary (OFT)*	3 large trees or 2 medium and 2 small trees [ + 6 ft. screening]/60 ft. of linear boundary (OFT)* + 6 ft. high solid fence or evergreen shrubs