

ORDINANCE NO. 25-2023

**AN ORDINANCE OF THE CITY OF ELIZABETHTOWN, KENTUCKY
AMENDING CODE OF ORDINANCES, TITLE 15: LAND USAGE,
CHAPTER 154 ZONING CODE; §154.250 PUBLIC FACILITIES, §154.252
ENTRANCE STANDARDS, §154.253 RIGHT-OF-WAY WIDTH, §154.254
CONNECTIVITY STANDARDS**

Whereas, the Elizabethtown Planning Commission held public hearings on September 26 and October 24, 2023 in compliance with KRS 100 to consider amendments to the Elizabethtown Code of Ordinances, Title 15: Land Usage, Chapter 154 Zoning Code, Sections 154.250, 154.252, 154.253 and 154.254 (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 sidewalks, entrances, rights-of-way and connectivity standards.

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 Code, Section 154.250 (F) Sidewalks, Section 154.252 Entrance Standards and adding Section 154.253 Right-of-Way Width and Section 154.254 Connectivity Standards is amended in part, as per Attachment B, which is incorporated herein by reference.

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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 6th day of November 2023.

READ, ADOPTED AND APPROVED, this 20th day of November 2023.

PUBLISHED November 24, 2023.



JEFFREY H. GREGORY, MAYOR

ATTESTED TO:



JESSICA J. GRAHAM, CITY CLERK

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ATTACHMENT A

PLANNING COMMISSION FINDINGS OF FACT Zoning Docket No. 2023-PC-17

The Elizabethtown Planning Commission's recommendation to amend the text of the zoning ordinance relating to sidewalks, entrances, rights-of-way and connectivity standards 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 2, objective G of the Comprehensive Plan which calls to minimize impacts of utility and facility expansion through adequate easements, property acquisition, and right-of-way as new development occurs; and

WHEREAS, the Commission finds the proposal complies with goal 3, objective G of the Comprehensive Plan which calls to coordinate all new development with the Recommended Land Use Plan to provide efficient movement of traffic, interconnected developments, and adequate right-of-way for future roadways, sidewalks, and trails or upgrades to existing infrastructure; and

RESOLVED, that the Elizabethtown Planning Commission does hereby **RECOMMEND** to the Elizabethtown City Council that the Zoning Text Amendment relating to sidewalks, entrances, rights-of-way and connectivity standards, be **APPROVED**.

The vote was as follows:

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

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ATTACHMENT B

ZONING ORDINANCE TEXT MODIFICATIONS

§ 154.250 PUBLIC FACILITIES.

(F) Sidewalks.

(1) Installation requirements.

(a) No new site development or building shall hereinafter be constructed without the provision of a sidewalk across or adjoining the site. These requirements shall apply to any and all residential and commercial uses, regardless of their zoning classification.

(b) Excepted from this requirement is:

1. Suburban Residential-1 (R-1) zoned property with 200 feet or greater street frontage;
2. Industrial uses; and
3. Single-family residential uses when more than 75% of the lots in the applicable section of the subdivision are developed without sidewalks.

(c) If sufficient right-of-way or easements do not exist, an easement shall be dedicated by the owner of record to the city for the provision of public access for the sidewalks.

(2) Construction standards. Sidewalks shall be constructed to comply with the design improvement standards for sidewalks as listed in the city's Subdivision Regulations Design and Improvement Standards. However, the sidewalk width may be increased to allow for safer pedestrian access along high volume streets or to provide for handicap accessibility, upon determination of such need by the reviewing authority.

(3) Waiver ~~[/delay]~~ of sidewalk installation.

(a) A property owner may request a waiver from the requirement of sidewalk installation contained within the zoning regulations by filing an application for sidewalk installation waiver with the Commission. A request for a waiver may be made for any permitted use in any zone. ~~[Delayed- installation of a sidewalk may be granted administratively.]~~

(b) If waivers have been granted previously on a parcel on the same street within 250 feet of the site, the staff may grant the waiver administratively. Should the waiver not be granted administratively, an application may still be filed with the Commission as set out in ~~[division]~~ section (F)(3)(a) above.

(4) Waiver process.

(a) 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.

(b) In granting a waiver, the Planning Commission shall consider the following:

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1. The desirability to preserve natural topography or vegetation pre-existing the proposed project, provided that pedestrian traffic can be sufficiently and safely accommodated internally on the project or on the opposite side of the street.

2. Installation of the sidewalk is technically infeasible due to site features or conditions (includes exceptional topographic conditions, environmental or wetland impacts, or unique site conditions) as confirmed by the City Engineer or other staff of the city or the Kentucky Transportation Cabinet.

~~{ 3. The proposed sidewalk is likely to be relocated or removed as part of a project included in the city's Capital Improvements Plan or scheduled by the Kentucky Transportation Cabinet. }~~

~~[4] 3.~~ Extraordinary reasons which are reviewed on a case-by-case basis. Lack of a connection to an existing sidewalk is not in and of itself justification for a waiver.

~~[5] 4.~~ Granting a waiver will result in the development being more in keeping with the Comprehensive Plan and the intent of the Zoning Ordinance and Subdivision Regulations.

5. The Commission may also consider other factors it may deem relevant in making its decision.

(c) ~~[The Commission may also consider other factors it may deem relevant in making its decision.]~~ If a waiver request is approved, the developer must pay into a fund dedicated exclusively to the construction of sidewalks an amount equivalent to the estimated cost of the waived sidewalks at the unit price established by the City Engineer. ~~[Relief from the payment can only be approved by the City Council.]~~ A waiver of the requirement for sidewalk installation does not exempt the development from any other requirements of the zoning chapter.

(5) **Delayed sidewalk installation.** If a required sidewalk is likely to be damaged or replaced as part of a project included in the city's Capital Improvements Plan, the City may require the developer to pay into a fund dedicated exclusively to the construction of sidewalks an amount equivalent to the estimated cost of the sidewalk at the unit price established by the City Engineer. The City will install the sidewalk as part of the planned capital project.

(6) Exemptions.

(a) The following rights-of-way are exempted from the requirement of sidewalks:

1. Interstate 65;
2. Western Kentucky Parkway;
- ~~{ 3. Lincoln Parkway; }~~
- ~~[4] 3.~~ US 31W Bypass; **and**
- ~~{ 5. New Glendale Road; }~~
- ~~[6] 4.~~ Bluegrass Parkway ~~[; and.]~~
- ~~{ 7. KY 361. }~~

(b) Also exempted are frontages adjacent to the above-named rights-of-way where access control fences are present.

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§ 154.252 ENTRANCE STANDARDS.

(I) Entrances and access to developments shall comply with minimum standards of the National Fire Code as published by the National Fire Protection Association.

(J) When the City Engineer determines that vehicles turning into a proposed development will adversely affect the capacity of the existing streets, the developer shall dedicate sufficient right-of-way and construct a turning lane as necessary to maintain the capacity of existing streets.

§ 154.253 RIGHT-OF-WAY WIDTH.

(A) Developments shall dedicate additional right-of-way necessary to meet the minimum width requirements specified in the Subdivision Regulations. Additional right-of-way may be required as necessary to accommodate necessary future improvements within the right-of-way. This requirement may be reduced or waived by the City Engineer and the Director of Planning and Development if the existing right-of-way is found to be sufficient to accommodate all necessary public improvements, or if the possibility exists to obtain additional right-of-way on the opposite side of the right-of-way.

§ 154.254 CONNECTIVITY STANDARDS.

(A) Existing stub streets or rights-of-way shall be extended through the development site to adjacent vacant properties or streets.

(1) This requirement may be waived by the City Engineer and the Director of Planning and Development if the extension is infeasible due to physical constraints or if the extension would create an inappropriate connection between incompatible uses.

(2) If the extension is waived by the City Engineer and the Director of Planning and Development, the street shall be terminated in an appropriate manner to adequately serve all lots.

(B) Residential developments adjacent to vacant parcels shall provide street connections that stub into the vacant parcels to provide future connections.

(1) This requirement may be waived by the City Engineer and the Director of Planning and Development if the extension is infeasible due to physical constraints.

(C) Commercial developments shall provide for vehicular and pedestrian connections to adjacent commercial developments. If the adjacent property is already developed, the proposed development shall provide for the future connection through easements or other appropriate measures.

(D) Industrial zoned properties shall not be required to provide connections to adjacent properties.

(E) Waiver procedure.

(1) If these standards are not waived by the City Engineer and the Director of Planning and Development, an applicant may request a waiver from the Planning Commission. The Planning Commission shall consider the following:

(a) The special circumstances of the proposed use.

(b) Whether the waiver will have an adverse impact on the public health, safety and welfare.

(c) Whether site constraints make the improvements economically unfeasible.