

**CITY OF COLD SPRING
ORDINANCE NO. 24-1096**

**AN ORDINANCE AMENDING THE COLD SPRING ZONING ORDINANCE
MODIFYING PORTIONS OF THE MUPD (MIXED USED PLANNED
DEVELOPMENT) ZONE**

WHEREAS, a request for a text amendment to the Cold Spring Zoning Ordinance was submitted to the Cold Spring Planning and Zoning Commission by the Cold Spring Planning and Zoning Commission, to consider revisions to the MUPD (Mixed Use Planned Development) zone; and

WHEREAS, the staff reviewed the application and recommended that the proposed text amendment be approved; and

WHEREAS, the Cold Spring Planning and Zoning Commission, upon reviewing the staff recommendations and after holding multiple public hearings, voted to approve the text amendment on the basis that the text amendment is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203(1).

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF COLD
SPRING, COUNTY OF CAMPBELL, COMMONWEALTH OF KENTUCKY:**

Section I

That the Cold Spring City Council hereby approves said text amendments, attached hereto as Exhibit "A" and incorporated reference herein, modifying the list of permitted and conditional uses within the MUPD Zone, to the Cold Spring Zoning Ordinance, on the following bases:

(1) The proposed text amendment modifying the current zoning within the MUPD (Mixed Use Planned Development) Zone is allowed to be included within the text of the zoning ordinance, as authorized by the Kentucky Revised Statute (KRS) 100.203(1).

(2) The proposed text amendments modifying the zoning within the MUPD (Mixed Use Plan Development) Zone are consistent with the purpose of the MUPD. Specifically, the proposed changes set forth current zoning issues and changes necessary to effectuate the purpose of the MUPD Zone.

(3) The proposed text amendments modifying the zoning within the MUPD (Mixed Use Plan Development) Zone are reasonable.

Section II

That should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to the law.

Adopted this 9th day of December, 2024.

1st Reading - Nov. 25, 2024

Vote: 5, Yes, 1, No

2nd Reading - Dec. 9, 2024

Vote: 4, Yes, 0, No

City of Cold Spring,
Campbell County, Kentucky

By: 
D. Angelo Penque
Mayor

Attest:

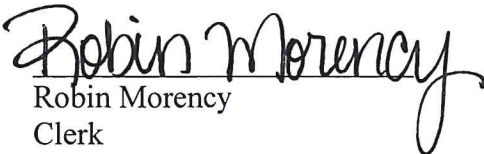

Robin Morency
Clerk

EXHIBIT A

SECTION 10.15 MUPD - MIXED USE PLANNED DEVELOPMENT ZONE

- A. **PURPOSE:** Mixed use is a land use where three or more significant uses are permitted that in well planned projects are mutually supporting. This zone is established to provide for the development of a variety of office, commercial, residential and related uses which are planned and designed as a total and comprehensive development to create a quality, successful planned environment. Guided by an overall master plan, and the Stage I Development Plan, the mixed use/mixed-use development should include integrated design elements including building materials and design, landscaping, open space, signage, lighting and circulation. These design elements should unify the various uses within the development into a single community. Where appropriate, uses shall take advantage of high-tech telecommunication infrastructure. The use of this zone shall not be used for a single permitted use, unless the permitted use is diverse, meaning application of numerous uses within a facility, building or other. These uses may be combined on a lot, within a structure, development or within an overall district.
- B. **APPLICATION AND PROCESSING:** Applications for development within a Mixed Use Planned Development (MUPD) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area MUPD shall follow the procedure set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII of this ordinance, the application shall be accompanied by a development plan, as regulated by Subsection C., herein, for the entire area under single ownership or the control of a single entity.
 2. When a site is proposed to be developed within an area which is currently zoned MUPD, a Stage I Development Plan for the entire area under single ownership, as regulated by Subsection C., herein, shall be submitted for review and action by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or significant change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure. Development shall also not include the change of use within an existing structure where the change of use is between similar land use types (i.e., residential to residential, real estate office to insurance office, etc.) and where the change of use does not require building additions or additions in required off-street parking areas.

- a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purposes of the MUPD Zone, the required elements of the Stage I Development Plan, other applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall, within ninety (90) days after the completion of the public hearing, take action to approve, disapprove, or approve with conditions, the Stage I Development Plan.
3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and submitted to the planning commission for its review and action. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Subsection D., herein, 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 Development Plan with regard to its compliance with the required elements of Subsection D., herein, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Following review of the submitted Stage II Development Plan, the planning commission shall take action to approve, disapprove, or approve with conditions, the Stage II Development Plan. The planning commission, in approving the Stage II Development Plan, may authorize minor adjustments from the approved Stage I Development Plan, provided that the adjustments do not significantly change the approved Stage I Development Plan with respect to the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.
 - b. Upon planning commission approval of the Stage II Development Plan, a copy of said plan shall be forwarded to the zoning administrator, who shall grant permits only in accordance with the approved Stage II Development Plan and other regulations, as may be required by this ordinance.

C. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide the following information, where applicable:

1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project
 - b. The present zoning of the subject property and all adjacent properties
 - c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned
 - d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet
 - e. All existing and proposed housing units on the subject property:
 - (1) Attached housing - location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable
 - f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property
 - g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas
 - h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimension
 - i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades
 - (1) A conceptual analysis of the traffic related to the proposed development and the ability of the existing street system to adequately handle said traffic and circulation. Should the proposed site utilize KYTC

roadways for ingress/egress, KYTC approval shall be required prior to any submittal.

- j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions
- k. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service
- l. Certification from appropriate water and sewer agencies that services will be available
- m. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls
- n. Location of signs, indicating their orientation and approximate size and height
- o. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed method of handling said problems
- p. A schedule of development, including the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit
 - (2) Streets, utilities, and other public facility improvements, in order of priority
 - (3) Dedication of land to public use or set aside for common ownership
 - (4) Non residential buildings and uses, in order of priority

The information required in items a through p, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

- D. STAGE II DEVELOPMENT PLAN REQUIREMENTS: The Stage II Development Plan shall identify and provide the following information, where applicable:

1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission
 - b. All housing units on the subject property:
 - (1) Attached housing - Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location and arrangement of all lots with exact lot dimensions
 - c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions
 - d. All design elements, including building materials and design
 - e. All common open space areas, including identification of planting areas and the location and arrangement of all recreational facilities
 - f. Landscaping features, including identification of planting areas and the location, type and height of walls and fences
 - g. Location of signs indicating their orientation and size and height
 - h. All utility lines and easements:
 - (1) Water distribution system, including pipe sizes, width of easements, types of pipe, location of hydrants and valves, and other appurtenances
 - (2) Sanitary sewer system, including pipe sizes, width of easements gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and

size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property

- (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and width of easements
- i. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces
- j. Circulation System:
 - (1) pedestrian walkways, including alignment, grades, type of surfacing and width
 - (2) streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections
 - (3) relevant traffic studies the ability of the existing street system to adequately handle said traffic and circulation.
 - (4) details related to on and off-site roadway or traffic improvements including those requested by KYTC or the City Engineer are required.
- k. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction The schedule of development staging and phasing in accordance with the requirement in Subsection B., 3., and as approved in the Stage I approved Development Plan.
- l. Should the Stage II submittal be for a portion of the MUPD area, the submission shall include integration of all requirements set forth herein in Section D, 1(a)-(k). Any application found to be deficient of this integration shall be denied.

The information required in items a. through k., may be combined in any suitable and convenient manner so long as the data required is clearly indicated. ~~A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.~~

E. PERMITTED USES:

1. Residential Uses: Only attached single-family and multi-family residential uses are permitted in the MUPD Zone, and shall be grouped in areas as delineated on the Stage I Development Plan. The density of any residential area should not exceed a density of 14 dwelling units per net acre, which calculation shall not include required greenspace and/or roadways as set forth in this Zone. No residential only building shall exceed 42 feet in height. For any residential buildings seeking to have commercial space therein, the entire ground floor area may be commercial, with the vertical residential above the density set forth hereinabove. No residential building with first floor commercial building shall exceed 52 feet in height.
2. Office and Related Uses: Professional Office, Research Training and other related uses shall be contained in designated areas as delineated on the Stage I Development Plan and may include the following uses:
 - a. Care centers for children and/or adults
 - b. Corporate headquarters, regional and administrative offices
 - c. Professional, medical, and dental offices
 - d. Regional and metropolitan offices
 - e. Sales and marketing offices
 - f. Data and communication centers, including information processing facilities
 - g. Sales and service offices related to electronic equipment, computers, and similar office equipment
 - h. Research and development facilities
 - i. Hotels and meeting facilities
 - j. Training, educational and conference facilities
 - k. Printing and publishing facilities
 - l. Athletic and recreational facilities
 - m. Financial institutions and services

- n. Retail and retail services in conjunction with and located within an office building, hotel, conference center, or athletic facility
 - o. Colleges, technical, medical, and business schools
 - p. Libraries and museums
 - q. Urgent medical care facilities.
3. Commercial Uses: Areas designated for commercial and service uses may be included on the Stage I Development Plan to include the following uses:
- a. Antique stores
 - b. Apparel stores
 - c. Art supplies stores
 - d. Art gallery and framing services
 - e. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - f. Barber and beauty shops
 - g. Bicycle shop
 - h. Book, stationery, or gift store
 - i. Butcher shops
 - j. Camera and photographic supplies
 - k. Candy store, soda fountain, ice cream or yogurt store, excluding those with drive-in or drive-through facilities
 - l. Card and gift shop
 - m. Carpet and flooring store
 - n. Collectables store
 - o. Communications and postal service center
 - p. Computer store
 - q. Dance studio
 - r. Delicatessen and coffee shops
 - s. Drug store

- t. Dry cleaning store
- u. Eating and drinking places, excluding those with drive-in or drive-through facilities
- v. Fabric store
- w. Florist shop
- x. Travel agency
- y. Glass or pottery shop
- z. Grocery or food stores
- aa. Health and fitness facility
- bb. Hobby and craft store
- cc. Home furniture store
- dd. Home improvement and garden stores, including sales and service
- ee. Interior decorator services
- ff. Jewelry store
- gg. Leather goods and luggage store
- hh. Locksmith shop
- ii. Music store, including sale of instruments and recorded material
- jj. Office supply store
- kk. Opticians and optical goods
- ll. Paint and wallpaper store
- mm. Party supply and paper goods store
- nn. Pet store and grooming, excluding boarding of animals
- oo. 00. Photocopy establishment
- pp. Radio, television and similar or related electronics and appliance sales and service
- qq. Shoe store and shoe repair
- rr. Sporting goods store

- ss. Tailor shop
- tt. Tanning salon
- uu. Toy store
- vv. vv. Video tape and audio products sales and rental
- ww. ww. Wine liquor store

F. ACCESSORY USES:

1. Customary accessory structures and uses.
2. Fences and/or walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.

G. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Sections 9.12 and 18.7 of this ordinance.

1. Fuel dispensing facilities when incidental to and operated as a part of and located within 1,000 feet of a grocery store containing at least 40,000 gross square feet and when such facilities are not directly adjacent to or fronting on US 27/Alexandria Pike.
2. Research and testing laboratories.
3. Hospitals when adjacent to an arterial street. A hospital shall be a medical facility containing an emergency room.

H. AREA REQUIREMENTS:

1. No MUPD Zone shall be permitted on less than ten (10) acres of land. ~~However, an area of less than ten (10) acres may be zoned MUPD provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned MUPD.~~ No application may be made to seek MUPD for an adjoining property unless the subject property seeking to join thereto contains no less than ten (10) acres.

2. The minimum area for submission of a Stage II Development Plan shall not be less than one (1) acre.
- I. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved on the Stage I Development Plan.
 - J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREAS: Off- street parking and, when applicable, loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
 - K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the Stage I Development Plan.
 - L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.
 - M. COMMON OPEN SPACE/RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed MUPD shall be retained as common open space and/or recreation area, and dedicated to a public and/or private entity for operation and maintenance. Common open space and recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, residential lots, commercial areas, access drives, and incidental green/lawn strips along drives and parking lots.
 - N. SCREENING: Shall be as approved in the Stage I Development Plan.
 - O. OTHER DEVELOPMENT CONTROLS:
 1. The Development Plan shall be consistent with the intent of the the Vision 2000 Initiative Comprehensive Plan and any conceptual development plan/study which has been adopted/approved by the legislative body. Consideration shall be given specifically the MUPD purpose as set forth in Section A herein.
 2. 2. Use of this zone as a single permitted use is not permitted, unless the permitted use contains multiple uses within, for example an establishment that offers multiple businesses within and/or on premises.
 3. 2.3 Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
 4. 3.4 No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.

5. ~~4.5~~ No lighting shall be permitted which would unreasonably glare from any use located within this zone onto any street or into any adjacent property.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building, except for the following:
 - a. Off-street parking and loading and/or unloading areas
 - b. ~~Outside play areas as part of child day care centers, churches, and schools~~ recreational areas
 - c. Accessory seating area for eating establishments
 - d. Open air display area, subject to the following requirements:
 - (1) shall be located on the same lot as the primary permitted use
 - (2) no sales transactions shall be permitted
 - (3) such area shall be clearly identified on the development plan as "outside display area"
 - (4) shall be enclosed and/or surrounded by a building or group of buildings, be screened by a masonry wall or other screening material such as a fence, landscaping, or dense live plant material, or be completely located under a roof overhang. In all cases, a sufficient pedestrian walkway width shall be maintained
7. ~~6.7~~ Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
8. ~~7.8~~ Mechanical equipment, whether ground or roof mounted, shall be screened from view.
9. ~~8.9~~ No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
10. ~~9.10~~ Sidewalks shall be required when any new development occurs.
11. ~~10.11~~ All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.

P. CRITERIA: Evaluation of the proposed MUPD Zone and/or development plan shall be based upon the following criteria:

1. Design

- a. Agreement with the various elements of the Cold Spring Comprehensive Plan, the Vision 2000 Initiative, and where applicable, any other adopted plan.
- b. Extent to which the proposed development plan is consistent with the purpose of the MUPD Zone.
- c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
- e. Extent to which the design of the proposed development responds to the natural and man-made features of the site.
- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off-street parking areas.
- g. Extent to which the scale of each building relates to the natural environment and adjacent buildings.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the overall character and scale of the development and, where applicable, should provide for a compatible height transition with directly adjacent uses.
- k. The orientation of buildings to provide access through rear entrances is encouraged.

- I. The relationship of width to height of new structures shall be consistent with the relationship of the adjacent structures within the development.

2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.
- g. Extent to which off-street parking areas are screened from view at street level.

3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off- street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should

be linked together by open space corridors having a reasonable width.

- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

4. Utilities

- a. Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

Q. 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.

R. UTILITIES: All utilities in a MUPD Zone shall be underground.

S. EXPIRATION: Development plans within the MUPD Zone shall be subject to the time constraints, as noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body or planning commission 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: (1) whether the MUPD Zone should revert to its original zoning

designation; or (2) that the approved development plan should be voided; or (3) that the plan may continue with an amended schedule.. A public hearing may be initiated if either of the following conditions apply.

1. Stage II Development Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of approval of the Stage I Development Plan, provided that an extension may be permitted upon approval of the planning commission or zoning administrator if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Stage I Development 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 Development Plan by the planning commission, provided that an extension may be permitted upon approval of the planning commission or zoning administrator 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 approved Stage II Development Plan obsolete. Substantial construction shall be as identified on the Stage II.