

**ORDINANCE NO. 2020-O-09**

**AN ORDINANCE AMENDING ORDINANCE 2004-0-15 and 2011-0-15 RELATED TO CONDITIONS FOR IMPROVEMENTS ON WEBSTER ROAD**

**WHEREAS** the City of Independence passed Ordinance 2004-015 which laid out conditions for a zone change for the Meadow Glen Subdivision; and

**WHEREAS** the City of Independence in Ordinance 2011-O-15 made added changes amending the condition for improvements for Webster Road; and

**WHEREAS**, the Developer has approached the City of Independence to make added changes to the Development Plan and make further amendment to Ordinance 2004-O-15 and 2011-O-15.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:**

**SECTION I**

**That Ordinance 2004-O-15 and 2011-O-15 be amended as follows; Items in Bold and underlined are new and items stricken through are to be deleted.**

That the recommendation of the Kenton County Planning Commission (Number Z-04-04-10/1683R), be accepted by the City of Independence and that the Independence Zoning Map be hereby amended by changing an approximate 170-acre area located along the south side of Independence Station Road between Webster Road and Cody Road, approximately 800 feet west of Webster Road, from R-1C to R-1C (PUD) subject to the following conditions;

1. That the area of the proposed Wolsing Park be dedicated to a public and /or private entity for operation and maintenance and remain publicly accessible as part of the "Park-link" system identified in the Area Wide Comprehensive Plan Update.
2. That the heights of structures do not exceed thirty-five (35) feet.
3. That pedestrian access to the area of the proposed Homeowners association and connection to Wolsing Park be provided in the northwest and southwest area of the site.
4. That the additional access point to the Arlinghaus property fronting on Webster Road be provided as identified in the colored version of the submitted development plan.
5. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
6. That the location, height, and type of all fences, walls, and signs be in general conformity with the underlying R-1C Zone.
7. That no lots in the development will be less than sixty (60) feet in width at the building set back line.

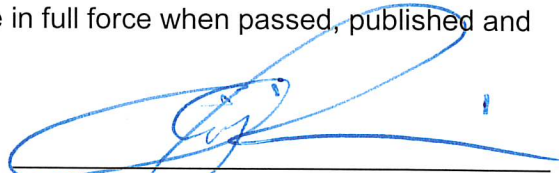
8. That the lots in the section of the development located adjacent to the western boundary line of the development will not be less than eighty (80) feet in width at the building set back line.
9. That the total number of lots do not exceed 385.
1. At such time as there are only fifty (50) lots remaining to be developed in the subdivision one half (1/2) of the lots in the development are developed, Webster Road be widened and paved to a width of twenty two (22) ~~seventeen (17)~~ feet from Independence Station Road back only to the point of intersection of the access street for the development with Webster Road in accordance with drawings submitted to the City by Fischer Homes and Cardinal Engineering
- 10a. Construction drawings including the last fifty (50) lots, Webster Road improvements and the second water main connection along Webster Road will be prepared and submitted for review and approval to the appropriate governmental agencies following adoption of this Ordinance. Regarding the last fifty (50) lots, no lots shall be platted nor will building permits be issued until such time that the Webster Road improvements and associated second water main connection as required by the agreement dated August 14 2020 between the Northern Kentucky Water District and the developer are constructed. Furthermore, if the Webster Road improvements and associated second water main connection are not constructed by December 31 2021, the required width of Webster Road reverts back to twenty two (22) feet and the second water main connection will be constructed as referenced in the agreement between the Northern Kentucky Water District and the developer.
2. That all lots within the development face the internal area of the development and not outward toward perimeter streets and that no curb cuts be permitted from Webster Road to lots abutting upon Webster Road.
- 12 That the minimum rear yard setback line of those lots only whose rear lot line abuts along the western right of way line of Webster Road be increased from twenty-five feet to fifty feet, including the greenbelt area.
13. That there be a greenbelt restriction along the most easterly rear fifteen feet of those lots only abutting along the western right of way line of Webster Road establishing such area as a natural greenbelt area, which shall prohibit the removal of trees and shrubbery from within the greenbelt.
14. That there be a Homeowners Association which shall provide for assessments to assure maintenance of common areas and further provide that in the event of a default in the Homeowners Association, title to common areas shall revert to the developer, its successors or assigns.
15. That applicant plant pine or evergreen trees at least 4 to 6 feet in height within the Webster greenbelt area not currently heavily wooded and vegetated, within 6 months of commencement of grading on the Wolsing property.
16. That Wolsing Woods Park property be subject to a perpetual Declaration of restrictive covenants restricting the use of said Park to green space and a natural preservation area.

## 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.

  
\_\_\_\_\_  
Christopher J. Reinersman, Mayor

ATTEST:

  
\_\_\_\_\_  
Gina Gabbard, City Clerk

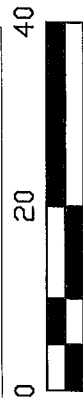
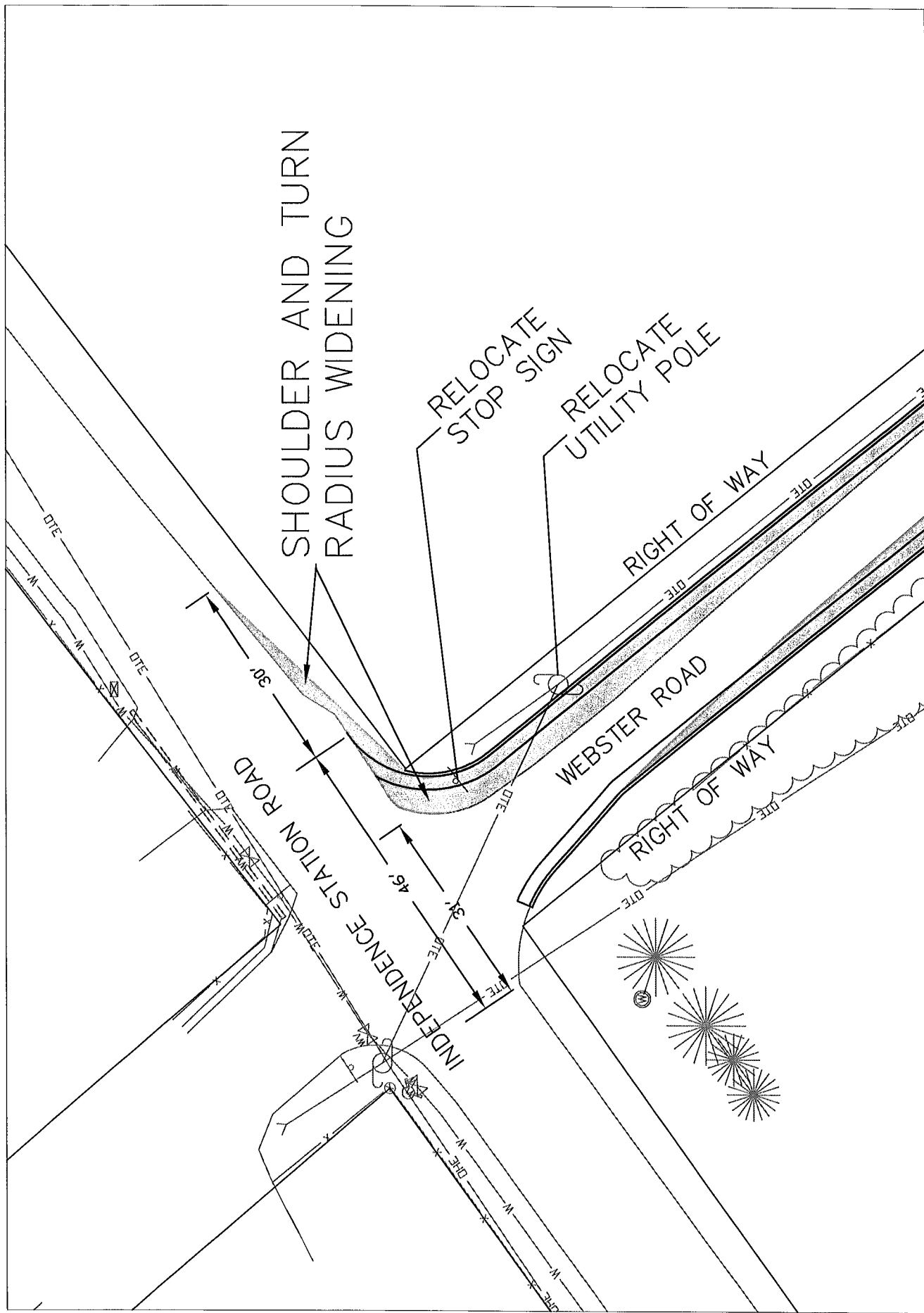
First Reading: October 5, 2020

Second Reading: November 9, 2020

Ayes: 4

Nays: 2

Publication Date: 11/19/2020



WEBSTER ROAD EXHIBIT "A"  
 11-10-2020  
 1"=20'