

**COMMONWEALTH OF KENTUCKY  
COUNTY OF KENTON  
CITY OF ERLANGER  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ERLANGER ZONING ORDINANCE ADDING  
“PRIVATE SCHOOLS” AS A CONDITIONAL USE WITHIN THE RESIDENTIAL  
ZONES**

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**WHEREAS**, a request for a text amendment to the Erlanger Zoning Ordinance was submitted to the Kenton County Planning Commission by the City of Erlanger to add “Private Schools” as a conditionally permitted use within the residential zone R-1B, R-1C, R-1D, R-1E, R-1F, R-1G, R-2, and R-3. (Collectively referred to as “Residential Zones”)

**WHEREAS**, the Planning Development Services’ (PDS) staff reviewed the application and recommended that the proposed text amendment be approved; and

**WHEREAS**, the Kenton County Planning Commission, upon reviewing the PDS’ staff recommendations and after holding a public hearing, 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 Statutes (KRS) 100.203(1).

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

**SECTION 1:**

That the Erlanger City Council hereby approves said text amendment, attached hereto as Exhibit “A” and incorporated reference herein, adding “Private School” as a conditionally permitted use within the Residential Zones, to the Erlanger Zoning Ordinances on the following bases:

- (1) The proposed text amendment is authorized to be included within the City’s zoning ordinance per Kentucky Revised Statute (KRS) 100.203(1).
- (2) The proposed text amendment is reasonable since the zoning ordinances already permit parochial and public schools as conditional use within these zones.
- (3) The proposed text amendment will not have an adverse effect on the public health, safety, or welfare and will not be injurious to the public residing in or moving through the area. The conditional use process will ensure that any proposed use would be subjected to further review

and consideration by the Erlanger Board of Adjustment on a case-by-case basis, ensuring that the use is not detrimental to the surrounding uses and neighborhoods.

(4) Based on the testimony presented at the public hearing on April 4, 2019.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

1<sup>st</sup> Reading - \_\_\_\_\_, 2019

2<sup>nd</sup> Reading - \_\_\_\_\_, 2019

Vote: \_\_\_\_\_, Yes, \_\_\_\_\_, No

City of Erlanger,  
Kenton County, Kentucky

By: \_\_\_\_\_

**Jessica Fette**  
Mayor

Attest:

\_\_\_\_\_  
**Sherry Hoffman**  
Clerk

## EXHIBIT A

### CITY OF ERLANGER, KENTON COUNTY, KENTUCKY TEXT AMENDMENT TO ERLANGER CITY ORDINANCE

(Words to be **added** are underlined)

#### **SECTION 10.2 R-1B (RESIDENTIAL ONE-B) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street, or about a street which intersects an arterial street and is within one (1) block of the intersecting arterial street
  3. Fire and police stations
  4. Governmental offices
  5. Institutions for higher education, providing they are located adjacent to an arterial street.
  6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
  7. Nursery schools, providing they are located adjacent to an arterial or collector street
  8. Public, private, and parochial schools
  9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization
  10. Recreational uses, other than those publicly owned and/or operated as follows:
    - a. Golf Courses
    - b. Country clubs
    - c. Swimming pool
  11. Child-care center, adjacent to an arterial or collector street
  12. Family child-care home.
  13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

#### **SECTION 10.3 R-1C (RESIDENTIAL ONE-C) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries

2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
7. Nursery schools, adjacent to an arterial or collector street
8. Public, private, and parochial schools
9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization
10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf Courses
  - b. Country clubs
  - c. Swimming pool
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home.
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

#### **SECTION 10.4 R-1D (RESIDENTIAL ONE-D) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
  3. Fire and police stations
  4. Governmental offices
  5. Institutions for higher education, providing they are located adjacent to an arterial street.
  6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
  7. Nursery schools, provided they are located adjacent to an arterial or collector street
  8. Public, private, and parochial schools
  9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization

10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf course
  - b. Country clubs
  - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

#### **SECTION 10.5 R-1E (RESIDENTIAL ONE-E) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street.
8. Public, private, and parochial schools
9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization
10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf course
  - b. Country clubs
  - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

#### **SECTION 10.6 R-1F (RESIDENTIAL ONE-F) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools providing they are located adjacent to an arterial or collector street
8. Public, private, and parochial schools
9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization
10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

## **SECTION 10.7 R-1G (RESIDENTIAL ONE-G) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
  3. Fire and police stations
  4. Governmental offices
  5. Institutions for higher education, providing they are located adjacent to an arterial street.
  6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
  7. Nursery schools, providing they are located adjacent to an arterial or collector street
  8. Public, private, parochial schools
  9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization

10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

#### **SECTION 10.9 R-2 (RESIDENTIAL TWO) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street or collector street
  3. Fire and police stations
  4. Governmental offices
  5. Institutions for higher education, providing they are located adjacent to an arterial street
  6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
  7. Nursery schools, providing they are located adjacent to an arterial or collector street
  8. Public, private, and parochial schools
  9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization
  10. Recreational uses, other than those publicly owned and/or operated as follows:
    - a. Golf course
    - b. Country clubs
    - c. Swimming pools
  11. Child-care center, adjacent to an arterial or collector street
  12. Family child-care home

#### **SECTION 10.10 R-3 (RESIDENTIAL THREE) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries

2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street.
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.
7. Nursery schools, adjacent to an arterial or collector street
8. Public, private, and parochial schools
9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a nonprofit organization
10. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf course
  - b. Country clubs
  - c. Swimming pools
11. Social service centers, provided they are located adjacent to an arterial street.
12. Child-care center, adjacent to an arterial or collector street
13. Family child-care home.