

**RESOLUTION NO.
CITY OF ERLANGER, KENTON COUNTY, KENTUCKY**

A RESOLUTION SPONSORING A PROPOSED TEXT AMENDMENT

Whereas, KRS 100.211(3) provides that a proposal for a text amendment may originate with the legislative body; and

Whereas, Article 4 regulates uses and standards within all zones and Article 3 describes the zones within the City of Erlanger, and;

Whereas, Article 7 regulates development standards, and;

Whereas, the City of Erlanger desires to modify the text:

- 1) Adding language within the use-specific standards to allow temporary uses and construction trailers: The Z21 Blueprint (model code) provided language to allow for temporary uses and construction trailers however this language was not adopted as part of the new zoning ordinance. Staff feels the addition of this language could be beneficial moving forward. In addition, a character standard will be added to clarify that mobile trailers are not permitted as permanent commercial buildings, and;
- 2) Removing Multi-family from the list of permitted uses within the BP (Business Park) District and any additional standards to apply to the use within that zone: The previous zoning ordinance allowed Multi-Family in a very limited manner as a park of the Planned Unit Development Overlay, which would allow additional restrictions to be placed by City Council. The newly adopted zoning ordinance more loosely permits this use within the Business Park District, which was not the intent. Moving forward, a zone change request to a Planned Unit Development (which would become a stand alone district) will be the avenue for requesting this type of development, and;

Whereas, it is the intent of the legislative body to sponsor and direct PDS to study and KCPC to conduct a public hearing on a proposed text amendment and make a recommendation concerning the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ERLANGER, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, THAT:

The City's Economic Director, as an agent of the City's legislative body, is authorized to apply and propose the following to be studied and set for public hearing pursuant to KRS 200.211:

- 1. Adding language within the use-specific standards to allow temporary uses and construction trailers: The Z21 Blueprint (model code) provided language to allow for temporary uses and construction trailers***

however this language was not adopted as part of the new zoning ordinance. Staff feels the addition of this language could be beneficial moving forward. In addition, a character standard will be added to clarify that mobile trailers are not permitted as permanent commercial buildings.

ARTICLE 4 USE REGULATIONS & STANDARDS

4.05 Use-Specific Standards

K. Temporary Uses

1. All Temporary Uses

- a. A Temporary Use Permit must be obtained from the Zoning Administrator prior to the establishment of any Temporary Use that will exceed 30 days.
- b. Mobile vendors must obtain any required occupational licenses, health licenses and any required local right-of-way or business permits.
- c. Permission to operate a temporary use on public or private property must be obtained in writing from the property owner or their designee.
- d. Temporary uses may not be located in a required setback, landscaping, or buffer area.
- e. Temporary uses may not take up required parking spaces, obstruct traffic on public streets, or interfere with safe traffic movement within parking lots or driveways.
- f. No mobile vendor shall be left unattended or stored, parked, or left for more than 48 hours on any street or sidewalk.
- g. No temporary use shall solicit or conduct business with persons in motor vehicles.
- h. No mobile vendor shall engage in open-lot or outdoor display of products or merchandise.

L. Temporary Construction Trailer or Sales Office

1. A construction trailer or sales office may be established and operated until the time of the Certificate of Occupancy, or completion of the sale of the lots or residences within the subdivision.
2. Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.

ARTICLE 7 DEVELOPMENT STANDARDS

7.04 Character Standards

TABLE 7.1 - ZONING DISTRICTS

Add a new standard with Xs indicating applicability to all commercial, employment, other and special districts to the following section.

A. Character Standards - Non-Residential Construction

To define public street space, foster compatibility between development sites, and to emphasize key commercial areas, the following standards shall apply.

10. Mobile trailers, which are constructed off-site on a permanent chassis and delivered to the site in one or more sections on wheels, and do not require a permanent foundation are not permitted, except as a temporary construction or sales trailer, per 4.05,K.

2. Removing Multi-family from the list of permitted uses within the BP (Business Park) District and any additional standards to apply to the use within that zone: The previous zoning ordinance allowed Multi-Family in a very limited manner as a park of the Planned Unit Development Overlay, which would allow additional restrictions to be placed by City Council. The newly adopted zoning ordinance more loosely permits this use within the Business Park District, which was not the intent. Moving forward, a zone change request to a Planned Unit Development (which would become a stand alone district) will be the avenue for requesting this type of development.

ARTICLE 4 USE REGULATIONS & STANDARDS

4.04 Table of Uses

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Remove P from the table on the row of Multi-Family under the column for the BP District.

ARTICLE 4 USE REGULATIONS & STANDARDS

4.05 Use-Specific Standards

1. Multi-Family

- a. If a property owner puts locks on each bedroom door in a single-family home with the intention of subleasing bedrooms as

units, that single-family home shall be considered a multi-family residence.

- b. The location of detached garages, carports, and surface parking lots shall comply with Section 10.02, Location of Parking.
- c. Parking garages containing more than 50 spaces shall comply with Section 7.07, 2., d., Parking Garages - Landscaping.
- d. A building shall not be located closer than 20 feet to any other building.
- e. Walkways shall connect all buildings to each other, parking areas, amenity areas, and existing public sidewalks adjacent to the development.
- f. All sides of a building shall display a similar level of architectural features and materials.
- g. Garages shall be:
 - 1. Made of the same material as the primary structure.
 - 2. Similar in architectural style to the primary structure (roof pitch, gables, etc.).
 - 3. Sited in a way that avoids long, monotonous rows of garage doors and building walls.
 - 4. Oriented so that they do not visually dominate the building façade or the streetscape.
- ~~h. In addition to the above requirements, within the BP-1 Zone:
 - 1. Shall not exceed a density of 20 dwelling units per net acre.
 - 2. Shall be limited to a maximum of 10% of the total BP-1 acreage within the city boundary.~~

This the _____ day of July, 2022.

CITY OF ERLANGER

BY: _____
Jessica Fette
Mayor

ATTEST: _____
Sherry Hoffman
City Clerk