

**COMMONWEALTH OF KENTUCKY
COUNTY OF KENTON
CITY OF ERLANGER
ORDINANCE NO. 2545**

AN ORDINANCE AMENDING THE ERLANGER ZONING ORDINANCE INCLUDING: (1) ALLOWING GREATER FLEXIBILITY WITH THE MU (MIXED USE) DISTRICT BY REMOVING THE REQUIREMENT FOR MULTIPLE USES ON ONE PARCEL OR BUILDING AND UPDATING THE DEFINITION OF “MIXED USE”; (2) AMENDING THE USE SPECIFIC STANDARDS FOR RESTAURANTS, WITH OR WITHOUT DRIVE-INS OR DRIVE-THROUGHS; (3) ADDING A SETBACK FOR DRIVEWAYS; (4) REMOVING THE LOCATION REQUIREMENTS FOR DUMPSTERS, TRASH, AND RECYCLING STORAGE AREAS WITHIN RESIDENTIAL DISTRICTS; (5) ALLOWING PRIVACY FENCES IN SIDE AND REAR YARDS OF RESIDENTIAL AND COMMERCIAL DISTRICTS, AND REMOVING A REDUNDANT REGULATION FOR FENCES ON VACANT LOTS; (6) AMENDING THE MAXIMUM SIZE OF DETACHED SIGNS IN THE CC (COMMUNITY COMMERCIAL) DISTRICT AND CHANGING THE NAME AND DESCRIPTION OF SECTION 11.09 TO BETTER REFLECT ITS INTENT; (7) REMOVING THE APPEALS PROCESS AND REFERENCING THE PROCESS SET FORTH IN KRS 100;

WHEREAS a request for a text amendment to the Erlanger Zoning Ordinance was submitted to the Kenton County Planning Commission by the Kenton County Planning Commission per Emi Randall, Director of Economic Development/Assistant City Administrator; and

WHEREAS the 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 Statute (KRS) 100.203(1); and

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

Section I

That the Erlanger City Council hereby approves said text new text amending Multiple proposed text amendments to the Erlanger Zoning Ordinance including:

- (1) Allowing greater flexibility with the MU (Mixed Use) District by removing the requirement for multiple uses on one parcel or building and updating the definition of “mixed use.”
- (2) Amending the use specific standards for restaurants, with or without drive-ins or drive-throughs.
- (3) Adding a setback for driveways.
- (4) Removing the location requirements for dumpsters, trash, and recycling storage areas within residential districts.
- (5) Allowing privacy fences inside and rear yards of residential and commercial districts and removing a redundant regulation for fences on vacant lots.

(6) Amending the maximum size of detached signs in the CC (Community Commercial) District and changing the name and description of Section 11.09 to better reflect its intent.

(7) Removing the appeals process and referencing the process set forth in KRS 100.

SEE THE ATTACHED “EXHIBIT A” WHICH INCORPORATES THE TEXT BEING MODIFIED

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. Amending the purpose and definition of the Mixed Use (MU) District is reasonable. The proposed language will allow additional flexibility while still maintaining the original intent of the district of requiring a mix of uses.
2. The proposed text amendment amending the use-specific standards for outdoor seating and dining areas for restaurants is reasonable. In the previous zoning ordinance, these standards applied to all outdoor seating areas, not solely those located near residential areas. Removing the capacity requirements will also allow for greater utilization of outdoor seating facilities especially in smaller restaurants.
3. The proposed text amendment for driveways is reasonable. The previous zoning ordinance required driveways to be setback one foot from a property line. This setback will allow residents to construct driveways without encroaching on a neighbor’s property and allow someone to reasonably open a car door without overhanging onto an adjacent property.
4. The proposed text amendment regarding trash receptacles is reasonable because the requirements to be located within the front or rear yard and screened from view within a residential district did not exist in the previous zoning ordinance but was added in the new zoning ordinance. The City does not wish to have these requirements in residential areas for consistency with the previous ordinance.
5. The proposed text amendment regarding fencing is reasonable. Privacy fences were previously permitted in the side and rear yards of residential and commercial property, but this permission was omitted in the new zoning ordinance. This is a reasonable use of property in the City and the City would like to see this permission returned. Also, removing redundant regulations is logical.
6. The square footage minimum for a detached principal sign within the Community Commercial (CC) District standard existed in the previous ordinance but it was inadvertently omitted from the new ordinance. It is reasonable to reintroduce these standards. The change of the section name and description will also clarify the ordinance’s intent.
7. The language related to the process of an appeal of the decision of the Zoning Administrator is redundant and its removal will prevent potential future conflicts if KRS is revised.
8. These proposed text amendments 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.
9. Based on testimony provided during the public hearing held on August 4, 2022.

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

Adopted this 6th day of September, 2022.

1st Reading - August 16, 2022

2nd Reading - September 6, 2022

Vote: 11 Yes, 0 No

City of Erlanger,
Kenton County, Kentucky

By

Jessica Fette
Mayor

Attest:

Sherry Hoffman
Clerk