

**CITY OF ELSMERE, KENTUCKY  
ORDINANCE NO. 1757-2018**

**AN ORDINANCE ADOPTING THE RECOMMENDATION  
OF THE KENTON COUNTY PLANNING COMMISSION  
TO AMEND THE TEXT OF THE OFFICIAL CITY OF  
ELSMERE ZONING ORDINANCE TO ALLOW MORE  
THAN ONE PRINCIPAL BUILDING TO BE  
CONSTRUCTED ON A LOT WITHIN THE INDUSTRIAL  
PARK - ONE (IP - 1) ZONE.**

\* \* \*

**WHEREAS**, the City of Elsmere submitted an application to update the zoning ordinance text to allow more than one principal building to be constructed on a lot within the Industrial Park – One (IP-1) zone; and,

**WHEREAS**, the Kenton County Planning Commission advertised for and conducted a public hearing on this application on July 5, 2018 at 6:15 P.M. as required and in accordance with KRS Chapter 100 to solicit public comment regarding the proposed text amendments; and

**WHEREAS**, the Kenton County Planning Commission has reviewed the application, conducted a hearing and made the required findings in accordance with the applicable state statutes; and

**WHEREAS**, the Kenton County Planning Commission has recommended approval of the text amendments to City Council of Elsmere, Kenton County, Kentucky, which is attached hereto as Exhibit “A” and incorporated by reference; and

**WHEREAS**, the Elsmere City Council has reviewed the recommendation of the planning commission and wishes to adopt its findings and amend the Elsmere Zoning Ordinances in accordance therewith.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELSMERE, KENTON COUNTY, KENTUCKY AS FOLLOWS:**

**SECTION 1**

That the text of the Official Zoning Ordinance of the City of Elsmere, Kenton County, Kentucky, is hereby amended to reflect the amended text pertaining to the Industrial Park - One (IP-1) zone as listed in Exhibit A.

**SECTION 2**

That all ordinances or parts of ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

**SECTION 3**

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**CITY OF ELSMERE, KENTUCKY**

  
\_\_\_\_\_  
**MAYOR D. MARTY LENHOF**

1<sup>st</sup> Reading: July 10, 2018

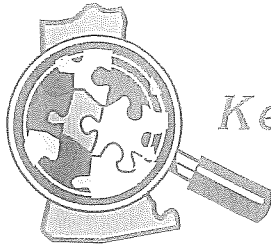
2<sup>nd</sup> Reading: July 23, 2018

Ayes:      Nays:      Abstention:

Published: \_\_\_\_\_

**ATTEST:**

  
\_\_\_\_\_  
Misty Ezell, City Clerk



*Kenton County Planning Commission*  
MANY COMMUNITIES / ONE FUTURE

July 9, 2018

Mayor and City Council  
City of Elsmere  
318 Garvey Avenue  
Elsmere, KY 41018

Dear Mayor and Council:

NUMBER: PC1806-0004

Attached please find a copy of this Commission's action from its meeting on July 5, 2018 regarding a proposed text amendment to the Elsmere Zoning Ordinance (The proposal was submitted by Matt Dowling, City Administrator). Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Emi Randall, Director of Planning & Zoning, of the meeting time and date when this item is placed on your agenda. Once the city council acts on this recommendation, please provide our staff at PDS with a copy of your executed ordinance. For questions regarding our action or to request PDS staff representation at your meeting, please contact Emi Randall, AICP, RLA, Director of the Planning and Zoning Administration Department at PDS 859.331.8980 or [erandall@pdskc.org](mailto:erandall@pdskc.org).

Please note that per KRS 100, text amendments require action by the legislative body to be adopted. There is no time frame for this action.

Thank you

Paul J. Darpel,  
Chair

pd

attachment

c: Matt Smith, KCPC Attorney  
Matt Dowling, City Administrator  
Richard Aliff, Zoning Administrator  
Greg Voss, City Attorney  
Misty Ezell, Clerk

KENTON COUNTY PLANNING COMMISSION  
STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC1806-0004

WHEREAS

The City of Elsmere per Matthew Dowling, City Administrator, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A proposed text amendment to the Elsmere Zoning Ordinance to allow more than one principal building to be constructed on a lot within the IP-1 (Industrial Park One) Zone; AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, JULY 5, 2018, AT 6:15 P.M., IN THE PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY'S FIRST FLOOR MEETING ROOM, 2332 ROYAL DRIVE, FORT MITCHELL, KY.; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 2332 ROYAL DRIVE, FORT MITCHELL, KENTUCKY.

NOW, THEREFORE,

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

KCPC RECOMMENDATION – ELSMERE ZONING ORDINANCE:

Favorable recommendation of the proposed text amendment to the Elsmere Zoning Ordinance to allow more than one principal building to be constructed on a lot within the IP-1 (Industrial Park One) Zone.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 4, 2014.

SUPPORTING INFORMATION/BASES FOR KCPC ACTION AND RECOMMENDATION:

1. The proposed text amendment is authorized within Kentucky Revised Statute (KRS) 100.203 (see Attachment A).
2. The proposed text amendment is consistent in language and placement with the other jurisdictions that currently allow more than one principle buildings on a lot within some industrial districts.
3. The request is consistent with *Direction 2030*, the comprehensive plan, as it will work to enhance the options for existing industrial lots which are noted as being at a premium. These existing lots are located within areas that have infrastructure in place.

4. The proposed text amendment will not be detrimental to the public health, safety, or welfare. Existing landscape buffer requirements should work to mitigate any impacts of increasing the intensity of use on industrial lots.
5. Based on testimony provided during the public hearing held on July 5, 2018.

ADDITIONAL INFORMATION:

1. The City of Elsmere may wish to amend the other industrial districts within their jurisdiction with the same language allowing more than one principle building per lot.

PAUL J. DARPEL, CHAIR  
KENTON COUNTY PLANNING COMMISSION

**General Attachment Notice:**

*For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: [www.pdskc.org](http://www.pdskc.org)*

**ATTACHMENT A**

Proposed Text Amendments to the Elsmere Zoning Ordinance  
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

**ARTICLE X****ZONES****SECTION 10.12 IP-1 (INDUSTRIAL PARK ONE) ZONE**

- A. **PERMITTED USES:** The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in Article XV of this ordinance.
1. The manufacturing, compounding, processing, packaging, or assembling of the following:
    - a. Animated and/or illuminated billboards and other commercial advertising structures
    - b. Candy and confectionery products, food and beverage products, except the rendering or refining of fats and oils, and excluding poultry and animal slaughtering and dressing;
    - c. Cigars and cigarettes
    - d. Cosmetics, pharmaceuticals, and toiletries
    - e. Electric appliances, television sets, phonographs, household appliances
    - f. Electrical machinery, equipment, and supplies
    - g. Fountain and beverage dispensing equipment
    - h. Furniture
    - i. Instruments for professional, scientific, photographic, and optical use
    - j. Machine tools
    - k. Metal products, and metal finishing, excluding the use of blast furnaces or drop forges
    - l. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
    - m. Office equipment
    - n. Plastic products, but not the primary manufacture of plastics
    - o. Pottery and figurines
    - p. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, yarn
    - q. Textile products, including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope and twine

2. Bottling and canning works
3. Contractor's offices
4. Crating services
5. Fire stations
6. Freight terminals
7. Industrial engineering and consultant offices
8. Laboratories, offices, and other facilities for research, both basic and applied, conducted by, or for, an industrial organization or concern, whether public or private
9. Machine shops
10. Offices
11. Printing, engraving, and related reproduction processes
12. Publishing and distribution of books, newspapers, and other printed materials
13. Railroad facilities, exclusive of marshaling yards, maintenance, and fueling facilities
14. Schools for industrial or business training
15. Self storage facilities
16. Trades
17. Warehousing or wholesaling
18. Restoration of antique and collector automobiles, including sales and display

#### B. ACCESSORY USES

1. Customary accessory building and uses, including operations required to maintain or support any permitted use in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops
2. Fences and walls as regulated by Article XIII of this ordinance
3. Signs - only business and identification signs pertaining to the identification, use or occupation of the building, structure, or premises, as regulated by Article XIV of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone
4. Uses, as listed below, including within and entered from within any permitted use in this zone as a convenience to the occupants thereof, and their customers, provided such accessory uses shall not exceed ten (ten) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building:
  - a. Cafeterias
  - b. Coffee shops or refreshment stands
  - c. Soda or dairy bars

#### C. CONDITIONAL USES

1. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged

2. Dog boarding, kennels, pet hotels

#### D. AREA AND HEIGHT REGULATIONS

1. Minimum tract for industrial development - Twenty-five (25) acres, except where area restrictions are less, as identified in the adopted comprehensive plan; however, development of a smaller tract adjacent to an existing approved site may be permitted providing the proposed development conforms to and extends the original development as if the new site has been a part of the originally approved site plan layout
2. Minimum lot area within minimum tract - One (1) acre
3. Minimum lot width at building setback line - One hundred fifty (150) feet
4. Minimum front yard depth -
  - a. When abutting a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
  - b. On internal roads - Fifty (50) feet
5. Minimum side yard width -
  - a. In internal parts of the park - Twenty-five (25) feet
  - b. Where the side yard is adjacent to a major arterial (as defined in the adopted comprehensive plan) - Seventy-five (75) feet
6. Minimum rear yard depth - Twenty-five (25) feet; if adjacent to areas zoned for residential use the minimum rear yard shall be fifty (50) feet. No rear yard is required where a rail spur line forms the rear property line
7. Maximum building height - Forty (40) feet
8. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot

#### E. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. Outdoor storage of material (usable or waste) shall be permitted in side and rear yards only in this zone, but must be adequately screened from adjacent development in accordance with Section 9.17.
2. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
3. Where any yard of any permitted use in this zone abuts a residential zone, a minimum yard requirement of seventy-five (75) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
4. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.