

**CITY OF ELSMERE, KENTUCKY
ORDINANCE NO. 1787-2019**

**AN ORDINANCE ADOPTING THE RECOMMENDATION
OF THE KENTON COUNTY PLANNING COMMISSION
TO AMEND THE TEXT OF THE OFFICIAL CITY OF
ELSMERE ZONING ORDINANCE TO ADD “EXISTING
SINGLE-FAMILY HOMES” TO THE LIST OF
PERMITTED USES WITHIN THE NC ZONE.**

* * *

WHEREAS, the City of Elsmere submitted an application to update the zoning ordinance text to add “existing single-family homes” to the list of permitted uses within the NC zone; and,

WHEREAS, the Kenton County Planning Commission advertised for and conducted a public hearing on this application on November 7, 2019 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 Neighborhood Commercial 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That all ordinances or parts of ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.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 LENHOFF

1st Reading: January 7, 2020

2nd Reading: January 14, 2020

Ayes: 4 Nays: 0 Abstention: 0

Published: _____

ATTEST:



Misty Ezell, City Clerk

EXHIBIT "A"

KENTON COUNTY PLANNING COMMISSION
STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC1910-0006

WHEREAS

The City of Elsmere per Rich Aliff, Mayor, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: PROPOSED TEXT AMENDMENTS TO THE ELSMERE ZONING ORDINANCE ADDING “EXISTING SINGLE-FAMILY HOMES” TO THE LIST OF PERMITTED USES WITHIN THE NC ZONE.; AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, NOVEMBER 7, 2019, AT 6:15 P.M., IN THE KENTON CHAMBERS, 1840 SIMON KENTON WAY, COVINGTON, KY; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 1840 SIMON KENTON WAY, COVINGTON, 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 on the proposed text amendments to the Elsmere Zoning Ordinance adding “existing single-family homes” to the list of permitted uses within the NC Zone.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 5, 2019.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. The proposed text amendments are authorized to be included within the City’s zoning ordinance per Kentucky Revised Statutes (KRS) 100.203 (1) (see Attachment A).
2. The proposed text amendment is reasonable and appropriate. The proposed text amendment will bring numerous single-family homes currently located within the NC Zone into conformance. By removing the non-conforming status of these homes, they will be permitted to enlarge or expand, or to be rebuilt by right.

3. The proposed text amendment will not be detrimental to the public health, safety, or welfare. The existing single-family homes within the NC Zone match the character of the surrounding area. No new homes will be permitted within the NC Zone.
4. Redeveloped within the commercial areas along Dixie Highway was the original goal NC map change by the City of Elsmere, which led to the existing single-family homes becoming non-conforming. The proposed text amendment does not prevent homes from being purchased and redeveloped for commercial uses within the NC Zone.
5. Based on testimony provided during the public hearing held on November 7, 2019.

ADDITIONAL INFORMATION:

The KCPC recommends that additional language be added to clarify whether or not a single-family home, if converted to a business operation, may be converted back to a single family home.



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

ATTACHMENT A

Proposed Text Amendments to Elsmere Zoning Ordinance

Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

SECTION 10.11 NC (NEIGHBORHOOD COMMERCIAL) ZONE

A. **USES PERMITTED:** The following retail sales and service businesses:

1. Advertising agencies
2. Antique shop
3. Apparel shop
4. Art supplies
5. Automobile parts and accessory store, new
6. Automotive service and repair, providing all business activities are conducted within a completely enclosed building
7. Automotive and truck rentals
8. Bakery and bakery goods store provided the products are sold exclusively on the premises
9. Banks and other financial institutions including savings, loan and finance companies with drive-in windows
10. Barber shop
11. Beauty shop
12. Boat and marina sales and service, new and used
13. Book, stationery or gift shop
14. Bowling alley
15. Business and professional college
16. Camera and photographic supplies
17. Candy, soda fountain, ice cream stores (excluding drive-ins)
18. Carpet and rug store
19. Clinics – medical, dental, and veterinary
20. Clubs (including businessmen, YMCA - YWCA)
21. Delicatessen store
22. Department store
23. Drug store
24. Dry cleaning and laundry pickup stations
25. Drying and cleaning work
26. Eating and drinking places (excluding drive-ins)
27. Employment agencies (excluding pick-up and drop-off of temporary employees)
28. Florist shop
29. Food store and supermarket

30. Funeral home
31. Furniture store and furniture repair
32. Garden supplies
33. Glass, china or pottery store
34. Glass replacement and repair service
35. Haberdashery
36. Hardware store
37. Health clinics and health spas
38. Hobby shop
39. Household appliance store (including incidental repair)
40. Interior decorating studio
41. Jewelry store (including repair)
42. Laboratories - medical and dental
43. Laundromats - self service washing and drying
44. Leather goods and luggage store
45. Library
46. Locksmith shop
47. Music, musical instruments and records shop
48. Newspaper office, including printing
49. Office
50. Office appliances and supply
51. Off-street parking lots and/or garages
52. Opticians and optical supply
53. Package liquor and wine store
54. Paint and wallpaper store
55. Pet shop and grooming, excluding boarding and outside runs
56. Plumbing sales and repair
57. Police and fire stations
58. Post office and telegraph offices
59. Printing establishments
60. Electronics and telecommunications sales and service
61. Shoe store and shoe repair
62. Sporting goods
63. Studios for professional work or teaching of any form of fine arts, photography, music, drama and dance
64. Tailor shop
65. Taxi terminal
66. Theaters (excluding drive-in theaters)
67. Travel bureau
68. Variety stores, including notions and "Five and Ten" store
69. Gyms and Fitness Entities
70. Existing single-family homes

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. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) 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.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, outdoor dining, and outdoor play areas associated with a nursery school.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.