

ORDINANCE NO. 2021-O-08

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE BY ADDING A DEFINITION FOR BREWERY, DISTILLERY, WINERY AND ADDING BREWERY, DISTILLERY, WINERY AS PERMITTED WITHIN A PLANNED UNIT DEVELOPMENT OVERLAY ZONE WITH USE SPECIFIC STANDARDS

WHEREAS, a request for a text amendment to the Independence Zoning Ordinance was submitted to the Kenton County Planning Commission by the City of Independence, for the consideration of a text amendment, adding a definition for Brewery, Distillery, Winery and adding Brewery, Distillery, Winery as permitted within a Planned Unit Development Overlay Zone with use specific standards;

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 on April 1, 2021, 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).

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

SECTION I

That the Independence City Council hereby approves said text amendment, attached hereto as Exhibit "A" incorporated by reference herein, adding a definition for Brewery, Distillery, Winery and adding Brewery, Distillery, Winery as permitted within a Planned Unit Development Overlay Zone with use specific standards, on the following bases:

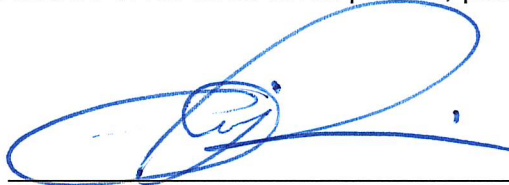
1. The proposed text amendment is authorized to be included within the text of the zoning ordinance per KRS 100.203.
2. Adding the definition of Brewery, Distillery, and Winery is consistent with the purpose of the definition Article, which is to clarify to the terms and concepts within the zoning ordinance and to provide consistency in the administration of the zoning ordinance.
3. Adding the definition of Brewery, Distillery, and Winery is reasonable. Basing the definition on the NAICS Codes ties this use to industry standard definitions.
4. Adding Brewery, Distillery, and Winery as permitted within the PUD Overlay Zone is consistent with the purpose of the PUD Overlay Zone, which is to promote the advantages of large scale site planning and the diversification of uses.
5. Providing use specific standards for Brewery, Distillery, and Winery is logical. These standards will provide protections for the community in a manner which is very common for uses with outdoor dining.
6. Based on testimony provided during the public hearing held on April 1, 2021.

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.



Christopher J. Reinersman, Mayor

ATTEST:



Gina Gabbard, City Clerk

First Reading: May 3, 2021
Second Reading: June 14, 2021
Ayes: 6
Nays: 0

PUBLICATION DATE: 6/25/2021