

ORDINANCE NO. 2018-O-16

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE BY ADDING CHURCHES AS A CONDITIONAL USE TO THE NSC (NEIGHBORHOOD SHOPPING CENTER) ZONE.

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 to the NSC Zone, Section 10.15(C) to add as a conditional use, "Churches"; 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 on October 4, 2018, 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, "Churches" as a conditional use to the NSC Zone, Section 10.15(C), on the following bases:

- (1) The proposed text amendment is authorized within KRS 100.203.
- (2) The intent of the NSC Zone is to provide a wide range of neighborhood-oriented retail and service uses. Adding churches as a conditional use will allow a use that will serve the neighborhoods surrounding the areas zoned NSC.
- (3) The proposed text amendment is reasonable and appropriate. The NSC Zone currently allows community centers and nursery schools as conditional uses. Churches are similar in size, scale, and scope to other conditional uses in the NSC Zone.
- (4) The proposed text amendment is consistent with previous recommendations made by PDS staff and the KCPC.
- (5) The proposed text amendment 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.

(6) Based on the testimony provided during the public hearing held on October 4, 2018.

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: November 12, 2018

Second Reading: December 3, 2018

Ayes: 6

Nays: 0

Publication Date: 12/12/2018