

ORDINANCE NO. 2021-O-03

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE BY ADDING REGULATIONS TO ALLOW ALTERNATIVE SURFACING FOR NEW OFF-STREET PARKING FOR PASSIVE RECREATION

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 regulations to allow alternative surfacing for new off-street parking for passive recreation, and adding a definition for passive recreation”; 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 January 7, 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 regulations to allow alternative surfacing for new off-street parking for passive recreation, and adding a definition for passive recreation on the following bases:

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. Alternative surfacing for passive recreation provides surfaces that allow the percolation of water into the underlying soil, which reduces the stormwater runoff from property. In addition, the Zoning Administrator and City officials may provide approval with or without conditions to ensure that pervious surfaces are as functional and durable as traditional materials like asphalt or concrete.
3. The 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 as alternative surfacing will be limited to one specific type of use. The proposed text requires a review by the Zoning Administrator and City officials who may approve with conditions if deemed necessary.
4. Based on testimony provided during the public hearing held on January 7, 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.

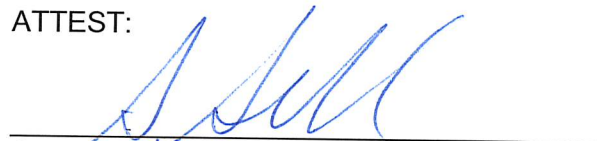
SECTION III

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: February 1, 2021
Second Reading: March 1, 2021
Ayes: 6
Nays: 0

Publication Date: 3/10/2021