

**ORDINANCE NO. 2021-O-19**

**AN ORDINANCE REPEALING THE CURRENT INDEPENDENCE ZONING CODE AND ZONING MAP AND REPLACING WITH AN UPDATED ZONING CODE AND ZONING MAP.**

**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 repealing the current Independence Zoning Code and Zoning Map and replacing with an updated zoning code and zoning map known as Z-21; 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 August 5, 2021, voted to approve the text amendment, as authorized by Kentucky Revised Statute (KRS) 100.203(1).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTUCKY:**

**SECTION I**

That the Independence City Council hereby approves said text amendment, attached hereto as Exhibit "A" incorporated by reference herein, repealing the current Independence Zoning Code and Zoning Map and replacing with an updated zoning code and zoning map as applied for with the condition of allowing alternative map amendment procedures on the following bases:

1. The new Independence zoning ordinance text and map meets the requirements of KRS 100.201 (2) and KRS 100.203 (1). The City is authorized to enact permanent land use regulations and other kinds of growth management regulations to promote the public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air.
2. The new Independence zoning ordinance text and map is generally consistent with the goals, objectives, and recommendations of *Direction 2030*.

3. The new Independence zoning ordinance text and map is generally consistent with the Recommended Land Use map of *Direction 2030*.

4. The alternative map amendment procedures were presented to City Council and the KCPC Z21 Review Committee, and the City intended to include them as a part of this application. However, the draft submitted did not include these procedures. The applicant confirmed they would like to include these procedures in the proposed ordinance. This will not remove the City Council from being the final decision maker on map amendments, but it will streamline the process for map amendments when there are no objections to the KCPC's recommendation.

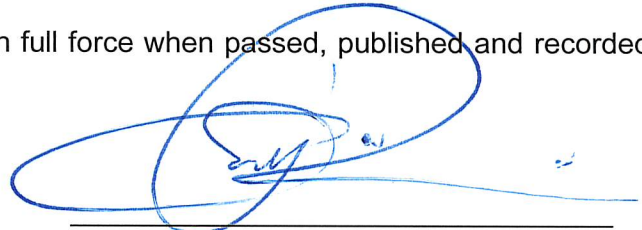
5. Based on testimony provided during the public hearing held on August 5, 2021.

## **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: September 13, 2021

Second Reading: October 4, 2021

Ayes: 5

Nays: 0

Publication Date: 10/13/2021