

ORDINANCE NO. 2022-O-02

AN ORDINANCE AMENDING THE TEXT OF THE INDEPENDENCE ZONING CODE TO REMOVE MINI-WAREHOUSES AND PERSONAL STORAGE AS CONDITIONAL USES IN THE CC (COMMUNITY COMMERCIAL) 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 removing mini-warehouse and personal storage as a conditional use in the CC (Community Commercial) Zone and removing the specific use regulations for these uses within the CC Zone; 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 February 3, 2022, voted unanimously 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, 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, removing mini-warehouse and personal storage as a conditional use in the CC (Community Commercial) Zone and removing the specific use regulations for these uses within the CC Zone for the following reasons:

1. The proposed text amendment is authorized to be included within the text of the zoning ordinance per KRS 100.203.
2. The mini-warehouse, personal storage use is not appropriate in the CC Zone. The purpose of the CC Zone is to provide locations of retail uses which mini-warehouse; personal storage does not fall within that category of uses.
3. The current approved self-storage facilities will become nonconforming if this is approved; however, these uses may continue to operate and be maintained, but may not expand. Additionally, the CC Zone contains 42 permitted uses and seven conditional uses which will allow for a variety of development opportunities within this zone.
4. Based on testimony provided during the public hearing held on February 3, 2022.

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: March 7, 2022

Second Reading: April 4, 2022

Ayes: 4

Nays: 0

Publication Date: 04/12/2022