

**ORDINANCE NO. 2022-O-04**

**AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE MAKING ANY NECESSARY REVISIONS TO DEFINITIONS AND HEIGHT AND AREA STANDARDS RELATED TO FAMILY CHILD CARE HOMES FOR COMPLIANCE WITH SENATE BILL 148 AND KRS 199.**

**WHEREAS**, a request for a text amendment to the Independence Zoning Ordinance was submitted to the Kenton County Planning Commission by the Kenton County Planning Commission per Paul Darpel, Chair, making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199; 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, 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); and

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

**SECTION I**

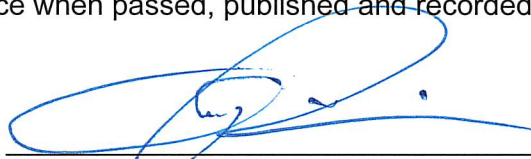
That the Independence City Council hereby approves said text amendment making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199 on the following bases:

**SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:**

1. The proposed text amendments are authorized to be included within the text of the zoning ordinance per KRS 100.203 (see Attachment A).
2. The proposed text amendments are necessary to bring the zoning ordinance into compliance with Senate Bill 148 and KRS 199.
3. Senate Bill 148 defined family child-care homes as “a private home that is the primary residence of an individual who provides full or part-time care day or night for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.”
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. That this Ordinance shall take effect and be in full force when passed, published and recorded according to the law.



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Christopher J. Reinersman, Mayor

ATTEST:

  
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Gina Gabbard, City Clerk

First Reading: March 7, 2022  
Second Reading: April 4, 2022  
Ayes: 4  
Nays: 0

Publication Date: 04/12/2022