

ORDINANCE NO. 2023-O-17

AN ORDINANCE AMENDING THE TEXT OF THE INDEPENDENCE ZONING CODE CREATING A NEW ZONE, THE SUBURBAN INDUSTRIAL (SI) ZONE, INCLUDING ADDING THE ZONE TO THE USE TABLE, DEVELOPMENT STANDARDS (CHARACTER STANDARDS, LIGHTING, FENCING, AND LANDSCAPING), AND SIGNAGE

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 proposing a new Industrial Zone, the Suburban Industrial (SI) Zone. This includes adding the zone to the use table, development standards (character standards, lighting, fencing, and landscaping), and signage; 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 5, 2023, 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, 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, creating a new Industrial Zone, the Suburban Industrial (SI) Zone, including adding the zone to the use table, development standards (character standards, lighting, fencing, and landscaping), and signage for the following reasons:

1. The proposed text amendments are authorized to be included within the text of the Independence Zoning Ordinance per KRS 100.203 (1) (See Attachment A).
2. The proposed text amendments, as conditioned, are appropriate. While one of the goals of updating the Independence Zoning Ordinance was to reduce the number of zoning districts, other goals include:
 - a. Protecting the unique character of the City; and
 - b. Avoiding legal pitfalls.

These goals sometimes conflict with each other, and the City has to decide what goal is more important from a policy perspective. In this case, to allow an existing self-storage business to conform while limiting the proliferation of new self-storage businesses outweighs creating additional zoning districts.

3. The stated purpose of the new SI Zone is to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community, and may include uses that have extensive outdoor storage/service areas. Staff finds that "Manufacturing, heavy" and "Mining, quarrying and crude petroleum and natural gas production" are not consistent with the purpose of the new zone.

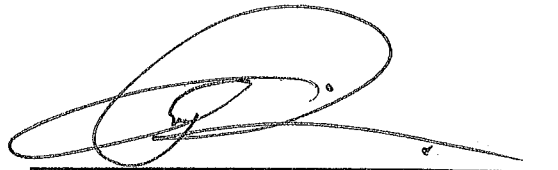
4. Based on testimony provided during the public hearing held on October 5, 2023.

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 Rawe, City Clerk

First Reading: November 13, 2023
Second Reading: December 4, 2023

Ayes: 5
Nays: 0

Publication Date: 12/13/2023