

ORDINANCE NO. 2024-O-12

AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE ZONING CODE ALLOWING FRONT YARD FENCES FOR LOTS THAT ARE OVER THREE ACRES AND THAT HAVE FRONTAGE ALONG AN ARTERIAL OR COLLECTOR ROAD, WITHIN THE R-CVS (RESIDENTIAL CONVENTIONAL SUBDIVISION), R-LLS (RESIDENTIAL LARGE LOT SUBDIVISION), AND R-RE (RESIDENTIAL RURAL ESTATE) ZONES

WHEREAS, the City of Independence desires to reduce restrictions in limited circumstances related to front yard fences; and

WHEREAS, a request for a text amendment to the Independence Zoning Ordinance was submitted to the Kenton County Planning Commission by Chris Moriconi, City Administrator to allowing front yard fences for lots that are over three acres and that have frontage along an arterial or collector road, within the R-CVS (Residential Conventional Subdivision), R-LLS (Residential Large Lot Subdivision), and R-RE (Residential Rural Estate) Zones; 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 September 5, 2024, 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:

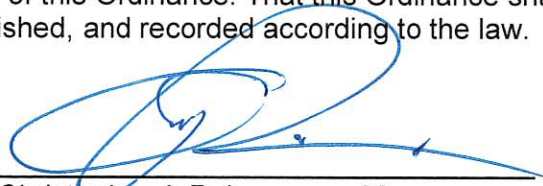
SECTION I

The City of Independence shall allow front yard fences, no higher than four (4) feet for lots that are over three acres and that have frontage along an arterial or collector road, within the R-CVS (Residential Conventional Subdivision), R-LLS (Residential Large Lot Subdivision), and R-RE (Residential Rural Estate) Zones, as articulated in the attached Exhibit A, incorporated herein, on the following bases:

1. The proposed text amendment is authorized to be included within the text of the zoning ordinance per KRS 100.203 (see Attachment A).
2. The proposed text amendment allows additional flexibility for property owners with larger lots in certain residential zones, enabling them to enhance their properties while maintaining aesthetic standards. By restricting the amendment to ornamental metal or wood fences that are more than 50 percent open, the amendment ensures that any new fences will be in harmony with the character and visual openness of these larger lot residential areas.
3. Based on testimony provided during the public hearing held on September 5, 2024.

SECTION II

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.



Christopher J. Reinersman, Mayor

ATTEST:



Gina Rawe, City Clerk

First Reading: October 7, 2024

Second Reading: November 11, 2024

Ayes: 5

Nays: 0

Publication Date: 11/19/2024