



COUNCIL MEETING AGENDA

April 7, 2025

Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES

- Regular Meeting of March 3, 2025
- Special Meeting of March 19, 2025

PROCLAMATION – Fair Housing Month – April 2025

OLD BUSINESS

- **ORDINANCE NO. 2025-O-03 – Driveway Requirements and Shipping Container Definition – 2nd Reading**

NEW BUSINESS

- **PROPOSED ORDINANCE – Moving Board of Adjustments from Joint to Independence– 1st Reading**
- **RESOLUTION NO. 2025-R-10 – Approval of Final Development Plan for Bristow Rd Townhomes**
- **MUNICIPAL ORDER NO. 2025-MO-03 – Surplus Property – City Vehicles**

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

EXECUTIVE SESSION in accordance with K.R.S. 61.810(c)

ADJOURNMENT

Proclamation

City of Independence, Kentucky

WHEREAS: The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

WHEREAS: The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS: The city of Independence, Kentucky is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

WHEREAS: Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

WHEREAS: More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated; and

WHEREAS: Acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

Now, therefore be it resolved that Independence, Kentucky, does hereby declare the month of April, 2025 as

FAIR HOUSING MONTH

Independence, Kentucky is as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of Independence, Kentucky.



Christopher J. Reinersman, Mayor

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Independence to be affixed this 24th day of March 2025.

Attest:

Gina Rawe, City Clerk

ORDINANCE NO. 2025-O-03

AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE ZONING CODE (1) ADDING SETBACK REQUIREMENTS FOR DRIVEWAYS AS A PERMITTED ENCROACHMENT, (2) ADDING STANDARDS FOR PORTABLE STORAGE UNITS AND SHIPPING CONTAINERS WITHIN RESIDENTIAL AND MIXED-USE DISTRICTS, AND (3) ADDING A DEFINITION FOR “SHIPPING CONTAINER”

WHEREAS, the City of Independence desires to add setback requirements for driveways as a permitted encroachment, add standards for portable storage units and shipping containers within residential and mixed-use districts, and define “shipping container”; 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; 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 6, 2025, 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, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

MODIFICATION TO TEXT

ARTICLE 5 DIMENSIONAL REQUIREMENTS

5.08 Permitted Encroachments

E. Other Permitted Setback Encroachments 1. Walls and perimeter fencing as regulated in Section 7.06, [Fences and Walls](#).

2. Sidewalks, multi-use paths and other pedestrian amenities.

3. Driveways and other vehicular access points which are addressed in [Article 10, Parking & Loading Standards](#)[], provided they are not closer than two feet to the property line to which they run approximately parallel.

4. Landscaping as regulated by Section 7.07, [Landscaping, Screening, and Buffers](#).

ARTICLE 10 PARKING & LOADING STANDARDS

10.14 Parking, Storage, and Use of Non-Recreational, Commercial, and Industrial Vehicles

A. The following applies in all residential and mixed-use districts. 1. For this section, refer to the Federal Highway Administration's vehicle category classification for non-recreational, commercial, and industrial vehicles.

2. Classes 1 through 3 vehicles (with or without signs) which are properly licensed, inspected, and used for commercial purposes may be parked anywhere on a residential lot designed, constructed and approved for vehicle parking.

3. Class 4 through 13 vehicles (with or without signs) used for commercial, industrial, farm, or construction purposes are prohibited on residential lots, except within completely enclosed structures or when actively involved in pick-up or delivery to the residence.

4. Moving trailers, vans, [or] POD, similar portable storage units, or Shipping Container storage units may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed 30 days while owners are moving in or out of a residence.

5. Dumpsters used for debris during construction and renovation of a residence may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed the period of construction.

ARTICLE 14 DEFINITIONS

S

Shipping Container – Any container, generally rectangular and made of metal, designed primarily for shipping or hauling materials that is usually stored outside a building or structure, and which can usually be stacked. This includes cargo containers, intermodal containers, freight containers, storage containers and shipping crates.

SECTION II

BASIS FOR TEXT AMENDMENT

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 amendments are appropriate and reasonable. The proposed amendments add clarification, refine regulations, and provide for consistency in the administration of the zoning ordinance.

3. Based on testimony provided during the public hearing held on February 6, 2025, including a letter submitted on the City's behalf to the Planning Commission.

SECTION III

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: March 3, 2025

Second Reading: April 7, 2025

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2025-O-

AN ORDINANCE ESTABLISHING THE INDEPENDENCE BOARD OF ADJUSTMENTS AND MOVING ALL BOARD OF ADJUSTMENT MATTERS FROM THE KENTON COUNTY JOINT BOARD OF ADJUSTMENTS TO THE CITY OF INDEPENDENCE BOARD OF ADJUSTMENTS

WHEREAS, The City of Independence joined the Kenton County Joint Board of Adjustments in 2014 by enacting Ordinance No. 2014-O-12; and

WHEREAS, the City of Independence now desires to have its own Board of Adjustments; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

(Strikethrough portions are to be deleted, underlined portions are to be added as required by KRS 83A.060(3))

SECTION I

CREATION; JURISDICTION.

A Board of Adjustment is hereby created pursuant to KRS 100.217(1) and as referenced in the Independence Zoning Code and as a division of the Kenton County Planning Commission.

COMPOSITION.

The Board of Adjustment shall consist of five members, all of whom must be citizen members and not more than two of whom may be citizen members of the Kenton County Planning Commission.

APPOINTMENT OF MEMBERS.

The Mayor shall be the appointing authority under this article subject to the approval of the Independence City Council.

MEMBERS' TERMS OF OFFICE.

The term of office for Board of Adjustment members shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three and four years respectively.

VACANCIES.

(A) Vacancies on the Board of Adjustment shall be filed within 60 days by the Mayor subject to the approval of the Board of Commissioners.

(B) If the Mayor and Board of Commissioners fail to act within that time, the Municipal Planning Commission shall fill the vacancy.

(C) When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

MEMBERS' OATH OF OFFICE.

All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by § 228 of the Constitution of the Commonwealth.

REMOVAL OF MEMBERS.

(A) Any member of the Board of Adjustment may be removed by the Mayor for inefficiency, neglect of duty, malfeasance or conflict of interest.

(B) The Mayor shall submit a written statement to the Independence City Council setting forth the reasons for removal.

(C) The member of the Board of Adjustment so removed will have the right of appeal from the removal to the Kenton Circuit Court

ELECTION OF OFFICERS.

The Board of Adjustment annually shall elect a Chairperson, Vice-Chairperson and Secretary and any other officer it deems necessary and any officer shall be eligible for reelection at the expiration of his or her term.

MEETINGS.

(A) The Board of Adjustment shall conduct meetings at the call of the Chairperson who shall give written or oral notice to all members of the Board of Adjustment at least seven days prior to the meeting, which notice shall contain the date, time and place of the meeting and the subjects which will be discussed. The Board of Adjustment shall regularly schedule bi-monthly meetings,

(B) A simple majority of the total membership of the Board of Adjustment as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of his or her interest and shall disqualify himself or herself from voting on the question.

(C) The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings and determinations and the number of votes for and against each question and if any member is absent or abstains from voting, indicating the fact, all of which shall immediately after adoption be filed in the office of the Board of Adjustment. If the Board of Adjustment has no office, the records shall be kept in the custody of an officer of the Board and shall be available to the general public. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party at the expense of the requesting party and the transcript shall constitute the record.

(D) The Board of Adjustment shall be compensated \$100 per meeting.

EMPLOYMENT OF PLANNERS.

The Board of Adjustment shall use PDS as administrative staff.

FINANCES.

The Board of Adjustment shall have the right to receive, hold and spend funds which it may legally receive from any and every source both in and out of the state, including the U.S. Government, for the purpose of carrying out the provisions of this chapter.

SUBPOENA POWER.

(A) The Board of Adjustment shall have the power to issue subpoenas, compel witnesses to attend its meetings and give evidence bearing upon the questions before it.

(B) The Sheriff shall serve the subpoena.

(C) The Circuit Court may, upon application by the Board of Adjustment, compel obedience to the subpoena by proceedings of contempt.

ADMINISTRATION OF OATHS BY CHAIRPERSON.

The Chairperson of the Board of Adjustment shall have the power to administer an oath to witnesses prior to their testifying before the Board on any issue.

POWERS.

The Board of Adjustment shall have the powers that are granted to it under KRS Ch. 100 as it is from time to time amended.

APPEAL PROCEDURE.

(A) Appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of any Zoning Enforcement Officer. The appeal shall be taken within 30 days after the appellant or his or her agent receives notice of the action appealed from, by filing with the officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof and giving notice of the appeal to any and all parties of record. The Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in further proceedings. At any hearing by the Board of Adjustment, any interested person may appear and enter his or her appearance and all shall be given an opportunity to be heard.

(B) The Board of Adjustment shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Ch. 424, as well as written notice to the appellant and the administrative official at least one week prior to the hearing and shall decide it within 60 days. The affected party may appear at the hearing in person or by attorney.

SECTION II

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate 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: April 7, 2025

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

City of Independence, Ky.
RESOLUTION NO. 2025-R-11

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY APPROVING THE FINAL DEVELOPMENT PLAN WITHIN A PLANNED UNIT DEVELOPMENT (PUD) OF THE INDEPENDENCE ZONING ORDINANCE FOR 38 TOWNHOMES, INCLUDING BUILDINGS, ACCESS DRIVES, SIDEWALKS, LANDSCAPING, AND SIGNAGE

WHEREAS, In 1971, the original PUD (Panned Unit Development) was established. This development was known as Villages of Beechgrove and included 1,500 total units of housing. This was broken down to 180 single-family lots, 300 townhouses, 550 garden apartments, 400 three and four family dwellings, and 270 attached single-family dwellings (132R).

WHEREAS, Subsequent to the adoption of the PUD, there have been numerous amendments to the Stage I Development Plan and several Stage II Development Plan approvals.

WHEREAS, In April 2022, the City of Independence per Mayor Reinersman approved a minor change to the previously approved Stage I Development Plan. In making this determination, it was found that the changes will result:

- a. In a density well below the maximum permitted density of the entire PUD (1,500 units were approved, the proposed change will bring the total to 1,388 units);
- b. Largely follows the original Stage I Plan as it pertains to the impacted areas; and
- c. There will be a nominal reduction in greenspace from the original approved Stage I Plan (70 acres were approved, the proposed change will result in 68.9 acres).

WHEREAS, In July 2022, the applicant submitted another revised plan to the City for 35 dwelling units on this site where 32 were originally proposed. This was determined to be a minor change for the same reasons as the April 2022 change.

WHEREAS, On August 7, 2023, the City Council approved a waiver to provide sidewalks along Beechgrove Drive.

WHEREAS, As it relates to this specific site, the approved Stage I Development Plan identified this site for townhomes.

WHEREAS, In February 2025, the City Council approved a Final Development Plan (AR-24-0018-FD) for this subject lot for grading only.

NOW, THEREFORE, be it resolved this the 7th day of April 2025, by the City of Independence, Kentucky, Kenton County, Kentucky, that the Independence City Council approves the Final Development Plan within a Planned Unit Development (PUD) of the Independence Zoning Ordinance for 38 townhomes, including buildings, access drives, sidewalks, landscaping, and signage as indicated in the attached Staff Report dated March 31, 2025. This approval is based on the Final Development Plan being in substantial compliance with the Independence Zoning Ordinance and the approved Stage I Development Plan.

Done this 7th day of April 2025 on a Motion made by Council Member _____ and seconded by Council Member _____.

Members present voting in favor: _____

Members present voting against: _____

BY: _____
Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

City of Independence, Ky.

MUNICIPAL ORDER NO. 2025-MO-03

**A MUNICIPAL ORDER OF THE CITY OF INDEPENDENCE IN KENTON COUNTY, KENTUCKY
MAKING THE WRITTEN DETERMINATIONS REQUIRED BY KRS 82.083 FOR THE SALE OR
OTHER DISPOSITION OF PROPERTY OWNED BY THE CITY**

WHEREAS, the City of Independence would like to dispose of two city vehicles that are no longer being used; and

WHEREAS, KRS 82.083 establishes certain requirements for the disposition of such property;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED by the City of Independence as follows

SECTION I - Written Descriptions Required by KRS 82.083

1. Property subject to disposition:

- 2012 Ford Fusion
- 2011 Dodge Avenger

2. Intended use of the property at the time of acquisition:

These vehicles have been used as city and Public Services vehicles in the past and are no longer of use to the city.

3. Reasons why it is in the public interest to dispose of the property:

These two vehicles are no longer being used by the city.

4. Method of disposition:

Both vehicles will be listed for sale on www.govdeals.com.

SECTION II – Provisions Severable

The provisions of this municipal order are severable; and the invalidity of any provision hereof shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION III – Conflicting Municipal Orders Repealed

All municipal orders or parts of municipal orders in conflict with the provisions of this municipal order are hereby repealed to the extent of such conflict.

SECTION IV – Effective Date

This Municipal Order shall take effect and be in full force when passed and recorded according to law.

Christopher J. Reinersman, Mayor

Approved and ratified by Council on April 7, 2025 by roll call vote:

AYES _____
NAYES _____

ATTEST:

Gina Rawe, City Clerk