



CITY OF INDEPENDENCE
COUNCIL MEETING AGENDA
October 4, 2021
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of September 13, 2021

PUD Stage II – Centennial Blvd

OLD BUSINESS

- **ORDINANCE NO. 2021-O-19** – Z21 Update – 2nd Reading
- **ORDINANCE NO. 2021-O-20** – Bicycles on Sidewalks Update – 2nd Reading

NEW BUSINESS

- **SURPLUS PROPERTY** – 2009 Dodge Charger and 2012 Ford Taurus

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

- **PROCLAMATION** – Extra Mile Day

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

ADJOURNMENT

ORDINANCE NO. 2021-O-19

AN ORDINANCE REPEALING THE CURRENT INDEPENDENCE ZONING CODE AND ZONING MAP AND REPLACING WITH AN UPDATED ZONING CODE AND ZONING MAP.

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, for the consideration of a text amendment repealing the current Independence Zoning Code and Zoning Map and replacing with an updated zoning code and zoning map known as Z-21; 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 August 5, 2021, 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, KENTUCKY:

SECTION I

That the Independence City Council hereby approves said text amendment, attached hereto as Exhibit "A" incorporated by reference herein, repealing the current Independence Zoning Code and Zoning Map and replacing with an updated zoning code and zoning map as applied for with the condition of allowing alternative map amendment procedures on the following bases:

1. The new Independence zoning ordinance text and map meets the requirements of KRS 100.201 (2) and KRS 100.203 (1). The City is authorized to enact permanent land use regulations and other kinds of growth management regulations to promote the public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air.
2. The new Independence zoning ordinance text and map is generally consistent with the goals, objectives, and recommendations of *Direction 2030*.

3. The new Independence zoning ordinance text and map is generally consistent with the Recommended Land Use map of *Direction 2030*.

4. The alternative map amendment procedures were presented to City Council and the KCPC Z21 Review Committee, and the City intended to include them as a part of this application. However, the draft submitted did not include these procedures. The applicant confirmed they would like to include these procedures in the proposed ordinance. This will not remove the City Council from being the final decision maker on map amendments, but it will streamline the process for map amendments when there are no objections to the KCPC's recommendation.

5. Based on testimony provided during the public hearing held on August 5, 2021.

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: September 13, 2021

Second Reading: October 4, 2021

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2021-O-20

AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE'S CODE OF ORDINANCES RELATED TO BICYCLES AND MOTORIZED VEHICLES OPERATING ON THE SIDEWALKS

WHEREAS, The City of Independence is a growing community with a significant interconnected sidewalk system; and

WHEREAS, this Ordinance is being adopted to Amend Chapter 73 of the Code of Ordinances to provide a safer sidewalk environment for all users; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, KENTUCKY:

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

SECTION I

The City of Independence approves an amendment to the Code of Ordinances, Title V, Chapter 73:

§ 73.01 OPERATION OF BICYCLES.

(A) No person shall operate a bicycle on the sidewalks of the city, in an unsafe manner.

(B) No person shall operate a bicycle on any section of a public park, playground, play lot, or tot lot, except on a roadway or in a parking area.

(C) No operator of any bicycle shall carry another person on such bicycle.

Penalty, see § 73.99

§ 73.02 OPERATION OF MOTORCYCLES AND, MOTORSCOOTERS, AND OTHER MOTORIZED VEHICLES.

(A) No operator of any motorcycle, motor scooter, motorized vehicle, or power-driven bicycle shall carry another person except on a seat attached thereto or in a side car attached to the vehicle.

(B) No operator of a motorcycle, motor scooter, motorized vehicle, or power-driven bicycle shall operate such vehicle in any public park, except as set forth in § 94.01, or without the approval of the City of Independence for City purposes.

(C) No operator of a motorcycle, motorized vehicle, motor scooter, or power-driven bicycle shall operate such vehicle in any play lot or tot lot.

(D) No operator of a motorcycle, motorized vehicle, motor scooter, or power-driven bicycle shall operate such vehicle on any sidewalk. This restriction does not apply to toy vehicles or motorized wheelchairs, operating under 5 miles per hour and in a safe manner.

Penalty, see § 73.99

§ 73.03 SKATING AND COASTING.

Except on streets which may be declared from time to time as "play streets" by the city and protected by barriers or official signs, it shall be unlawful for any person on skates or riding on a coaster sled or toy vehicle of any kind, to go on any roadway except at a crosswalk.

Penalty, see § 73.99

§ 73.04 CLINGING TO VEHICLES.

(A) No person while riding on a bicycle, coaster sled, roller skates, or any toy vehicle shall cling to any moving vehicle on any street, or fasten or attach the vehicle on which he is riding thereto.

(B) No person shall ride on the projection, running board, or fenders of any vehicle.

Penalty, see § 73.99

§ 73.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than \$50.

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.

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Christopher J. Reinersman, Mayor

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