



COUNCIL MEETING AGENDA

November 11, 2024
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

K-9 RETIREMENT

K-9 SWEARING IN

APPROVAL OF COUNCIL MINUTES:

- Regular Meeting of October 7, 2024
- Special Meeting of October 23, 2024

OLD BUSINESS

- **ORDINANCE NO. 2024-O-12** – Text Amendment for Fences in Front Yards for 3+ acres – 2nd Reading
- **ORDINANCE NO. 2024-O-13** – Text Amendment for Medical Cannabis – 2nd Reading

NEW BUSINESS

- **RESOLUTION NO. 2024-R-16** – Proposed Text Amendment – Driveway Setbacks
- **RESOLUTION NO. 2024-R-17** – Proposed Text Amendment to Parking and Loading Standards
- **EXECUTIVE ORDER NO. 2024-EO-02** - Re-appointment of Tom Brinker to the TBNK

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

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: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2024-O-13

AN ORDINANCE TO ALLOW MEDICAL CANNABIS CULTIVATION, PROCESSING, PRODUCING, AND SAFETY COMPLIANCE FACILITIES AS PERMITTED USES WITHIN THE SI (SUBURBAN INDUSTRIAL) ZONE; (2) TO ALLOW MEDICAL CANNABIS DISPENSARIES AS A PERMITTED USE WITHIN THE RC (RURAL COMMERCIAL), NC (NEIGHBORHOOD COMMERCIAL), CC (COMMUNITY COMMERCIAL), AND SI (SUBURBAN INDUSTRIAL) ZONES; AND (3) ESTABLISHING USE SPECIFIC STANDARDS, REQUIRED OFF-STREET PARKING STANDARDS, REQUIRED SPACING BETWEEN MEDICAL CANNABIS FACILITIES, AND DEFINING MEDICAL CANNABIS USES AND RELATED TERMS

WHEREAS, the Kenton County Fiscal Court banned medical cannabis pursuant to KRS 218B.130, however KRS 218B.130(3)(a) allows a city to approve cannabis business operations within the limits of the city through the passage of an ordinance; and

WHEREAS, the Independence City Council voted to send the matter to the voters of Kenton County to make the determination of whether medical cannabis should be allowed in the City of Independence; and

WHEREAS it is the desire of the City of Independence to allow for medical cannabis operations in certain zones; 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 allow medical cannabis cultivation, processing, producing, and safety compliance facilities as permitted uses within the SI (Suburban Industrial) Zone; {2} to allow medical cannabis dispensaries as a permitted use within the RC (Rural Commercial), NC (Neighborhood Commercial), CC (Community Commercial), and SI (Suburban Industrial) zones; and {3} establishing use specific standards, required off-street parking standards, required spacing between medical cannabis facilities, and defining medical cannabis uses and related terms; 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 1, 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

Pursuant to KRS 218B.130(3)(a){2} the City of Independence enacted a resolution directing that the question of allowing cannabis businesses to operate within the limits of the city be submitted

to the voters who are eligible to vote in that city's elections at the next regular election pursuant to paragraph (b) of this subsection. The voters have voted to allow medical cannabis within the City of Independence limits. As such, the City of Independence wishes to modify the Independence Zoning Code, and those modifications are attached as Attachment "A", which is incorporated herein.

SUPPORTING INFORMATION/BASES FOR TEXT AMENDMENT

The proposed text amendments are appropriate and reasonable.

The state has instituted buffer requirements to provide appropriate distances from community institutions.

The use standards reflect the state legislation requirements.

The zones in which these uses would be permitted were selected based on similar permitted uses as were off-street parking requirements.

The included definitions refer to KRS 2188 so potential changes in state legislation will not require updates to the ordinance.

Allowing medical cannabis facilities as a permitted use within the selected zones will provide an atmosphere that could foster growth from existing businesses as well as attracting new businesses as well as creating new jobs.

Based on testimony provided during the public hearing held on August 1, 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: _____

Nays: _____

Publication Date: _____

RESOLUTION NO. 2024-R-16

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY SPONSORING A PROPOSED TEXT AMENDMENT TO ARTICLE 5, DIMENSIONAL REQUIREMENTS

WHEREAS, KRS 100.211(3) provides that a proposal for a text amendment may originate with the legislative body; and

WHEREAS, the City of Independence desired to have planning staff and ultimately KCPC have a hearing on modifying Section 5 Dimensional Requirements related to the setback of driveways, and;

WHEREAS, it is the intent of the legislative body to sponsor and direct PDS to study the proposed text for KCPC to conduct a public hearing on a proposed text amendment and make a recommendation concerning the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, THAT:

The City Administrator, as an agent of the City’s legislative body, may apply and propose the following to be studied and set for public hearing pursuant to KRS 200.211:

Proposed Text Amendments to Independence Zoning Ordinance
Words to be deleted are [lined through] – Words to be **added** are underlined

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.

Done this 11th day of November 2024 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

RESOLUTION NO. 2024-R-17

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY SPONSORING A PROPOSED TEXT AMENDMENT TO ARTICLE 10, PARKING & LOADING STANDARDS

WHEREAS, KRS 100.211(3) provides that a proposal for a text amendment may originate with the legislative body; and

WHEREAS, the City of Independence desired to have planning staff and ultimately KCPC have a hearing on modifying Section 10 Parking & Loading Standards and Section 14 Definitions to define PODS and to clarify the restrictions on all storage containers, and;

WHEREAS, it is the intent of the legislative body to sponsor and direct PDS to study the proposed text for KCPC to conduct a public hearing on a proposed text amendment and make a recommendation concerning the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, THAT:

The City Administrator, as an agent of the City's legislative body, may apply and propose the following to be studied and set for public hearing pursuant to KRS 200.211:

Proposed Text Amendments to Independence Zoning Ordinance
Words to be deleted are [lined through] – Words to be added are underlined

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.

4. Moving trailers, vans, 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.

ARTICLE 14 DEFINTIONS

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.

Done this 11th day of November 2024 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.

EXECUTIVE ORDER NO. 2024-EO-02

**AN EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF INDEPENDENCE
RE-APPOINTING COUNCIL MEMBER TOM BRINKER
TO THE
TELECOMMUNICATIONS BOARD OF NORTHERN KENTUCKY**

The City Council of the City of Independence, at a regular meeting on November 11, 2024, approved the Mayoral re-appointment of Council Member Tom Brinker to the Telecommunications Board of Northern Kentucky as established in the Interlocal Cooperation Agreement. Council Member Brinker will continue to serve during the term beginning on January 1, 2025 and ends on December 31, 2026.

Date Presented to Council: November 11, 2024

Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk