

ORDINANCE NO. 2291

**AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING THE TEXT OF THE ERLANGER ZONING ORDINANCE TO ADD THE TEXT FOR A NEW REC (RECREATIONAL) ZONE**

**WHEREAS**, the City of Erlanger has proposed text amendments to the Erlanger zoning ordinance numbered 1850, as previously amended and re-enacted from time to time, to add new text for a REC (Recreational) zone; and

**WHEREAS**, the proposed text amendment was reviewed by the Kenton County Planning Commission, on July 5, 2007, in proceedings numbered Z-07-06-03/1879R thereof, pursuant to the requirements of K.R.S. 100.211, and that commission recommended approval of the proposed text amendments:

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

**Section 1.0 – Zoning Text Amendments**

Sections 8.0, 10.29, 11.0C.1.d, 11.0C.2.a., 11.1D., 11.3F.1.b., 13.5A.1 and 14.14 and Table 1 Buffer Yards, of the Erlanger zoning ordinance numbered 1850, as previously amended and readopted from time to time, are hereby respectively amended to conform to the respective provisions thereof in Attachments A, C, D, E, F and B attached hereto and incorporated herein by reference, with the words and numbers being added indicated by a single solid line beneath them, and with the words and numbers being deleted indicated by a single line through them, as required by K.R.S. 83A.060(3).

**Section 2.0 – Provisions Severable**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance 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**Section 3.0 – Conflicting Ordinances Repealed**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 4.0 – Effective Date**

This ordinance shall be effective as soon as possible according to law

**Section 5.0 - Publication**

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

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**THOMAS L. ROUSE, MAYOR**

**ATTACHMENT A**

**ARTICLE VIII  
ESTABLISHMENT OF ZONES**

**SECTION 8.0 ZONES:** For the purpose and intent of this ordinance, the City of Erlanger, Commonwealth of Kentucky, is hereby divided into the following zones:

- CO CONSERVATION ZONE
- R-1B RESIDENTIAL ONE - B ZONE
- R-1C RESIDENTIAL ONE - C ZONE
- R-1D RESIDENTIAL ONE - D ZONE
- R-1E RESIDENTIAL ONE - E ZONE
- R-1F RESIDENTIAL ONE - F ZONE
- R-1G RESIDENTIAL ONE - G ZONE
- R-1M (P) RESIDENTIAL ONE - MOBILE HOME PARK (PHASE) ZONE
- R-2 RESIDENTIAL TWO ZONE
- R-3 RESIDENTIAL THREE ZONE
- PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE
- RCD RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE
- AP AREA PROTECTION OVERLAY ZONE
- PO PROFESSIONAL OFFICE BUILDING ZONE
- PO-1 PROFESSIONAL OFFICE - ONE ZONE
- NSC NEIGHBORHOOD SHOPPING CENTER ZONE
- SC SHOPPING CENTER ZONE
- NC NEIGHBORHOOD COMMERCIAL ZONE
- NC-2 NEIGHBORHOOD COMMERCIAL - TWO ZONE
- HC HIGHWAY COMMERCIAL ZONE
- HC-2 HIGHWAY COMMERCIAL TWO ZONE
- HC-3 HIGHWAY COMMERCIAL THREE ZONE
- INST INSTITUTIONAL ZONE
- LHS LIMITED HIGHWAY SERVICE ZONE
- IP-1 INDUSTRIAL PARK ONE ZONE
- IP-2 INDUSTRIAL PARK TWO ZONE
- IP-3 INDUSTRIAL PARK THREE ZONE
- IP-4 INDUSTRIAL PARK FOUR ZONE
- I-1 INDUSTRIAL ONE ZONE
- RP RENAISSANCE PROTECTION OVERLAY ZONE
- REC RECREATIONAL ZONE

**ATTACHMENT B**

**TABLE 1**

**BUFFER YARDS**

DEVELOPING USE ZONE	ADJOINING ZONES	BUFFER YARD REQUIRED*
I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	A
I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	PO, PO-1, NSC, SC, NC, NC-2, HC, HC-2, HC-3, INST, LHS	B
I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	R-2, R-3, R-1M	C
I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	All other residential and conservation zones	D
PO, PO-1	I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	B
PO, PO-1	PO, PO-1	A
PO, PO-1	NSC, SC, NC, NC-2, HC, HC-2, HC-3, INST, LHS	A
PO, PO-1	R-2, R-3, R-1M	B
PO, PO-1	All other residential and conservation zones	C
PO, PO-1 (if larger than 50,000 square feet)	All other residential and conservation zones	D
NSC, SC, NC, NC-2, HC HC-2, HC-3, INST, LHS	I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	B
NSC, SC, NC, NC-2, HC HC-2, HC-3, INST, LHS	PO, PO-1	A

**TABLE 1 (continued)****BUFFER YARDS**

DEVELOPING USE ZONE	ADJOINING ZONES	BUFFER YARD REQUIRED*
NSC, SC, NC, NC-2, HC HC-2, HC-3, INST, LHS	NSC, SC, NC, NC-2, HC, HC-2, HC-3, INST, LHS	A
NSC, SC, NC, NC-2, HC HC-2, HC-3, INST, LHS	R-2, R-3, R-1M	B
NSC, SC, NC, NC-2, HC HC-2, HC-3, INST, LHS	All other residential and conservation zones	C
NSC, SC, NC, NC-2, HC HC-2, HC-3, INST, LHS (if larger than 50,000 square feet)	All other residential and conservation zones	D
R-2, R-3, R-1M	I-1, IP-1, IP-2, IP-3, IP-4, <u>REC</u>	C
R-2, R-3, R-1M	PO, PO-1	B
R-2, R-3, R-1M	NSC, SC, NC, NC-2 HC, HC-2, HC-3, INST, LHS	B
R-2, R-3, R-1M	NSC, SC, NC, NC-2 HC, HC-2, HC-3, INST, LHS (if larger than 50,000 square feet)	C
R-2, R-3, R-1M	R-2, R-3, R-1M	A
R-2, R-3, R-1M	All other residential and conservation zones	B
R-2, R-3, R-1M (if more than 80 units or 25 mobile home lots)	All other residential and conservation zones	C

\*Refer to Table 2

No buffer yard is required for developments within single-family residential or conservation zones. Buffer yards within the AP, RCD and PUD Overlay Zones, shall be as approved in the plan

## ATTACHMENT C

### SECTION 10.29 REC (RECREATIONAL) ZONE

#### A. PERMITTED USES

1. Private recreational uses, other than those publicly owned and/or operated:
  - a. Indoor and outdoor pools
  - b. Country clubs
  - c. Indoor skating rinks
  - d. Amphitheaters, indoor motion picture theaters and playhouses
  - e. Auditoriums, exhibition halls and meeting rooms
  - f. Indoor and outdoor sports and athletic facilities
  - g. Hiking trails and other passive recreational uses
  - h. Studios for professional work or teaching of any form of the arts, photography, music, drama, dance, cooking, karate, computer use, yoga and other similar uses
  - i. Playgrounds and/or tot lots
  - j. Health spas
2. Publicly owned and/or operated parks and/or recreation areas
3. Museums
4. Libraries

#### B. ACCESSORY USES

1. Customary accessory buildings and uses, such as:
  - a. Concession/Restaurant facilities
  - b. Day Care/Nursery School facilities
  - c. Game rooms
2. Fences and walls, as regulated by Article XIII of this ordinance
3. Signs, as regulated by Article XIV of this ordinance

#### C. AREA AND HEIGHT REGULATIONS

1. Minimum lot area – One (1) acre
2. Minimum lot width – One hundred fifty (150) feet
3. Minimum front yard depth – Fifty (50) feet
4. Minimum side yard width – Twenty-five (25) feet
5. Minimum rear yard depth – Fifty (50) feet
6. Maximum building height – Fifty (50) feet
7. In case of this zone, more than one (1) principal building, as defined herein, may be constructed on one (1) lot

#### D. OTHER DEVELOPMENT CONTROLS

1. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any permitted use in this zone
2. Any activity that may be located in the floodplain of any water course shall be in accordance with the requirements of Section 9.24
3. Off-street parking shall be provided for any use within this zone, according to the provisions of Article XI
4. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers
5. No motor vehicle, which is inoperative, or mobile home or trailer shall be stored or used for storage in this zone
6. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone

7. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone
8. Where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, then ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance, except if the permitted use and/or building abuts a publicly owned and/or operated parking and/or recreation area

## ATTACHMENT D

### ARTICLE XI OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS

#### SECTION 11.0 GENERAL REQUIREMENTS

##### C. LOCATION OF OFF-STREET PARKING FACILITIES

1. Off-street parking facilities shall be located as follows:
  - d. Commercial, Institutional, Industrial and Recreation Zones – Except as herein provided, off-street parking may be permitted in minimum required front, side and rear yards of these zones, provided that all off-street parking shall be set back a minimum of five (5) feet from any street right-of-way lines.
2. All off-street parking facilities shall be located on the same lot as the building served, except for the following:
  - a. Permitted uses locating within multi-family, industrial, commercial and recreational zones may supply off-street parking on contiguous lots upon approval of the zoning administrator, provided the off-street parking is in compliance with Section 11.0, E. In addition, said off street parking shall be located in the same zone as the use being served.

#### SECTION 11.1 DESIGN LAYOUT OF OFF-STREET PARKING AREAS

- D. OFF-STREET PARKING AREAS IN MULTI-FAMILY, COMMERCIAL, INDUSTRIAL AND RECREATION ZONES: All such parking areas shall have a protective wall and/or bumper blocks around the perimeter of said parking area and shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. All parking shall be effectively screened on each side adjoining or fronting on any property situated in a zone permitting single-family residential development, by a solid wall, fence, or densely planted compact hedge, as regulated by Section 9.17 of this ordinance. Except for parking in a Recreation Zone, which adjoins or fronts on any property being used as a publicly owned and/or operated park and/or recreation area. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

## SECTION 11.3 ACCESS CONTROL REGULATIONS

### F. LOCATION OF UNSIGNALIZED ACCESS POINTS

#### 1. Arterial Streets

b. One (1) access point per existing tract will be permitted. However, if the spacing requirements for a direct access point onto an arterial street (as provided in F., 1., a., above) cannot be met, then an access point may be located on a frontage road, or on an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersecting local street or frontage road to function properly, access onto them should be controlled as follows:

(2) In areas zoned to permit commercial, industrial, multi-family and recreation, access points from adjacent properties onto frontage roads, shall be no less than one hundred (100) feet, measured from point of curb return to point of curb return, from intersections of the frontage road with local or collector streets.

## ATTACHMENT E

### ARTICLE XIII FENCES, WALLS, AND OBSTRUCTION TO VIEW REGULATIONS

**SECTION 13.5 COMMERCIAL, INSTITUTIONAL, INDUSTRIAL AND RECREATION ZONES:** Fences and/or walls within all commercial, institutional, industrial and recreation zones, including those permitted withal conditionally permitted uses in this zone shall conform to the following requirements:

- A. Except as provided for in Section 13.0, fences of class 1, 2, 3, 4, 5 or 6 may be erected in side and rear yards of commercial, institutional and recreation zones, up to a maximum height of seventy-two (72) inches. In the case of corner lots, as governed by Section 13.0, fences of class 2 or 3 only, my be erected up to a maximum of seventy-two (72) inches.
  1. No fence shall be permitted within the minimum front yard, except those fences required by Section 9.18 of this ordinance.

**ATTACHMENT F**

**ARTICLE XIV SIGN REGULATIONS**

**SECTION 14.14 PERMITTED USE AND LOCATION OF SIGNS**

ZONES	USES	PERMITTED SIGN CLASSES
<u>REC</u>	(1) Any use permitted in this zone	1, 2 and 4
	(2) <u>In addition to sign classes permitted in (1):</u>	
	(a) <u>Off-street parking areas</u>	3
	(b) <u>All other uses permitted in this zone</u>	5 and 8* or 6 and 8*