

ORDINANCE NO. 2358

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING THE TEXT OF THE ERLANGER ZONING ORDINANCE NUMBERED 1850 IN REGARD TO FRONT YARD RESIDENTIAL FENCES; AND ALSO AMENDING THE TEXT THEREOF IN REGARD TO AUTO REPAIR SHOPS IN THE NEIGHBORHOOD COMMERCIAL 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 some fences as conditional uses in single family residential zones; and also to add some auto repair shops as a conditional use in the NC (Neighborhood Commercial) zone; and

WHEREAS, pursuant to the requirements of K.R.S. 100.211, the proposed text amendments were submitted to and reviewed by the Kenton County Planning Commission (KCPC) in proceedings numbered Z-11-07-03/2048R thereof; and, after a public hearing on August 4, 2011 the KCPC recommended approval of the proposed amendments, with some conditions;

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

Section 1.0 – Zoning Text Amendments

1.1 Subsection C of sections 10.2, 10.3, 10.4, 10.5, 10.6 and 10.7 of Article X of the Erlanger zoning ordinance numbered 1850, identifies conditional uses that may be allowed in those zones by the board of adjustments; and it is hereby amended to add the following new conditional use as subsection numbered 13, with the words and numbers being added indicated by a single solid line beneath them, as required by K.R.S. 83A.060(3):

“13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5”

1.2 Subsection A of section 13.4 Article XIII of the Erlanger zoning ordinance numbered 1850, identifies the requirements for fences and walls within all residential zones; and it is hereby amended to add the following new requirement as subsection numbered 5, with the words and numbers being added indicated by a single solid line beneath them, as required by K.R.S. 83A.060(3):

“5 For all permitted uses in all single family residential zones herein, Class 2, 3, or 4 fences may be conditionally permitted within the front yard on corner lots according to the following requirements:

- a. Shall not exceed four (4) feet in height.
- b. Shall not be located closer to the front property line than half the minimum front yard setback distance.
- c. Shall comply with Section 13.0 for vision clearance at corners.
- d. Shall only be located on the side street of the residence.”

1.3 10.16 of Article X of the Erlanger zoning ordinance numbered 1850, identifies the uses allowed in NC (Neighborhood Commercial) zone; and it is hereby amended to add the following new subsection C that identifies a conditional use that may be allowed therein by the board of adjustments, with the words and numbers being added indicated by a single solid line beneath them, as required by K.R.S. 83A.060(3):

“C. Conditional Uses: The following uses or any accessory buildings or uses, subject to the approval of the board of adjustments, as set forth in Sections 9.14 and 18.0 of this ordinance:

1. Auto repair shops, provided that:
 - a. All repair, except that of a minor nature –e.g., change of fan belt, minor carburetor adjustment, tire removal, etc – is conducted wholly within a completely enclosed building.
 - b. It is located adjacent to an arterial street, as indentified in the adopted Comprehensive Plan.
 - c. It has a minimum of 125 feet of frontage on each of two(2) public streets.”

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).

THOMAS L. ROUSE, Mayor