

ORDINANCE NO. 2334

**AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING THE ERLANGER ZONING ORDINANCE TO CHANGE AN APPROXIMATE 10.8 ACRE AREA LOCATED AT THE TERMINUS OF VIOX DRIVE, IN THE CITY OF ERLANGER FROM HC-3 (A HIGHWAY COMMERCIAL ZONE) TO HC-2 (ANOTHER HIGHWAY COMMERCIAL ZONE)**

**WHEREAS**, the City of Erlanger has proposed a map amendment to the Erlanger Zoning Ordinance to change an approximate 10.8 acre area located at the terminus of Viox Drive, in the City of Erlanger from HC-3 (a highway commercial zone) to HC-2 (another highway commercial zone); and

**WHEREAS**, pursuant to the requirements of K.R.S. 100.211, the proposed map amendment was submitted to and reviewed by the Kenton County Planning Commission (KCPC) in their proceedings numbered Z-09-05-01/1968R; and

**WHEREAS**, after a public hearing in those proceedings on June 4, 2009, the KCPC voted to recommend disapproval of the proposed map amendment to the Erlanger City Council on the basis of their findings that the existing zoning of the 10.8 acre parcel is appropriate and the proposed zoning is inappropriate

**WHEREAS**, the Erlanger City Council has reviewed the record of the KCPC proceedings numbered Z-09-05-01/1968R; and, from the evidence included therein, has concluded that the existing zoning of the 10.8 acre parcel is inappropriate and the proposed zoning is appropriate;

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

**Section 1.0 — Zoning Map Amendment**

The zoning map of the Erlanger zoning ordinance numbered 1850, as previously amended and re-enacted from time to time, is hereby again amended to change the zoning map thereof, by re-classifying thereon from HC-3 to HC-2 an approximate 10.8 acre area that is located at the terminus of Viox Drive in the City; but with the development thereof and the construction of improvements thereon limited to those identified in a Development Plan to which the City and the owners of the 10.8 acre parcel agree.

**Section 2.0 — Provisions Severable**

The provisions of this ordinance are not severable; and the invalidity of any provision of this ordinance shall affect the validity of all other provisions thereof; so that if any provision of this ordinance is determined to be invalid, all of the remaining provisions shall also be invalid; and this ordinance shall then be null and void.

**Section 3.0 — Conflicting Ordinances Repealed**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**