

**CITY OF ELSMERE, KENTUCKY
ORDINANCE 1806-2021**

AN ORDINANCE OF THE CITY OF ELSMERE, KENTUCKY IN KENTON COUNTY, KENTUCKY REPEALING AND REPLACING THE OFFICIAL ZONING CODE AS ADOPTED BY ORDINANCE NO. 1768-2019 AS AMENDED AND ADOPTING A NEW ZONING CODE AND ZONING MAP AS THE OFFICIAL ZONING CODE AND ZONING MAP OF THE CITY OF ELSMERE, KENTUCKY

BE IT ORDAINED BY THE CITY OF ELSMERE, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

WHEREAS, the Kenton County Planning Commission initiated an audit of the zoning codes in Kenton County to determine the usefulness of the zoning codes in light of nearly forty years of amendments, variances granted, court rulings, and technological advancements; and,

WHEREAS, it was determined that new zoning codes would better serve the communities in Kenton County and a draft blueprint code was created and a review process called *Zoning of the 21st Century* or *Z-21* was initiated; and,

WHEREAS, the City of Elsmere participated in the *Z-21* process for two years molding the blueprint code into a code that best serves the City of Elsmere, its residents, and businesses; and,

WHEREAS, the City Council of Elsmere authorized an application to the Kenton County Planning Commission to review and make recommendations on the proposed new zoning code and zoning map; and,

WHEREAS, a public hearing was held on the application by the Kenton County Planning Commission on May 6, 2021, with the Kenton County Planning Commission having given its recommendation for approval with Findings of Fact; and,

WHEREAS, the City Council for the City of Elsmere, having reviewed the record compiled by the planning commission and City Council, being in agreement with the recommendations of the planning commission, hereby adopts that body's factual findings in support of the new zoning code and zoning map; and,

WHEREAS, the proposed zoning map amendment promotes the public health and welfare of the City of Elsmere in that it is consistent with the goals and objectives of *Direction 2030, Your Voice, Your Choice* initiative spearheaded by PDS.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE CITY OF ELSMERE, KENTON COUNTY, KENTUCKY:**

Section I

That the City of Elsmere, Kentucky Official Zoning Code, as adopted by Ordinance (1768-2019) and amended is hereby repealed and a new Official Zoning Code and Zoning Map attached hereto and incorporated by reference as exhibits (A and B) are adopted consistent with the findings and recommendations, and additional information, of the Kenton County Planning Commission, Number (PC2107-0003), which are attached hereto and incorporated by reference as exhibit C. Exhibits A & B shall be otherwise known as the Official Zoning Code of the City of Elsmere. Said

Zoning Code may be amended from time to time, pursuant to the provisions of Chapter 100 of the Kentucky Revised Statutes.

Section II

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 III


This ordinance shall take effect, and be in full force when passed, published, and recorded according to law.

Passed by the City Council this 12th day of October, 2021.

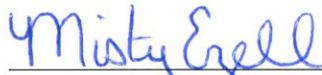
City of Elsmere, Kentucky

A Municipal Corporation of the Home Rule Class

ATTEST:



Marty Lenthof, Mayor



Misty Ezell, City Clerk

Sponsor:

First Reading: September 21, 2021

Second Reading: October 12, 2021

Ayes: 4

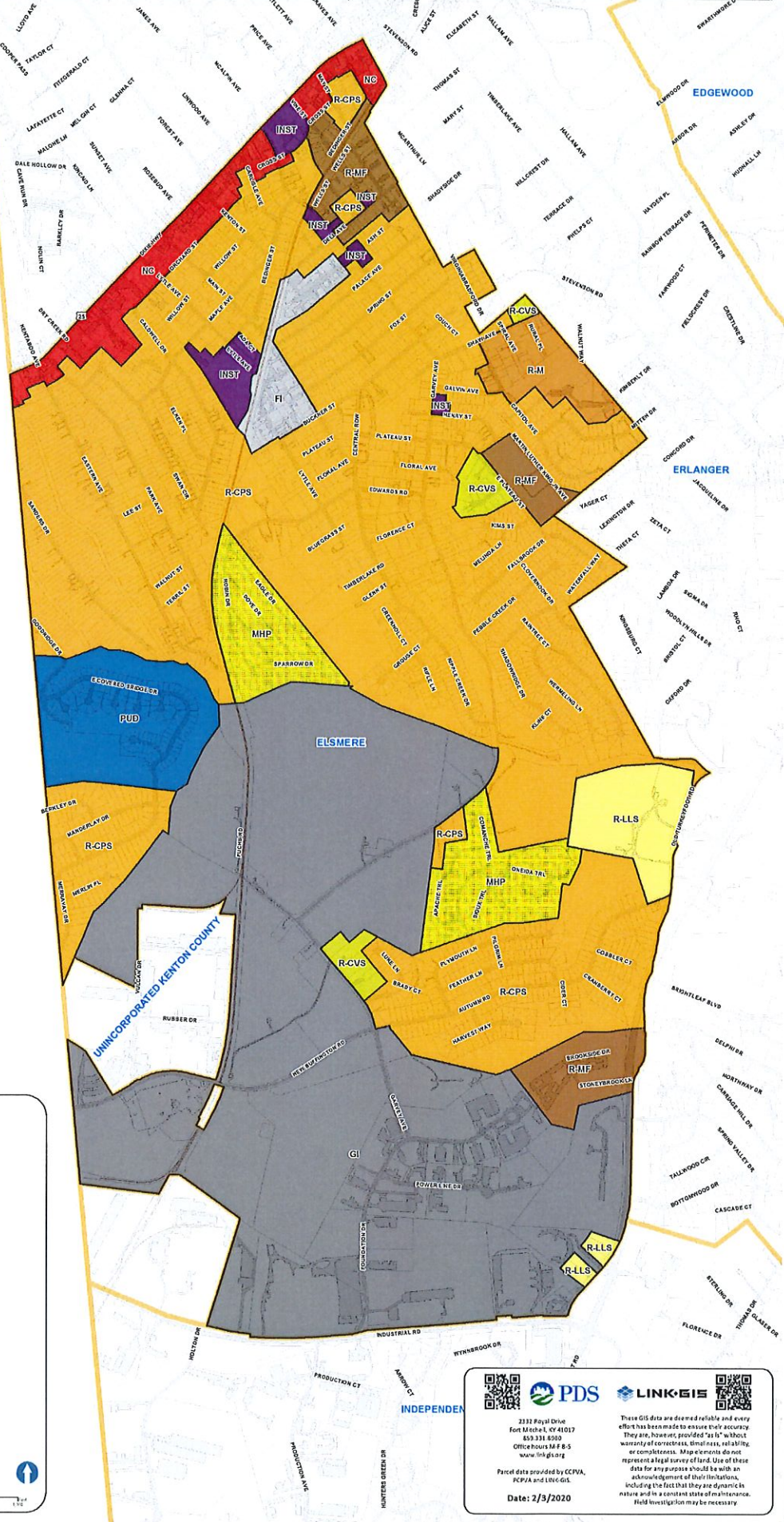
Nays: 0

Abstentions: 0

Absent: Nancy Bowman & Lisa Mitchell

Published: _____, 2021

Elsmere DRAFT Z21 Zoning



Zone	
CO	
PUD	
R-RE	
R-LLS	
R-CVS	
R-CPS	
R-U	
R-M	
R-MF	
MHP	
FI	
RI	
GI	
RD	
MU	
DG	
DC	
NC	
CC	
HC	
BP	
ROC	
INST	
IRO Overlay	
HPO Overlay	

Building	
Pool	
Tank	
Concrete Pad	
Boundaries	
Parcel	
Zoning	
Roads	
Paved Road	
Unpaved Road	
Bridges	
Paved Parking	
Unpaved Parking	
Railroad	

2332 Royal Drive
 Fort Mitchell, KY 41017
 603.331.8200
 Office Hours M-F 8-5
www.linkgis.org

Parcel data provided by CCVPA,
 PCFPA and LUG GIS.

Date: 2/3/2020

These GIS data are deemed reliable and every effort has been made to ensure their accuracy. They are, however, provided "as is" without warranty of correctness, timeliness, reliability, or completeness. Map elements do not represent a legal survey of land. Use of these data for any purpose should be with an acknowledgment of their limitations, including the fact that they are dynamic in nature and in a constant state of maintenance. Field investigation may be necessary.



Kenton County Planning Commission

MANY COMMUNITIES / ONE FUTURE

August 9, 2021

Matt Dowling – City Administrator
City of Elsmere
318 Garvey Ave
Elsmere, KY 41018

Dear Mr. Dowling,

NUMBER: PC2107-0003

Attached please find a copy of this Commission's action from its meeting on August 5, 2021 regarding a request for a text amendment. Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Andy Videkovich, Current Planning Manager, of the meeting time and date when this item is placed on your agenda. Once your legislative body acts on this text amendment, please provide our staff at PDS with a copy of your executed ordinance. For questions regarding our action or to request PDS staff representation at your meeting, please contact Andy Videkovich, AICP, Current Planning Manager at PDS 859.331.8980 or avidekovich@pdskc.org.

Thank you.

A handwritten signature in blue ink, appearing to read "Paul J. Darpel". The signature is stylized and fluid.

Paul J. Darpel,
Chair

pb

attachment

1840 Simon Kenton Way, Ste. 3400 Covington, KY 41011-2999

P: 859.331.8980 info@kcpcky.org

**KENTON COUNTY PLANNING COMMISSION
STATEMENT OF ACTION AND RECOMMENDATION**

NUMBER: PC2107-0003

WHEREAS

The City of Elsmere per Matt Dowling, City Administrator, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A new zoning ordinance, which includes new text and a new official zoning map for the City of Elsmere; AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, AUGUST 5, 2021, AT 6:15 P.M. VIA VIDEO TELECONFERENCE; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY.

NOW, THEREFORE,

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

KCPC RECOMMENDATION – NEW ELSMERE ZONING ORDINANCE TEXT AND MAP:

Favorable recommendation on the new zoning ordinance, which includes new text and a new official zoning map for the City of Elsmere.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 5, 2019.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. The new Elsmere 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 Elsmere zoning ordinance text and map is generally consistent with the goals, objectives, and recommendations of *Direction 2030*.
3. The new Elsmere zoning ordinance text and map is generally consistent with the Recommended Land Use map of *Direction 2030*.
4. Based on testimony provided during the public hearing held on August 5, 2021.



PAUL J. DARPEL, CHAIR
KENTON COUNTY PLANNING COMMISSION