

ORDINANCE 807-2016

AN ORDINANCE OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE 692-2006, ARTICLE 10, (REGULATIONS FOR ZONING BOUNDRIES), SECTION 10.8 (NEIGHBORHOOD COMMERCIAL) ZONE.

WHEREAS, On the _____ day of _____, 2016, the Grant county Joint Planning Commission did hold a public hearing on an application from the City of Dry Ridge, Kentucky, requesting a text amendment to the City of Dry Ridge Official Zoning Ordinance 692-2006, Article 10 (Regulations for Zoning Boundaries), Section 10.8 (Neighborhood Commercial) Zone; and,

WHEREAS, Upon the foregoing application, the Grant County Joint Planning Commission did make written findings and conclusions in support of the requested text amendment together with written recommendations addressed to and received by the City Council of the City of Dry Ridge, Grant County, Kentucky, that the text amendment be granted, approved, and duly so ordained by the City of Dry Ridge, Kentucky, outlined in the findings and recommendations at the public hearing of the Grant County Joint Planning Commission; and,

WHEREAS, The City Council of The City of Dry Ridge, Kentucky, did so concur in the findings, conclusions, and recommendations of the Commission concerning the change in the text amendment, by majority vote of the entire legislative body.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY:

SECTION I

As the Legislative Body of The City of Dry Ridge, Kentucky, the Dry Ridge City Council hereby adopts the findings of facts and conclusions of law review of the evidence and record of the Grant County Joint Planning Commission and adopts its hearings as its own:

- A. That on the _____ day of _____, 2016, the Grant county Joint Planning Commission did hold a public hearing on an application from the City of Dry Ridge, Kentucky, requesting a text amendment to the City of Dry Ridge Official Zoning Ordinance 692-2006, Article 10 (Regulations for Zoning Boundaries), Section 10.8 (Neighborhood Commercial) Zone; and,
- B. Upon the following application, the Grant County Joint Planning Commission did make written findings and conclusions in support of the requested text amendment together with findings and conclusions in support of the requested text amendment together with recommendations to and received by the City Council of the City of Dry Ridge, Grant County, Kentucky, that the text amendment be granted and approve; and,
- C. That the City Council of Dry Ridge, Kentucky, after hearing and reviewing evidence provided thereto so occurred in the findings, conclusions, recommendations, and conditions of the Commission concerning the change in the text amendment.

SECTION II

Ordinance 692-2006 and those amendments thereto and Article 10 (Regulations for Zoning Boundaries), Section 10.8 (Neighborhood Commercial) Zone is hereby amended with the words and numbers being added indicated by being double-underlined and deletions by being struck through as required by K.R.S. 83A.060(3) and the changes shall be incorporated into the Dry Ridge Code of Ordinances and the text of Ordinance 692-2006 as follows:

SECTION 10.8 NC (NEIGHBORHOOD-COMMERCIAL) ZONE:

PURPOSE: The Neighborhood Commercial Zone is established to provide locations for businesses oriented primarily toward a residential neighborhood type setting and for those businesses, which due to their nature are best suited to locations along or near residential streets.

- A. **PERMITTED USES:** including, but not limited to items listed here. The Zoning Administrator shall have the authority to use this list as an interpretive guide for the purpose of determining if a proposed use is permissible
- Retail sales
 - 1. Apparel shop
 - 2. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - 3. Book, stationary or gift shop including printing
 - 4. Candy store, soda fountain, ice cream store, excluding drive-ins
 - 5. Delicatessen
 - 6. Drug store
 - 7. Florist shop
 - 8. Furniture store
 - 9. Garden supplies
 - 10. Haberdashery
 - 11. Hardware store
 - 12. Hobby shop
 - 13. Household and electrical appliance store, including incidental repair
 - 14. Jewelry store, including repair
 - 15. Leather goods and luggage store
 - 16. Music, musical instruments and records, including incidental repair
 - 17. Paint and wallpaper store
 - 18. Pet shop, excluding boarding and outside runs
 - 19. Radio and television store (including repair)
 - 20. Shoe store and shoe repair
 - 21. Sporting goods
 - 22. Toy store
 - 23. Variety store, including notions and "Five and Ten" stores
 - 24. Seasonal, occasional, periodic, or infrequent vending of merchandise, providing of services, or engaging in activities requisite such as or in the nature of, but not limited to, e.g., sale of Christmas trees and holiday decorations; sale of holiday citrus, nuts and candies; sale of garden produce; sale of gardening and landscaping products and materials;

sale of firewood, tinder and coal; sale of fireworks; sale of Halloween costumes, supplies and paraphernalia; sale of holiday/commemorative flowers, tubers, plantings and decorations; walnut and hull collection; paper drive and recycling collection; bailing center; crushing center; ginning center; census taking or center; conducting or holding a Chautauqua, Punch-and-Judy, cotillion, symposium, festival, fete, congress, conclave or powwow; or being engaged in the activity of, or providing services as, or of the character of, or of an abbot, docent, dresser, scribe, second, mimzy, crier, interlocutor, tinker, huckster, minstrel, troubadour, oracle, sage, seer, sphinx, mime, fakir, palmist, paladin, soothsayer, swami, mahout, mannequin, harlequin, factotum, harker, barker, reader, hailer or wavier.

25. Carry-Out Convenient Stores

26. Packaged Liquor, wine and malt beverage store to include drive-through and/or drive-up window

27. Gas and service stations, providing all repair is conducted within an enclosed structure

28. Grocery stores, food stores and supermarkets

29. Sales, service, and rental of automobile, motorcycle, truck, ATV, RV, heavy equipment, lawn equipment, boat and other marine equipment, new or used

○ Service

1. Banks and other financial institutions, including savings, loan and finance companies with drive-in windows
2. Barber and beauty shops
3. Interior decorating studio
4. Locksmith shop
5. Opticians and optical goods
6. Dry cleaners and laundries
7. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
8. Tailor shop
9. Child Day Care Center
10. Offices for professional services
11. The tattoo and/or tattooing, all had, done, or made by the provider in accordance with the provisions of KRS 211.760.
12. Automobile, truck and heavy equipment service, repair and washing, providing all repairs are conducted within an enclosed structure

○ Restaurants and Entertainment

1. Eating and drinking places, excluding drive-ins
2. Hotels & motels, tourist centers
3. Skating rinks, golf driving ranges, miniature and par-3 golf courses
4. Movie house, including drive in theaters
5. Bowling alleys

B. ACCESSORY USES:

1. Customary accessory uses
2. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
3. Signs, as regulated by Article 14; Signs, of this ordinance
4. Swimming pools, indoor and outdoor, in connection with motel or hotel

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.15; Conditional Uses, and 20.5; Conditional Use Permits, of this ordinance:

1. Service stations (including auto repairing, providing all repair except that of a minor nature -- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc.—is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan
2. Any use which the Board of Adjustment finds to be complementary and adaptable to the NC zone, which would provide services to the residents of the neighborhood; Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street.
3. Bars and taverns

D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - Ten thousand (10,000) square feet
2. Minimum Lot Width at Building Setback Line - Seventy (70) feet
3. Minimum Front Yard Depth - Fifty (50) feet
4. Minimum Side Yard Width - No restrictions, except when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum Rear Yard Depth - Fifteen (15) feet
6. Maximum Building Height - Thirty-five (35) feet

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles 11; Off Street Parking, and 12; Off Street Loading, of this ordinance
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed ordinance
3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of forty (40) feet for each side and/or rear yard, which abuts, said zone shall be provided, fifteen (15) feet of which shall be maintained by a screening area, as regulated by Section 9.17; Screening Area, of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone
6. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas
8. A site plan, as regulated by Section 9.19; Site Plans, of this ordinance, shall be required for any use permitted in this zone
9. The Board of Adjustment may grant variances to the setbacks provided in C. 2-6, as provided for in Section 20.4; Dimensional Variances

SECTION III

This text amendment is subject to terms and conditions established by the Grant County Joint Planning Commission in its approval of the subject application in recommending the text amendment to the City of Dry Ridge, Kentucky.

SECTION IV

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 V

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

SECTION VI

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

SECTION VII

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

First Reading: _____

Second Reading: _____

Publication: _____

James Wells, Mayor
City of Dry Ridge, Kentucky

ATTEST:

Amy Kenner, City Clerk/ Treasurer