

ORDINANCE 808-2016

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 10.9 (HIGHWAY 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 10.9 (Highway 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 10.9 (Highway Commercial);
- 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 10.9 (Highway 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 10.9 HC (HIGHWAY-COMMERCIAL) ZONE:

PURPOSE: The Highway Commercial Zone is established to provide locations for businesses oriented primarily toward serving the motoring public and for those businesses which due to their nature are best suited to locations along major streets or highways.

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. General retail, clothes, shoes, books, gifts, variety stores
2. Sales, service, and rental of automobile, motorcycle, truck, ATV, RV, heavy equipment, lawn equipment, boat and other marine equipment, new or used
3. Gas and service stations, providing all repair is conducted within an enclosed structure
4. Sporting equipment sales, including bait shops
5. Lumber and hardware
6. Sales of machinery and parts
7. Carry-out Convenience Stores
8. Grocery stores, food stores and supermarkets
9. Manufactured home and trailer sales, rental and service (new and used)
10. Eclectic merchandize vending/ eclectic merchandizer
11. Packaged Liquor, wine and malt beverage store to include drive-through and/or drive-up window

○ Services

1. Automobile, truck and heavy equipment service, repair and washing, providing all repair is conducted within an enclosed structure
2. General offices and office buildings
3. Warehousing and general distribution
4. Police & Fire Stations
5. Dry cleaners and laundries
6. Banks and other financial institutions including savings, loan, and finance companies, with or without drive-in windows
7. Beauty shops and Barber shops
8. Veterinarian offices with outside runs
9. Day care and kindergarten
10. Fitness center
11. The tattoo and/or tattooing, all had, done, or made by the provider in accordance with the provisions of KRS 211.760.

12. 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.

○ Restaurants, Lodging and Entertainment

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

B. ACCESSORY USES:

1. Customary accessory buildings and related uses both for permitted and conditioned uses
2. Off site parking, parking garages
3. Fences and walls, as regulated by Article 13; Fences and Walls, of this ordinance
4. Signs, as regulated by Article; Signs, of this ordinance
5. Swimming pools, indoor and outdoor, in connection with motel or hotels.

C. CONDITIONAL USES: The following 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. Manufactured homes (in conformance with Article 15) or dwellings when used in conjunction with business
2. Bulk storage - no dispensing of bottle gas and petroleum products
3. Bars and taverns
4. Churches and other buildings for the purpose of religious worship
5. Any other use adaptable to HC zone

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 - Twenty thousand (20,000) square feet
2. Minimum Lot Width at Building Setback Line - One hundred (100) feet
3. Minimum Front Yard Depth - Thirty-five (35) feet

4. Minimum Side Yard Width on Each Side of Lot - A minimum side yard of fifteen (15) feet is required for all highway commercial uses as measured from the property line to the nearest building or structure
5. Minimum Rear Yard Depth - A minimum rear yard of fifteen (15) feet shall be required for all structures in the B-1 Highway Commercial zone as measured from the rear property line to the nearest building or structures
6. Maximum Building Height – Six (6) stories
7. In the case of this zone, more than one principal building, as herein defined, may be constructed on one lot

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 containers
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of ninety (90) 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. A site plan, as regulated by Section 9.19; Site Plans, of this ordinance shall be required for any use 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. The Board of Adjustment may grant variances to the setbacks provided in D. 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