

ORDINANCE O-20-2019

AN ORDINANCE AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF FORT THOMAS, KENTUCKY TO ADD “RESIDENTIAL USES (AS REGULATED HEREIN)” AS PERMITTED IN A GENERAL COMMERCIAL ZONING DISTRICT UNDER ARTICLE X, “ZONE REGULATIONS”, SECTION 10.12 “GENERAL COMMERCIAL ZONE”, GC SUBSECTION (A), “USES PERMITTED” AND TO INCLUDE “RESIDENTIAL USES SHALL BE RESTRICTED TO FLOORS OTHER THAN THE GROUND FLOOR. RESIDENTIAL FLOOR SPACE SHALL NOT EXCEED A RATIO OF 2:1 OF THE OTHER PERMITTED USE(S) IN THE STRUCTURE”, TO ARTICLE X, “ZONE REGULATIONS”, SECTION 10.12 “GENERAL COMMERCIAL ZONE” GC, SECTION (E), “OTHER DEVELOPMENTAL CONTROLS”.

WHEREAS, the Fort Thomas Planning Commission initiated a request to amend the text of the Official Zoning Ordinance of the City of Fort Thomas, Kentucky, under Article X, Section 10.12 (A); and

WHEREAS, said text amendment will add “*residential uses (as regulated herein)*” as a permitted use within General Commercial zoning districts; and

WHEREAS, the Fort Thomas Planning Commission initiated a request to amend the text of the Official Zoning Ordinance of the City of Fort Thomas, Kentucky, under Article X, Section 10.12 (E); and

WHEREAS, said text amendment will a) limit residential uses to floors other than the ground floor and b) prevent residential floor space from exceeding a ratio of 2:1 of the other permitted use(s) in the structure; and

WHEREAS, the Fort Thomas Planning Commission held a public hearing on said text amendment which was properly advertised and held on Wednesday, December 11, 2019; and

WHEREAS, the Fort Thomas Planning Commission has received and reviewed all exhibits presented including the proposed text amendment to permitted uses contained in Article X, Section 10.12 (A) of the Official Zoning Ordinance; and

WHEREAS, the Fort Thomas Planning Commission hereby makes the following finding:

The proposed “Residential Uses (as regulated herein)” fits the guidelines for permitted uses in the General Commercial Zone. This includes developmental controls stating “Residential uses shall be restricted to floors other than the ground floor. Residential floor space shall not exceed a ration of 2:1 of the other permitted use(s) in the structure.”

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY:

SECTION I

That the City of Fort Thomas Official Zoning Ordinance, known as Ordinance O-4-02, and adopted on May 21, 2007, is hereby amended by adding the following underlined words or phrases:

SECTION 10.12 GENERAL COMMERCIAL ZONE (GC)

A. USES PERMITTED:

The following retail sales services businesses:

1. Advertising agencies;
2. Antique shop;
3. Apparel shop
4. Art supplies, framing, galleries;
5. Automobile, motorcycle and truck sales, new and used;
6. Automotive parts and accessory store, new;
7. Automotive service and repair, providing all business activities are conducted within a completely enclosed building;
8. Automotive and truck rentals;
9. Bakery and bakery goods store providing the products are sold primarily on the premises;
10. Banks and other financial institutions, including savings, loan, and finance companies with drive-in windows;
11. Barber shop;
12. Beauty shop;
13. Billiard or pool hall;
14. Boat and marina sales and service, new and used;
15. Book, stationery or gift shop;
16. Bowling alley;
17. Business and professional colleges;
18. Camera and photographic supplies;
19. Candy, soda fountain, and ice cream stores, excluding drive-ins;
20. Carpet and rug store;
21. Clinics – medical or dental;
22. Clothing stores;
23. Clubs, including philanthropic, YMCA, YWCA;
24. Delicatessen store;
25. Department store;
26. Drug store;
27. Dry cleaning and laundry pickup stations;
28. Eating and drinking places, including drive-throughs; including outdoor seating;
29. Electronic stores;
30. Employment agencies;
31. Florist shop;
32. Food store and supermarkets;
33. Funeral home;
34. Furniture store;
35. Garden supplies;
36. Glass, china or pottery store;
37. Hardware store;

38. Health clinics and health spas;
39. Hobby shop;
40. Household appliance store, including incidental repair;
41. Interior decorating studio;
42. Jewelry store, including repair;
43. Laboratories – medical and dental;
44. Laundromats – self service washing and drying;
45. Leather goods and luggage store;
46. Library;
47. Locksmith shop;
48. Music, music studio, musical instruments and record shop;
49. Newspaper office, including printing;
50. Office;
51. Office appliances and supply;
52. Off-street parking lots and/or garages;
53. Opticians and optical supply;
54. Package liquor and wine store;
55. Paint and wallpaper store;
56. Pet shop, excluding boarding and outside runs;
57. Plumbing sales and repair;
58. Police, fire stations and other municipal uses;
59. Personal packaging, mailing and/or shipping service;
60. Shoe store and shoe repair;
61. Printing establishments;
62. Sporting goods;
63. Studios for professional work or teaching of any form of fine arts, photography, music, drama, and dance;
64. Tailor shop;
65. Theaters, excluding drive-in theater;
66. Travel bureau;
67. Adult Day Care facilities.
68. Churches and other buildings for the purpose of religious worship provided they are adjacent to an arterial street.
- 69. Residential uses (as regulated herein)**

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XIII and XIV of this ordinance;
2. No outdoor storage of any material, except waste, shall be permitted in this zone and then only within enclosed metal containers or approved equal;
3. No lighting shall be permitted which would glare from this zone on to any street, road, highway, deeded right-of-way or into any residential zone (See Section 9.14);
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, with a screening area, as regulated by Section 9.17 of this ordinance;
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone, and must comply with Article XI of this ordinance;

6. A Development Plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone;

7. No motor vehicle, which is inoperable, or trailer, which is usable or unusable, shall be stored or used for storage of any items therein on any lot or parcel of ground in this zone unless it is within a completely enclosed building.

8. Residential uses shall be restricted to floors other than the ground floor.

Residential floor space shall not exceed a ratio of 2:1 of the other permitted use(s) in the structure.

SECTION II

That the City Clerk be, and she is, hereby authorized and directed to deliver a certified copy of this Ordinance to the Zoning Administrator.

SECTION III

That this Ordinance shall amend, but not repeal, the existing Zoning Ordinance. The provisions of this Ordinance are severable. If any provision, section, paragraph, or part thereof is held invalid, such decision shall not affect or impair the validity of the remainder of this Ordinance.

SECTION IV

That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

APPROVED:

Eric Haas, Mayor

1st Reading: December 16, 2019

ADOPTED: January 7, 2019

ATTEST:

Melissa K. Beckett, City Clerk