

**CITY OF LAKESIDE PARK, KENTUCKY
ORDINANCE NO. 01 - 2022**

**AN ORDINANCE RELATING TO THE ADOPTION AND APPROVAL OF A TEXT
AMENDMENT TO THE CURRENT KENTON COUNTY ZONING REGULATIONS
APPLICABLE TO THE CITY OF LAKESIDE PARK, KENTUCKY**

WHEREAS, the City of Lakeside Park, Kentucky is a member of the county-wide planning unit that is served by the Planning and Development Services of Kenton County established pursuant to Chapter 100 of the Kentucky Revised Statutes for Kenton County, Kentucky, and

WHEREAS, the Planning and Development Services of Kenton County has prepared and recommended for adoption a text amendment, the purpose of the text amendment is to include Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted, as well as making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and K.R.S. 199. and

WHEREAS, this amendment to the zoning text amendment has been prepared in accordance with the requirements set forth in Chapter 100 of the Kentucky Revised Statutes; and

WHEREAS, this amendment to the zoning text amendment as prepared, adopted and recommended by the Planning and Development Services of Kenton County, has been reviewed by the City Council of the City of Lakeside Park, Kentucky.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LAKESIDE PARK, KENTUCKY AS FOLLOWS:

SECTION I

That the requirements of Chapter 100 of the Kentucky Revised Statutes having been followed, those zoning regulations prepared by the Planning and Development Services of Kenton County for a zoning text amendment are hereby adopted and approved as the text of those zoning regulations by the Lakeside Park, Kentucky City Council, this text of the zoning regulations adopted and approved herein being attached, marked as *Exhibit "A"*, and incorporated herein by reference as if fully set out. The text of these zoning regulations were prepared by the Planning and Development Services of Kenton County and its staff in accordance with the provisions required by KRS Chapter 100 and its staff in accordance with the provisions required by KRS Chapter 100 and related to the City of Lakeside Park Zoning Ordinances.

SECTION II

Adoption of the zoning text amendment herein shall have no effect on the current Kenton County Subdivision Regulations.

SECTION III

If the Text Amendment adopted herein is invalidated in whole or in part by a Court of competent jurisdiction, for any reason, then any property or properties so invalidly zoned shall not become unzoned or unregulated. Instead the applicable zoning being amended shall remain in full force and effect.

SECTION IV

This Ordinance, including text, adopted and approved herein and their various parts, sections, subsections, clauses and provisions are hereby declared to be severable. If a court having jurisdiction invalidates any part, section, subsection, clause or provision of this Ordinance or the Planning and Development Services of Kenton County text and map, adopted herein, all other parts, sections, subsections, clauses or provisions shall remain valid and effective as they are severable and intended to continue in full force and effect regardless of any invalidity of any other part, section, subsection, clause or provisions.

SECTION V

This Ordinance shall be effective when read, passed and published according to Law.

SECTION VI

Publication of this Ordinance and the zoning text amendment adopted herein hereby making this Ordinance and those regulations effective is directed to be by summary publication in accordance with Kentucky Law.

FIRST READING:

March 14, 2022

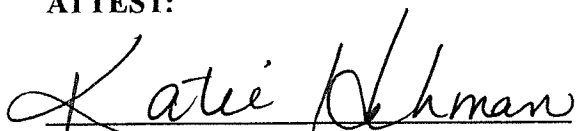
SECOND READING:

April 11, 2022

APPROVED:


HON. PAUL MARKGRAF MAYOR

ATTEST:


KATIE HEHMAN
CITY CLERK/TREASURER

AYES: 6

NAYES: 0

ABSTAIN: 0

Published: _____

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

NUMBER: PC2201-0005

WHEREAS

The Kenton County Planning Commission per Paul Darpel, Chair, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: Proposed text amendments to the Lakeside Park zoning ordinance: (1) adding Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted and; (2) making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199. AND;

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, FEBRUARY 3, 2022, AT 6:15 P.M., VIRTUALLY; 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 TEXT AMENDMENT.

KCPC RECOMMENDATION – LAKESIDE PARK:

Favorable recommendation on the proposed text amendment to the City of Lakeside Park Zoning Ordinance: (1) adding Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted and; (2) making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. The proposed text amendments are authorized to be included within the text of the zoning ordinance per KRS 100.203 (see Attachment A).
2. The proposed text amendments are necessary to bring the zoning ordinance into compliance with Senate Bill 148 and KRS 199.
3. Senate Bill 148 defined family child-care homes as “a private home that is the primary residence of an individual who provides full or part-time care day or night for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.”
4. Additionally, Senate Bill 148 requires a local government that has adopted land use regulations pursuant to KRS Chapter 100 to specifically include by January 1, 2022, family child-care homes in the text of its zoning regulations to authorize the board of adjustments to separately consider the application of propose child-care home for conditional use permits within the residential zones of the planning unit where they are not a fully permitted use pursuant to KRS 100.237.
5. Based on testimony provided during the public hearing held on February 3, 2022.



PAUL J. DARPEL, CHAIR
KENTON COUNTY PLANNING COMMISSION

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: www.pdskc.org

ATTACHMENT A

Proposed Text Amendments to Lakeside Park Ordinance
Words to be **deleted** are ~~lined-through~~ - Words to be **added** are underlined

ARTICLE VII – DEFINITIONS**SECTION 7.0 WORDS AND PHRASES:**

FAMILY CHILD-CARE HOME: Family child-care home means a private home that is the primary residence of an individual who provides full or part-time care day or night for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.

ARTICLE X – ZONES**SECTION 10.0 R-1BC (RESIDENTIAL ONE - BC) ZONE**

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in Sections 9.12 and 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.1 R-1C (RESIDENTIAL ONE - C) ZONE

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in SECTION 9.12 and SECTION 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.2 R-1D (RESIDENTIAL ONE - D) ZONE

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in SECTION 9.12 and SECTION 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.3 R-1E (RESIDENTIAL ONE - E) ZONE

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in SECTION 9.12 and SECTION 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.4 R-1EE (RESIDENTIAL ONE - EE) ZONE

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in SECTION 9.12 and SECTION 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.5 R-1G (RESIDENTIAL ONE - G) ZONE

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustment, as set forth in SECTION 9.12 and SECTION 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.6 R-3 (RESIDENTIAL THREE) ZONE

D. CONDITIONAL USES: The following uses, or any customary accessory structures or uses, subject to the approval by the board of adjustments, as set forth in SECTION 9.12 and

SECTION 18.7 of this ordinance:

1. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street
2. Fire and police stations, provided they are located adjacent to an arterial street
3. Parochial, private, and public schools
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses

SECTION 10.8 R-2 (RESIDENTIAL TWO) ZONE

E. **CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for in SECTION 9.14 of this ordinance.

1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street.
2. Fire and police stations, providing they are located adjacent to an arterial street.
3. Public and parochial schools.
4. Family child-care homes
 - a. Family child-care homes shall be subject to the area and height regulations for permitted uses