


**TO:** Kenton County Planning Commission Members

**FROM:** Emi Randall, AICP, RLA   
Director of Planning and Zoning

**RE:** Staff Recommendations for the Public Hearing

**DATE:** March 28, 2019

PDS submits the attached report and recommendation for your review prior to the scheduled April 4, 2019 public hearing. This information relates to the following agenda item:

**FILE:** PC1903-0001  
**APPLICANT:** City of Erlanger per David Hahn, Economic Development Director  
**REQUEST:** Proposed text amendments to the Erlanger Zoning Ordinance adding private schools to the list of conditional uses within single-family and multi-family residential zones.

Staff will be prepared to address your comments and/or questions regarding the project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.



**Text Amendment**

Case No: PC1903-0001  
Jurisdiction: City of Erlanger  
Applicant: The City of Erlanger per David Hahn,  
Director of Economic Development  
Project Manager: Megan Bessey, Associate  
Planner

**GENERAL CASE INFORMATION**

1. **Request:** Proposed text amendments to the Erlanger Zoning Ordinance adding private schools to the list of conditional uses within single-family and multi-family residential zones.

**HISTORY & BACKGROUND**

1. In 2004, the City of Erlanger submitted a text amendment application to add private schools as a conditional use, provided the access is provided by the arterial street in the IP-1 (Industrial Park One) Zone (Z-04-08-02/1689R). Both staff and the KCPC recommended favorable on the text amendment. The City approved the text amendment.

**ANALYSIS**

1. **Petition Review:**
  - a. The single-family (R-1B, R-1C, R-1D, R-1E, R-1F, and R-1G) and multi-family (R-2 and R-3) residential zones currently conditionally permit public and parochial schools.
  - b. Under the current regulations, the Industrial Park-One (IP-1) Zone conditionally permits private schools, provided the conditional use is located on an arterial street and the access is provided by the arterial street.
  - c. Private schools are defined in the Erlanger Zoning Ordinance as “an institution or place for instruction or education belonging to and maintained by a private organization.” Public and parochial schools are both separately defined within the City of Erlanger Zoning Ordinance.
  - d. The City of Erlanger Zoning Ordinance defines a conditional use as a use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance. There must be a public hearing held by the Board of Adjustment prior to any conditional use being approved.

**STATE STATUTE**

1. Kentucky Revised Statute (KRS) 100.203 (1) states the allowable content of zoning regulations which cities and counties may enact.

**STAFF RECOMMENDATION:** Favorable recommendation on the proposed text amendments to the Erlanger Zoning Ordinance adding private schools to the list of conditional uses within single-family and multi-family residential zones.

**SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION**

1. The proposed text amendments are reasonable. A private school is appropriate as a conditional use within these zones as they already allow similar uses (public and parochial schools) and the proposed use meets the definition of a conditional use as set forth by the Erlanger Zoning Ordinance.
2. The proposed text amendments will not have an adverse effect on the public health, safety, or welfare and will not be injurious to the public residing in or moving through the area. The conditional use process will ensure that any proposed use would be subjected to further review and consideration by the Board of Adjustment on a case-by-case basis, ensuring that the use is not detrimental to the surrounding uses and neighborhoods.

**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](http://www.pdskc.org)*

**ATTACHMENT A**

Proposed Text Amendments to Erlanger Zoning Ordinance  
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

**ARTICLE X**

**ZONES**

**SECTION 10.2 R-1B (RESIDENTIAL ONE-B) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings and uses, subject to the approval by the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street, or abut a street which intersects an arterial street and is within one (1) block of the intersecting arterial street
  3. Fire and police stations
  4. Governmental offices
  5. Institutions for higher education, providing they are located adjacent to an arterial street
  6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
  7. Nursery schools, adjacent to an arterial or collector street
  8. Public, private, and parochial schools
  9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
  10. Recreational uses, other than those publicly owned and/or operated as follows:
    - a. Golf courses
    - b. Country clubs
    - c. Swimming pools
  11. Child-care center, adjacent to an arterial or collector street
  12. Family child-care home

13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

### **SECTION 10.3 R-1C (RESIDENTIAL ONE-C) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public, private, and parochial schools;
9. Parks, playgrounds, golf courses, community recreation centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

### **SECTION 10.4 R-1D (RESIDENTIAL ONE-D) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices

5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public, private, and parochial schools
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

**SECTION 10.5 R-1E (RESIDENTIAL ONE-E) ZONE**

- C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:
1. Cemeteries
  2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
  3. Fire and police stations
  4. Governmental offices
  5. Institutions for higher education, providing they are located adjacent to an arterial street
  6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
  7. Nursery schools, providing they are located adjacent to an arterial or collector street
  8. Public, private, and parochial schools
  9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
  10. Recreational uses other than those publicly owned and/or operated, as follows:

- a. Golf courses
  - b. Country clubs
  - c. Swimming pools
- 11. Child-care center, adjacent to an arterial or collector street
  - 12. Family child-care home
  - 13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

**SECTION 10.6 R-1F (RESIDENTIAL ONE-F) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

- 1. Cemeteries
- 2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
- 3. Fire and police stations
- 4. Governmental offices
- 5. Institutions for higher education, providing they are located adjacent to an arterial street
- 6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
- 7. Nursery schools, providing they are located adjacent to an arterial or collector street
- 8. Public, private, and parochial schools
- 9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
- 10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
- 11. Child-care center, adjacent to an arterial or collector street
- 12. Family child-care home
- 13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

**SECTION 10.7 R-1G (RESIDENTIAL ONE-G) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental services
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public, private, and parochial schools
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Campground
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home
13. Fences in front yards on corner lots, per the conditions in Section 13.4.A.5

## **SECTION 10.9 R-2 (RESIDENTIAL TWO) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial or collector street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public, private, and parochial schools



9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Child-care center, adjacent to an arterial or collector street
12. Family child-care home

**SECTION 10.10 R-3 (RESIDENTIAL THREE) ZONE**

C. **CONDITIONAL USES:** The following uses, or any customary accessory buildings or uses, subject to the approval of the board of adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
3. Fire and police stations
4. Governmental offices
5. Institutions for higher education, providing they are located adjacent to an arterial street
6. Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street
7. Nursery schools, providing they are located adjacent to an arterial or collector street
8. Public, private, and parochial schools;
9. Parks, playgrounds, golf courses, community recreational centers, swimming pools, and libraries, which are operated publicly or by a non-profit organization
10. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses
  - b. Country clubs
  - c. Swimming pools
11. Social service centers, provided they are located adjacent to an arterial street
12. Child-care center, adjacent to an arterial or collector street
13. Family child-care home