

**THE CITY OF PARK HILLS, KENTUCKY
ORDINANCE NO. 2, 2013**

AN ORDINANCE: (A) AMENDING THE TEXT OF ARTICLE X (ZONES), SECTION 10.8 (NC (NEIGHBORHOOD COMMERCIAL) ZONE), SUBSECTION (A) (PERMITTED USES), OF THE PARK HILLS ZONING ORDINANCE TO ADD “OUTDOOR DINING,” WITH STATED CONDITIONS, AS A PERMITTED USE, AND TO ADD “DRIVE – THRUS” AS AN EXEMPTION FROM THE PERMITTED USES OF “CANDY STORE, SODA FOUNTAIN, ICE CREAM STORE” AND “EATING AND DRINKING PLACES” WITHIN THE NEIGHBORHOOD COMMERCIAL ZONE; (B) ENACTING A NEW SECTION 9.24 (OUTDOOR DISPLAYS) WITHIN ARTICLE IX (GENERAL REGULATIONS) OF THE ZONING ORDINANCE TO REGULATE OUTDOOR RETAIL SALES AND DISPLAY AREAS WHERE OTHERWISE AUTHORIZED BY THE ZONING ORDINANCE; AND (C) AUTHORIZING SUMMARY PUBLICATION OF THIS ORDINANCE

WHEREAS, That the City Council of The City of Park Hills, Kentucky finds and determines that the general welfare of its residents and the real properties located within its boundaries will be furthered and advanced by amending the text of the Park Hills Zoning Ordinance to add “outdoor dining,” with stated conditions within the Neighborhood Commercial zone, to add “drive-thrus” as an exemption from the permitted uses of “candy store, soda fountain, ice cream store” and “eating and drinking places” within the Neighborhood Commercial zone, and to regulate outdoor displays within all zones; and

WHEREAS, pursuant to KRS §100.211, that the Kenton County Planning Commission (the “**KPCPC**”) conducted a public hearing with regard to the proposed text amendments on April 4, 2013, in proceeding number 2104R, and on April 9, 2013, KPCPC issued an action letter with regard to the text amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, as follows:

Section One. The Table of Contents of the Park Hills Zoning Ordinance be, and it is, hereby amended as follows:

TABLE OF CONTENTS

<u>ARTICLE/SECTION</u>	<u>NAME</u>	<u>PAGE</u>
	* * * * *	
ARTICLE IX	GENERAL REGULATIONS	
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Section Two. That Article X (Zones), Section 10.8 (NC (Neighborhood Commercial) Zone), Subsection (A) (Permitted Uses) of the Park Hills Zoning Ordinance be, and it is, amended as follows:

ARTICLE X

ZONES

* * * * *

SECTION 10.8 NC (NEIGHBORHOOD COMMERCIAL) ZONE

A. PERMITTED USES:

* * * * *

10. Candy store, soda fountain, ice cream store; excluding drive – ins and drive-thrus.

* * * * *

14. Eating and drinking places, excluding drive – ins and drive-thrus.

* * * * *

49. Outdoor dining in connection with a restaurant provided that such outdoor dining area meets the following minimum requirements:

- a. Such area shall be designed to identify clearly the limits of the outdoor dining area, which shall not include any drive-thru facility.
- b. Entertainment, music, and sound amplifying systems comply with the Park Hills ordinance governing Noise Control.
- c. Such area shall not be permitted to locate within any minimum required side or rear yard.
- d. Outdoor dining areas shall be operated no later than 10:00 p.m. on Sundays through Thursday, inclusive, and no later than 11:00 p.m. on Friday and Saturday.

Section Three. There is hereby created a new Section 9.24, entitled *Outdoor Displays*, within Article IX, entitled *General Regulations*, of the Park Hills Zoning Ordinance as follows:

ARTICLE IX

GENERAL REGULATIONS

* * * * *

SECTION 9.24 OUTDOOR DISPLAYS


Outdoor retail sales and display areas must comply with the following standards:

- A. Location of Sales Area. Outdoor sales areas must be contiguous, located entirely on private property, and outside of any required side and rear setbacks. In zones without required setbacks, outdoor sales areas may not be located within 10 feet of any street-facing lot line.
- B. Maximum Size. Except for vehicle-sales uses, outdoor sales areas may not exceed 15 percent of the floor area of the uses they serve, unless otherwise expressly stated in the Zoning Ordinance.
- C. Location of Merchandise. Merchandise may not be displayed where it will encroach upon driveways, walkways, sidewalks, public rights of way, or landscaped areas. Merchandise may not obstruct sight distance or otherwise create hazards for vehicular or pedestrian traffic.
- D. Height of Merchandise. Individual items displayed may not exceed 10 feet in height above grade. Stacked items may not exceed a total of 6 feet in height above grade.
- E. Litter. A permanent trash receptacle must be installed at each entrance and exit to an outdoor sales area.
- F. Screening. All outdoor sales areas must be screened from adjacent public streets by decorative walls, fences, or landscaping that are at least 3 feet in height and located in a landscaped area at least 10 feet in width adjacent to a street property line, unless otherwise expressly stated in this chapter.
- G. Exceptions. The standards of this subsection do not apply to the sales of flowers, newspapers, and periodicals from a pedestrian-oriented storefront and the temporary or seasonal sales of pumpkins or Christmas trees.

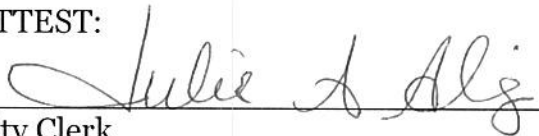
Section Four. That if any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

Section Five. That all other ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

Section Six. That this ordinance shall be effective when passed, published and journalized according to law. This ordinance shall be published in summary pursuant to KRS §83A.060(9) and other applicable law.



Don Catchen, Mayor

ATTEST:


City Clerk

First Reading: 7/22/13
Second Reading: 9/29/13
Passed: 9/29/13

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