

## **ORDINANCE 03-2022**

**AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, AMENDING VARIOUS SECTIONS OF THE ZONING REGULATION OF THE CITY OF FORT WRIGHT TO ADD A DEFINITION OF FAMILY CHILD-CARE HOMES AND MAKING THEM A CONDITIONAL USE IN ALL RESIDENTIAL ZONES AS REQUIRED BY KRS 100.8982.**

**WHEREAS**, the Fort Wright City Council desires to update and amend its Zoning Regulations, as follows:

- (1) Sections 7.0 adding a definition of "Family Child-care Home";
- (2) Sections 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11 and 10.12 adding Family Child-care Homes as a conditional use in each of the City's residential zones, subject to the area and height regulations for permitted uses in the Zoning Regulations.

**WHEREAS**, The Kenton County Planning Commission proposed these foregoing text amendments to each Kenton County cities' zoning regulations; the Planning Commission conducted a public hearing on its application for the text amendments on February 3, 2022; and the Planning Commission recommended in favor of adoption of this text amendment to the Fort Wright zoning regulations.

**WHEREAS**, this ordinance is required in order for the City to comply with KRS 199.8982, which became law as Senate Bill 148 on March 30, 2021.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTON COUNTY, KENTUCKY, AS FOLLOWS.**

### **SECTION 1**

The Zoning Regulations of the City of Fort Wright are hereby amended as reflected on the attached **Exhibit A** to this Ordinance, which is incorporated herein by reference as if fully set out herein (any text being added is shown by a single solid line drawn underneath it; text that is removed is marked at the beginning with an opening bracket and at the end with a closing bracket; the text between the brackets is stricken through with a single solid line).

### **SECTION 2**

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

### **SECTION 3**

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

#### SECTION 4

That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060(9) and other applicable law. This ordinance may be published by summary.


Passed by City Council on April 6, 2022

CITY OF FORT WRIGHT, KENTUCKY

By: 

Dave Hatter, Mayor

ATTEST:

  
Maura Russell, City Clerk

FIRST READING: March 2, 2022

SECOND READING: April 6, 2022

PUBLICATION: \_\_\_\_\_

EXHIBIT A  
TO  
ORDINANCE NO. 03-2022

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 10.1 R-RE (RESIDENTIAL RURAL ESTATE) 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
4. Governmental offices
5. Nursery schools;
6. Police and fire stations
7. Public and parochial schools;
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
  - d. Tennis courts/clubs;
  - e. Fishing lakes and clubs;
  - f. Gun clubs and ranges;
10. Family child-care homes
  - a. Family child-care homes shall be subject to the area and height regulations for permitted uses.

**SECTION 10.02 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools;
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreation centers, swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. 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-1CC (RESIDENTIAL ONE-CC) 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. 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-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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. 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-1DD (RESIDENTIAL ONE-DD) 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. 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-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 Section 9.14 and Section 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. Family child-care homes
  - a. Family child-care homes shall be subject to the area and height regulations for permitted uses.

#### **SECTION 10.7 R-1EE (RESIDENTIAL ONE-EE) 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. 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-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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. Family child-care homes
  - a. Family child-care homes shall be subject to the area and height regulations for permitted uses.

#### **SECTION 10.9 R-1FF (RESIDENTIAL ONE-FF) 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. Family child-care homes
  - a. Family child-care homes shall be subject to the area and height regulations for permitted uses.

#### **SECTION 10.10 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental services
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. Family child-care homes
  - a. Family child-care homes shall be subject to the area and height regulations for permitted uses.

#### **SECTION 10.11 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. Family child-care homes
  - a. Family child-care homes shall be subject to the area and height regulations for permitted uses.

#### **SECTION 10.12 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 SECTION 9.14 and SECTION 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. Funeral homes, provided they are located adjacent to an arterial street
5. Governmental offices
6. Institutions for higher education, providing they are located adjacent to an arterial street
7. 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
8. Nursery schools
9. Public and parochial schools;
10. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
11. Recreational uses other than those publicly owned and/or operated, as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Swimming pools;
12. Family child-care homes
  - a. Family child-care homes shall be subject to the area and height regulations for permitted uses.

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END OF EXHIBIT A