

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
MINUTES OF THE MAY 8, 2018 MEETING**

**MEMBERS PRESENT:**

Mr. Dennis Bass  
Ms. Sharon Haynes  
Mr. Edward Stubbs  
Mr. Michael Williams, TPO  
Mr. Larry Barrow, Vice Chair  
Mr. Justin Verst, Chair

**STAFF PRESENT:**

Ms. Cynthia Minter, Director  
Mr. Kirk Hunter, Principal Planner  
Mr. Matt Smith, Legal Counsel  
Ms. Stephanie Turner, Secretary

**MEMBERS ABSENT:**

Mr. C J Peters  
Ms. Lauri Harding  
Mr. Mark Turner

**STAFF ABSENT:**

Mr. Matt Smith, Legal Counsel

Mr. Verst called the meeting to order at 6:01 PM. Following the Pledge of Allegiance, Mr. Verst called for a roll call. The roll call found a quorum was present. Mr. Verst noted for the records that legal counsel was not present. Mr. Verst asked if everyone had reviewed the March 13, 2018 meeting minutes and if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to approve the March 13 meeting minutes as submitted. Mr. Williams seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Haynes, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Mr. Bass abstained. No opposition. Motion passed.

Mr. Verst introduced the first case on the agenda as case #191-18-TXA-01, a proposed text amendment to the Southgate Zoning Ordinance Section 10.9 General Commercial (GC) Zone to add outdoor dining as a conditional use. Mr. Verst called Mr. Hunter to present the staff report.

CASE: 191-18-TXA-01  
APPLICANT: City of Southgate  
REQUEST: Text change to City of Southgate Zoning Ordinance Section 10.9 General Commercial (GC) Zone, proposing to add outdoor dining as a conditional use.

*Note: The proposed revisions are relevant to only the General Commercial (GC) Zone within the City of Southgate.*

**Background:**

The City of Southgate currently permits Eating and Drinking Establishments within the General Commercial (GC) Zone. However, Outdoor Dining is prohibited within this zone in that all business activities must be conducted within a completely enclosed building. After reviewing its potential, the City of Southgate City Council has requested that the Planning Commission review the case and if appropriate, recommend text changes to City Council which would allow outdoor dining as a Conditional Use with the GC Zone.

Properties currently zoned as GC include:

| Location                    | Use                          |
|-----------------------------|------------------------------|
| 2290 Alexandria Pike        | Payday Loans                 |
| 2291 Alexandria Pike        | Pet Grooming                 |
| 2292 - 2296 Alexandria Pike | Paint Store, Carry-Out Pizza |
| 2300 Alexandria Pike        | Auto Repair                  |

| Location                    | Use                                        |
|-----------------------------|--------------------------------------------|
| 2301 Alexandria Pike        | Auto Repair                                |
| 333 Bluegrass Avenue        | Veterinary Clinic                          |
| 330 Electric Avenue         | <i>Mixed Use</i> - Residential, Hair Salon |
| 2306 Alexandria Pike        | Printer, Medical Offices                   |
| 2350 Alexandria Pike        | Auto Repair, Auto Rental                   |
| 4 Willow Street             | Maid Service, Hair Salon                   |
| 2400 Alexandria Pike        | Vacant - Former Dry Cleaner                |
| 2410 Alexandria Pike        | Auto Repair                                |
| 2416 Alexandria Pike        | Tavern                                     |
| 2404 - 2406 Alexandria Pike | Self-Service Car Wash                      |
| 2440 Alexandria Pike        | Parking Lot                                |
| 2516 Alexandria Pike        | Church, Parochial School                   |
| 8 Temple Place              | Welding Supply                             |
| 6 Electric Avenue           | VFW Hall                                   |
| 2606 Alexandria Pike        | Liquor Store, Plumber                      |
| 2704 Alexandria Pike        | Florist                                    |
| 525 Alexandria Pike         | Office Building                            |

The following definitions are included in the City of Southgate's Zoning Ordinance, **Article VII Definitions** for your reference:

- **CONDITIONAL USE:** 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 locations, size extend and character of performance are imposed in addition to those imposed within this ordinance. They shall be approved by the Board of Adjustments.
- **CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the Zoning Administrator, pursuant to authorization by the Board of Adjustments, consisting of two parts:
  - A. A statement of the factual determination by the Board of Adjustments which justifies the issuance of the permit; and
  - B. A statement of the specific conditions which must be met in order for the use to be permitted.
- **DRIVE-IN:** An establishment, such as a restaurant or theater, so laid out that patrons can be accommodated while remaining in their vehicles.
- **DRIVE-THROUGH:**
  - A. An establishment, such as a restaurant, bank, drycleaner or similar, serving customers in their vehicles that drive away after being served.
  - B. The lane by which drivers approach such an establishment.

- **EATING ESTABLISHMENTS AND RESTAURANTS:** A restaurant is an establishment selling food items ordered from a menu and prepared on the premises for immediate consumption.
  - A. Carry-out -- A fast service restaurant, which does not have sit-down eating arrangements and consumption of food on the premises is discouraged.
  - B. Drive-in -- A restaurant where consumption of food on the premises is encouraged (in car), and where food is provided by "car-hop" or self-service.
  - C. Sit-Down -- A restaurant that provide seating arrangements for the consumption of food on the premises.
  - D. Combination -- A restaurant that provides any combination of sit-down, carry-out, drive-through and/or drive-in services.
- **TAVERN:** Any establishment selling alcoholic or nonalcoholic beverages by the drink for consumption.

Southgate's **ARTICLE IX, SECTION 9.14 CONDITIONAL USES** provides the following parameters for the consideration of conditional uses:

**SECTION 9.14 CONDITIONAL USES:**

- A. **DETERMINATION:** Subject to the requirements of Section 18.7, the Board of Adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:
  - 1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
  - 2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- B. **CONDITIONAL USE PERMITS:** In accordance with KRS.100.237, the Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met:
  - 1. The Board of Adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations; requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the County clerk and one copy of said permit attached to the deed for the property for which it is issued. The Board shall have power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel

offending structures or uses removed at the cost of the violator and may have judgment in persona for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the building code, housing code, and other regulations of the city.
3. In any case where a conditional use permit has not been exercised within the time limit set by the board or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use in operation is in compliance with the conditions as set forth in the permit.
4. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits.

If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the Chairman of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the Board of Adjustments.

The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply within the time between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Zoning Administrator, to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Zoning Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County clerk, as required in KRS 100.329. Thereafter said use, if it continues to meet the other requirements of this ordinance, will be treated as a permitted use.

**Proposed Text Amendment:**

Addition and deletions of text as underlined and ~~struck~~ below including the renumbering of items within this section (See attachment.)

**Staff Recommendation:**

That the Campbell County & Municipal Planning & Zoning Commission recommends to the City of Southgate City Council to adopt the text amendment.

**Supporting Information/Bases for Staff Recommendation:**

1. Per Kentucky Revised Statutes, the City of Southgate has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning classifications and uses.
  2. Pursuant to the City of Southgate Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to take action on text amendments the zoning ordinance for adoption by the legislative body.
  3. Proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Southgate Zoning Ordinance.
  4. The proposed changes are consistent with the Campbell County and Municipal Comprehensive Plan Update and Subdivision Regulations.
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*Article X Zones*

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**SECTION 10.9 GC GENERAL COMMERCIAL ZONE**

- A. USES PERMITTED: The following retail sales and services businesses:
1. Advertising agency
  2. Antique shop
  3. Apparel shop
  4. Art Supplies
  5. Automobile, motorcycle, and truck sales, new or used.
  6. Automobile and truck rentals
  7. Automobile parts and accessories store, new.
  8. Automotive service and repair (providing that all business activities are conducted within a completely enclosed building).
  9. Bakery and bakery goods store provided the products are sold exclusively on the premises.
  10. Banks and other financial institutions including savings, loan and finance complies *[sic]*, with drive-in windows.
  11. Barber Shops
  12. Beauty Shops
  13. Billiard or pool hall
  14. Boat and marine sales and service, new and used
  15. Book, stationary or gift shop
  16. Bowling Alley
  17. Business and professional colleges
  18. Bus terminal
  19. Camera and photographic supplies

20. Candy store, soda fountain, ice cream store, except drive-ins.
21. Carpet and rug store
22. Clinics – medical and dental
23. Clubs (including businessman's YMCA-YWCA)
24. Delicatessen
25. Department store
26. Drug Store
27. Dry cleaning and laundry pick-up station
28. Dry cleaning establishments
29. Eating and drinking places, including drive-ins
30. Employment agencies
31. Florist Shop
32. Food services and supermarkets
33. Funeral homes
34. Furniture store, including upholstery
35. Garden supplies
36. Glass, china or pottery store
37. Haberdashery
38. Hardware Store
39. Health Spas
40. Hobby shop
41. Household and electrical appliance store including incidental repair
42. Interior decorating studio
43. Jewelry store, including repair
44. Laboratories – medical and dental
45. Laundromats and self-service washing and drying
46. Laundry (all types)
47. Leather goods and luggage store
48. Library
49. Locksmith shop
50. Mobile home and trailer sales, rental and service
51. Music, musical instruments and records including incidental repair
52. Newspaper offices, including printing
53. Office appliances and supply
54. Offices
55. Off-street parking lots and garages
56. Opticians and optical goods
57. Package liquor and wine store
58. Paint and wallpaper store
59. Pawn shop
60. Pet shop, excluding boarding and outside runs
61. Plumbing sales and repair
62. Police and fire stations
63. Post office
64. Radio and television store (including repair)
65. Self-service (providing that all repair work except that of a minor nature is conducted within a completely enclosed building).
66. Shoe store and shoe repair
67. Sporting goods
68. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
69. Tailor shop

70. Taxi terminal
71. Theater (excluding drive-in)
72. Toy store
73. Travel Bureau
74. Variety store, including notions and "Five and Ten" stores

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this ordinance.
3. Signs as regulated by Article XIV of this ordinance.

**C. CONDITIONAL USES: No building or occupancy permit, including primary and accessory structures, shall be issued for any of the following uses unless the location of said use has been approved as set forth in Section 9.14.**

- 1. Outdoor Dining, with an Eating Establishment as the primary use of the property, may be provided subject to the following requirements:**
  - a. Such area shall be designed to clearly identify the limits of the outdoor dining area and be used only for dine-in sit-down patrons;
  - b. Such area be limited in use from 7:00 AM to 11:00 PM;
  - c. Such area shall not exceed forty (40) percent of the maximum seating capacity of the total dining area;
  - d. Entertainment, including live or electronic media, shall not be permitted within the outdoor dining between 10:00 PM and 7:00 AM;
  - e. Such designated area shall not be located within the minimum required front, side, or rear yard, except where a variance has been approved;
  - f. Such designated area shall not encroach upon approved landscaped or parking areas, except where a variance has been approved.

**D. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations.**

1. Minimum lot area – Ten thousand (10,000) square feet. In the case of this zone, more than one principal building, as defined herein, may be constructed on one lot.
2. Minimum lot width at building setback line – Seventy (70) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width – No restrictions, except when adjacent to a street, road, highway or other right-of-way, when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the city's building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet
5. Minimum rear yard depth - Fifteen (15) feet
6. Maximum building height – Thirty-five (35) feet

**D. E. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.

3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
  4. Where land in this zone is abutting a residential zone, a minimum yard requirement of thirty-five (35) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
  5. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use in this zone.
  6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
  7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, ~~and~~ the sale of gasoline, and conditionally approved outdoor dining areas.
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Mr. Hunter concluded his report by asking if there were any questions he could answer for the Commission. Mr. Verst asked if there were any questions regarding the request. Mr. Barrow asked about restrictions on lighting, sound, etc. with this being outdoors and so close to a residential zone. Mr. Hunter replied that, in the Other Development Controls, outdoor storage of any materials; lighting; screening areas; and “no objectionable odors, noise or dust” are addressed. Ms. Minter added that by being a Conditional Use the applicant would be required to go before the Board of Adjustment for approval. The BOA can then review each request on a case by case basis and apply any additional criteria they feel pertinent. The BOA must find that the proposed use is necessary or desirable and will contribute to the general well-being of the neighborhood or the community; that such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and that such use will comply with any regulations and conditions in this Ordinance for such use.

Mr. Verst asked if there were any other questions of staff. Ms. Haynes asked staff to confirm that the City of Southgate asked for these particular changes and if there were any specific reasons why. Mr. Hunter explained that a business in this zone expressed an interest in offering outdoor dining at their establishment. The current Zoning Ordinance did not allow for such a use. The party then approached the City Council to inquire if there was a possibility of changing their text to allow outdoor dining. After a discussion among City Council, they decided they felt this was a reasonable request. They provided staff with an email detailing that they would be open to outdoor dining within the GC Zone only, but they wanted it to be as a conditional use so that each request could be evaluated on its own merit. Staff’s proposed text was just an issue of formatting their wishes in a manner compatible with the language of zoning ordinance text. Mr. Hunter reminded the Commission that conditional use permits “run with the land” not the person. This means if an establishment was approved for outdoor dining and then sold their establishment to a different entity, the different entity would be allowed to continue with the outdoor dining. Any criterial imposed by the BOA at the time of the original approval would fall upon the different entity to enforce and obey. If they performed in such a way that was contrary to the original approval, they could see their conditional use revoked.

Mr. Verst asked if there were any other questions of staff. There being none, Mr. Verst noted for the record that there were no audience members present for this meeting. Mr. Verst asked if there were any comments or questions regarding the proposed text. There being none, Mr. Verst called for a motion. Mr. Bass made a motion on case #191-18-TXA-01, a proposed text

amendment to the Southgate Zoning Ordinance Section 10.9 General Commercial (GC) Zone to add outdoor dining as a conditional use to forward a recommendation to the City of Southgate City Council to approve and adopt the proposed text. Mr. Bass indicated the basis for his motion is that per Kentucky Revised Statutes, the City of Southgate has the authority to enact zoning regulations within its jurisdiction and includes the provision to amend its zoning classifications and uses; that pursuant to the City of Southgate Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to take action on text amendments the zoning ordinance for adoption by the legislative body; that proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Southgate Zoning Ordinance; and that the proposed changes are consistent with the Campbell County and Municipal Comprehensive Plan Update and Subdivision Regulations. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a second. Ms. Haynes seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Haynes, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. No opposition. Motion passed.

Mr. Verst introduced the next case on the agenda as case #192-18-TXA-01, a proposed text amendment to the Southgate Zoning Ordinance Sections 10.9 General Commercial (GC) Zone and 10.10 Highway Commercial (HC) Zone to add veterinary clinics, pet grooming, and kennels as a permitted use. Mr. Verst called Mr. Hunter to present the staff report.

CASE: 192-18-TXA-01  
 APPLICANT: City of Southgate  
 REQUEST: A proposed Text Amendment to the General Commercial (GC) and Highway Commercial (HC) Zones to add Veterinary Clinics, Pet Grooming, and Kennels.

*Note: The proposed revisions are relevant to only the General Commercial (GC) and Highway Commercial (HC) Zones within the City of Southgate.*

### **Background:**

Animal Hospitals, Veterinary Clinics, Kennels and Pet Grooming are not listed as permitted uses in the City of Southgate Zoning Ordinance in any zone. The proposal presented would add these uses within the General Commercial (GC) and Highway Commercial (HC) zones.

Properties currently zoned as General Commercial (GC) include:

| Location                    | Use                                        |
|-----------------------------|--------------------------------------------|
| 2290 Alexandria Pike        | Payday Loans                               |
| 2291 Alexandria Pike        | Pet Grooming                               |
| 2292 - 2296 Alexandria Pike | Paint Store, Carry-Out Pizza               |
| 2300 Alexandria Pike        | Auto Repair                                |
| 2301 Alexandria Pike        | Auto Repair                                |
| 333 Bluegrass Avenue        | Veterinary Clinic                          |
| 330 Electric Avenue         | <i>Mixed Use</i> - Residential, Hair Salon |
| 2306 Alexandria Pike        | Printer, Medical Offices                   |
| 2350 Alexandria Pike        | Auto Repair, Auto Rental                   |
| 4 Willow Street             | Maid Service, Hair Salon                   |
| 2400 Alexandria Pike        | Vacant - Former Dry Cleaner                |

| Location                    | Use                      |
|-----------------------------|--------------------------|
| 2410 Alexandria Pike        | Auto Repair              |
| 2416 Alexandria Pike        | Tavern                   |
| 2404 - 2406 Alexandria Pike | Self-Service Car Wash    |
| 2440 Alexandria Pike        | Parking Lot              |
| 2516 Alexandria Pike        | Church, Parochial School |
| 8 Temple Place              | Welding Supply           |
| 6 Electric Avenue           | VFW Hall                 |
| 2606 Alexandria Pike        | Liquor Store, Plumber    |
| 2704 Alexandria Pike        | Florist                  |
| 525 Alexandria Pike         | Office Building          |

There are currently no Highway Commercial (HC) zones within the City of Southgate on the Official Zoning map.

The following definitions are included in the City of Southgate's Zoning Ordinance, **Article VII Definitions** for your reference:

- CLINIC, ANIMAL: A building used by medical persons for the treatment of animals on an out-patient basis only, without animal runs.
- HOSPITAL (Animal Care): A building used by medical persons for treatment of animals generally on an in-patient basis.
- KENNEL: An area specifically used for the raising, boarding, or harboring of small domestic animals.
- USE, PERMITTED: A use which may be lawfully established, if permitted, in particular zone provided it conforms with all requirements of such zone.

#### **Proposed Text Amendment:**

Addition and deletions of text as underlined and ~~struck~~ below including the renumbering of items within this section (See attachment.)

#### **Staff Recommendation:**

That the Campbell County & Municipal Planning & Zoning Commission recommends to the City of Southgate City Council to adopt the text amendment.

#### **Supporting Information/Bases for Staff Recommendation:**

1. Per Kentucky Revised Statutes, the City of Southgate has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning classifications and uses.
2. Pursuant to the City of Southgate Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to take action on text amendments the zoning ordinance for adoption by the legislative body.

3. Proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Southgate Zoning Ordinance.
  4. The proposed changes are consistent with the Campbell County and Municipal Comprehensive Plan Update and Subdivision Regulations.
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## Article X Zones

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### SECTION 10.9 GC GENERAL COMMERCIAL ZONE

- A. USES PERMITTED: The following retail sales and services businesses:
1. Advertising agency
  - ~~2.~~ [Animal Hospitals and Veterinary Clinics](#)
  - ~~2.3.~~ Antique shop
  - ~~3.4.~~ Apparel shop
  - ~~4.5.~~ Art Supplies
  - ~~5.6.~~ Automobile, motorcycle, and truck sales, new or used.
  - ~~6.7.~~ Automobile and truck rentals
  - ~~7.8.~~ Automobile parts and accessories store, new.
  - ~~8.9.~~ Automotive service and repair (providing that all business activities are conducted within a completely enclosed building).
  - ~~9.10.~~ Bakery and bakery goods store provided the products are sold exclusively on the premises.
  - ~~10.11.~~ Banks and other financial institutions including savings, loan and finance complies *[sic]*, with drive-in windows.
  - ~~11.12.~~ Barber Shops
  - ~~12.13.~~ Beauty Shops
  - ~~13.14.~~ Billiard or pool hall
  - ~~14.15.~~ Boat and marine sales and service, new and used
  - ~~15.16.~~ Book, stationary or gift shop
  - ~~16.17.~~ Bowling Alley
  - ~~17.18.~~ Business and professional colleges
  - ~~18.19.~~ Bus terminal
  - ~~19.20.~~ Camera and photographic supplies
  - ~~20.21.~~ Candy store, soda fountain, ice cream store, except drive-ins.
  - ~~21.22.~~ Carpet and rug store
  - ~~22.23.~~ Clinics – medical and dental
  - ~~23.24.~~ Clubs (including businessman's YMCA-YWCA)
  - ~~24.25.~~ Delicatessen
  - ~~25.26.~~ Department store
  - ~~26.27.~~ Drug Store
  - ~~27.28.~~ Dry cleaning and laundry pick-up station
  - ~~28.29.~~ Dry cleaning establishments
  - ~~29.30.~~ Eating and drinking places, including drive-ins
  - ~~30.31.~~ Employment agencies
  - ~~31.32.~~ Florist Shop
  - ~~32.33.~~ Food services and supermarkets
  - ~~33.34.~~ Funeral homes
  - ~~34.35.~~ Furniture store, including upholstery
  - ~~35.36.~~ Garden supplies
  - ~~36.37.~~ Glass, china or pottery store

- ~~37-38.~~ Haberdashery  
~~38-39.~~ Hardware Store  
~~39-40.~~ Health Spas  
~~40-41.~~ Hobby shop  
~~41-42.~~ Household and electrical appliance store including incidental repair  
~~42-43.~~ Interior decorating studio  
~~43-44.~~ Jewelry store, including repair  
~~45.~~ [Kennels with outside runs, but no exterior boarding of animals](#)  
~~44-46.~~ Laboratories – medical and dental  
~~45-47.~~ Laundromats and self-service washing and drying  
~~46-48.~~ Laundry (all types)  
~~47-49.~~ Leather goods and luggage store  
~~48-50.~~ Library  
~~49-51.~~ Locksmith shop  
~~50-52.~~ Mobile home and trailer sales, rental and service  
~~51-53.~~ Music, musical instruments and records including incidental repair  
~~52-54.~~ Newspaper offices, including printing  
~~53-55.~~ Office appliances and supply  
~~54-56.~~ Offices  
~~55-57.~~ Off-street parking lots and garages  
~~56-58.~~ Opticians and optical goods  
~~57-59.~~ Package liquor and wine store  
~~58-60.~~ Paint and wallpaper store  
~~59-61.~~ Pawn shop  
~~62.~~ [Pet Grooming](#)  
~~60-63.~~ Pet shop, excluding boarding and outside runs  
~~61-64.~~ Plumbing sales and repair  
~~62-65.~~ Police and fire stations  
~~63-66.~~ Post office  
~~64-67.~~ Radio and television store (including repair)  
~~65-68.~~ Self-service (providing that all repair work except that of a minor nature is conducted within a completely enclosed building).  
~~66-69.~~ Shoe store and shoe repair  
~~67-70.~~ Sporting goods  
~~68-71.~~ Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance  
~~69-72.~~ Tailor shop  
~~70-73.~~ Taxi terminal  
~~71-74.~~ Theater (excluding drive-in)  
~~72-75.~~ Toy store  
~~73-76.~~ Travel Bureau  
~~74-77.~~ Variety store, including notions and "Five and Ten" stores
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## *Article X Zones*

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### **SECTION 10.10 HC HIGHWAY COMMERCIAL ZONE:**

#### **A. PERMITTED USES:**

1. [Animal Hospitals and Veterinary Clinics](#)

- ~~4-2.~~ Banks and other financial institutions including savings, loan and finance companies with drive-in windows
  - ~~2-3.~~ Bowling alley.
  - ~~3-4.~~ Eating and drinking places, including drive-ins.
  - ~~4-5.~~ Golf driving ranges, miniature and par-3 golf courses.
  - ~~5-6.~~ Hotels and motels.
  - ~~7.~~ Kennels with outside runs, but no exterior boarding of animals
  - ~~6-8.~~ Off-street parking lots and garages.
  - ~~9.~~ Pet Grooming
  - ~~7-10.~~ Police and fire stations.
  - ~~8-11.~~ Racquetball, tennis, and health club facilities
  - ~~9-12.~~ Service stations (providing all repair work except that of a minor nature is conducted within a completely enclosed building).
  - ~~10-13.~~ Skating rinks.
  - ~~11-14.~~ Swimming pools, public and private.
  - ~~12-15.~~ Theaters, excluding drive-ins.
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Mr. Hunter concluded his report by asking if there were any questions he could answer for the Commission. Mr. Verst asked if there were any questions regarding the request. There being none, Mr. Verst noted for the record that there were no audience members present for this meeting.

Mr. Verst asked if there were any comments or questions regarding the proposed text. Mr. Bass asked if there wasn't already a veterinary clinic in this zone along Alexandria Pike. Ms. Minter stated that it predated zoning and was considered a pre-existing legally non-conforming use. This actually takes away that non-conforming status and allows it to be a permitted use.

Mr. Verst asked if there were any other questions of staff. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion on case #192-18-TXA-01, a proposed text amendment to the Southgate Zoning Ordinance Sections 10.9 General Commercial (GC) Zone and 10.10 Highway Commercial (HC) Zone to add veterinary clinics, pet grooming, and kennels as a permitted use to forward a recommendation to the City of Southgate City Council to approve and adopt the proposed text. Mr. Barrow indicated the basis for his motion is that per Kentucky Revised Statutes, the City of Southgate has the authority to enact zoning regulations within its jurisdiction and includes the provision to amend its zoning classifications and uses; that pursuant to the City of Southgate Zoning Ordinance Article XVII AMENDMENT PROCEDURE, the Planning and Zoning Commission has the authority to take action on text amendments the zoning ordinance for adoption by the legislative body; that proper notice has been given in accordance with Article XVII Amendment Procedure of the City of Southgate Zoning Ordinance; and that the proposed changes are consistent with the Campbell County and Municipal Comprehensive Plan Update and Subdivision Regulations. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a second. Mr. Bass seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Haynes, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. No opposition. Motion passed.

Mr. Verst noted there were several housekeeping items to address. The first was the approval of training obtained by the Commission, Board of Adjustment and staff. Ms. Minter presented the following training for approval by the Commission:

- P&Z
  - Ed Stubbs (9.5 Hr.) KY Open Records Meeting Act Review (2.0 Hrs.); KRS Chapter 100 Review (2.0 Hrs.); APA Publication: A Planner's Guide to Community And Regional Food Planning (5.5 Hrs.)
- Staff
  - Kirk Hunter (31.0 Hrs.) APA Ohio: Chapter Policy Webinar (1.0 Hr.); KDOW: Managing Floodplain Development Thru the NFIP (30.0 Hrs.)
  - Cindy Minter (1.25 Hrs.) KY CRS Recertification Refresher (1.25 Hrs.)

Mr. Verst called for a motion to approve training. Mr. Williams made a motion to approve the training identified above. Ms. Haynes seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Haynes, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. No opposition. Motion passed.

Ms. Minter explained the next item on the agenda was approval for OKI Representation. There are two different "boards". The first is the Board of Directors. Currently, we are represented by Michael Williams with the alternate listed as Cindy Minter. The second is the ICC Commission. Currently, we have Cindy Minter listed as the representative and Kirk Hunter as the alternate. After a brief discussion on who would be interested in making any changes, Mr. Bass made a motion to keep the current representatives in their current capacity. Mr. Stubbs seconded the motion. Mr. Verst asked if there were any comments or questions regarding the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Haynes, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. No opposition. Motion passed.

The next item for discussion was the election of officers. Each year the Commission votes and elects a Chair, Vice Chair and a Temporary Presiding Officer (TPO). Our Bylaws allows for the formation of a Nominating Committee but in past years we have dismissed the requirement for a Nominating Committee. This is at the Commissions' pleasure. Mr. Verst asked if the Commission felt a need to form a Nominating Committee. Mr. Williams made a motion to dispense with a Nominating Committee. Ms. Haynes seconded the motion. Mr. Verst asked if there were any comments or questions on the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Haynes, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. No opposition. Motion passed.

After a brief discussion on who would be interested in the holding the positions, Mr. Bass made a motion that the officers remain the same as they currently exist with Mr. Verst as the Chair, Mr. Barrow as the Vice Chair and Mr. Williams as the TPO. Mr. Verst stated he accepted the nomination and asked Mr. Barrow and Mr. Williams if they accepted their nominations. Both agreed to continue in their current capacity. Mr. Verst asked if there were any comments or questions on the motion. There being none, Mr. Verst called for a second. Ms. Haynes seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Haynes, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. No opposition. Motion passed.

## **Director's Report**

Ms. Minter advised the Commission that staff recently received a request for approval of a flag lot on Nine Mile Road in the Unincorporated Campbell County. Campbell County Subdivision

Regulations, Section 415 Lot Arrangement and Sizes, (D) Flag Lots defines minimum lot area requirements for flag lots to be two and one-half (2½) times the requirements of the Zoning Regulations. The Subdivision Regulations also site in Section 415 Lot Arrangement and Sizes, (E) Lot Frontage, Width and Depth defines the maximum depth of a lot shall not be greater than four (4) times the width of the lot, except for flag lots and lots which contain over five (5) acres of area. Exceptional individual site conditions may require variation from these requirements as determined by the Planning Commission and/or its Administrative Official.

As defined in Campbell County Subdivision Regulations, Section 140 Waiver of Subdivision Regulations, the Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances; however, the Administrative Official must make a finding of facts to support the granting of the waiver. This finding of facts must include:

1. a) The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan;  
AND,  
b) The waiver will not be detrimental to the public welfare.

AND at least one of the following:

2. a) Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR  
  
b) Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR,  
  
c) The waiver will provide for an innovative design layout of the subdivision.

The Administrative Official shall also inform the Planning Commission, on a regular basis, of the results of all waiver requests.

Staff approved this request administratively with a finding of facts that per Campbell County Subdivision Regulations Section 140, Waiver Of Subdivision Regulations:

- a. The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and,
- b. The waiver will not be detrimental to the public welfare; and,
- c. Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf.

The bases for staff's approval is that the Subdivision Regulations for the Campbell County Municipal Planning & Zoning Commission were adopted in accordance with Kentucky Revised Statutes (KRS) Chapter 100; that the request is consistent with the Campbell County Subdivision Regulations, Section 140 Waiver of Subdivision Regulations, evidence has been presented that these are unusual circumstances that are not detrimental to the public welfare, and that the waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and that strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; and that the Administrative Official has informed the Planning Commission of this waiver request.

Ms. Minter notified the Commission that their next potential meeting would be on June 12<sup>th</sup>. Ms. Minter advised the Commission that staff is still working on revisions to the previously proposed

text pertaining to campers versus recreational vehicles and recreational vehicle communities. Staff wants to insure that the public is given adequate time to review the revisions. Ms. Minter had no other items for the Commission to discuss.

Mr. Verst asked the Commission if there were any other comments or points for discussion. There being none, Mr. Verst asked for a motion to adjourn. Ms. Haynes made to adjourn the meeting. Mr. Williams seconded the motion. An oral vote found all in favor, none opposed and none abstained. Motion passed. Meeting adjourned at 6:32 PM.

Respectfully Submitted,

Approved:

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Cindy Minter  
Director

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Larry Barrow  
Vice Chair