

COMMISSIONERS' ORDINANCE NO. 0-28-18

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE OFFICIAL ZONING ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY, (O-37-06): (i) AMENDING § 3.03.05 TO ALLOW "PACKAGE LIQUOR (DISTILLED SPIRITS)" AS A PERMITTED USE IN THE CBD-CENTRAL BUSINESS DISTRICT ZONE AND CT-COMMERCIAL TOURIST ZONE; (ii) AMENDING § 4.07.07 REGARDING THE SALE OF PACKAGE LIQUOR (DISTILLED SPIRITS IN THE LGD-LINDEN GATEWAY ZONE; (iii) AMENDING § 6.28.03 REGARDING MICROBREWERIES; AND (iv) ADDING A NEW SECTION (6.36) ADOPTING USE-SPECIFIC STANDARDS FOR "PACKAGE LIQUOR (DISTILLED SPIRITS)".

* * * *

WHEREAS, the City of Covington submitted an application requesting the Kenton County Planning Commission to review and make recommendations on text amendments to the official Zoning Ordinance of the City of Covington, Kentucky (O-37-06) regarding several provisions relating to the sale and production of intoxicating beverages; and

WHEREAS, the Kenton County Commission held a public hearing on the application on June 7, 2018, wherein a favorable recommendation of the proposed text amendments was reached; and

WHEREAS, the Board of Commissioners, having reviewed the Statement of Recommendation, the evidence, presented, and the record made before the Kenton County Planning Commission, finds that the proposed changes are in compliance with the City's Comprehensive Plan, and agrees with the recommendation to amend the zoning text as indicated in the caption of this ordinance.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

Section 3.03.05 "Use Table," of the Covington Code of Ordinances, Zoning Ordinance (O-37-06), is hereby amended to read as follows:

3.03.05 Use Table

USE GROUP Use Category	Commercial Zones							Industrial Zones			Use-Specific Standards
	CN	CC	CG	CBD	CT	CO	CRL	CRG	IP	IL	
1 Specific Use Type											
P = permitted by right C = conditional use - = not permitted											
RESIDENTIAL											
Group Living											
Addiction Treatment Facility	-	C	-	C	-	-	-	-	-	-	§Section 6.13
Household Living											
Attached house	C	C	C	C	P	-	-	-	-	-	
Detached house	C	C	C	C	P	-	-	-	-	-	
Dwellings in mixed-use buildings	P	P	P	P	P	-	-	-	-	-	§Section 6.18
Multi-unit	C	C	C	C	C	-	-	-	-	-	
Two-unit	C	C	C	C	C	-	-	-	-	-	
Qualified Manuf. Housing Units	C	C	C	C	C	-	-	-	-	-	§section 6.22
PUBLIC AND CIVIC											

Colleges and Universities	C	C	C	C	-	P	-	-	C	C	C	
Cultural Exhibits and Libraries	P	P	P	P	P	P	-	P	-	-	-	
Day Care	P	P	P	P	P	P	-	-	C	-	-	§Section 6.07
Hospital	C	C	C	C	C	P	-	-	-	-	-	§Section 6.14
Lodge or Private Club	C	C	C	C	C	C	-	C	C	-	-	§Section 6.17
Recreation and Open Space												
Low-Intensity	P	P	P	P	P	P	P	P	C	C	C	
High-Intensity	C	C	C	C	C	C	C	C	C	C	C	
Postal Service	P	P	P	P	P	P	-	-	P	P	P	
Religious Assembly	P	P	P	C	C	P	-	-	-	-	-	
Safety Services	P	P	P	P	P	P	-	-	P	P	P	§Section 6.25
Schools	C	C	C	C	C	C	-	-	-	-	-	
Utilities												
Essential services	P	P	P	P	P	P	P	P	P	P	P	
Major	C	C	C	C	C	C	C	C	C	C	C	
COMMERCIAL												
Animal Services												
Sales and grooming	P	P	P	P	-	P	-	-	-	-	-	§Section 6.03
Veterinary hospitals	C	P	P	-	-	-	-	-	P	P	P	
Kennels and shelters	-	-	C	-	-	-	-	-	P	P	P	
Other (not specifically listed, above)	-	-	C	-	-	-	-	-	P	P	P	
Artist Galleries and Studios (excluding Body Art Services)	P	--	P	P	P	--	--	--	--	--	--	
Body Art Services	-	-	-	-	C	-	-	-	-	-	-	§Section 6.06
Building Maintenance Services												
Indoor	-	-	P	C	-	P	-	-	P	P	P	
Outdoor	-	-	C	-	-	-	-	-	P	P	P	
Business Equipment Sales and Service	P	P	P	P	-	P	-	-	P	-	-	
Business Support Services												
Day laborer employment									C	C	P	

USE GROUP Use Category	Commercial Zones								Industrial Zones			Use-Specific Standards
	CN	CC	CG	CBD	CT	CO	CRI	CRG	IP	IL	IG	
1 Specific Use Type												
P = permitted by right C = conditional use - = not permitted												
agency or pick-up facility												
Other (not specifically listed, above)	-	C	P	P	-	P	-	-	P	P	P	
Communication Service Establishments	-	-	P	P	-	P	-	-	P	-	-	
Construction Sales and Service												
Indoor	-	-	P	-	-	-	-	-	P	P	P	
Outdoor	-	-	P	-	-	-	-	-	P	P	P	
Repair or Laundry Service, Consumer												
Laundromat	-	C	-	-	-	-	-	-	-	-	-	
Other (not specifically listed, above)	P	P	P	P	P	P	-	-	P	-	-	
Eating/Drinking Establishments												
Microdistillery	-	C	C	C	C	C	-	-	-	P	-	
Microbrewery	-	C	C	C	C	C	-	-	-	P	-	§Section 6.28
Brewpub	-	P	P	P	P	-	-	-	-	-	-	
Restaurant with or without beer, wine or alcohol	P	P	P	P	P	P	P	P	P	C	-	§Section 6.28
Tavern	P	P	P	P	P	P	P	P	P	P	-	§Section 6.28
Entertainment												
Small	P	P	P	P	P	-	P	P	-	-	-	
Medium	-	C	P	P	P	-	C	P	-	-	-	§Section 6.08
Large	-	-	C	C	C	-	C	C	-	C	-	§Section 6.09
Bingo Hall	-	C	-	-	-	-	-	-	-	-	-	
Financial Services												
Currency exchange (check cashing)	-	C	-	-	-	-	-	-	-	-	-	§Section 6.10
Payday loan	-	C	-	-	-	-	-	-	-	-	-	§Section 6.10
Pawn shop	-	C	-	-	-	-	-	-	-	-	-	§Section 6.10
Tax Preparation Service	C	C	-	-	-	C	-	-	-	-	-	§Section 6.10
Other (not specifically listed, above)	C	P	P	P	P	P	-	-	-	-	-	
Food and Beverage Sales, Retail												
Package Liquor (Distilled Spirits)	-	P	C	<u>[-]</u> <u>P</u>	<u>[-]</u> <u>P</u>	-	-	-	-	-	-	<u>§Section 6.36</u>
Other (not specifically listed, above)	P	P	P	P	P	P	-	-	-	-	-	
Fortune Telling Service	-	C	-	-	C	-	-	-	-	-	-	§Section 6.11
Funeral and Internment Services	C	C	P	-	-	C	-	-	-	-	-	
Gasoline Stations	-	C	P	-	-	C	-	-	P	P	-	§Section 6.12
Lodging												
Bed and breakfast	P	P	P	P	P	P	-	P	-	-	-	§Section 6.04
Hotel/motel	-	-	P	P	P	P	-	P	-	-	-	
Medical Service	C	P	P	P	-	P	-	-	-	-	-	

USE GROUP	Commercial Zones									Industrial Zones			Use-Specific Standards
Use Category	CN	CC	CG	CBD	CT	CO	CRL	CRG	IP	IL	IG		
1 Specific Use Type													
P = permitted by right C = conditional use - = not permitted													
Waste-Related Service	-	-	-	-	-	-	-	-	-	-	-	C §Section 6.30	
OTHER													
Marine-related Use													
Temporary passenger watercraft loading	-	-	-	-	-	-	P	P	-	-	-		
Boat docking facilities	-	-	-	-	-	-	P	P	-	-	-	§Section 6.05	
Barge and industrial facilities	-	-	-	-	-	-	-	-	-	P	P		
Parking, Non-accessory	-	C	P	P	C	C	C	C	P	-	-		
Signs, Advertising	-	-	-	-	-	-	-	-	-	-	-		

Section 2

Section 4.07.07(D) “Permitted Uses and Building Forms – Specific Use Regulations” of the Covington Code of Ordinances, Zoning Ordinance (O-37-06), is hereby amended to read as follows:

D. Specific Use Regulations

1. Food and beverage sales, retail

(a) Wine Store

A retail establishment that sells wine and related products, and can include wine tasting. The sale of distilled spirits or spirits (package liquor) and malt beverages are prohibited.

(b) Other (not specifically listed above)

The sale of distilled spirits or spirits (package liquor), cider, malt beverages, and wine are permitted, ***as an accessory use*** provided they ~~[do]~~ ***floor area used for the sale of package liquor does*** not exceed 10% of the ~~[total]~~ ***retail sales*** floor area of the principal use.

(c) The definitions contained in KRS 241.010 for “distilled sprits or spirits”, “cider”, “malt beverage”, and “wine” shall be used for this specific use regulation.

Section 3

Section 6.28.03 “Taverns and Restaurants - Microbreweries” of the Covington Code of Ordinances, Zoning Ordinance (O-37-06), is hereby amended to reads as follows:

6.28.03 Microbreweries

The brewing operation does not include the production of any other alcoholic beverage. The brewery ~~[shall not produce more than 15,000 barrels or 460,000 gallons of beer or ale per year.]~~ ***be allowed to produce up to the limits imposed by KRS 243.157 or the maximum permitted under the laws and regulations of the Commonwealth of Kentucky.*** No brewing equipment or storage is permitted on the exterior of the building.

Section 4

Sections 6.36 to 6.36.02 "Package Liquor (Distilled Spirits)" of the Covington Code of Ordinances, Zoning Ordinance (O-37-06), are hereby created and reads as follows:

Section 6.36 Package Liquor (Distilled Spirits)

Section 6.36.01 Package Liquor (Distilled Spirits) are permitted in the CBD-Central Business District zone, provided that all of the following criteria are met:

- A. The sale of Package Liquor (Distilled Spirits) is accessory to a permitted "Retail Sales and Service Use, Other (not specifically listed above or specifically excluded herein)" use or "Restaurant" use;
- B. The seller has valid state and local ABC permits authorizing the sale of package liquor;
- C. The floor area used for the sale of package liquor is no more than 10% of the floor area of the sales area of the primary retail sales use for a "Retail Sales and Service Use, Other (not specifically listed above or specifically excluded herein)" or no more than 10% of the floor area of the seating area of the primary "Restaurant" use or 100 square feet, whichever is less.

Section 6.36.02 Package Liquor (Distilled Spirits) are permitted in the CT-Tourist Commercial zone, provided that all of the following criteria are met:

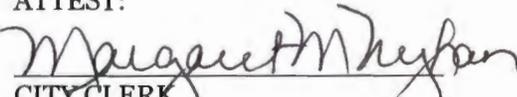
- A. The sale of Package Liquor (Distilled Spirits) is accessory to a permitted tavern or restaurant use;
- B. The seller has valid state and local ABC permits authorizing the sale of package liquor;
- C. The floor area used for the sale of package liquor is no more than 10% of the floor area of the seating area of the primary "Tavern" or "Restaurant" use or 100 square feet, whichever is less.

Section 5

That this ordinance shall take effect and be in full force when passed, published and recorded according to law.


MAYOR

ATTEST:


CITY CLERK

Passed: 8-14-18 (Second Reading)

7-17-18 (First Reading)

Meeting Date:					
ORD.: 1ST		2ND			
OR:					
	/ Downing	Huizenga	Z Wells	Williams	Meyer
Yeas	✓	✓	✓	✓	✓
Nays					
Present, not Voting					