

ORDINANCE NO. 16-22

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING THE CITY'S DEVELOPMENT ORDINANCE RELATING TO ROOMING AND BOARDING HOUSES, GROUP HOMES, AND RESIDENTIAL CARE FACILITIES; PROVIDING FOR FINES FOR UNLAWFUL LOCATION OF ROOMING AND BOARDING HOUSES AND GROUP HOMES; AND PLACING ANY SUCH FINES ON AD VALOREM TAX BILLS FOR COLLECTION

WHEREAS, the City's development ordinance sets forth, in Article VI, definitions of a Rooming and Boarding House and of a Group Home, to wit:

Rooming and Boarding House. A building designed or used to provide living accommodations for not more than six occupants in which there are no cooking facilities for each occupant, or in which all occupants share common cooking facilities.

Group Home. A dwelling unit housing persons unrelated by blood, adoption, or marriage, and operating as a single household. Group homes include sorority or fraternity houses, hospices, orphanages, and half-way houses;

and,

WHEREAS, among the various zoning districts which exist within the City is the R-1 zoning district, a district designed for, "... low to medium density neighborhoods of detached single-family residences;" and

WHEREAS, it is evident from the provisions of the City's development ordinance that neither a Rooming and Boarding House or a Group Home, not including, however, "residential care facilities" within the meaning of KRS 100.982 and KRS 100.984, is a lawful use of a single-family detached dwelling in any R-1 zoning district in that such uses necessarily involve occupation of a single-family residence by persons who do not comprise a single family; and

WHEREAS, a number of single family detached dwellings located in an R-1 zoning district are being unlawfully used by the property owner as a Rooming and Boarding House or as a Group Home to the great detriment of the residential neighborhoods in which they are located and to the peaceful enjoyment of their properties by nearby residents; and

WHEREAS, the Board of Commissioners finds it to be in the public interest, in order to preserve the integrity of the R-1 zoning districts in the City as single-family neighborhoods and to protect the residents of those neighborhoods in the peaceful enjoyment of their properties, that a more effective mechanism be put into place to allow the City to bring these unlawful uses to a stop; and

WHEREAS, existing Kentucky statutes include mandatory provisions for the location of a “residential care facility” within the meaning of those statutes, and the City’s development ordinance should be amended to bring it into compliance with those state law provisions;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION I

There is hereby created a new section in Chapter 306 of the City’s Development Ordinance, such section to read as follows:

“306.10

The use of a single family detached dwelling located in any R-1 zoning district as a (i) Rooming and Boarding House; or (ii) as a Group Home not including, however, a “residential care facility” within the meaning of KRS 100.982 and KRS 100.984 shall subject the owner thereof to a fine of not less than \$100.00 nor more than \$500.00. Each day of such use shall be considered to be a separate violation. Any such fine assessed not paid within 30 days after the date that the assessment shall have become final shall be added to the City ad valorem tax bill for the property in question and shall bear interest and penalties the same as are applicable to delinquent ad valorem taxes.”

SECTION II

The foregoing provisions of this ordinance shall not be deemed to apply to a group home facility which is a “residential care facility” operated by any sponsoring private or governmental agency within the meaning of KRS 100.982 and KRS 100.984. In accordance with the provisions of those statutes, such a facility shall be a permitted use in any residential zoning district. The Residential use chart which appears in Section 406.5 of the City’s development ordinance shall be amended to reflect that such a “residential care facility” shall be a permitted use in any R-1A, R-1B, R-1C, R-2, or R-3 zoning district.

SECTION III

This Ordinance shall be effective immediately following its enactment after second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING:
MOTION BY:
SECONDED BY:

July 26, 2016
Commissioner Morgan
Commissioner Blythe

VOTE

Commissioner Baird
Commissioner Blythe
Commissioner Morgan
Commissioner Newby
Mayor Barnes

YES

x
x
x
x
x

NO

DATE OF SECOND READING:
MOTION BY:
SECONDED BY:

August 9, 2016
Commissioner Baird
Commissioner Blythe

VOTE

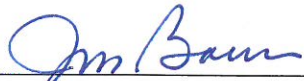
Commissioner Baird
Commissioner Blythe
Commissioner Morgan
Commissioner Newby
Mayor Barnes

YES

x
x
x
x
x

NO

x



Mayor Barnes

ATTEST:



City Clerk