

Zoning Ordinance Update

CITY OF FORT THOMAS

CT CONSULTANTS

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August 16, 2023



Meeting Agenda

Zoning Ordinance Update Process

General Regulations

Temporary & Accessory Use/Structure Regulations

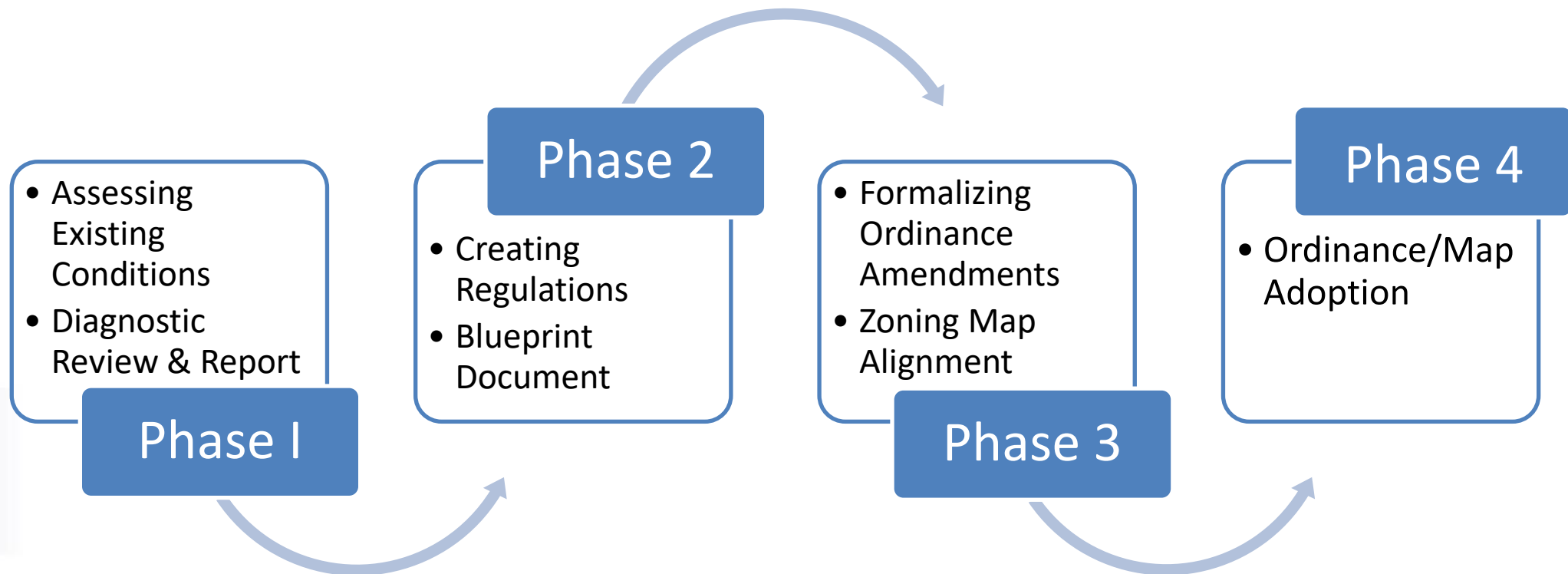
Environmental Regulations

Landscaping, Screening & Lighting Regulations

Off –Street Parking, Loading & Access Regulations

Next Steps

Zoning Ordinance Update Process



Community
Engagement



**COFFEE &
CONVERSATION**
ZONING CODE UPDATE
Q&A SESSION
Thursday, May 18
10-11:45am & 6-8pm
Fort Thomas Coffee Eagle Room



SECTION 5.0 General Regulations

- 5.0.01 Purpose.
- 5.0.02 Reduction in Building Site Area.
- 5.0.03 Interference with Traffic Control Devices.
- 5.0.04 Vision Clearance at Intersections, Curb Cuts, Pedestrian & Railroad Crossings.
- 5.0.05 Corner Lots, Double Frontage Lots, Flag Lots.
- 5.0.06 Utilities Location.
- 5.0.07 Railroad Rights-of-Way.
- 5.0.08 Excavation, Filling or Grading Operations.
- 5.0.09 Unsightly or Unsanitary Storage.
- 5.0.10 Junkyard Location.
- 5.0.11 Application of Zoning Regulations.
- 5.0.12 Exceptions & Modifications.
- 5.0.13 Move and Set.
- 5.0.14 Phased Zoning Regulations.
- 5.0.15 Performance Standards.

SECTION 5.0 General Regulations Performance Standards

Americans with Disabilities Act
Lighting & Glare
Heat
Noise
Vibration
Smoke
Odors
Air Pollution

Fire Hazards
Solid Waste
Liquid Waste
Noxious, Toxic or Corrosive Fumes
Radioactive or Electrical Disturbances
Infectious and Medical Waste
Materials
Underground Utilities

SECTION 5.1

Temporary and Accessory Use/Structure Regulations

- 5.1.01 Applicability.
- 5.1.02 Accessory Uses.
- 5.1.03 Temporary Uses.
- 5.1.04 Accessory Structures.

SECTION 5.1 Temporary and Accessory Use/Structure Regulations Home Occupations

- No persons other than the individual, or individuals, residing on the premises shall be engaged in such operation as herein defined.
- A home occupation shall be clearly incidental and subordinate to the use of a dwelling unit for residential purposes. No more than twenty-five percent (25%) of the total floor area ~~nor~~ or more than five hundred (500) square feet, whichever is ~~less~~ greater, of the dwelling unit may be used in connection with a home occupation.
- There shall be no change in the outside appearance of the building or premises
- A home occupation shall be operated wholly within the principal building. No outside storage or use of accessory structures.
- There shall be no goods or products sold upon the premises in connection with such home occupation.

SECTION 5.1

Temporary and Accessory Use/Structure Regulations

- No traffic shall be generated by such home occupation in greater volumes than would normally be generated in a residential neighborhood.
- Delivery from a commercial supplier in a vehicle larger than a step van shall be limited to one delivery and one pickup each week and the delivery or pickup shall not restrict traffic flow.
- Neither a home occupation nor any equipment used in conjunction with a home occupation shall produce heat, sound, vibration, light, glare, dust, odor, smoke, or fumes detectable to normal sensory perception by a person located off premises
- A home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, waste collection, etc.)

Should these home occupation standards be updated?

SECTION 5.1

Temporary and Accessory Use/Structure Regulations Setback for HVAC Equipment

- Air Conditioning and Outside Mechanical Equipment. All air conditioning condenser units, heat pumps, or other mechanical devices placed outside of a building shall comply with minimum ~~yard~~ setback requirements for the zoning district in which they are located, except that they may be located within ~~five (5)~~ three (3) feet of a side property line if they are sound shielded and screened with fencing and/or shrubs equal in height to the height of the appliance

Should the setback be reduced to 3 feet?

SECTION 5.1

Temporary and Accessory Use/Structure Regulations Accessory Dwelling Units (ADU)

An Accessory Dwelling Unit (ADU) - self-contained, smaller, secondary dwelling unit located on the same lot as the larger principal dwelling that contains a living/bedroom space, a kitchen, and a bathroom.

- Can be internal to the home such as in an upper or lower level; attached to the home; or a separate, detached accessory structure.
- Sometimes called “granny flats” or “in-law suites”

SECTION 5.1

Temporary and Accessory Use/Structure Regulations Accessory Dwelling Units (ADU)



SECTION 5.1

Temporary and Accessory Use/Structure Regulations Accessory Dwelling Units (ADU)



- Permitted by right in all R-1 Districts and the R-2 District
- Integrated ADUs are permitted on conforming lots
- Detached ADUs are prohibited
- Integrated ADUs must comply with principal building setbacks
- Only 1 ADU per lot
- Limited to 40% of the area of principal dwelling or 1,000 square feet, whichever is less

SECTION 5.1

Temporary and Accessory Use/Structure Regulations Accessory Dwelling Units (ADU)



- Exterior doors to the integrated unit ADU must be designed, located, and configured in a manner that is typical for secondary access to a residential dwelling (e.g. side doors, French doors, etc.)
- Exterior stairs to an ADU must be on the side or rear of the principal dwelling, not on the front of the principal dwelling
- Additions for an integrated ADUs must be compatible with the existing home
- Only 1 entrance on the front of the existing dwelling unless the home previously had two entrances on the front façade
- Additions for ADU must not exceed the height of the existing home

SECTION 5.1

Temporary and Accessory Use/Structure Regulations

Accessory Dwelling Units (ADU)



- ADU and principal dwelling share a driveway
- 1 additional parking space required unless waived by the Planning Commission
- Short-term rentals are permitted in ADUs

SECTION 5.1

Temporary and Accessory Use/Structure Regulations Accessory Dwelling Units (ADU)

- Should ADUs be permitted by right or conditionally permitted? Should the classification vary by zoning district?
- Should detached ADUs be permitted? If so, what zoning district(s)? If so, by-right or conditionally?
- Should non-conforming lots be allowed to have an ADU?
- Is the floor area limitation appropriate?
- Are there any other appearance standards that should be added?
- Should parking be required?



INTERIOR (LOWER LEVEL)



INTERIOR (UPPER LEVEL)



GARAGE CONVERSION

SECTION 5.1

Temporary and Accessory Use/Structure Regulations Solar Energy Systems

- Integrated & Rooftop Solar Energy Systems (SES) - Permitted accessory structure under certain conditions
- **Integrated Solar Energy System** means an SES where the solar materials are incorporated into the building materials, such that the building material and solar energy system are reasonably indistinguishable
- **Rooftop Solar Energy System** means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.



Solar Energy System (SES), Integrated & Rooftop

- **Height Restrictions.**
 - A rooftop SES may exceed the maximum permitted height for the structure type by no more than five (5) feet.
 - A rooftop SES can't extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet
 - On the front of structure, panels shall be mounted at the same angle as the roof's surface with no more than 18 inches between the roof and the upper side of the SES.

SECTION 5.1

Temporary and Accessory Use/Structure Regulations Solar Energy Systems

- **Lighting** - Integrated and Rooftop SESs shall not be illuminated and shall be designed and installed to prevent off-site glare.
- Integrated SESs shall comply with all setback requirements for the structure type.
- **Glare** - SESs shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or streets.

Are these appropriate standards for Integrated and Rooftop Solar Energy Systems, particularly the height exception?

Zoning Ordinance Update

CITY OF FORT THOMAS

General Use Regulations

Temporary & Accessory
Use/Structure Regulations

Community Comments



SECTION 5.2 Environmental Regulations

- 5.2.01 Intent.
- 5.1.02 Applicability.
- 5.1.03 Hillside Development Controls.
- 5.1.04 Tree Conservation & Restoration Requirements.

SECTION 5.2 Environmental Regulations



5.2.01 Intent.



The purpose of these standards is to:



Establish development standards to protect functions and values of environmentally sensitive features;



Protect unique, fragile & valuable elements of the environment by maintaining & promoting native biodiversity & habitat;



Preserve & enhance the natural beauty of the landscape & open ridgelines.

Hillside Development Controls - Applicability

- Slopes of 20% or greater;
- Exposures of KOPE geologic formations;
- Prominent hillsides, which are readily viewable from a public thoroughfare located in a valley below the hillside;
- Hillsides, which provide views of a major stream or valley;
- Hillsides functioning as community separators or community boundaries;
- Hillsides which support a substantial natural wooded cover.



Environmental Regulations Hillside Development Controls



Plans indicating existing topography & proposed physical changes including grading, erosion and sedimentation measures, areas to be cleared & other physical changes



Subsurface geo-technical report



Tree survey for trees over 8 inches



Plans indicating:

Tree conservation areas

Replacement trees

Environmental Regulations Hillside Development Controls

Planning Commission shall consider the reports from City Staff & the "Hillside Development Guidelines" when reviewing the plan for acceptance or denial.

Cuts in hills should not leave cliff-like vertical slopes

Utilize small parking areas, rather than large parking areas

Fit buildings into hillsides, rather than altering hillsides to fit buildings

Comply with Landscaping, Screening, & Lighting Regulations.

Environmental Regulations Hillside Development Controls

Planning Commission shall consider the reports from City Staff & the "Hillside Development Guidelines" when reviewing the plan for acceptance or denial.

Design buildings to take advantage of views, but not block views;

Avoid roof-top utilities;

Respect site's steepness, soil, bedrock & hydrology to ensure hillside stability;

Environmental Regulations Hillside Development Controls

Planning Commission shall consider the reports from City Staff & the "Hillside Development Guidelines" when reviewing the plan for acceptance or denial.

Match scale of buildings to scale of terrain, stagger or step building units according to the topography;

Provide parking on the uphill side behind buildings;

Respect & retain natural site features such as streams, slopes, ridge lines, wildlife habitat, plant communities, & trees;

Employ techniques that create a variety of architectural solutions responsive to the limits & potentials of hillside development.

Environmental Regulations Hillside Development Controls



Should these existing Hillside Development Controls be amended?



Have you had any issues effectively using these regulations in the past?



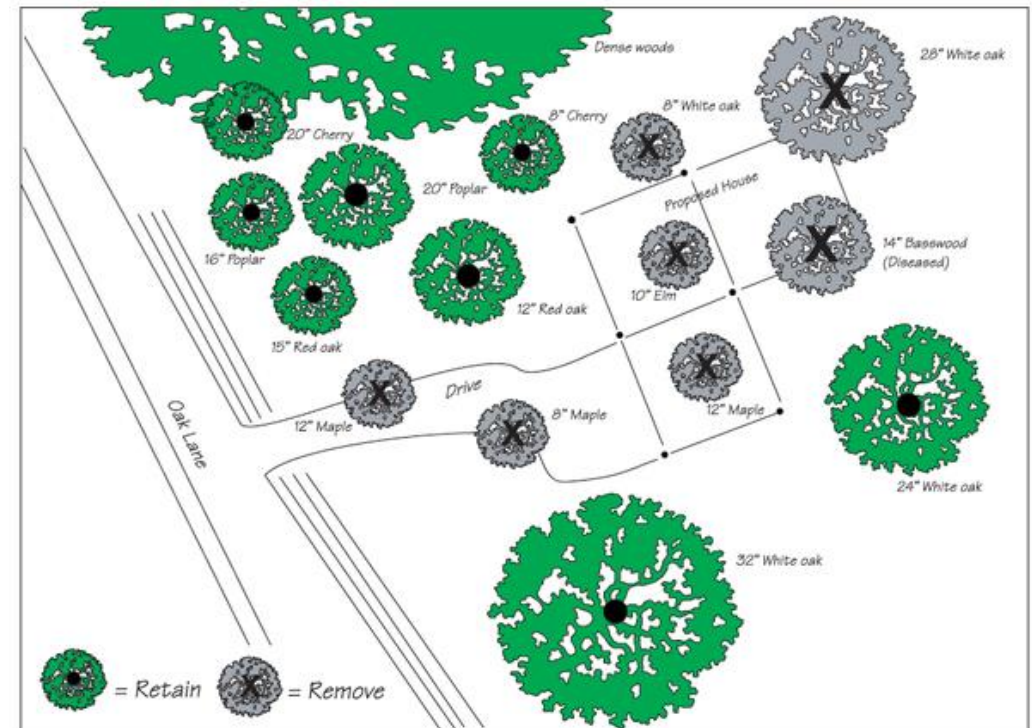
SECTION 5.2 **Environmental Regulations**

Tree Conservation & Restoration **Requirements**



SECTION 5.2 Environmental Regulations Tree Conservation & Restoration Requirements

- Major Subdivision
- Development Plans
- Recommendation by Tree Commission
- Planning Commission approves/denies



Tree Conservation & Restoration Requirements

The following requirements apply for all major subdivisions & Development Plans in any zoning district:

- Tree Inventory Plan in compliance with Chapter 98, Trees in General Ordinances
- Protective tree barriers
- Utilities, grading access drives, & other similar site improvements should be placed between tree protective zones
- Construction activities, like material storage, not permitted in tree protection zones
- Landscape plan must depict number & location of trees to be planted

Environmental Regulations

Tree Conservation & Restoration Requirements

In addition to the landscaping requirements in Section 5.3, the following trees must be planted at a minimum of three (3) inches in diameter when planted.

- In the R-3, R-5, and RCD-O zones 1 tree shall be planted on the development site for every one unit approved.
- In the CBD-TC, CBD-M, TBD, AP-MX and NC/O zoning districts, 1 tree shall be planted for every 5 required parking spaces.
- In the R-1AA, R-1A, R-1B, R-1C, R-1D, R-1-TC and R-2 zones 1 tree shall be planted on each lot or on the public right-of-way in front of each lot, for every five thousand (5,000) square feet of lot area or fraction thereof.

Environmental Regulations Tree Conservation & Restoration Requirements



Are these tree regulations, in concert Chap. 98, Trees, working well?

Are any modifications needed to the Zoning Ordinance requirements?



Landscaping, Screening & Lighting Regulations

- 5.3.01 Intent.
- 5.3.02 Applicability.
- 5.3.03 Landscape Review.
- 5.3.04 Flexibility; Waiver/Deferral of Requirements.
- 5.3.05 Landscaping Along Street Frontage.
- 5.3.06 Vehicle Use Areas (VUA).
- 5.3.07 Building Landscaping.
- 5.3.08 Sign Landscaping.
- 5.3.09 Buffering & Screening Between Districts & Uses.
- 5.3.10 Ancillary Screening Requirements.
- 5.3.11 General Landscaping Requirements.
- 5.3.12 Approval Process for Landscaping, Fences, & Walls.
- 5.3.13 Lighting Regulations.
- 5.3.14 Additional Development Regulations that Apply.



Landscaping, Screening & Lighting Regulations

The preservation of existing trees and vegetation and the planting of new trees and vegetation can significantly add to the quality of the physical environment of the City of Fort Thomas. The regulations in this Section are designed to foster development that will improve the appearance and character of the City and promote the health, safety, and welfare of the community by:

- Mitigating the potential impacts and hazards created through the development of incompatible uses adjacent to each other and to preserve and supplement the tree and vegetation cover and the ecological, environmental, and economical benefits they provide.
- Using landscaping shall be used to reduce adverse impacts, to provide separation of private vehicle use areas from the public street, and to otherwise buffer incompatible land uses.
- Requiring the proper utilization of landscaping and screening as a buffer between certain land uses to reduce the noise, glare, and the visual clutter associated with parking and service areas.
- Requiring landscaping in vehicular use areas to break up large expanses of pavement and reduce reflected heat and glare.
- Controlling the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect, and enhance the character of the City and the lawful nighttime use and enjoyment of property located within the City.
- Improving the appearance of off-street parking areas and vehicular use areas and properties abutting public rights-of-way.
- Protecting, preserving, and promoting the aesthetic character valued by the residents of the City of Fort Thomas.
- Providing areas of permeable surfaces to reduce quantity of stormwater & increase quality of stormwater.

Landscaping, Screening & Lighting Regulations

Applicability:

- New Construction
- Improvements to existing sites
 - Extent of alteration/improvement
 - Substantial alterations to existing sites



Landscaping, Screening & Lighting Regulations

Landscape Review:

- Compliance with Chap. 98 of City Ordinances
- Landscape Plan

Flexibility; Waiver/Deferral

- Flexibility
- Planning Commission waiver permitted



Landscaping, Screening & Lighting Regulations

Landscaping Along Street Frontage

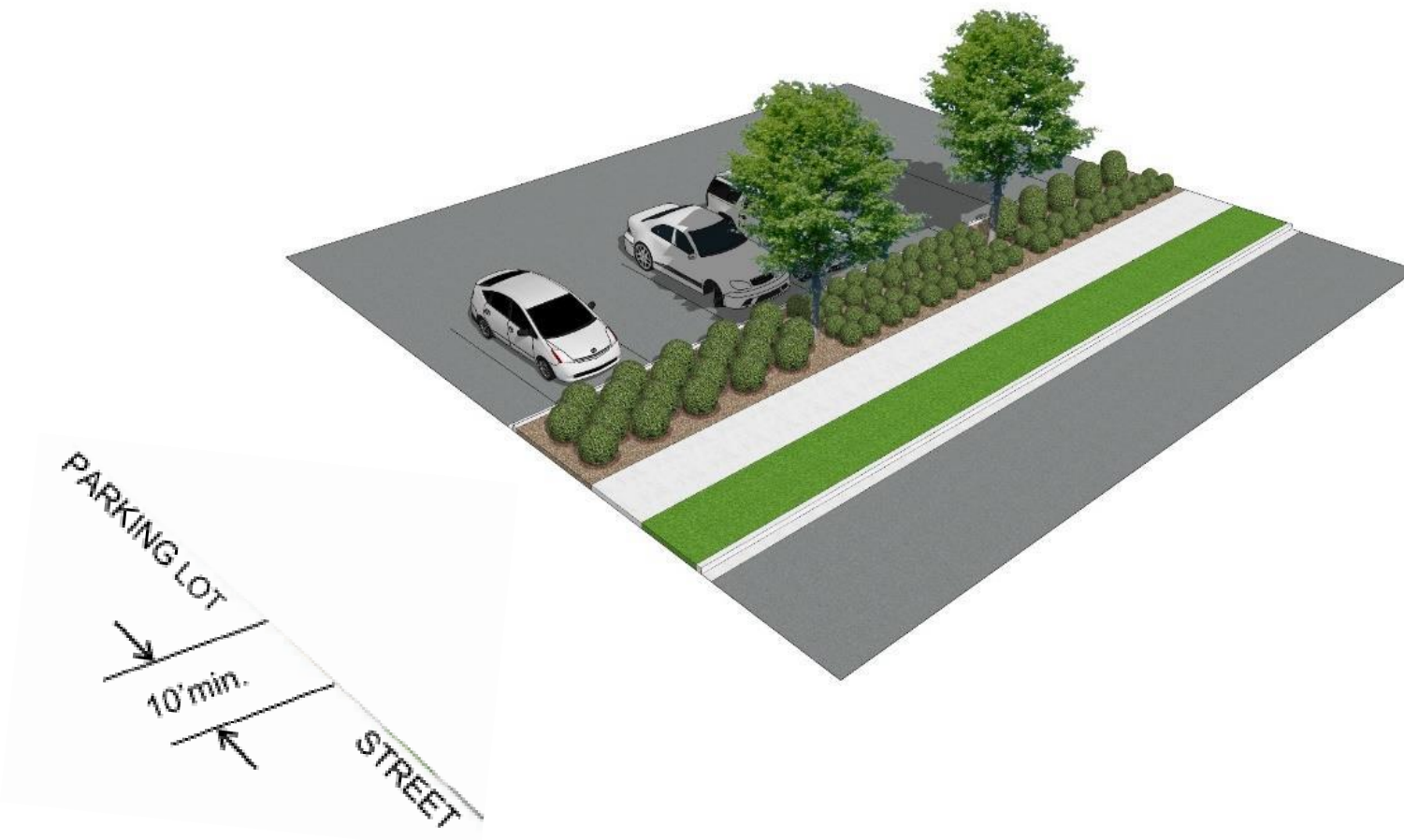
- 3 deciduous trees for every 100 linear ft of frontage
- 20 shrubs for every 100 linear ft of frontage

Street Frontage
Landscaping



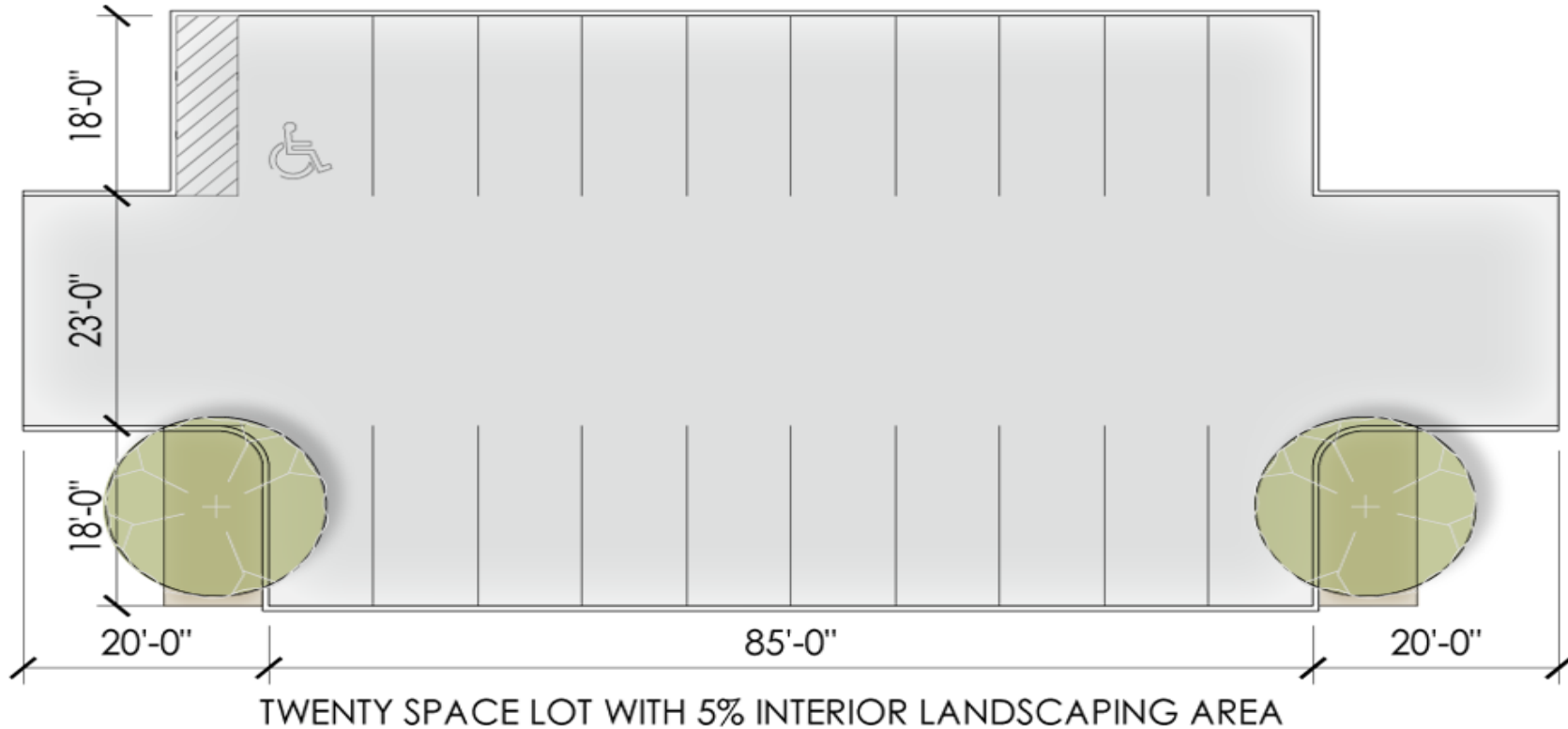
Landscaping, Screening & Lighting Regulations

Vehicle Use Areas (VUA) - Screening along Public Streets



Landscaping, Screening & Lighting Regulations

Vehicle Use Areas (VUA) –Interior Parking Lot Landscaping



Landscaping, Screening & Lighting Regulations

Buffering & Screening Between Districts & Uses

Schedule 5.3.09 - Buffering and Screening Requirements^(a)

		Adjacent Zoning District					
		RP	R-1 Districts	R-2	R-3 & R-5	CBD & TBD	AP-MX & NC/O
Proposed Development or Zoning District	RP						
	R-1 Districts						
	R-2						
	R-3 & R-5 ^(b)		X	X	X ^(c)		
	CBD & TBD		X	X	X ^(c)		
	AP-MX & NC/O		X	X	X ^(c)		
	Non-residential use R-1 & R-2 Districts		X	X	X ^(c)		

Landscaping, Screening & Lighting Regulations

Screening:

- Solid visual screen
- 6 feet in height
- In place at time of occupancy



Landscaping, Screening & Lighting Regulations

OPTIONS FOR SCREENING FROM RESIDENTIAL DISTRICTS

	OPTION A	OPTION B	OPTION C	Option D
Minimum width of landscape area	10 feet	10 feet	10 feet	10 feet
Screening material	evergreen trees and/or tall shrubs*	Solid wall or fence with landscaping	Ornamental wall with landscaping	Landscape mound or berm

Landscaping, Screening & Lighting Regulations



Modifications

Existing topography and/or
vegetation

Innovative landscaping or
architectural design

Site constraints;

Abutting property won't be
developed for residential.

Landscaping, Screening & Lighting Regulations

The following areas shall be screened



All trash collection areas



Outdoor storage



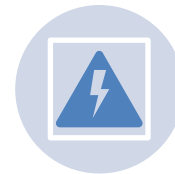
Off-street loading areas



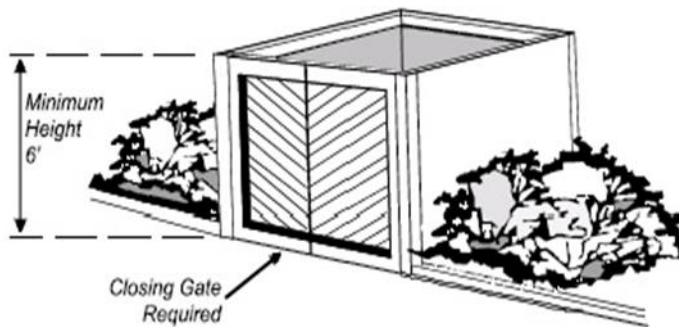
Pipes, conduit, and cables associated with the building or use



Outdoor service areas like outdoor freezers



Ground-level or façade-mounted mechanical equipment & utility structures



Landscaping, Screening & Lighting Regulations



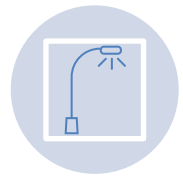
Do these landscaping, buffering, & screening requirements sufficiently landscape & screen?



Are any modifications needed?

Landscaping, Screening & Lighting Regulations

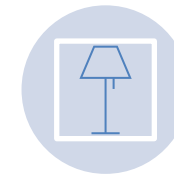
Changes to Lighting Regulations



Prohibit direct lighting sky & abutting parcels



Prohibit light trespass & other negative effects



Lights must be extinguished at 11 PM with some exceptions



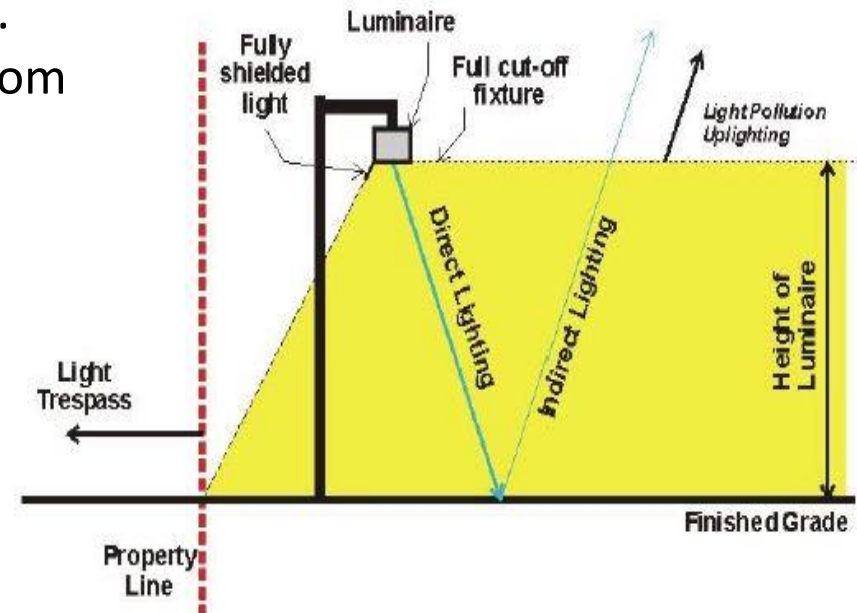
Sign lighting extinguished at 11 PM unless store open later



Reduced max. pole height from 41 ft. to 30 ft.



University of Texas, Austin



Landscaping, Screening & Lighting Regulations



Are the changes to the Lighting Regulations appropriate?

Zoning Ordinance Update

CITY OF FORT THOMAS

Environmental
Regulations

Landscaping, Screening &
Lighting Regulations

Community Comments



Off-Street Parking, Loading, and Access Regulations

- 5.5.01 Intent.
- 5.5.02 Applicability.
- 5.5.03 Parking Facilities Required.
- 5.5.04 Expansion of Existing Parking Lots.
- 5.5.05 Units of Measure.
- 5.5.06 Off-Street Parking Standards.
- 5.5.07 Parking Requirements for the Central Business & Traditional Business Districts.
- 5.5.08 Parking Assessment.
- 5.5.09 Modification of Standards.
- 5.5.10 Deferred Construction of Required Spaces.
- 5.5.11 Allowance for Shared Parking for Non-Residential Uses.
- 5.5.12 Allowance for Off-Site Parking.
- 5.5.13 Parking Spaces for Persons with Disabilities.
- 5.5.14 Location of Required Parking Spaces.
- 5.5.15 General Requirements.
- 5.5.16 Design & Layout of Off-Street Parking Areas.
- 5.5.17 Access Control Regulations.
- 5.5.18 Street Loading and/or Unloading Regulations.

Off-Street Parking, Loading, and Access Regulations

<ul style="list-style-type: none">• <u>Banking; Financial Institutions</u>	<p>One (1) parking space for each three hundred (300) square feet of gross floor area</p> <p><u>One space per 350 square feet of floor area.</u></p>
<ul style="list-style-type: none">• <u>Conference Center</u>	<p><u>1 space per 4 seats in the assembly rooms + other use requirements</u></p>
<ul style="list-style-type: none">• Office - administrative/ professional;	<p><u>One (1) parking space for each three hundred (300) square feet of gross floor area</u></p> <p><u>1 space per 2000 square feet of floor area</u></p>
<ul style="list-style-type: none">• Office – medical/dental	<p>Five (5) parking spaces per each practitioner plus one (1) parking space for each two (2) employees, or one (1) parking space per each two hundred (200) 300 square feet of gross floor area in the building plus one (1) parking space for each two (2) employees, whichever is greater.</p>

Off-Street Parking, Loading, and Access Regulations

<ul style="list-style-type: none">• Retail establishment; Personal services; Experiential retail establishment	One space per 300 <u>400</u> square feet of floor area
<ul style="list-style-type: none">• Retail establishment – bulky items such as furniture	1 space for each four hundred (400) <u>450</u> square feet of floor area plus one (1) parking space for each two (2) employees
<ul style="list-style-type: none">• <u>Restaurant carryout only</u>	<u>1 space per 300 square feet</u>
<ul style="list-style-type: none">• Restaurant, indoor	<p>One (1) parking space for each: a. 50 square feet of gross floor area for taverns and bars (i.e. businesses with less than 50% of gross income from sale of food)</p> <p>b. 65 square feet of gross floor area for fast food restaurants</p> <p>c. 150 square feet for sit-down restaurants</p> <p><u>One space per 200 square feet of floor area or 1 parking spaces for every 5 persons of maximum occupancy, whichever requires the least number of spaces plus 1 space for each delivery vehicle</u></p>

Off-Street Parking, Loading, and Access Regulations



Most parking requirements have been reduced. Is this reduction appropriate?

Off-Street Parking, Loading, and Access Regulations PARKING REQUIREMENTS FOR THE TBD AND CBD

In making a determination for such a waiver, the Planning Commission shall consider the following criteria:

- The character of the proposed use as well as the ability of the proposed use to reinforce the character of the Central Business and Traditional Business Zoning Districts;
- The availability and accessibility of public parking spaces, both on-street and within public parking lots;
- The availability of parking areas on adjacent sites, considering the hours of operation of the proposed use compared to adjacent uses; and,
- The potential negative impact to the character of the Central Business and Traditional Business Districts and sub-districts if the requisite number of parking spaces are or are not provided.

Any request for a waiver from the parking requirements shall require submission of a parking study pursuant to the provisions of sub-section 5.5.08 Section 13.2 for “All Other Uses Not Listed Herein.” Additionally, the Planning Commission shall make findings supporting a hardship ~~the waiver~~ **the waiver** and include those findings with final action of the submitted Development Plan. In addition to the findings required by Section 1.10, Waivers and Modifications, the Planning Commission shall find that the waiver satisfies the parking demands of the use without burdening other available parking facilities in surrounding areas of the City.

Off-Street Parking, Loading, and Access Regulations PARKING REQUIREMENTS FOR THE TBD AND CBD



Should any other factors be considered when deciding to waive parking requirements in the TBD & CBD?



Off-Street Parking, Loading, and Access Regulations ALLOWANCE FOR SHARED PARKING FOR NON-RESIDENTIAL USES

- The minimum required number of parking spaces for the combined uses may be reduced by 20% for shared parking when hours of operation overlap.
- When the hours of operation DO NOT overlap, the parking facility to be shared shall contain the largest number of minimum required spaces for the uses sharing the lot.
- The parking facility to be shared shall be owned by the owner of one of the uses, leased for a 20-year minimum term or through a permanent easement by the owners of the uses being served. A lease or easement shall be approved by the City Attorney and the Planning Commission.
- A shared parking facility shall be located on the same lot as the use for which parking is provided, unless the parking facility complies with all the requirements of sub-section 5.5.12, Allowance for Off-site Parking
- The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the attorney for the City of Fort Thomas

Off-Street Parking, Loading, and Access Regulations ALLOWANCE FOR OFF-SITE PARKING FOR NON-RESIDENTIAL USES

- Provide at least 50% of the required parking spaces on the site unless waived by the Planning Commission
- Off-site spaces shall be within 800 feet walking distance
- Contiguous lots providing off street parking for more than one use shall provide sufficient parking spaces to comply with the combined total parking requirements for all uses unless an allowance for shared parking is granted
- Off-site lot may be located in another zoning district
- The lot used as an off-site parking facility shall be owned or leased for at least a 20-year term or acquired through a permanent easement by the owner of the use being served
- Any use of non-conforming parking lot shall be upgraded to comply with the Ordinance

Off-Street Parking, Loading, and Access Regulations



Any concerns about these standards for shared and off-site parking?

Zoning Ordinance Update

CITY OF FORT THOMAS

Off-Street Parking,
Loading, and Access
Regulations

Community Comments



Zoning Ordinance Update

CITY OF FORT THOMAS

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