

# Zoning Ordinance Update

CITY OF FORT THOMAS

CT CONSULTANTS

## January 17, 2024



## Meeting Agenda

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**Zoning & Subdivision Ordinance Update Process & Phase 3 Schedule**

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**Article I – General Provisions and Administration**

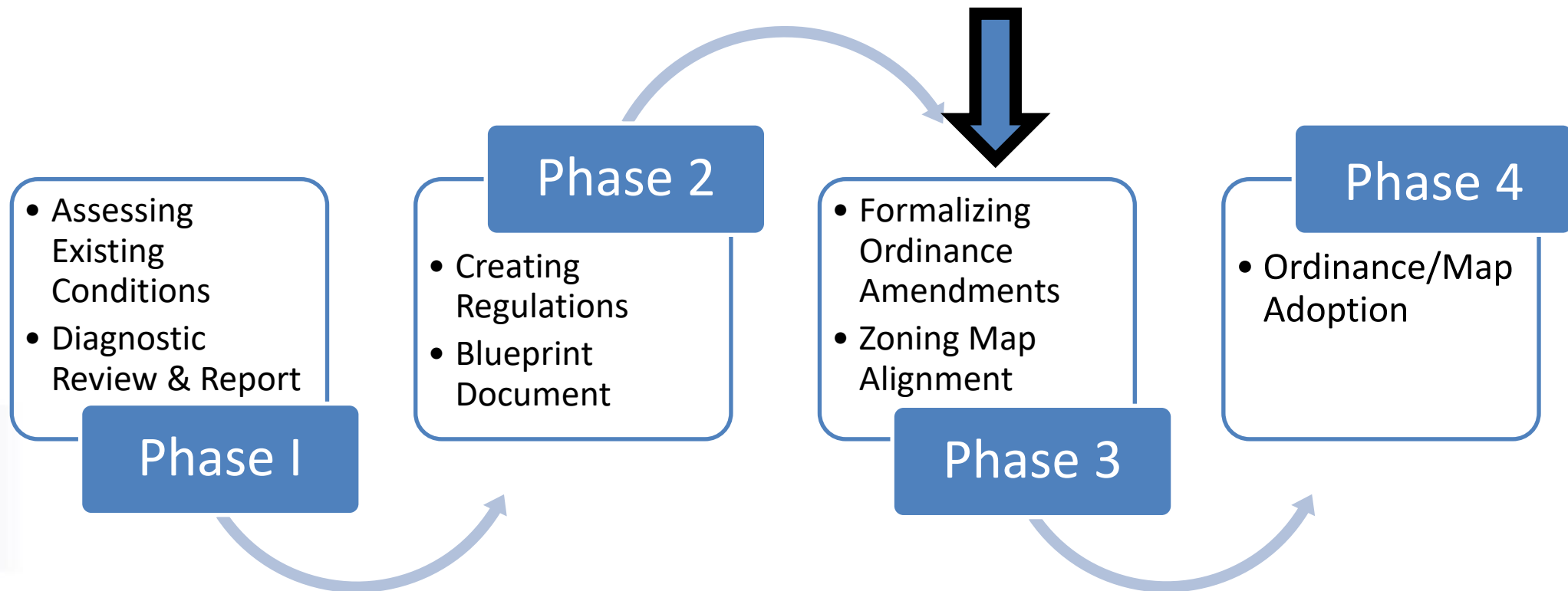
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**Article VII – Subdivision Regulations**

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**Next Steps**

## Zoning & Subdivision Ordinance Update Process



## Phase 3



Feb. 21, 2024

- **Article V**
- Regulations Applicable to All Districts



March 19 & 20, 2024

- **Article III**
- Zoning Districts



April 17, 2024

- **Wrap Up**

**Joint Meeting with City Council & Planning Commission - February 20, 2024**



Community  
Engagement



## Article I General Provisions & Administration

- 1.0 Title, Purpose, and Application
- 1.1 Definitions
- 1.2 Establishment of Districts and Map
- 1.3 Powers and Duties
- 1.4 Development Plan Review Procedures
- 1.5 Zoning Permits & Certificates of Zoning Compliance
- 1.6 Conditional Use Permits
- 1.7 Appeals & Variances
- 1.8 Amendments
- 1.9 Nonconforming Uses, Lots, Structures, & Site Conditions
- 1.10 Waivers
- 1.11 Enforcement and Penalties





## Article I

### Section 1.1 – Definitions and Measurements

**1.1.01** Rules of Interpretation.  
**1.1.02** Glossary of Terms.

**1.0.03** Calculations, Measurements, & Illustrations.

## Article I

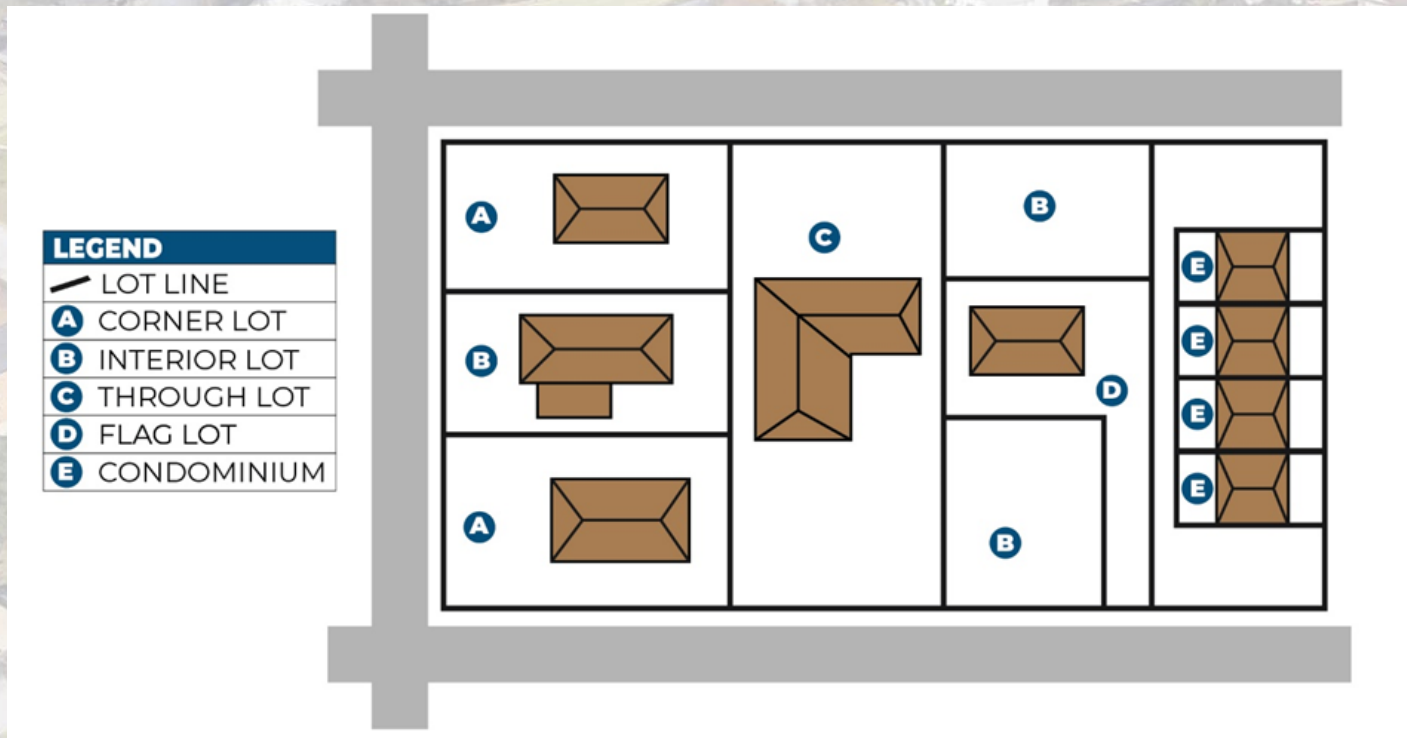
### Section 1.1 – Definitions & Measurements

1.1.01 Rules of Interpretation.

1.1.02 Glossary of Terms.

1.0.03

Calculations, Measurements, & Illustrations.





## Article I

### Section 1.2 – Establishment of Districts & Map

#### Schedule 1.2.01 Zoning Districts Established

#### STANDARD ZONING DISTRICTS

#### ZONING DISTRICT NAME

#### SYMBOL

#### RESIDENTIAL DISTRICTS

Single-Family Residential-One AA

R-1AA

Single-Family Residential-One A

R-1A

Single-Family Residential-One B

R-1B

Single-Family Residential-One C

R-1C

Single-Family Residential-One D

R-1D

Single-Family Residential-Town Center with the following Sub-Zoning Districts

R-1-TC

Single-Family Residential-Town Center 1

R-1-TC1

Single-Family Residential-Town Center 2

R-1-TC2

Two-Family Residential-Two

R-2

Multi-Family Residential-Three

R-3

Multi-Family Residential-Five Zone

R-5

## Article I

### Section 1.2 – Establishment of Districts & Map

Schedule 1.2.01 Zoning Districts Established

STANDARD ZONING DISTRICTS

ZONING DISTRICT NAME	SYMBOL
<b>BUSINESS and MIXED-USE DISTRICTS</b>	
Central Business District <u>with the following Sub-Zoning Districts</u>	CBD
<u>Central Business District – Town Center Core</u>	<u>CBD-TCC</u>
<u>Central Business District – Town Center Supporting</u>	<u>CBD-TCS</u>
<u>Central Business District – Town Center Residential</u>	<u>CBD-TCR</u>
<u>Central Business District – Midway Core 1</u>	<u>CBD-MC1</u>
<u>Central Business District – Midway Core 2</u>	<u>CBD-MC2</u>
<u>Central Business District – Midway Core 3</u>	<u>CBD-MC3</u>
<u>Central Business District – Residential 1</u>	<u>CBD-MR1</u>
<u>Central Business District – Residential 2</u>	<u>CBD-MR2</u>
Traditional Business District	TBD
Alexandria Pike Mixed-Use District <u>with the following Sub-Zoning Districts</u>	AP-MX
<u>Alexandria Pike Mixed-Use District - 1</u>	<u>AP-MX1</u>
<u>Alexandria Pike Mixed-Use District - 2</u>	<u>AP-MX2</u>
Neighborhood Commercial/Office District	NC/O

## Article I

### Section 1.2 – Establishment of Districts & Map

#### Schedule 1.2.01 Zoning Districts Established

##### STANDARD ZONING DISTRICTS

ZONING DISTRICT NAME

SYMBOL

##### OTHER DISTRICTS

River Preservation District

RP

Conservation District

CO

##### SPECIAL DISTRICTS

ZONING DISTRICT NAME

SYMBOL

Residential Cluster Development Overlay District

RCD-O

Fort Thomas Avenue Overlay District

FTA-O

Central Business District Historic Overlay District

CBD-O

Tower Park Historic Overlay District

TP-O



## Article I

### Section 1.3 - Powers and Duties

- Zoning Administrator
  - Administer & enforce the Ordinance
- City Engineer
  - Provide technical support to the City
- Planning Commission
  - Consider & act on development plans & subdivision plats
  - Hear & recommend zoning amendments
  - Consider zoning/subdivision waivers & alternative equivalency applications

## Article I

### Section 1.3 - Powers and Duties

- Board of Adjustment
  - Appeals from administrative decisions
  - Zoning variances
  - Consider conditional use permits
  - Consider changes to nonconforming uses
- Tree Commission
  - Provide recommendations to Planning Commission when required by City's Code of Ordinances

## Article I

### Section 1.3 - Powers and Duties

- Design Review Board
  - Historic review for the CBD & Tower Park Historic Overlay Districts
  - Provide recommendations to Planning Commission for the AP-MX, NC/O, CBD & TBD Districts
  - Evaluate & decide upon building modifications in the AP-MX, MC/O, & TBD Districts
  - Evaluate & decide upon deviations to Residential Contextual Standards & standards in the FTA-O
- Board of Council
  - Consider & decide upon zoning map and zoning text amendments



# Zoning Ordinance Update

CITY OF FORT THOMAS

## Article I

### Section 1.4 - Development Plan Review Process

Overview of Development Plan Review Process	
STEP	ACTION
1	<b>Pre-Application Meeting with City Staff</b> Optional
2	<b>WHEN APPLICABLE, STAGE I DEVELOPMENT PLAN REVIEW AND RECOMMENDATION BY:</b> <b><u>DESIGN REVIEW BOARD</u></b>
3	<b>WHEN APPLICABLE, STAGE I DEVELOPMENT PLAN REVIEW AND RECOMMENDATION BY:</b> <b><u>TREE COMMISSION</u></b>
4	<b>STAGE I DEVELOPMENT PLAN REVIEW AND ACTION BY:</b> <b><u>PLANNING COMMISSION</u></b>
5	<b>STAGE II DEVELOPMENT PLAN REVIEW AND ACTION BY:</b> <b><u>ZONING ADMINISTRATOR</u></b>

## Article I Section 1.5 – Zoning Permits & Certificates of Zoning Compliance

- Zoning Permits – Issued before construction commences
- Certificate of Zoning Compliance Issued after construction complete



## Article I

### Section 1.6 – Conditional Use Permit (CUP)

- Conditional Use Permit – a permit for a land use that requires discretionary review by the Board of Adjustment
- Retaining the existing process





## Article I

### Section 1.7 – Appeals and Variances

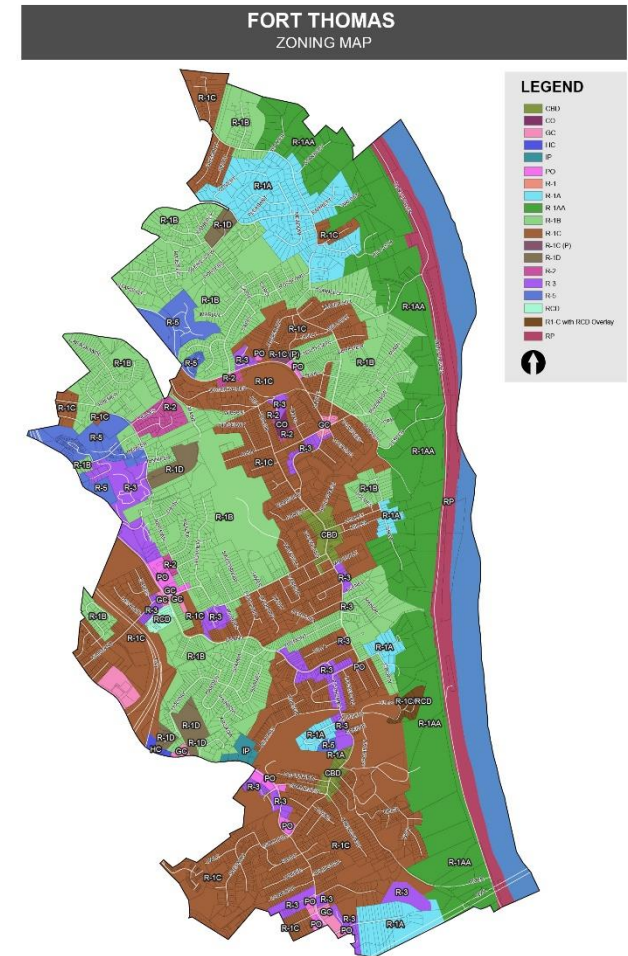
- Appeals from Administrative Decisions
- Variances



## Article I

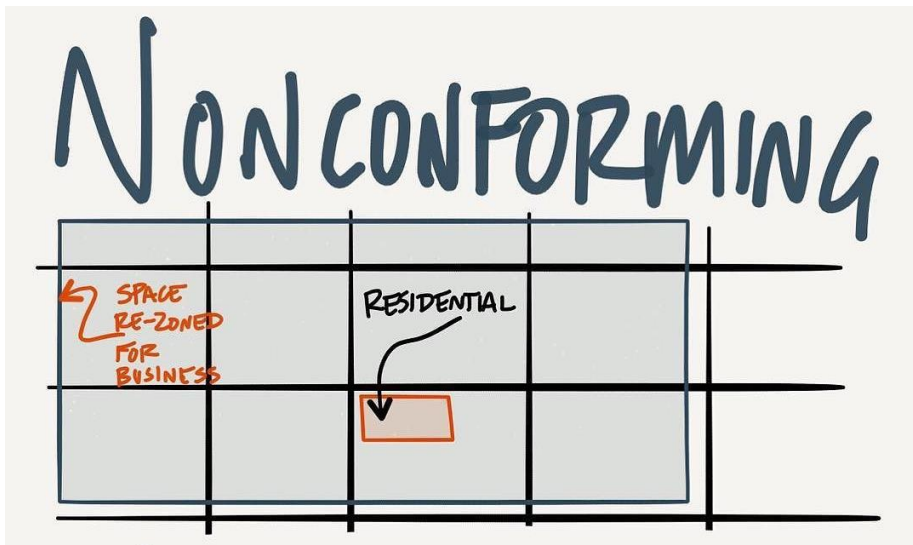
### Section 1.8 – Amendments

- Zoning Map Amendments
- Zoning Text Amendments



## Article I

### Section 1.9 – Nonconforming Uses, Lots, Structures & Site Conditions



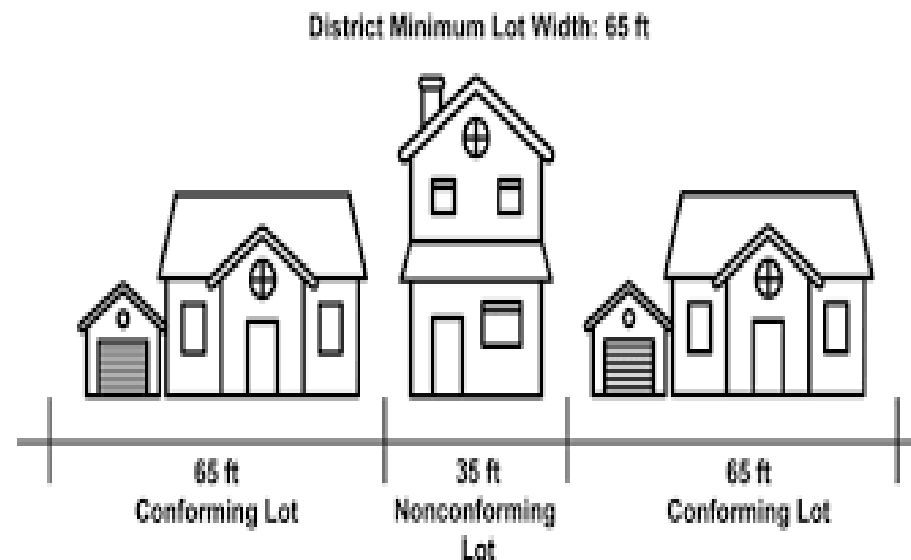
- Nonconforming Lots of Record
- Nonconforming Uses
- Nonconforming Structures
- Nonconforming Site Conditions



## Article I

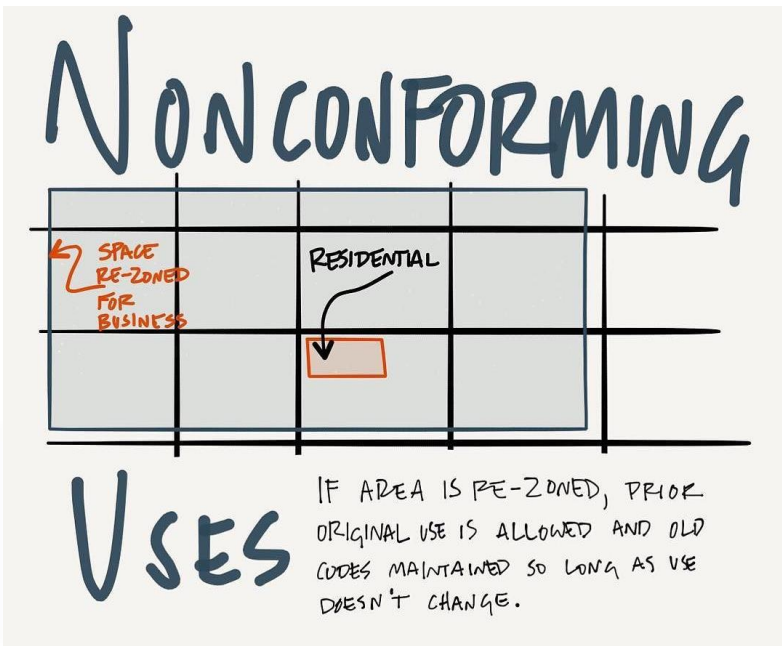
### Section 1.9 – Nonconforming Uses, Lots, Structures & Site Conditions

- **Nonconforming Lots of Record**



## Article I

### Section 1.9 – Nonconforming Uses, Lots, Structures & Site Conditions

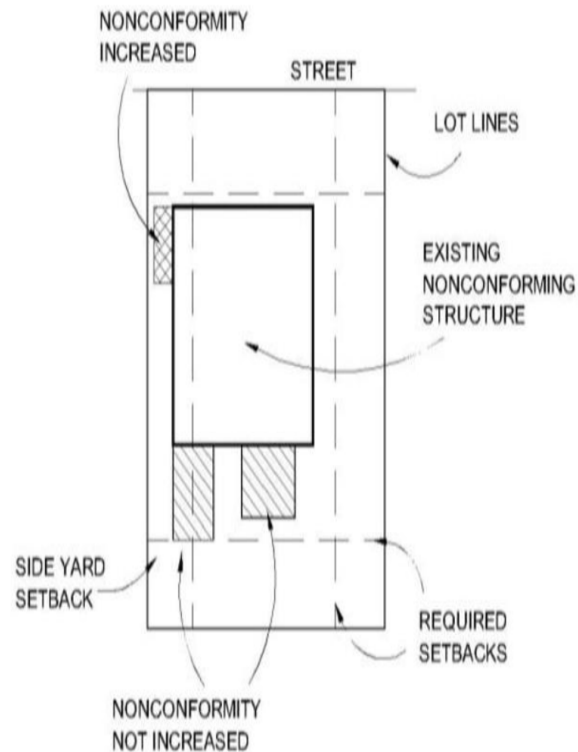


- **Nonconforming Uses**
  - **Treatment of nonconforming residential uses**

## Article I

### Section 1.9 – Nonconforming Uses, Lots, Structures & Site Conditions

#### ADDITIONS TO A NONCONFORMING STRUCTURE



- **Nonconforming Structures**

## Article I

### Section 1.9 – Nonconforming Uses, Lots, Structures & Site Conditions

“Non-conforming site condition” means a feature of a developed lot, parcel, or site, such as landscaped area, parking, or lighting, that does not conform to the provisions of this Ordinance, but was lawful at the time the lot, parcel, or site was last developed or redeveloped

- Nonconforming Site Conditions



## Article I

### Section 1.10 – Waivers, Modifications, & Equivalency

#### VARIANCE

##### Definition

A device which grants a variation from the dimensional provisions of the Ordinance in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to the individual property under consideration.

##### Code

UDO

##### Public Hearing

Yes

##### Decision Maker

Board of Adjustment

#### WAIVER

##### Code

UDO

##### Public Hearing

Yes

##### Decision Maker

PC, DRB &  
Zoning  
Administrator

##### Definition

Permission from Planning Commission, Design Review Board, or from the Zoning Administrator to depart from the requirements of the Unified Development Ordinance

## Article I

### Section 1.10 – Waivers, Modifications, & Equivalency

- Planning Commission – Where specified within the Ordinance including:
  - Development Standards
  - Parking Locations
  - Landscaping and Screening Requirements
- Design Review Board – Where specified within the Ordinance including:
  - Required Design Standards in Business & Mixed-Use District
  - Residential Contextual Standards for homes in the R-1 & R-2 Districts & FTA-O District

## Article I

### Section 1.10 – Waivers, Modifications, & Equivalency

- Zoning Administrator
  - Quantifiable & measurable standard
  - Consider minor modifications for up to 10% of standards



## Article I

### Section 1.10 – Waivers, Modifications, & Equivalency

- **Equivalency Provision**

- Alternative equivalency review is a procedure that allows applicants to propose unique design options as an alternative to a development standard established in this Ordinance provided it meets or exceeds the intent of the design-related provisions. It is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a standard specified in this Ordinance. Alternative equivalency review shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.



## Article I

### Section 1.10 – Waivers, Modifications, & Equivalency

- Equivalency Provision - Use for:
  - Section 5.3, Landscaping, Screening, and Lighting Regulations;
  - Section 5.4, Conditional Use and Restricted Use Regulations; and,
  - Section 5.5, Off-Street Parking, Loading, and Access Regulations

Are these Sections appropriate for using the Equivalency Provision? Should applicants be able to use the Equivalency Provisions for other standards in the UDO?

## Section 1.11 Enforcement and Penalties

- Violations
- Enforcement Actions
- Penalties

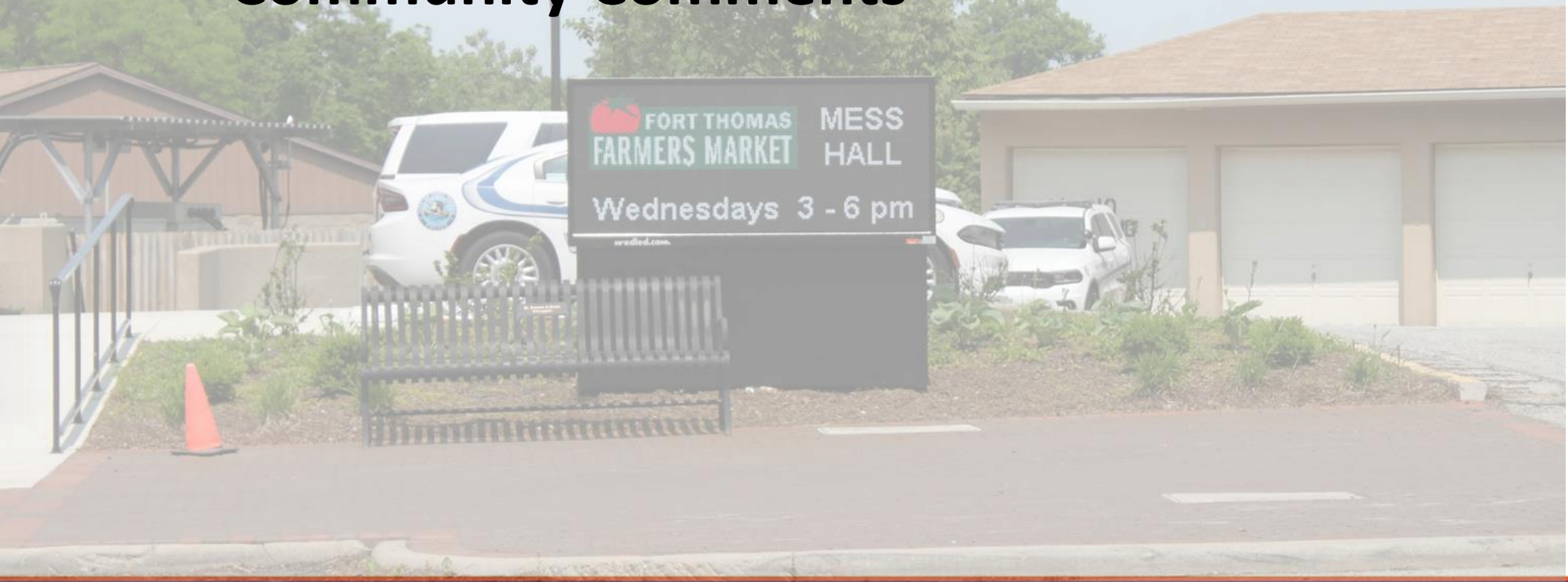
# FORTTHOMASKY  
PRACTICE ZONING ENFORCEMENT





**Any questions/comments about Article I –  
General Provisions & Administration?**

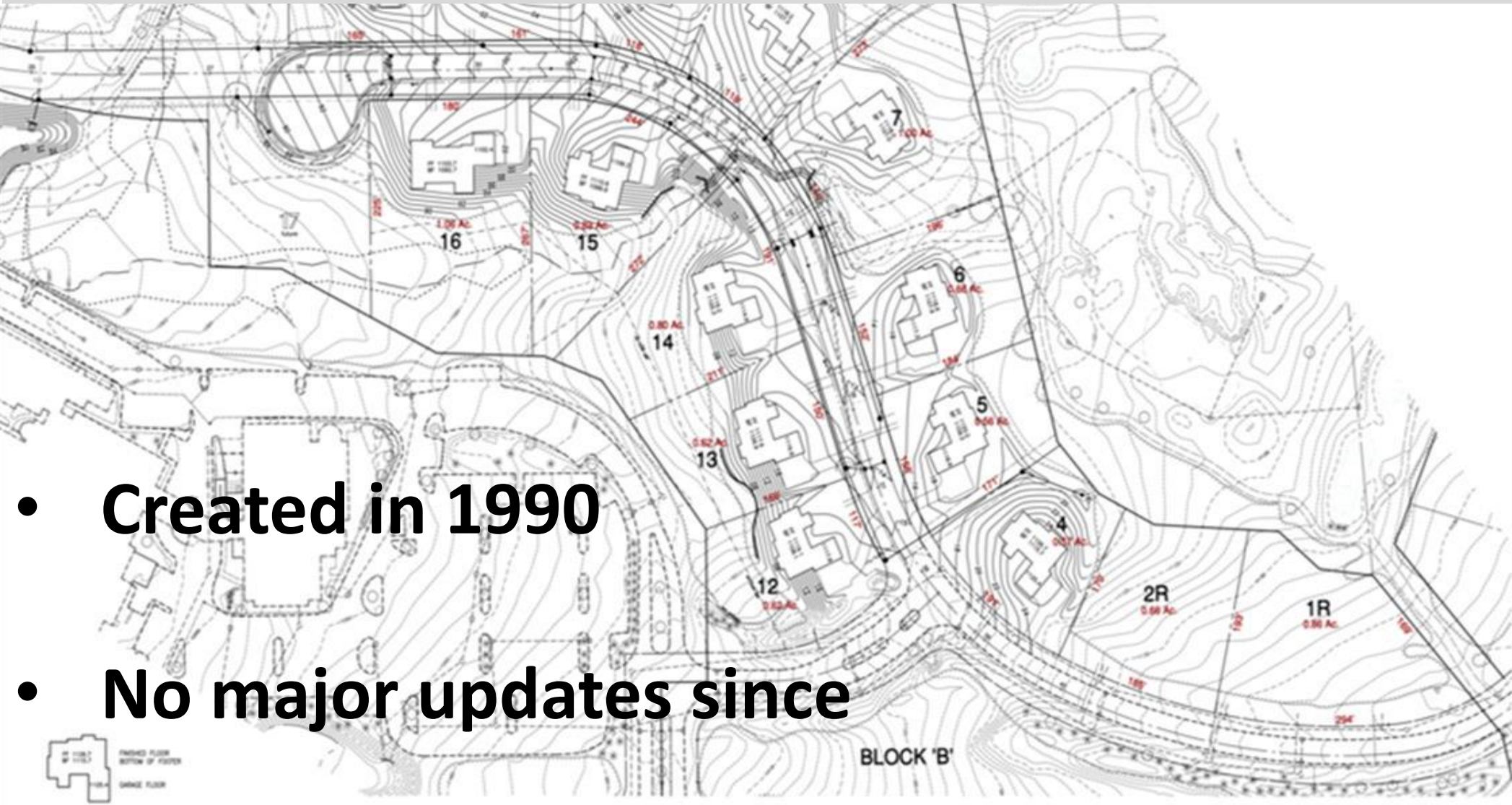
## Article I – General Provisions & Administration Community Comments







## Article 7 Subdivision Regulations



- **Created in 1990**
- **No major updates since**



## Article 7 - Subdivision Regulations

**SECTION 7.0 – APPLICATION AND AUTHORITY OF REGULATIONS**

**SECTION 7.1 – DEFINITIONS**

**SECTION 7.2 – SUBDIVISION PROCEDURE**

**SECTION 7.3 – PRELIMINARY PLAT REQUIREMENTS**

**SECTION 7.4 – FINAL PLAT REQUIREMENTS INCLUDING  
IMPROVEMENT DRAWINGS & SPECIFICATIONS**

**SECTION 7.5 – DESIGN STANDARDS FOR THE LAYOUT OF SUBDIVISIONS**

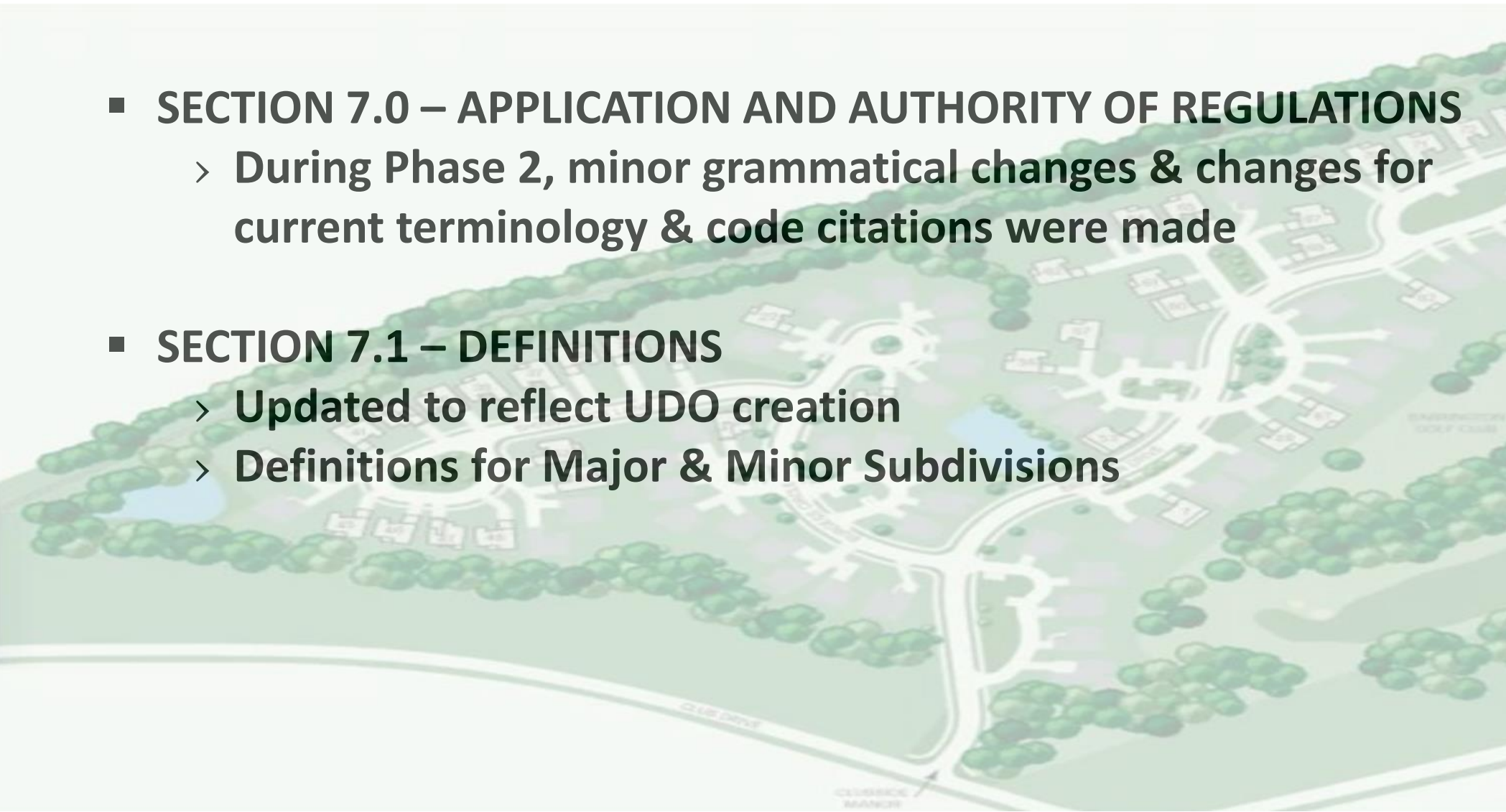
**SECTION 7.6 – IMPROVEMENTS**

**SECTION 7.7 – ADMINISTRATION AND ENFORCEMENT**

**APPENDICES (Engineering Specifications)**

## Subdivision Regulations – Sections 7.0 & 7.1

- **SECTION 7.0 – APPLICATION AND AUTHORITY OF REGULATIONS**
  - › During Phase 2, minor grammatical changes & changes for current terminology & code citations were made
  
- **SECTION 7.1 – DEFINITIONS**
  - › Updated to reflect UDO creation
  - › Definitions for Major & Minor Subdivisions





# Zoning Ordinance Update

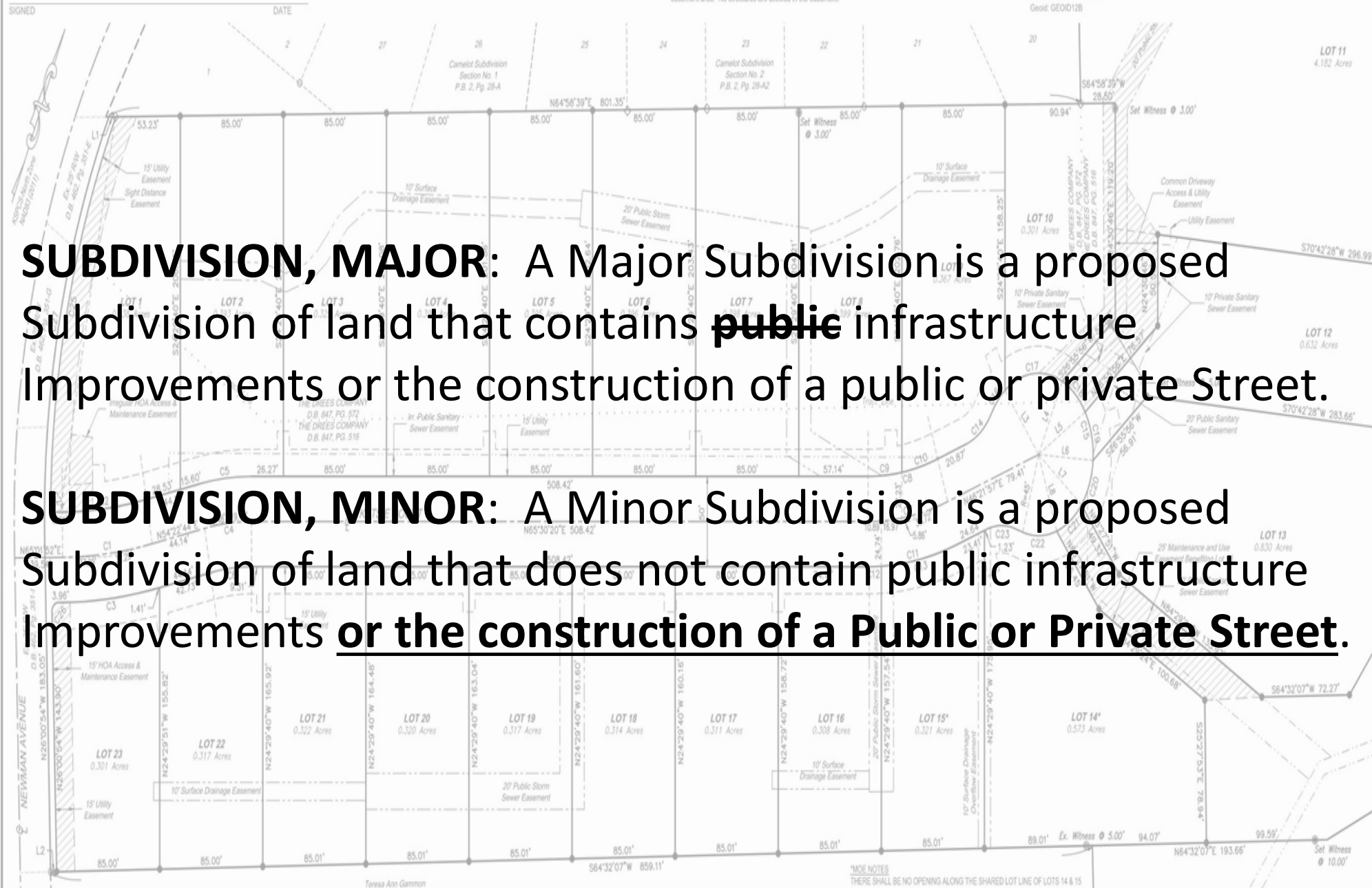
CITY OF FORT THOMAS

My Commission Expires: \_\_\_\_\_

An easement as shown on the record plat or plats for the Property, created for the benefit of Lot 13. The owner of Lot 13 will be allowed use of this area and shall be responsible for care and maintenance of the easement area. No structures are allowed in the easement.

Network Adjusted Real Time Kinematic  
Horizontal Datum: NAD-83 (2011) KYSPCS North Zone  
Vertical Datum: NAVD-88  
Geoid: GEOID12B

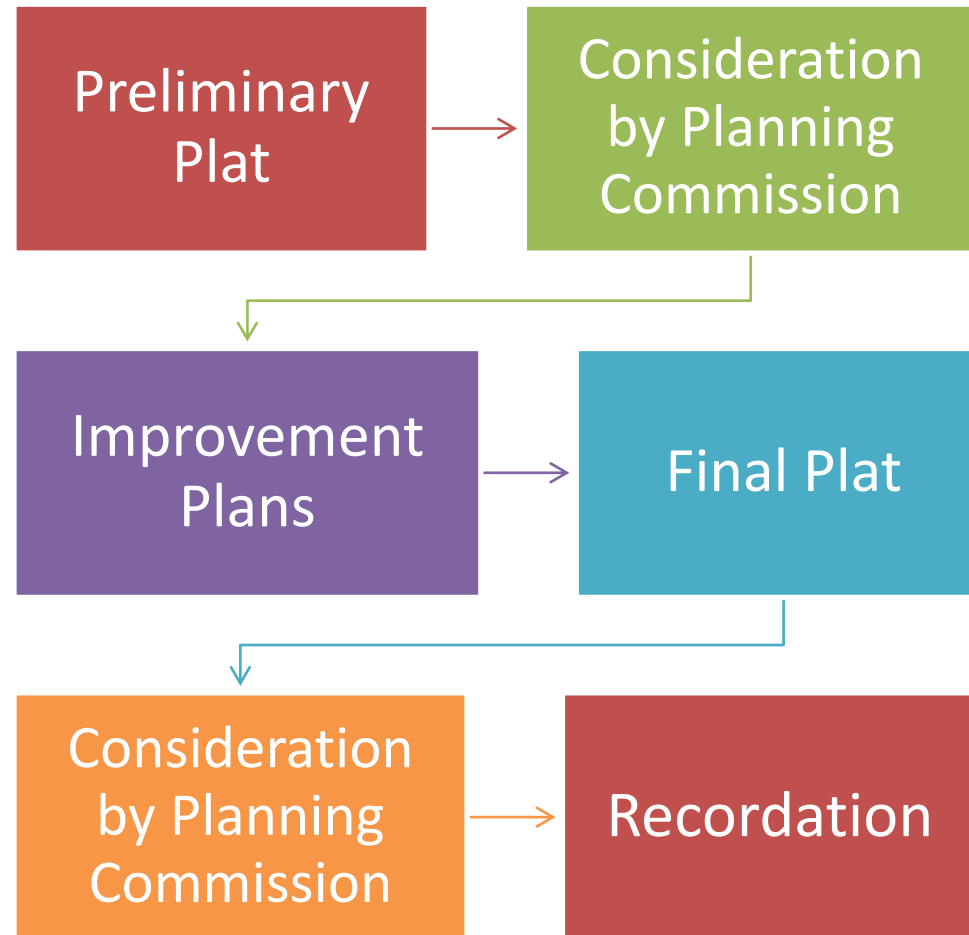
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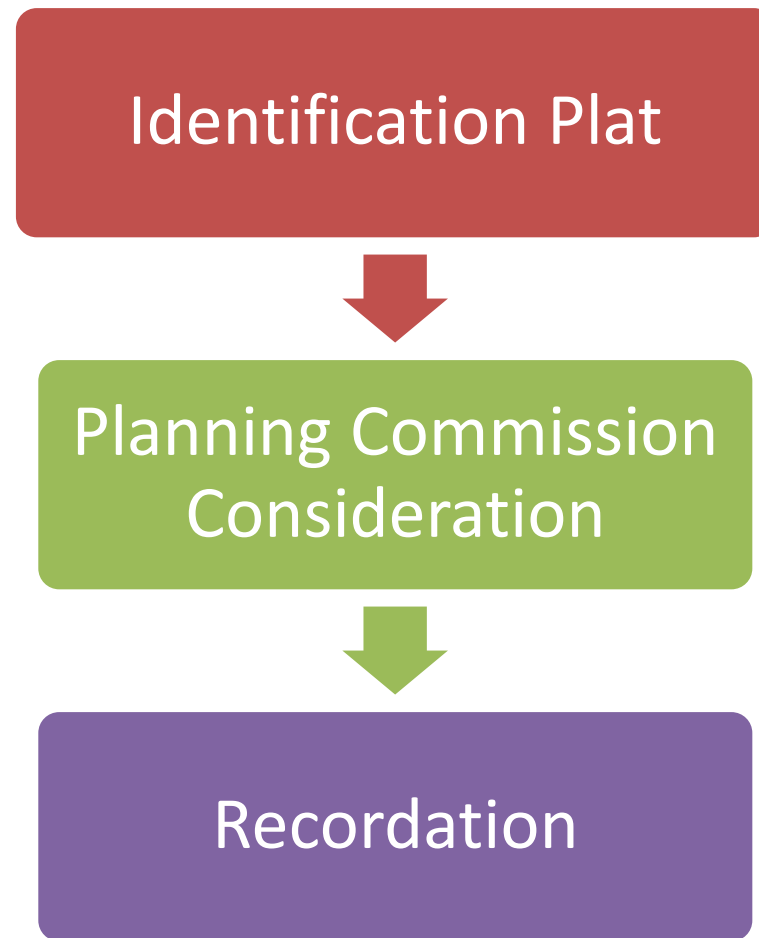
**SUBDIVISION, MAJOR:** A Major Subdivision is a proposed Subdivision of land that contains **public** infrastructure Improvements or the construction of a public or private Street.

**SUBDIVISION, MINOR:** A Minor Subdivision is a proposed Subdivision of land that does not contain public infrastructure Improvements or the construction of a Public or Private Street.

## Section 7.2 – PROCEDURES Major Subdivisions



## Section 7.2 – Procedures Minor Subdivisions with Identification Plat



## Section 7.2 – Procedures Identification Plat for a Minor Subdivision

### To use an **Identification Plat**:

1. The parcel to be subdivided will not involve the construction of any public water lines, storm and sanitary sewers, and streets, etc.
2. Not more than two lots, including the residual parcel, may be subdivided ~~from the original tract of land existing prior to 1966.~~
3. Lot lines that are to be adjusted in already recorded subdivisions shall not involve more than three contiguous lots. If more than three lots are involved then said lots shall be handled as a resubdivision and processed according to the applicable requirements of the Preliminary and Final Plats.
4. Except as noted in item (3) above, the identification plat process shall not be permitted in areas already approved or conditionally approved as a preliminary plat.



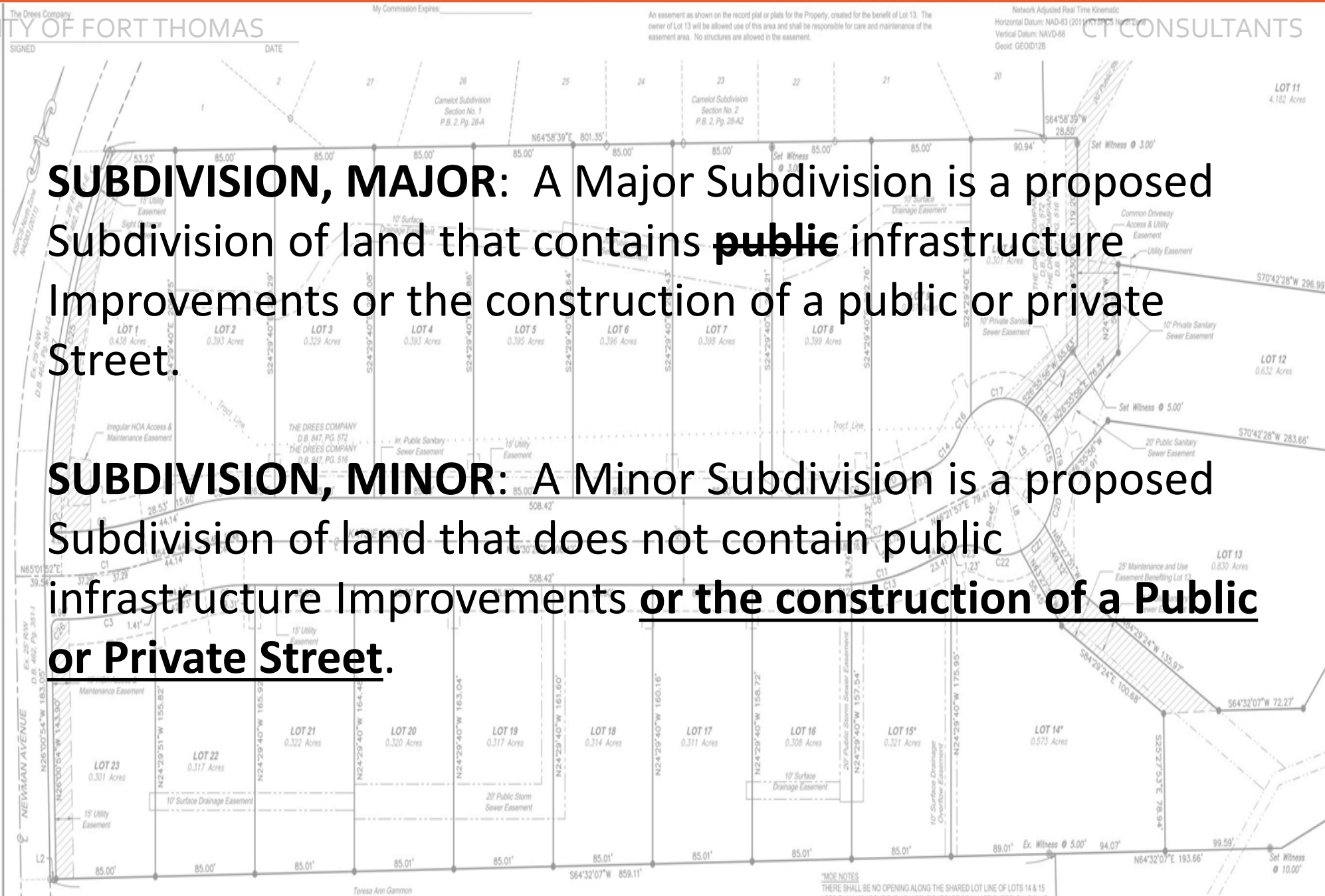
# Zoning Ordinance Update

CITY OF FORT THOMAS

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**SUBDIVISION, MAJOR:** A Major Subdivision is a proposed Subdivision of land that contains **public** infrastructure Improvements or the construction of a public or private Street.

**SUBDIVISION, MINOR:** A Minor Subdivision is a proposed Subdivision of land that does not contain public infrastructure Improvements or the construction of a Public or Private Street.



## Section 7.2 – PROCEDURES Acceptance of Improvements



1. Inspection

2. Streets accepted 45 days after recordation

3. Performance guarantee accepted, if needed

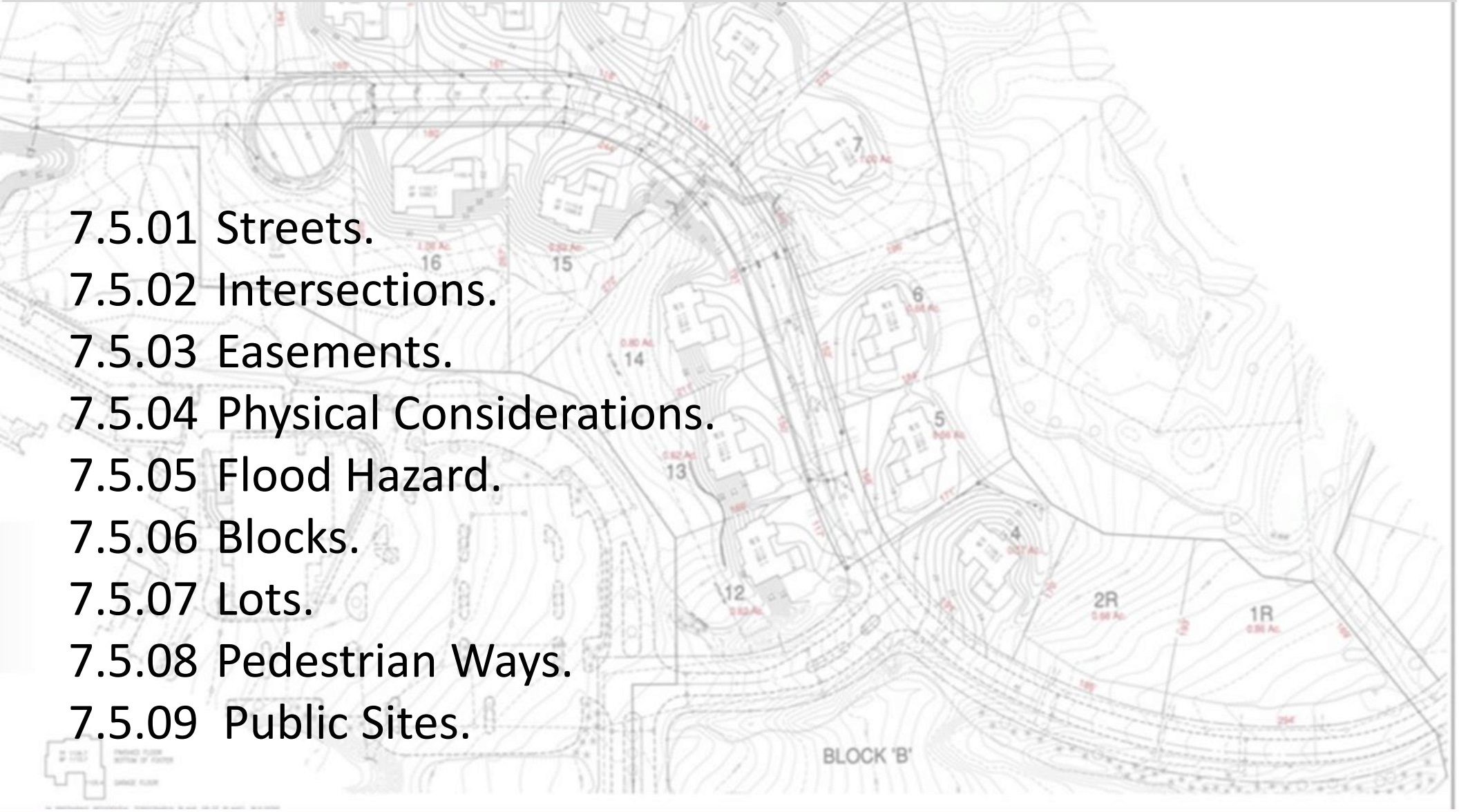
## Section 7.3 & 7.4 – Preliminary & Final Plat Submittal Requirements

- **No major changes**
  - › During Phase 2, minor changes for grammar, for current practices, & for code citations



## Section 7.5

### Design Standards for the Layout of Subdivisions

- 
- A topographic map of Block 'B' showing lots 1 through 16, 2R, and 1R. Each lot is labeled with its number and acreage. Lot 1 is 1.00 Ac, Lot 2 is 0.20 Ac, Lot 3 is 0.20 Ac, Lot 4 is 0.27 Ac, Lot 5 is 0.60 Ac, Lot 6 is 0.24 Ac, Lot 7 is 1.00 Ac, Lot 8 is 0.20 Ac, Lot 9 is 0.20 Ac, Lot 10 is 0.20 Ac, Lot 11 is 0.20 Ac, Lot 12 is 0.20 Ac, Lot 13 is 0.20 Ac, Lot 14 is 0.20 Ac, Lot 15 is 0.20 Ac, and Lot 16 is 1.00 Ac. Zoning designations are shown in red: 1R (0.20 Ac), 2R (0.20 Ac), and 1R (0.20 Ac). The map also shows contour lines, streets, and easements.
- 7.5.01 Streets.
  - 7.5.02 Intersections.
  - 7.5.03 Easements.
  - 7.5.04 Physical Considerations.
  - 7.5.05 Flood Hazard.
  - 7.5.06 Blocks.
  - 7.5.07 Lots.
  - 7.5.08 Pedestrian Ways.
  - 7.5.09 Public Sites.



## Section 7.6 Improvements

- |        |   |        |  |
|--------|---|--------|--|
| 7.6.01 | Minimum Design Standards & Criteria for Storm Water Management. | 7.6.11 | Monumentation.   |
| 7.6.02 | Sanitary Sewer System.  | 7.6.12 | Plans for Future Expansion Extra Size & Off-Site Improvements. |
| 7.6.03 | Water System.   | 7.6.13 | Plans Required for the Control of Erosion & Sedimentation.     |
| 7.6.04 | Streets.  | 7.6.14 | Construction Inspections.                                      |
| 7.6.05 | Driveway Approaches.  | 7.6.15 | Construction Responsibilities.                                 |
| 7.6.06 | Off-Street Parking Areas.                                       | 7.6.16 | Final Cleaning Up.   |
| 7.6.07 | Private Utilities.  | 7.6.17 | Agreements & Guarantees.                                       |
| 7.6.08 | Street Signs.   |        |  |
| 7.6.09 | Street Lights.  |        |  |
| 7.6.10 | Planting Screen or Fences.                                      |        |  |

Image Landsat / Copernicus

## Section 7.7 Administration and Enforcement

Check the  
Subdivision  
Regulations

- 7.7.01 Administration.**
- 7.7.02 Fees for Plats and Plans.**
- 7.7.03 Payment of Fees.**
- 7.7.04 Recordation Fees in County Clerk's Office.**
- 7.7.05 Modifications.**
- 7.7.06 Enforcement.**
- 7.7.07 Appeals from the Planning Commission's Duly Authorized Representative.**

Image Landsat / Copernicus

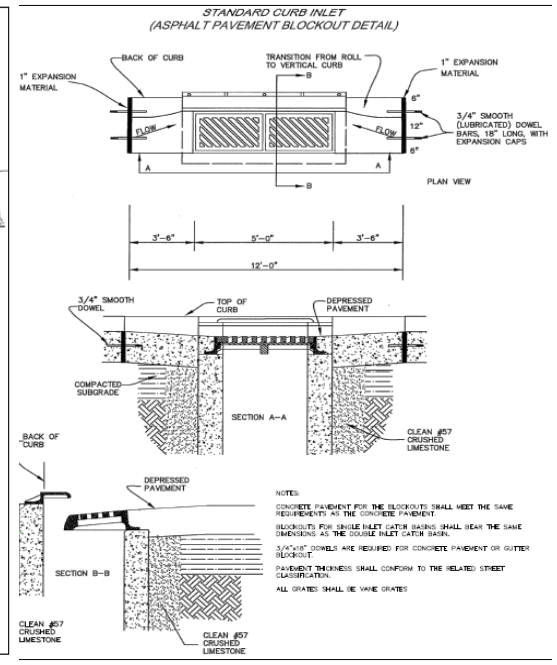
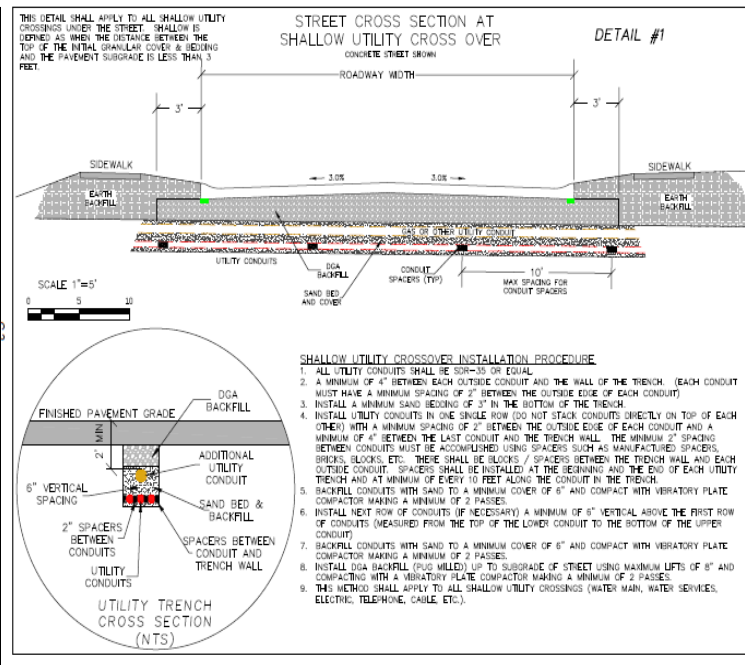
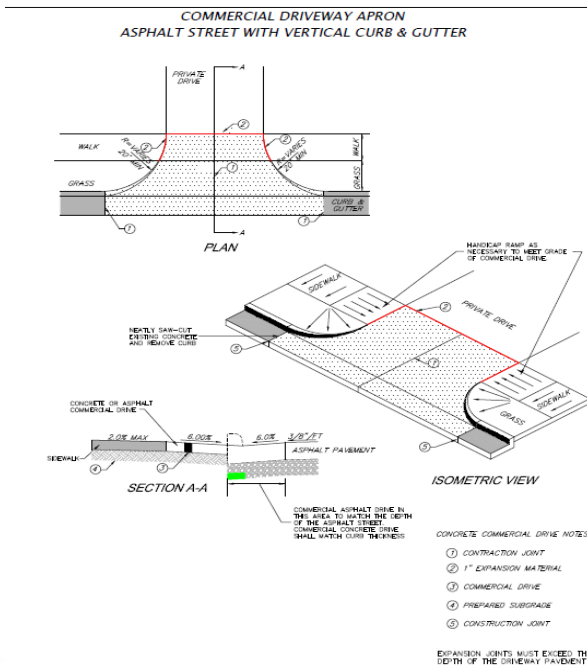


## Appendices

APPENDIX "A" – PAVEMENT DESIGN

APPENDIX "B" – GEOTECHNICAL EXPLORATION AND EARTHWORK  
CONSTRUCTION REQUIREMENTS

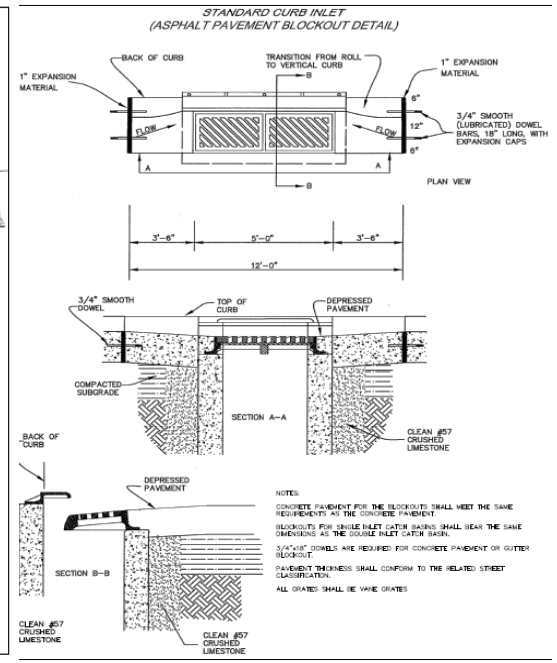
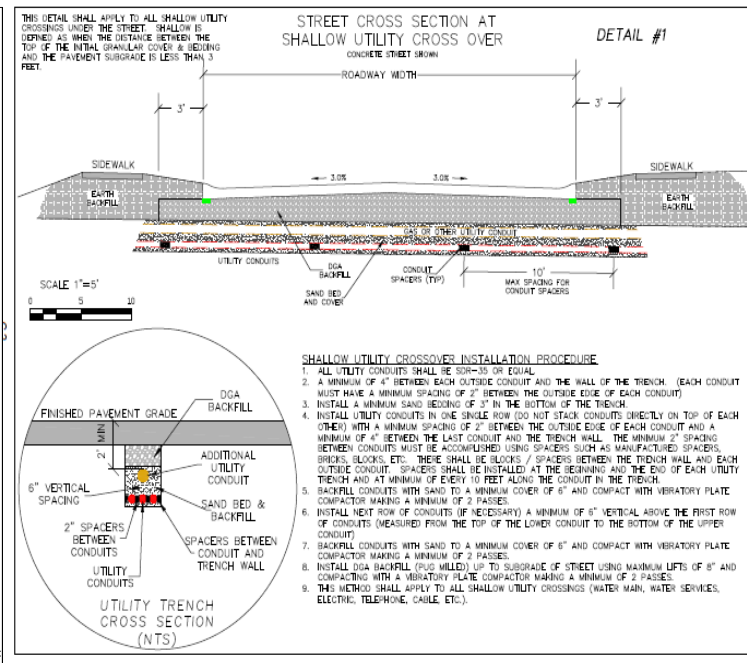
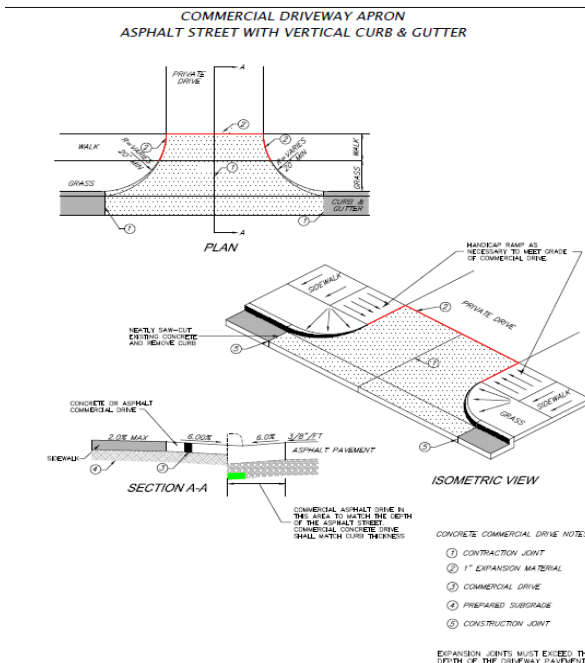
APPENDIX "C" – STANDARD CONSTRUCTION DETAILS FOR STREETS,  
SIDEWALKS, AND DRIVEWAYS



## Appendices

### APPENDIX "D" – Certificates for Final Plats

### APPENDIX "E" – Certificates for Identification Plats





# SUBDIVISION REGULATIONS



**Any questions/comments about Article 7 –  
Subdivision Regulations?**

## Subdivision Regulations

## Community Comments

ED STREET

LOG TO BE SET BACK A  
MINIMUM OF 20' FROM ANY  
SHALLOW TRANSVERSE  
UTILITY CROSSING

# Zoning Ordinance Update

CITY OF FORT THOMAS

CT CONSULTANTS



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