



To: City of Fort Thomas, KY Planning Commission

From: Alisa Duffey Rogers, AICP
Frank Twehues, P.E.

Subject: Zoning and Subdivision Ordinance Update – Phase 3
Considerations for the February 21, 2024 Meeting

Date: February 5, 2024

- ▶ At the community engagement sessions on January 18, 2024, twelve community members attended, and the following topics were discussed:
 - The Tower Park Historic Overlay District
 - The appropriateness of including Greene Street in the proposed Tower Park Historic Overlay District.
 - The suitability of using the U. S. Secretary of the Interior’s Standards for the Treatment of Historic Properties to evaluate alterations within the Tower Park Historic Overlay District.
 - The “Failure to Repair” sub-section proposed for the Tower Park Historic Overlay District.
 - The need for more direct community engagement that targets both specific sections of the draft Unified Development Ordinance (UDO) and specific neighborhoods within the City.
 - Section 1.10 - Waivers, Modifications, & Equivalency in the proposed Unified Development Ordinance and how this Section compares and contrasts with the variance provisions in Section 1.7 - Appeals & Variances.
 - The Performance Standards in the UDO, specifically the noise controls.

- ▶ At the Planning Commission meeting on February 21, we will discuss Article V – Regulations Applicable to All District. Our discussions will focus on the revisions from the Phase 2 draft of the UDO. In the Phase 3 draft that you received in January, significant changes from the Phase 2 draft are noted with **Additions** in **bold and underlined** and ~~Deletions~~ lined out. Listed below are specific items that you may wish to review ahead of the Planning Commission meeting.



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

- Section 5.0 – General Regulations
 - > Sub-section 5.0.14 - Control of Erosion, Hillside Slippage & Sedimentation. This sub-section is new for Phase 3, but is in the existing Zoning Ordinance in Section 9.20 B. k.
 - > Sub-section 5.0.15 - Required Improvements for Developments. This new sub-section expressly requires developments to construct certain improvements, such as sidewalks and stormwater management controls, in conformance with the standards in the Subdivision Regulations in Article VII.
- Section 5.1 - Temporary and Accessory Use/Structure Regulations
 - > Sub-section 5.1.02 - Accessory Uses
 - Sub-section B. – Accessory Dwelling Units. Please review the proposed changes to this sub-section. Most of these modifications resulted from our discussions during Phase 2.
 - Sub-section C. - Home Occupation. Please review the definition of Home Occupation in Section 1.1 (Definitions and Measurements) and review the proposed revisions to this sub-section. Most of these modifications resulted from our discussions during Phase 2.
 - Sub-section G. – Short Term Rental Properties. Additional policy discussions are required for these standards, but we would prefer to defer this discussion until we discuss the Zoning Districts in March.
 - > Sub-section 5.1.04 – Accessory Structures
 - Sub-section B. – Accessory Structures. Please review the proposed revisions. These modifications focus on restricting the amount of a rear yard that may be occupied with accessory structures.
- Section 5.2 - Environmental Regulations
 - > Sub-section 5.2.03 – Hillside Development Controls. Please review the changes to this sub-section which limit the applicability of the Hillside Development Controls. As discussed during Phase 2, we included the map from the *Comprehensive Plan* illustrating parcels with slopes greater than 20%.
 - > Sub-section 5.2.04 - Tree Conservation & Restoration Requirements. Please consider if the Tree Conservation requirements should only be applicable to major subdivisions, rather than all subdivisions.



- Section 5.3 – Landscaping, Screening, and Lighting Regulations
 - Sub-section 5.3.09 - Buffering & Screening Between Districts & Uses. In sub-section C, the required width of the buffer yard has been increased from 10 feet to 12 feet to provide greater room for landscaping to thrive.
 - Sub-section 5.3.13 – Lighting Regulations. Based on the discussions in Phase 2, revisions were made to this sub-section. Please review.
- Section 5.4 – Conditional Use and Restricted Use Regulations. There are no significant revisions to this Section in this Phase 3 draft of the UDO.
- Section 5.5 – Off-Street Parking, Loading, and Access Regulations.
 - The following sub-sections are new in this Phase 3 draft. Unless noted in the text, these sub-sections are unchanged from the provisions in the existing Zoning Ordinance:
 - 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
- Section 5.6 – Wireless Regulations. This Section is new for Phase 3, and it replaces the existing regulations in Section 9.27 (Cellular Telecommunication Facilities) of the Zoning Ordinance. The existing regulations were replaced in order to comply with KRS 100 and federal requirements.
- Section 5.7 – Sign Regulations
 - Sub-section 5.7.06 C. 2. - Pylon/Ground Signs Located along Highland and Grand Avenues. Per the Planning Commission discussions in Phase 2, this sub-section was included to accommodate the signage needs for those unique lots that have frontage on either Highland or Grand Avenues. Please review.
 - Schedule 5.7.07 A – Permanent Signs in the Residential and Conservation Districts. As discussed in Phase 2, ground signs are prohibited in the R-3, Multi-family District.
 - Sub-section 5.7.07 D. - Electronic Message Center. Based on the Phase 2 discussions, Electronic Message Centers will be Conditional Uses in the R-1AA, R-1A, R-1B, R-1C, R-1D, R-2, R-3, and R-5 Districts. Please review the conditional use standards.
 - Sub-section 5.7.07 E 1 and 2 – E. Supplemental Regulations for Temporary Signs. As the result of Phase 2 discussions, in the Residential Districts, the duration for temporary signs is limited to 60 days.



- Should this limitation be applied per calendar year or for each temporary sign? Should the duration limitation be applied similarly to single-family, two-family, multi-family, and non-residential uses in the Residential Districts?
- > Sub-section 5.7.08 – Murals
 - Should murals be regulated in the UDO?
 - If so, how?
 - In the Sign Regulations or in the Section 5.1 - Temporary and Accessory Use/Structure Regulations?
 - As a Conditional or Restricted Use?
 - Are other regulations needed?
- > Sub-section 5.7.13 B. 2. c. – Waivers. This sub-section gives the Design Review Board (DRB) the authority to grant waivers to the standards and requirements in Section 5.7 – Sign Regulations. Should the DRB be given this authority, or should an applicant have to request a variance from the Board of Adjustment?