

To: City of Fort Thomas, KY Planning Commission

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

Subject: Zoning Ordinance Update – Phase 3  
Considerations for the March 19 and 20, 2024 Meetings

Date: March 13, 2024

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- ▶ At the community engagement sessions on February 22, 2024, approximately twelve community members attended, and the following topics were discussed:
- The proposed Unified Development Ordinance (UDO) provisions for Midway Court.
  - Removing all references to the *Community Plan* from the UDO.
  - The following provisions in the Central Business District for both Midway and Downtown:
    - Incorporating a maximum number of stories, not just a Maximum Height regulation.
    - Reducing the Maximum Building Width regulation in the CBD-Town Center Core sub-zoning district (CBD-TCC). As drafted, the Maximum Building Width is 185 feet.
    - Permitting Single-Family Detached Dwellings by-right in the CBD-Town Center Supporting sub-zoning district (CBD-TCS).
    - Removing the phrase “critical mass” from the Intent Statement for the Central Business District – Midway Business District (CBD-M), which is found in subsection 3.7.01.
    - Removing the following regulation from Schedule 3.7.03 B. - Development Standards TBD, CBD-TCC, CBD-TCS, CBD-MC1, CBD-MC2, CBD-MC3:

In the CBD-Town Center Core and CBD-Town Center Supporting sub-districts, 100 feet from the back of the sidewalk along Front Thomas



Avenue, upper stories of a building may be stepped-back and exceed the maximum height by 10 feet when approved by the Planning Commission and a COA is granted from the Design Review Board.

- 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 advisability and potential impacts of retaining the provisions in Section 1.10 were discussed.
- The appropriateness of including - Intent Statements for the Zoning Districts in the UDO.
- The proposed historic overlay districts were discussed especially the Tower Park Historic Overlay District.
- The details and appropriateness of the Fort Thomas Avenue Overlay District were discussed at length, and community members questioned why the R-3 zoned parcels are not included in the District.

▶ At the Planning Commission meetings on March 19 and 20, we will discuss Article III – Zoning Districts. Our discussions will focus on the revisions from the Phase 2 draft of the UDO and additional policy considerations that arose in Phases 2 and 3. 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 meetings.

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### ▶ **Article 3 – Zoning Districts**

- When reviewing the Permitted Use Tables in each zoning district, for those uses that are either Restricted or Conditional, please review the applicable regulations in Section 5.4 – Conditional Use & Restricted Use Regulations.
- Section 3.1 - Single-Family & Two-Family Residential Districts
  - Schedule 3.1.02 C. – Permitted Uses in the Single-Family and Two-Family Districts - Please consider if Short-Term Rentals should be an accessory or principal use in the R-1 and R-2 Districts. Please review the definition for Short-Term Rental Properties in Section 1.1 – Definitions and Measurements. Please see sub-section 5.1.02 G. to review the regulations for Short-Term Rentals. The standards in sub-section 5.1.01 G. were, for the most part, adopted by the City in 2021. In 2021, the City amended the Zoning Ordinance to permit Short-Term Rentals as Accessory Uses in the R-1 and R-2 Districts.

- Schedule 3.1.03 B. - Development Standards in the Single-Family and Two-Family Districts - Please review the new Development Standards for the R-1-TC2 sub-zoning district. As a result of the Phase 2 discussions, this newly created sub-zoning district is meant to accommodate the larger lots on the east end of the block surrounded by Hagedorn Lane, Lumley Avenue, Miller Lane, and North Shaw Lane. Below is a map of the R-1-TC zoning district that includes the proposed R-1-TC2 sub-zoning district, which is labelled as Figure 1.



**Figure 1 - Map of R-1-TC2 Sub-Zoning District**

- Sub-section 3.1.03 C. 3. – Maximum Front Setback in R-1B and R-1C - As discussed in Phase 2, this sub-section is new and requires a Maximum Front Setback in the R-1B and R-1C Districts. Including both a minimum and maximum front setback tightly restricts where a home must be placed on a lot. When a minimum front setback is required, the requirement simply means that the home must be placed at or behind the minimum front setback, which can result in the dominate setback line along the street being disrupted if a homeowner decides to locate their home further back on the lot. By requiring a minimum and maximum front setback, the location of the home on the lot is more tightly controlled. Please review and consider the appropriateness of including such a requirement and whether or not it should be required in the other R-1 District.
- Sub-section 3.1.04 – This sub-section includes Residential Contextual Standards that are required for new all homes constructed on existing lots



of record. When we previously discussed these Residential Contextual Standards in Phase 2, we deferred deciding whether these Residential Contextual Standards should apply to homes in new subdivisions. More discussion is required to resolve this policy question.

- Section 3.3 – Residential Cluster Development Overlay District
  - Sub-section 3.3.03 A., Residential Uses and Densities, governs the permitted uses in this Overlay District. The existing Zoning Ordinance regulations states, “Attached and detached single-family dwellings may be permitted within an RCD Overlay Zone.” Please consider if Two-Family Dwellings should be included as a Permitted Use as well. Inclusion would add clarity to the Permitted Uses since the definition of Attached Single-Family does not preclude having only two units attached.
- Section 3.4 - Multi-Family Districts (R-3 & R-5)
  - Schedule 3.4.02 C. – Permitted Uses in the Multi-Family Residential Districts - Please consider how Short-Term Rentals should be classified and treated in the Multi-Family Districts. Should Short-Term Rentals be a principal or accessory use? Should they be permitted by-right or as a conditional or restricted use. It is possible to classify them differently in the Single-family and Multi-Family Districts. See Section 5.1 to review the Phase 3 draft of the regulations for Short-Term Rentals.

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Under the existing Short-term Rental regulations, Short-Term Rental Properties are listed as Accessory Uses in the R-3 and R-5 Districts. However, the existing “Rules and Regulations for Short-Term Rental Properties” that were adopted in 2021 state:

Short-term rental units are permitted in attached single-family dwellings, detached single-family dwellings, two family dwellings, town homes, the Central Business District housing, condominiums, and landominiums. Owners of rental properties must consent to short term rental units. Condominium/Landominium owners must have written permission from the homeowners’ association.

As currently regulated, Short-term Rentals are not expressly permitted in Multi-family Dwellings even though Short-Term Rentals are a permitted Accessory Use in the R-3 and R-5 Districts.

- Section 3.5 – Alexandria Pike Mixed Use District
  - As discussed by the Planning Commission during Phase 2, the Alexandria Pike Mixed Use District has been bifurcated to create the Alexandria Pike



Mixed Use District 1 and 2. The Alexandria Pike Mixed Use District-1 (AP-MX1) is the southern portion of the District as shown in Figure 2.

Alexandria Pike Mixed Use-2 (AP-MX2) will be the northern portion of the district and will encompass the non-residential uses along the corridor from Woodfill Elementary to I-471 as shown in Figure 3.

This bifurcation of the District allows the Development Standards and the parking requirements to be tailored to the different areas of the corridor. Please review the Development Standards for the AP-MX2 District. In the AP-MX2, no maximum front setback is required, and front yard parking is permitted with a minimum front parking setback of 15 feet from the right-of-way.

If the Planning Commission wishes, Permitted Uses could also be differentiated by sub-zoning district as well. As discussed with the City Council in February, it may be appropriate to limit residential uses over non-residential uses to the AP-MX1 District. Please consider this limitation.

- Schedule 3.5.02 C. – Permitted Uses in the Alexandria Pike Mixed Use District
  - > If residential uses over non-residential uses are permitted, the appropriate treatment for Short-Term Rentals needs to be considered. See Section 5.1 to review the Phase 3 draft of the regulations for Short-Term Rentals.
  - > As drafted, hotels are not a permitted use in the AP-MX District in either sub-zoning district. Should hotels be permitted in either sub-zoning district in the AP-MX District?
  - > Given the prevalence of co-working spaces, should the Permitted Use Schedule be revised to specifically include Co-working Facilities as a use that is permitted by-right? Below is a draft definition. If Co-working Facilities are permitted, it may be appropriate to amend the Required Parking Schedule to include Co-working Facilities, and we would recommend a parking requirement such as 1 parking space per 550 square feet of floor area.

A facility that contains workspaces that are made available to individuals and business for short-term intervals through a membership or rental arrangement. These spaces include shared business resources such as internet and office equipment and shared social, networking, conferencing, and gathering spaces. A Coworking Space may also include accessory Restaurant, accessory

Retail Establishment or other similar accessory uses that are for the use of the individuals and businesses utilizing the Coworking Space.

- Schedule 3.5.04 F. – Required Design Standards in the Alexandria Pike Mixed Use District – In this Phase 3 draft, the Required Design Standards in Schedule 3.5.04 F. only apply to the parcels in the Alexandria Pike Mixed Use-1 sub-zoning district. Is this change appropriate?
- Sub-section 3.5.08 A. - Off-Street Parking and Loading Regulations - In this Phase 3 draft, the prohibition against front yard parking is limited to the parcels in the Alexandria Pike Mixed Use-1 sub-zoning district. Is this change appropriate?
- YMCA – 1437 S. Fort Thomas Avenue – Currently the YMCA is split zoned as shown in Figure 4. The portion of the site nearest to US-27 is zoned Professional Office and the remaining portion of the complex, which includes part of the building and the parking lot, is zoned R-1C. Given the goal of eliminating the split zoning of parcels, what should the YMCA be zoned?
- 20 Pleasant Avenue – This site is currently split zoned PO - Professional Office and R-3 - Multi-family Residential District. Please consider if the zoning on this parcel should be changed so that the entire parcel is zoned R-3. Currently, the zoning district boundary line bisects a building with multi-family dwellings. See Figure 5.

### Figures for Alexandria Pike Mixed-Use District



Figure 2 - Alexandria Pike Mixed Use-1

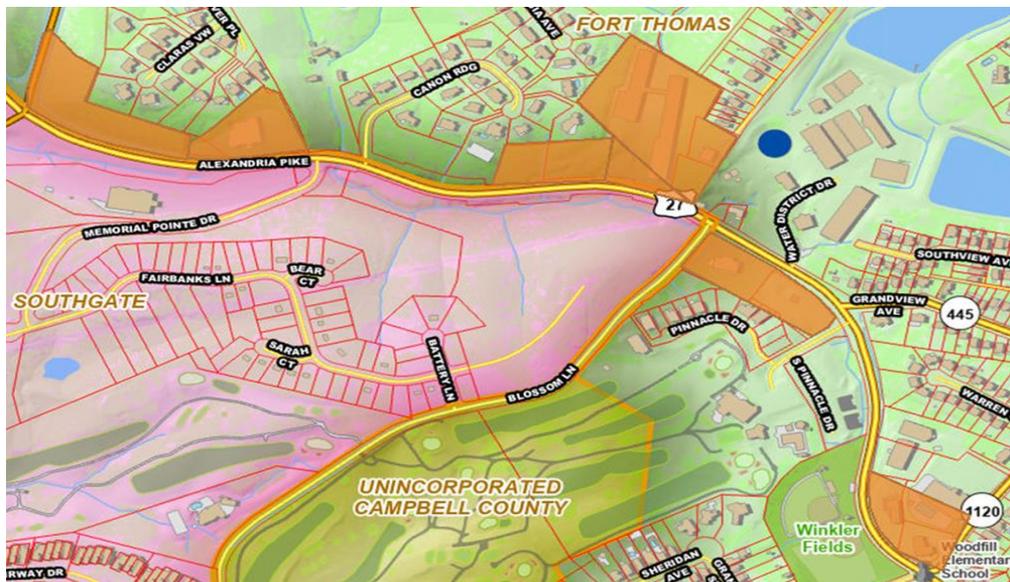


Figure 3 - Alexandria Pike Mixed Use-2

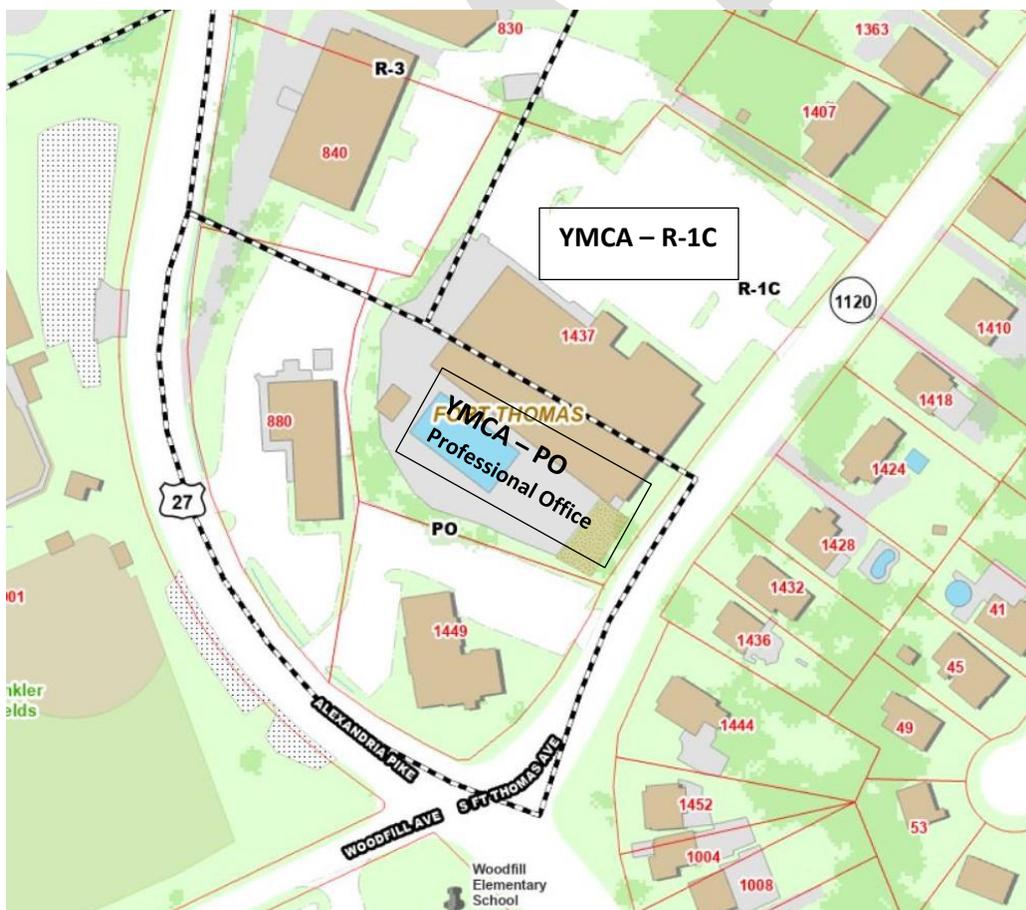
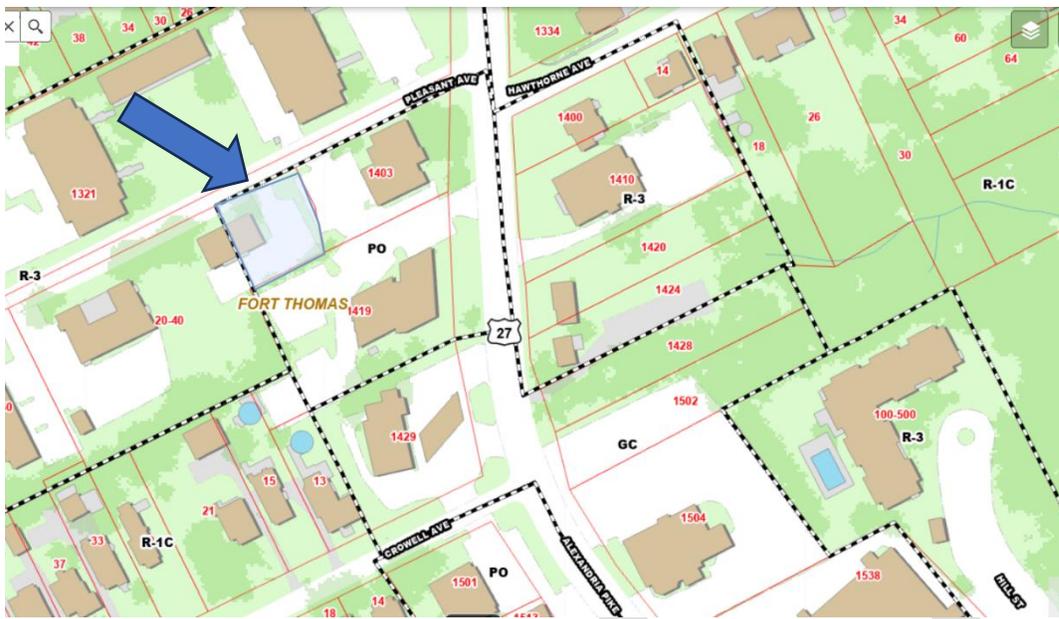


Figure 4 - YMCA - 1437 South Fort Thomas Avenue



**Figure 5 - Split Zoned Parcel on Pleasant Avenue**

- Section 3.6 – Neighborhood Commercial/Office District (NC/O)
  - Schedule 3.6.02 C. – Permitted Uses
    - > As drafted, residential uses over non-residential uses are permitted by-right in the NC/O District. As a result, please consider how Short-Term Rentals should be classified and treated in the Neighborhood Commercial/Office district. See Section 5.1 to review the Phase 3 draft of the regulations for Short-Term Rentals.
    - > Please consider if Places of Worship should be permitted by-right in all locations in the NC/O District. As drafted, they are Restricted Uses that are prohibited in certain locations, such as the parcel located at 600 South Fort Thomas Avenue, as regulated in Section 5.4 - Conditional Use and Restricted Use Regulations.
    - > Given the prevalence of co-working spaces, should the Permitted Use Schedule be revised to specifically include Co-working Facilities as a use permitted by-right in the NC/O District?
  - Schedule 3.6.03 B. – Development Standards in Neighborhood Commercial/Office District - Please review Schedule 3.6.03 B. We have modified this Schedule to prohibit the Planning Commission from granting a waiver for the Maximum Height regulation.



- Section 3.7 - Central Business District & Traditional Business District Regulations (Maps of the Central Business and Traditional Business Districts are on pages 12-14.)
  - Schedule 3.7.02 C. - Permitted Uses in the Central Business & Traditional Business Districts
    - > Please consider how Short-Term Rentals should be classified and treated in the Central Business District & Traditional Business District. See Section 5.1 to review the Phase 3 draft of the regulations for Short Term Rentals, which were originally enacted in 2021 permitting Short-Term Rentals “in Central Business District housing.”

Since there are numerous sub-zoning districts in the CBD, it may be necessary to differentiate the regulations for Short-Term Rentals by sub-zoning district.
    - > Please consider if Hotels should be “P” or “R” in the TBD. We have heard feedback that Hotels should only be permitted in existing buildings. If you concur, Hotels could be a Restricted Use in the TBD. This restriction would prohibit the new construction of a Hotel in Inverness.
    - > Please consider if Bed and Breakfast Establishments should be a permitted use in the CBD-Town Center Supporting (CBD-TCS) sub-zoning district? As currently drafted, hotels are permitted by-right in the CBD-TCS sub-zoning district.
    - > Please review in which sub-zoning districts Multi-family Dwellings are permitted and whether they are Permitted by-right or as a Restricted Use. If a Restricted Use, please review the Restricted Use regulations to determine if the Restricted Use regulations are appropriate for the applicable sub-zoning district. Please consider if Multi-family Dwellings should be classified differently in the various sub-zoning districts.
    - > In the CBD-TCS, CBD-TCR, CBD-MR1, and CBD-MR2 sub-zoning districts, Accessory Dwelling Units will be added as an accessory use unless the Planning Commission has a concern with this change to Schedule 3.7.02 C. - Permitted Uses in the Central Business & Traditional Business Districts.
  - Schedule 3.7.03 B. - Development Standards TBD, CBD-TCC, CBD-TCS, CBD-MC1, CBD-MC2, CBD-MC3 – The standards in this Schedule have been



revised for the most part due to the removal of the VA Hospital from the CBD-MC3 sub-zoning district.

- Schedule 3.7.04 G. – Required Design Standards – This Schedule applies to parcels in the TBD & the CBD-TCC, CBD-MC1 & 2 Sub-zoning districts.
  - > Now that the VA Hospital has been removed from the CBD-MC3 sub-zoning district, should the Design Standards in this Schedule be applied to the parcel occupied by the Cincinnati Bell building, which is in the MC3 sub-district?
  - > Unless the Planning Commission has a concern with this proposed revision, Schedule 3.7.04 G. - Required Design Standards in the TBD & the CBD-TCC, CBD-MC1 & 2 Sub-districts will be revised to require compliance with the Required Design Standards by those parcels marked as a Terminated View on the Zoning Map. This change is necessary because the one parcel that terminates a view is located in the CBD-Town Center Supporting (CBD-TCS) sub-zoning district, and parcels in the CBD-TCS are not required to comply with the Design Standards in Schedule 3.7.04 G.
- Please consider the following community comments for the Central Business District and the associated sub-zoning districts received during the Coffee and Conversation sessions on February 22, 2024.
  - > Incorporating a maximum number of stories, not just a Maximum Height regulation;
  - > Reducing the Maximum Building Width regulation in the CBD-Town Center Core sub-zoning district (CBD-TCC). As drafted, the Maximum Building Width is 185 feet;
  - > Permitting Single-Family Detached Dwellings by-right in the CBD-Town Center Supporting sub-zoning district (CBD-TCS).
  - > Removing the phrase “critical mass” from the Intent Statement for the Central Business District – Midway Business District (CBD-M), which is in sub-section 3.7.01.
  - > Removing the following regulation from Schedule 3.7.03 B. - Development Standards TBD, CBD-TCC, CBD-TCS, CBD-MC1, CBD-MC2, CBD-MC3:

In the CBD-TCC and CBD-Town Center Supporting sub-districts, 100 feet from the back of the sidewalk along Front Thomas Avenue, upper stories of a building may be stepped-back and exceed the

maximum height by 10 feet when approved by the Planning Commission and a COA is granted from the Design Review Board.

- Section 3.8 – Fort Thomas Avenue Overlay District (FTA-O)
  - Based on the Planning Commission’s discussions during Phase 2, the Fort Thomas Avenue Overlay District regulations were revised as indicated in Section 3.8. Please review these revised District regulations and consider if the revisions reflect your goals and priorities for this District.
  - Please consider the boundaries for this Overlay District. Should the Overlay District extend from Rossford Avenue to US-27 along Fort Thomas Avenue? Or, should the northern boundary be located at some other point on North Fort Thomas Avenue?
  
- Section 3.10 – Tower Park Historic Overlay District (TP-O)
  - A community member has raised concerns regarding utilizing the Secretary of Interior’s Standards for Rehabilitation to evaluate exterior alterations, which are visible from public/private rights-of-way, to the dwellings located on Pearson and Greene Streets. One community member has also asked that Greene Street be removed from this proposed Overlay District. The proposed Tower Park Historic Overlay District is shown in Figure 6. Please review the Secretary of Interior’s Standards, which are in sub-section 3.10.03.



**Figure 6 - Map of Proposed Tower Park Historic Overlay District**

# CBD-Town Center



<p><b>CBD-TCS</b> CBD – Town Center Supporting</p>	<p><b>CBD-TCC</b> CBD – Town Center Core</p>	<p><b>CBD-TCR</b> CBD – Town Center Residential</p>
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Figure 7 - Draft Map for CBD-Town Center



## Central Business District – Midway

CBD-MC1=Core 1
CBD-MC2=Core 2
CBD-MC3=Core 3
CBD-MR1=Residential 1
CBD-MR2=Residential 2

Figure 8 - Draft Map for CBD – Midway

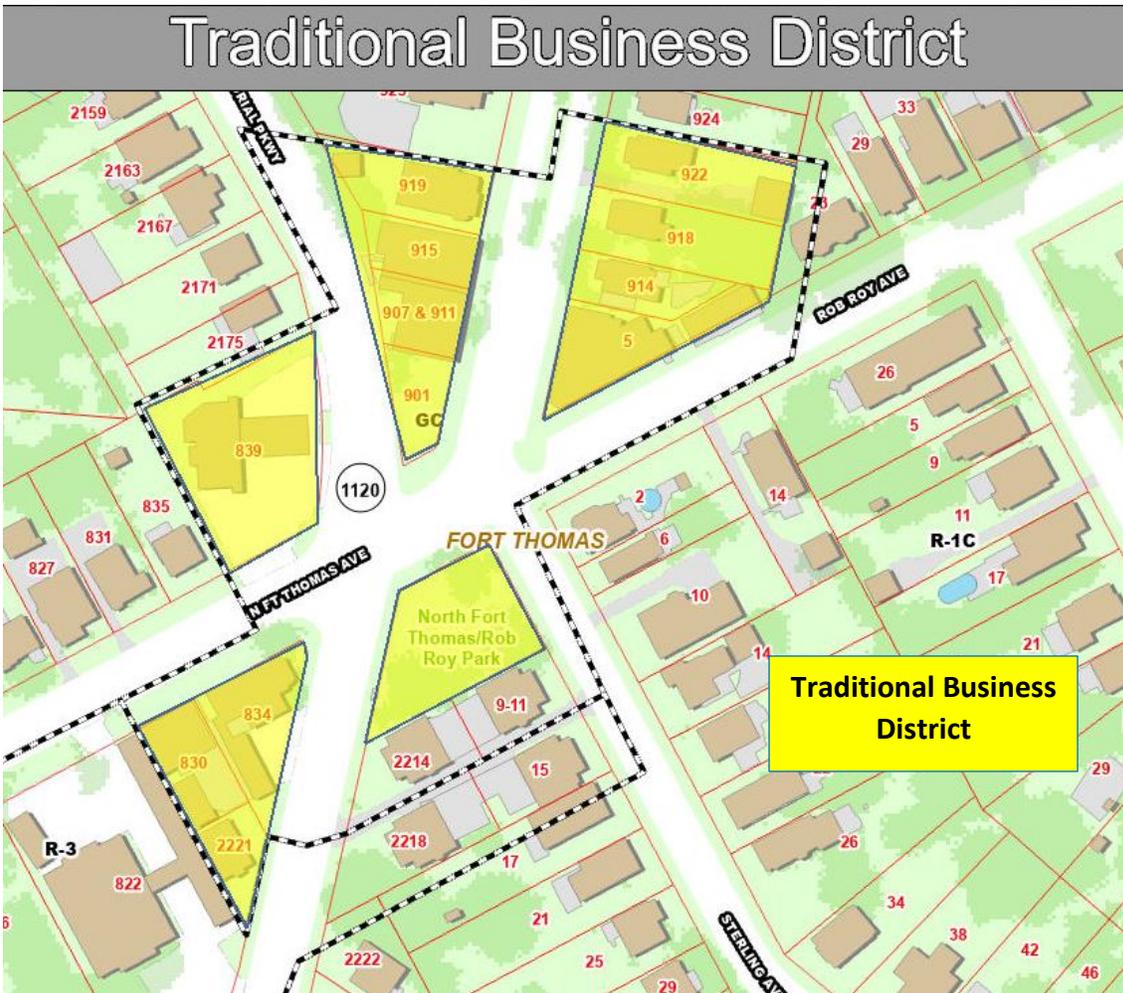


Figure 9 - Draft Map of the Traditional Business District