

Zoning Ordinance Update

CITY OF FORT THOMAS

CT CONSULTANTS

DRAFT

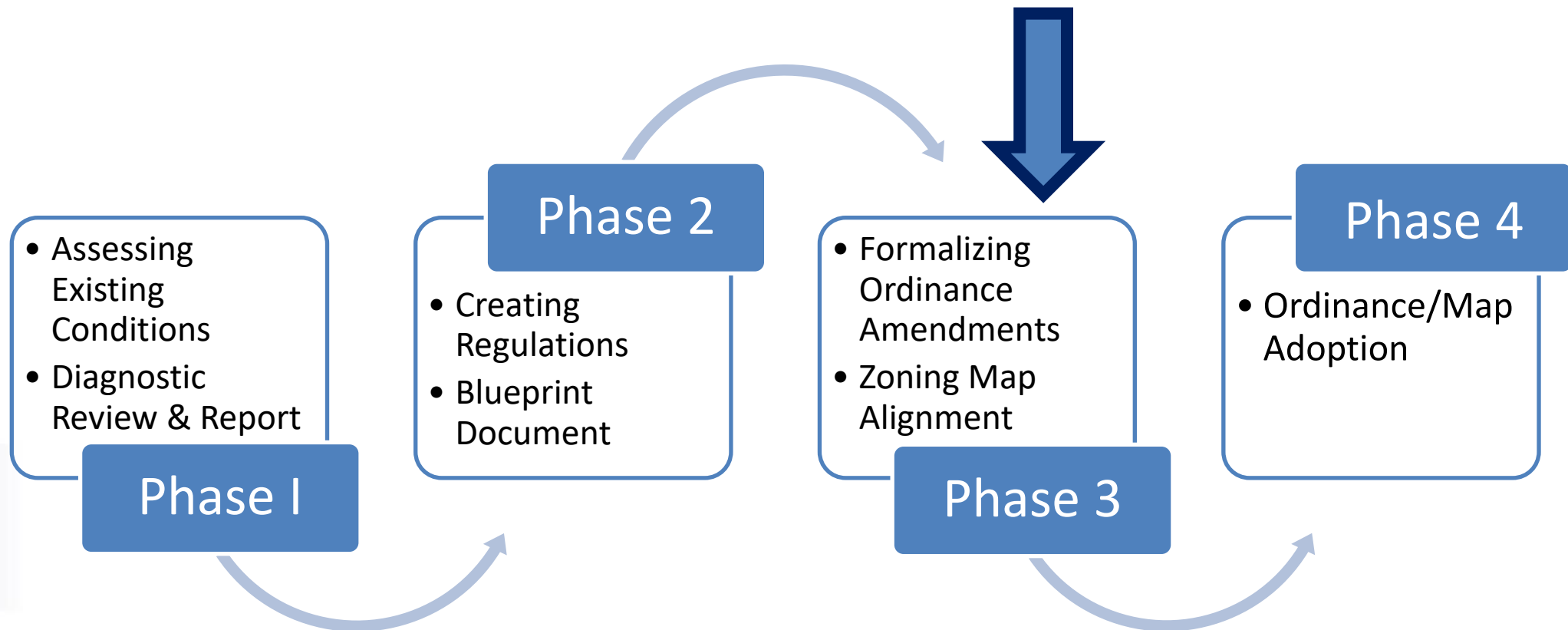
March 19, 2024



Meeting Agenda

- Zoning Ordinance Update Process
- Summary of Coffee and Conversation - 2/22/2024
- Zoning Districts
 - Single-Family & Two-Family Residential Districts
 - Residential Cluster Development Overlay District (RCD-O)
 - Multi-family Districts (R-3 & R-5)
 - Fort Thomas Avenue Overlay District (FTA-O)
 - Tower Park Historic Overlay District (TP-O)
- Next Steps

Zoning 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**
- Sign Regulations

Community
Engagement

**COFFEE &
CONVERSATION
ZONING CODE UPDATE
Q&A SESSION**



Single-Family & Two-Family Residential Districts

Short Term Rental Properties

- Existing regulations created in 2021
- Definition:

Short-Term Rental Properties: The accessory use of any residential dwelling unit that is advertised for rent for transient occupancy by guests for less than 30-consecutive days. A Short-Term Rental shall be clearly incidental and subordinate to the use of a Dwelling Unit for residential purposes. This definition shall not include Hotels.



Single-Family & Two-Family Residential Districts Short Term Rental Properties

Schedule 3.1.02 C. Permitted Uses in the Single-Family and Two-Family Districts								
	R-1AA	R-1A	R-1B	R-1C	R-1D	R-1-TC1/ R-1-TC2 CBD	R-2	Use-Specific Regulations
4. Accessory Uses/Structures								
a. Accessory dwelling unit	A	A	A	A	A	A	A	Section 5.1
b. Agriculture	R							Section 5.4
c. Family child-care home	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	
d. Fences, walls	A	A	A	A	A	A	A	Section 5.1
e. Home occupation	A	A	A	A	A	A	A	Section 5.1
f. Other accessory structures	A	A	A	A	A	A	A	Section 5.1
g. Semi-public swimming pool	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	Section 5.1
h. Short-term rental properties	A	A	A	A	A	A	A	Section 5.1

Single-Family & Two-Family Residential Districts

Short Term Rental Properties

Essential Question: Should Short-Term Rentals be a Principal or Accessory Use in the R-1 and R-2 Districts?

4. Accessory Uses/Structures								
a. Accessory dwelling unit	A	A	A	A	A	A	A	Section 5.1
b. Agriculture	R							Section 5.4
c. Family child-care home	A	A	A	A	A	A	A	
d. Fences, walls	A	A	A	A	A	A	A	Section 5.1
e. Home occupation	A	A	A	A	A	A	A	Section 5.1
f. Other accessory structures	A	A	A	A	A	A	A	Section 5.1
g. Semi-public swimming pool	A	A	A	A	A	A	A	Section 5.1
h. Short-term rental properties	A	A	A	A	A	A	A	Section 5.1

SECTION 3.1

Single-Family & Two-Family Residential Districts Short Term Rental Properties

Short-Term Rental Properties. The operation of short-term rental units is subject to the following standards and conditions when permitted by this Ordinance:

- An annual permit/license from the city is required.
- A copy of a current business liability insurance policy is required to be submitted to the City each year at the time an application for a permit is filed.
- Occupational taxes shall be paid to the City.
- Each dwelling used for short-term rental shall be subject to inspection by the Building Inspector prior to the issuance of an annual business permit/license and at all renewals.
- Short-term rental units are permitted in attached single-family dwellings, detached single-family dwellings, two-family dwellings, ~~housing~~ **dwelling units** in the ~~Central Business and Traditional Business~~ **and Mixed-Use** Districts, condominiums, landominiums, **and** accessory dwelling units. Owners of rental properties shall consent to short term rental units. Condominium/Landominium owners shall have written permission from the homeowners' association.

SECTION 3.1

Single-Family & Two-Family Residential Districts Short Term Rental Properties

Short-Term Rental Properties. The operation of short-term rental units is subject to the following standards and conditions when permitted by this Ordinance:

- **In the R-1 and R-2 zoning districts,** short-term rental guests shall not stay more than twenty-nine (29) consecutive days in duration.
- All short-term rental buildings and units shall be in compliance with applicable building codes.
- Bed and Breakfasts shall be in compliance with their distinct building codes.
- Contact information for the owner(s) shall be posted in a conspicuous location within each unit of the short-term rental.
- Evacuation plan must be posted in a conspicuous location within each unit of the short-term rental permit.
- If property is subject to two (2) or more substantiated civil and/or criminal complaints, the Zoning Administrator may revoke the approval of the short-term rental permit/license.
- **Parking. In the R-1 and R-2 zoning districts, the** host shall provide one off-street parking space per guest room of short-term rental contract.
- **Number of Persons Allowed.** No more than two (2) adults per bedroom. Maximum of six (6) adults per home.

SECTION 3.1

Single-Family & Two-Family Residential Districts Short Term Rental Properties

Short-Term Rental Properties. The operation of short-term rental units is subject to the following standards and conditions when permitted by this Ordinance:

- Noise Ordinance. Each unit shall comply with the City's Noise Ordinance. A copy of said Ordinance shall be posted in a conspicuous place within the unit.
- The **property** owner(s) **or the operator of the short-term rental, as applicable,** ~~Host~~ is responsible for **and shall provide** giving adjoining neighbors **up to date** contact information.
- Any person who shall violate a provision of this Ordinance and this sub-section 5.1.02 shall be subject to a fine of Five Hundred Dollars (\$500.00),
- The City shall have the right to seek civil injunctive relief against any person(s) who rent(s) any rental unit in the absence of a valid rental license and the City shall recover the litigation costs and attorney fees incurred by the City therein.

Single-Family & Two-Family Residential Districts

Short Term Rental Properties

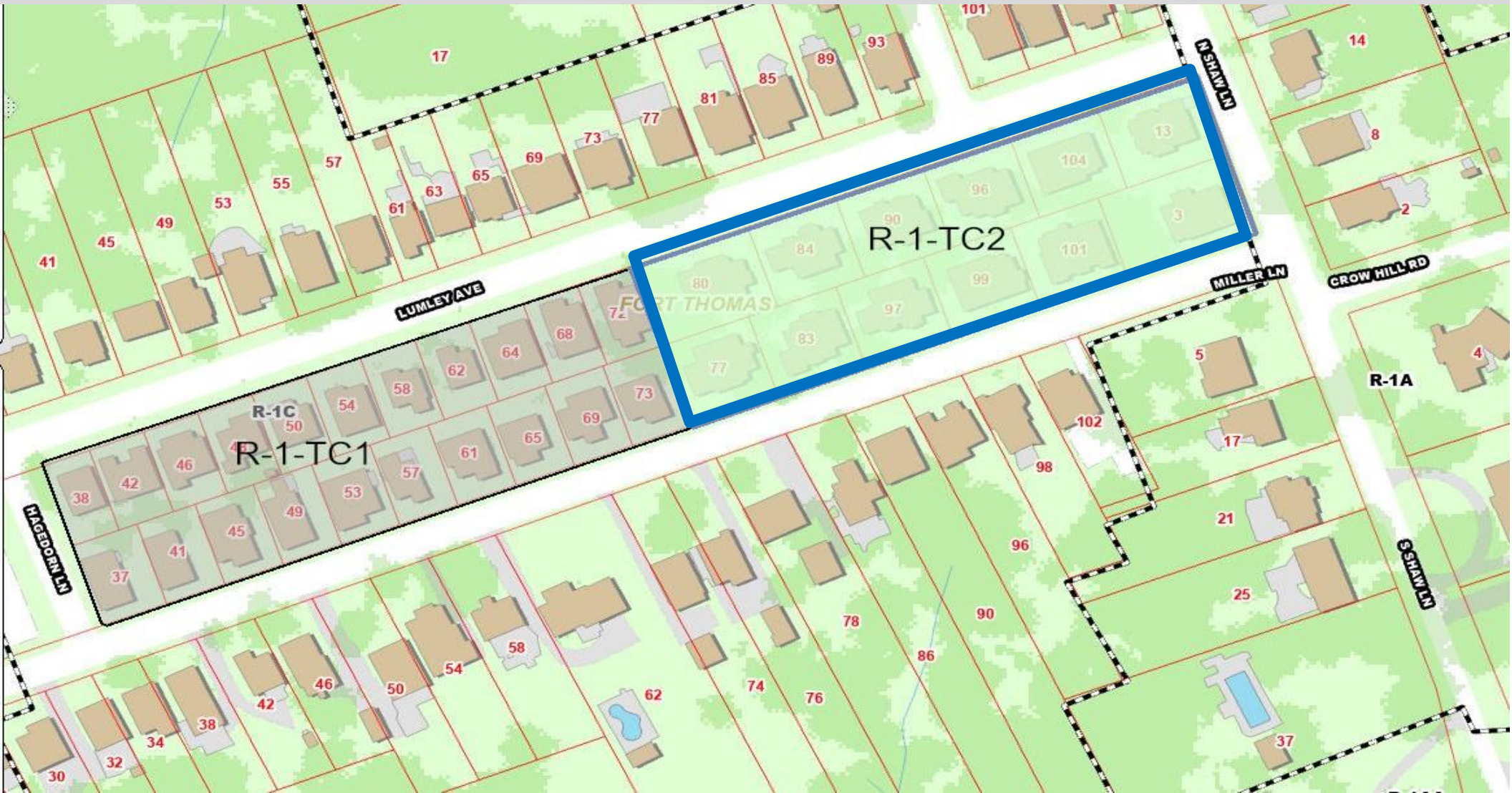
Essential Question: Should Short-Term Rentals be a Principal or Accessory Use in the R-1 and R-2 Districts?

	R-1AA	R-1A	R-1B	R-1C	R-1D	R-1-TC1/ R-1-TC2 CBD	R-2	Use-Specific Regulations
h. Short-term rental properties	A	A	A	A	A	A	A	Section 5.1

Follow Up-Question: Should any of the regulations for Short-Term Rentals be revised and/or are other regulations needed?

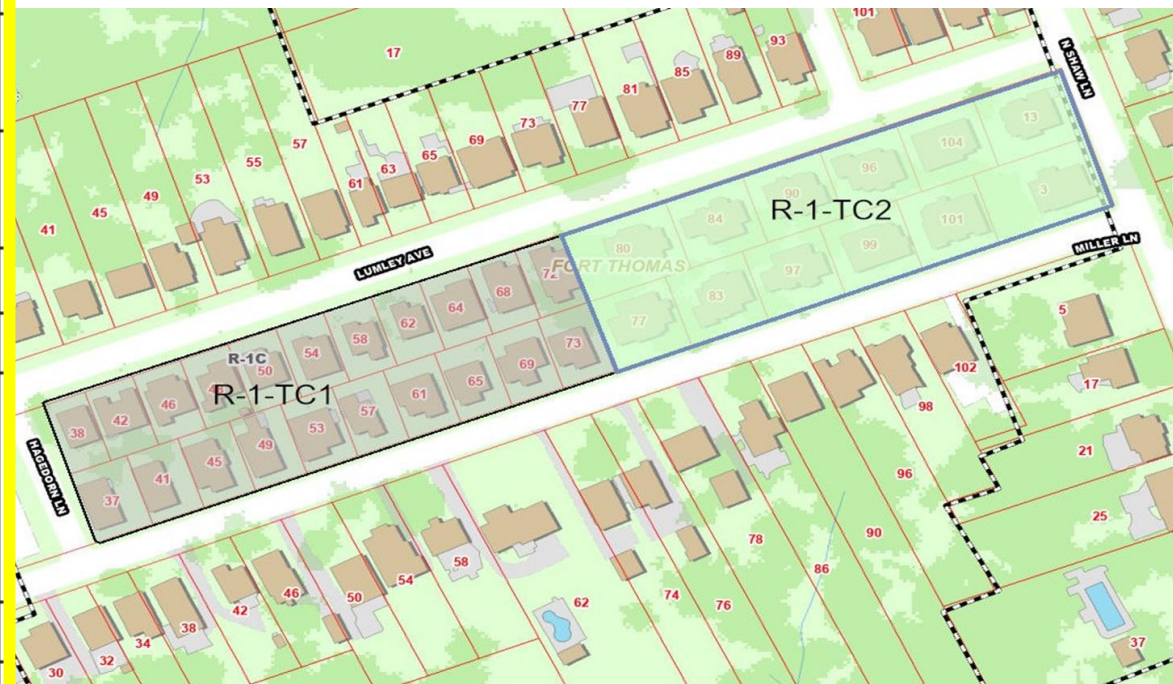
- Maximum number of parked vehicles and/or express prohibition regarding on-street parking
- License/permit not transferable if property sold
- Mandate that all guests be covered under the same rental agreement

Single-Family & Two-Family Residential Districts R-1-TC1 and 2

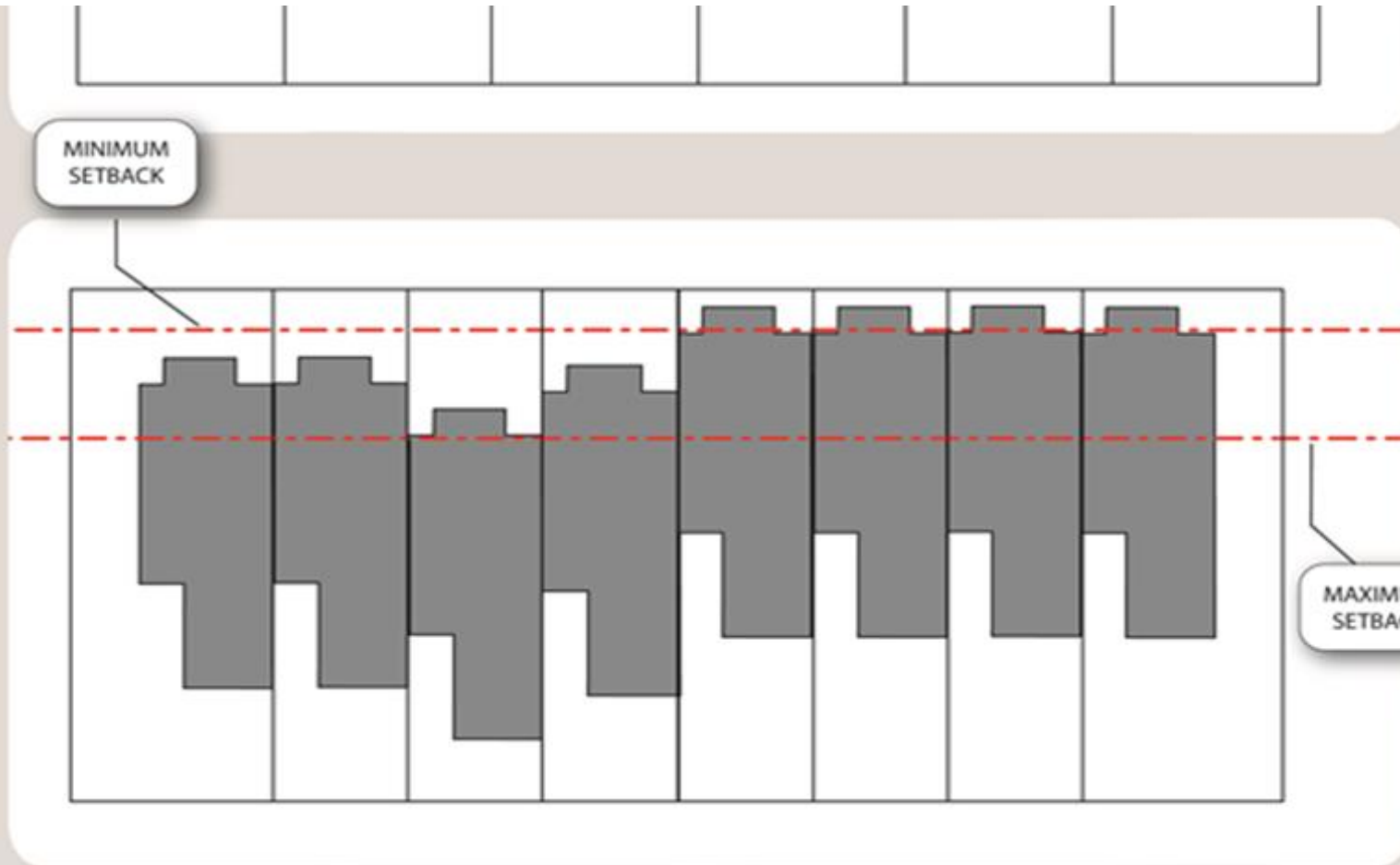


Single-Family & Two-Family Residential Districts R-1-TC1 and 2

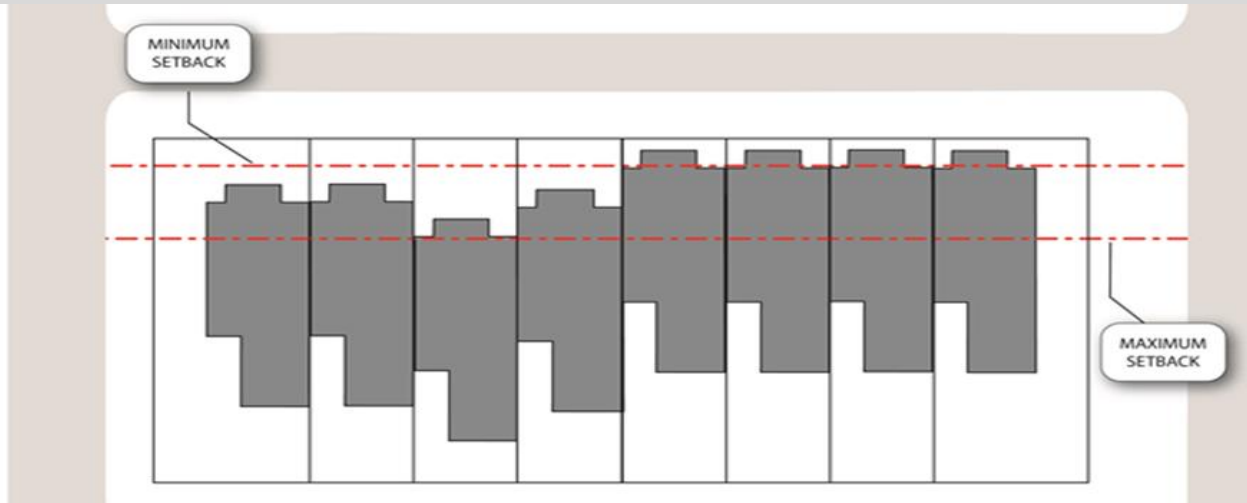
	R-1-TC1	R-1-TC2
1. Minimum lot area (square feet)	3,400	5,600
2. Minimum lot width (feet)	45	<u>65</u>
3. Minimum principal building setback (feet)		
a. Minimum front	(b)	<u>(b)</u>
b. Minimum side	3	<u>5</u>
c. Combined minimum side setback for both sides	9	<u>14</u>
d. Minimum rear	20	<u>20</u>
4. Minimum gross floor area per dwelling unit (square feet)	800	<u>800</u>
5. Maximum height of principal building (feet)	35 feet or 2.5 stories	<u>35 feet or 2.5 stories</u>



Single-Family & Two-Family Residential Districts R-1B and R-1C – Front Setbacks



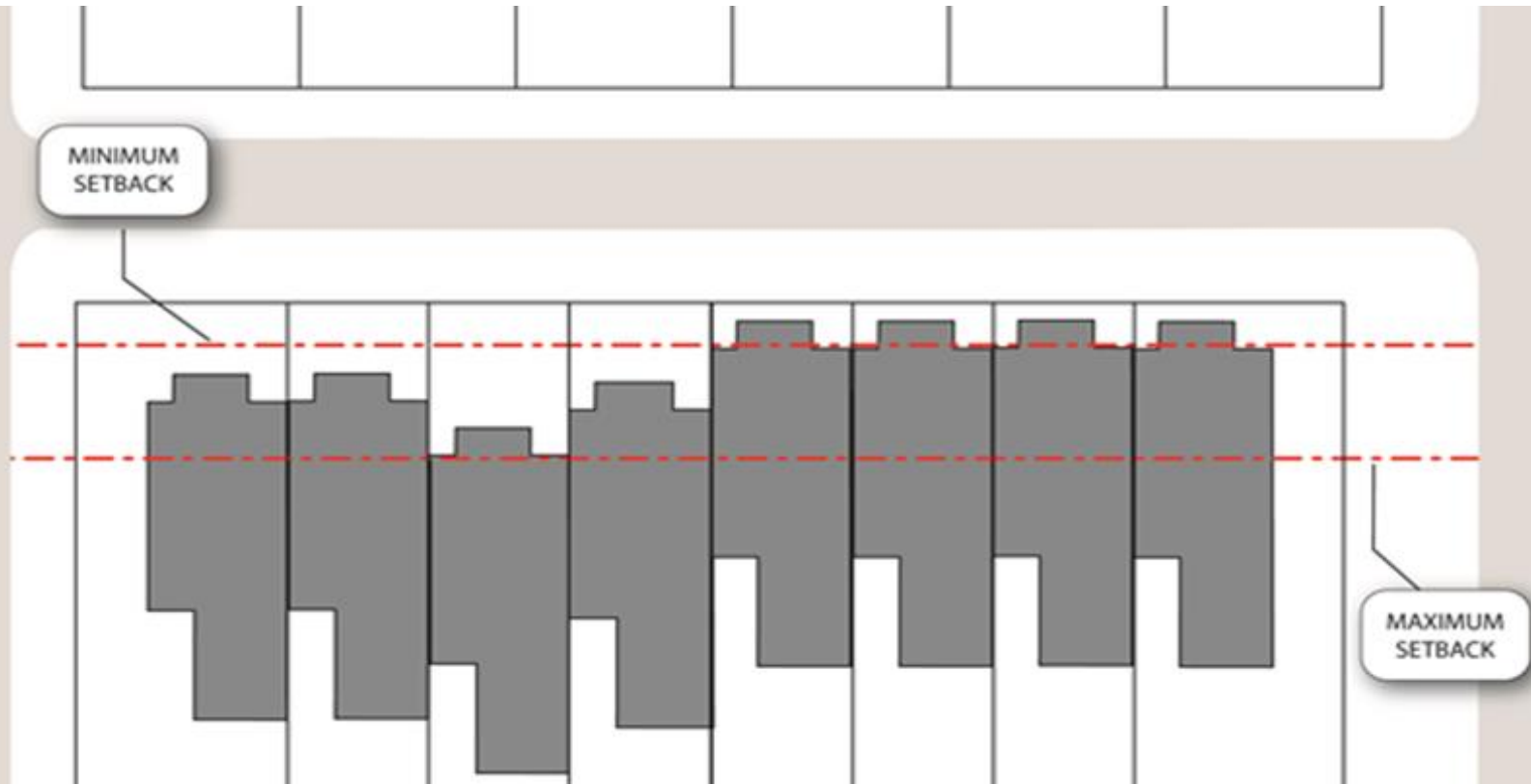
Single-Family & Two-Family Residential Districts R-1B and R-1C – Front Setbacks



Sub-section 3.1.03 C. 3.

In the R-1B and R-1C Districts, the maximum front setback shall be Minimum Setback established in Schedule 3.1.03 B., Development Standards in the Single-Family and Two-Family Districts, plus 7 feet or the abutting maximum whichever is closest to the street right-of-way. The abutting maximum is defined as the setback of the abutting principal structure, which for the purposes of this sub-section is the principal dwellings located next door, that is located the furthest from the street right-of-way.

Single-Family & Two-Family Residential Districts R-1B and R-1C – Front Setbacks



Any concerns regarding mandating a maximum front setback in R-1B and R-1C?

Single-Family & Two-Family Residential Districts Residential Contextual Standards

- Attached Garages
- Building Orientation
- Side & Rear Facades

Essential Question: Should these standards apply to homes in new subdivisions?



Zoning Ordinance Update

CITY OF FORT THOMAS

Single-Family and Two-Family District Regulations (R-1 and R-2 Districts)

Community Comments



Residential Cluster Development Overlay District (RCD-O) Permitted Uses

- A. Residential Uses and Densities. Attached and detached single-family dwellings ~~may be~~ **are** permitted within an RCD-O Overlay Zoning District. The density of dwelling units in an RCD-O shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zoning district **overlaid** ~~superimposed~~ by the RCD Overlay Zoning District. This density shall be applied to the total project area excluding that land devoted to streets (public and private) and those areas as identified as exceeding a twenty percent (20%) slope in the Fort Thomas Comprehensive Plan (December 2018) **or the current Comprehensive Plan as applicable.**

Should Two-Family Dwellings be added as a Permitted Use?



Fort Thomas Avenue Overlay District (FTA-O)

3.8.01 INTENT.

The Fort Thomas Avenue Overlay District (FTA-O) is a zoning overlay district dedicated to the protection of traditional development patterns and neighborhood character along Fort Thomas Avenue. Regulations promote the continuity of the existing built environment, the reduction of conflict between new construction and existing development, and the integrity of the rich history of Fort Thomas. The Fort Thomas Avenue Overlay District is comprised of the properties shown within the FTA-O area on the Zoning Map. The Overlay District is made up primarily of single-family detached homes. Many of the existing single-family homes remain well-kept with minor exterior alterations. This Overlay District seeks to protect the special character and charm of this significant area of Fort Thomas.

Example Development



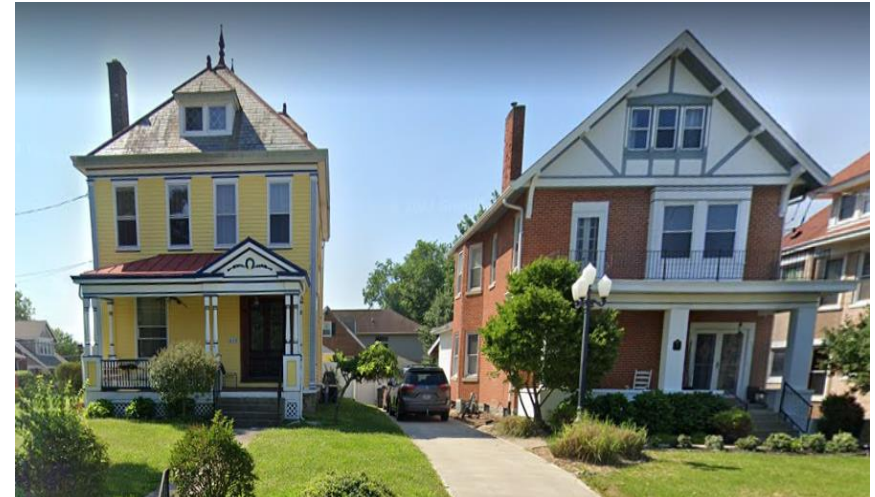
For illustrative purposes only

SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Applicability

Overlays

- R-1B
- R-1C
- R-3
- R-1A?



All properties occupied by:

- Single-family Detached Dwellings
- Two-family dwellings
- Residential Care Facilities for Persons with Disabilities

SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Applicability

Improvements Regulated:

- New construction
- Substantial additions to existing properties. Substantial additions means any alteration to the front of a residential property or any alteration to the side of a residential property that is visible from Fort Thomas Avenue.



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Regulations

Phase 2 Regulations included:

- Front Setback of the Principal Dwelling Unit
- Building Height
- Garage Orientation
- Carport Placement
- Roof Design
- Building Orientation
- Porches
- Façade Design (Transparency)

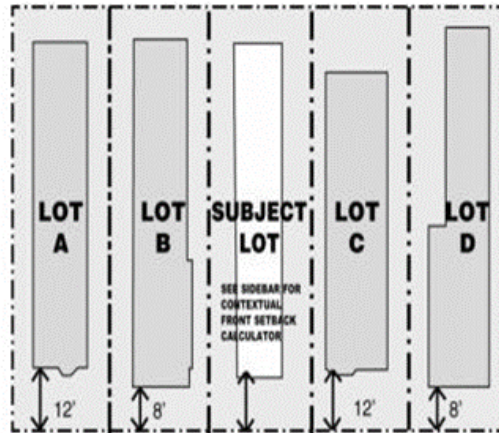


SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Development Standards

Principal Front Setback:

- 3 feet of average of all homes within 300 feet



Lot	Front Setback
A	12
B	8
C	12
D	8
Total	40
Average	$40/4=10$



SECTION 3.8

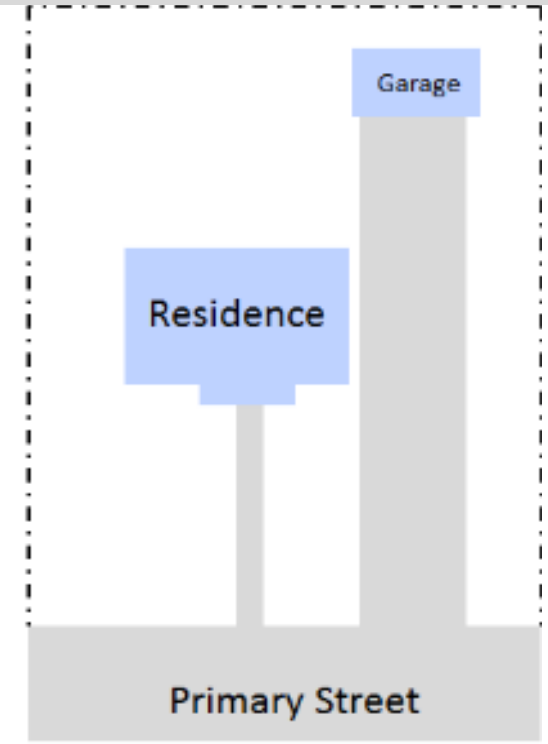
Fort Thomas Avenue Overlay District (FTA-O) Residential Contextual Standards

Garages

- Detached garages preferred

Detached Garages

- Must be located to the rear of the dwelling a minimum of 10 feet



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Residential Contextual Standards

Attached Garages

- Street-facing attached garages prohibited except for below grade, single-car garages with doors no wider than 12 feet

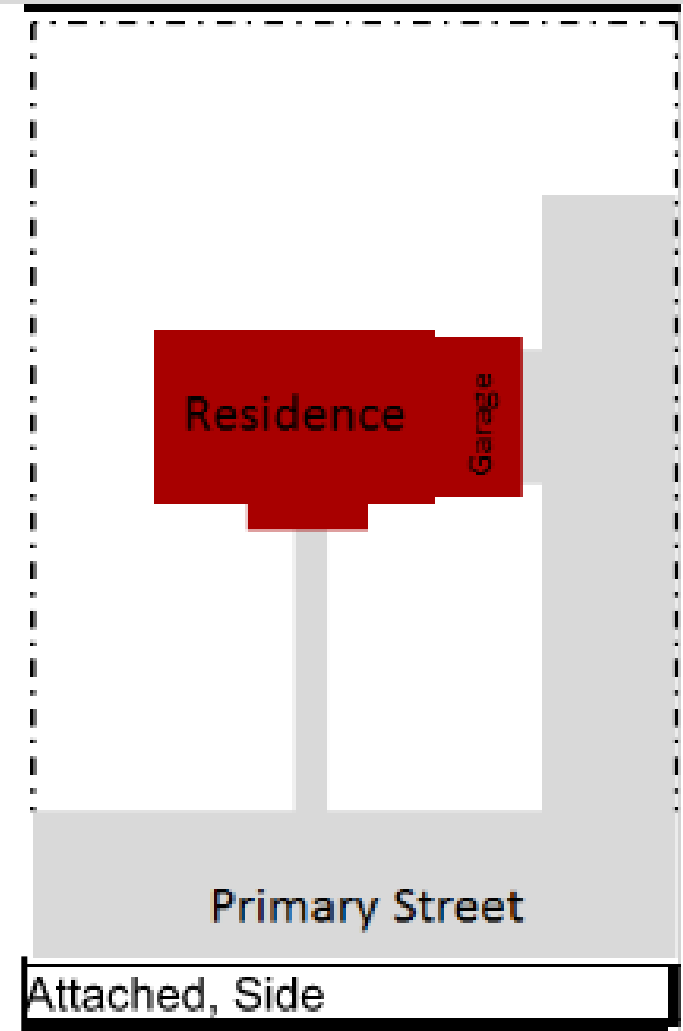


SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Residential Contextual Standards

Attached Garages

- Side-loaded garages must not protrude in front of the habitable portion of the dwelling unit

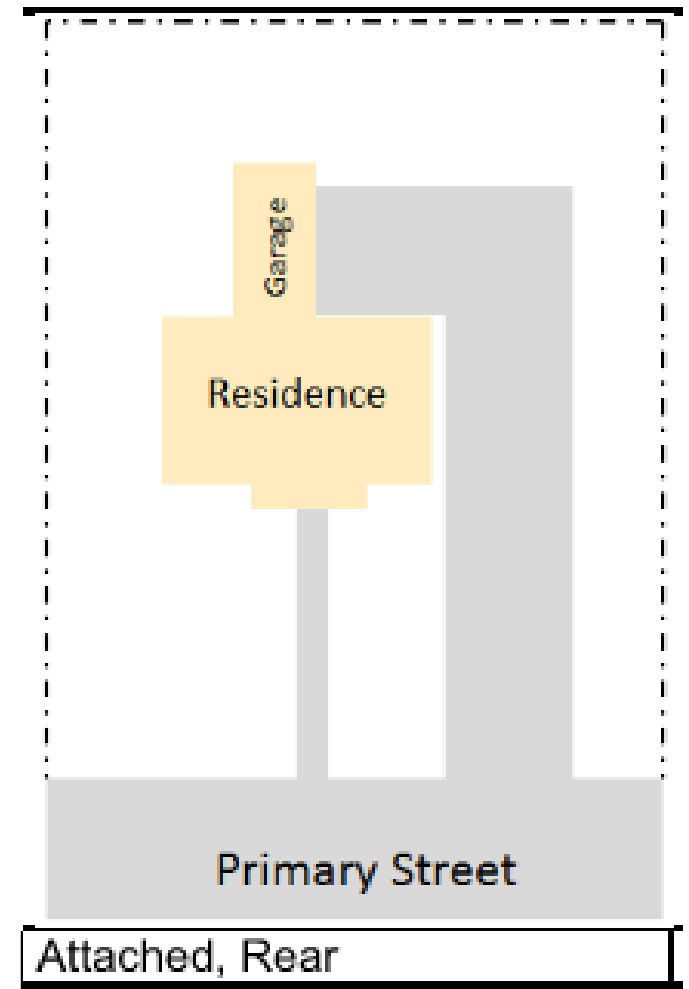


SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Residential Contextual Standards

Attached Garages

- Rear-loaded garages permitted



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Residential Contextual Standards

Accessory Parking

- Metal carports must not be visible from Fort Thomas Avenue

No **freestanding** metal carports visible from Fort Thomas Avenue shall be permitted. **Freestanding** metal carports shall be located **entirely** behind the principal structure. **For the purposes of this regulation, “freestanding” means not attached to the principal structure.**

- Porte cochere are permissible



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Residential Contextual Standards

Façade Design

- 15% of front façade must be windows or entrance doors
- All facades should have architectural detailing and windows



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O)

Revisions - Residential Contextual & Development Standards

- **Phase 3 Revisions**
 - › Building Height
 - › Roof Design
 - › Porches
 - › Raised Entries
 - › Solar Considerations



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Revisions - Development Standards

Building Height:

- Not exceed average height of the principal structures within 300 feet

This regulation was deleted for Phase 3, so building height will not be regulated except as required by the underlying zoning district.



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Revisions - Residential Contextual Standards

Roof Design

- Sloped roofs required
- Variations in roof planes encouraged
- ~~Main roofs must have a pitch between 6:12 and 12:12~~
- ~~Shed roofs may only be attached to the main wall~~

Roof Design. All principal, residential buildings shall have sloped roofs. **Flat roofs on principal, residential buildings are prohibited.** Variations in roof planes are recommended to break up the large roof mass through the use of dormers, gables, or changes in elevation.

|



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Revisions - Residential Contextual Standards

Porches

- ~~Required if present on four adjacent homes~~
- ~~Minimum depth of 4 feet~~
- Recommends a front porch if a porch is present on adjacent homes, but does not require a porch
- Front porches must not be enclosed (*Retained from Phase 2*)





SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Revisions - Residential Contextual Standards

~~**Raised Entries.** To provide privacy and maintain the character of Fort Thomas Avenue, all residential entrances within eighteen (18) feet of the sidewalk paralleling the front property line should be raised above the average finished grade of the sidewalk a minimum of 1½ feet.~~



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Revisions - Residential Contextual Standards

Solar Considerations. Only integrated solar energy systems shall be permitted on the front façade or on the portion of the roof of the principal structure that is parallel (or approximately so) to the front setback line.



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Protective Maintenance Required

- Maintenance Required. The exterior and structural elements of every principal structure within the Fort Thomas Avenue Overlay District shall be so maintained by the owner or person in control thereof so as to preserve the character of the District, promote the purpose of this Section, and so as not to have a detrimental effect upon the District. The exterior of every principal structure shall be maintained in conformance with the *International Property Maintenance Code* as adopted by the City and in a workmanlike manner, and all surfaces thereof shall be kept painted or protected with other approved coatings or materials. Exterior surfaces of every building shall be maintained free of broken, loose, rotting, crumbling, missing, or inadequately finished materials.
- Duty to Repair. The owner or person in control of a principal structure within the Fort Thomas Avenue Overlay District shall, upon written Notice of Violation, repair exterior features or structural elements if any exterior features or structural elements are materially deteriorating or if the condition of any such features or elements is contributing to material deterioration of the principal structure.



SECTION 3.8

Fort Thomas Avenue Overlay District (FTA-O) Phase 3 Regulations

Phase 3 Regulations include:

- Mandated Front Setback of the Principal Dwelling Unit
- Garage Orientation & Placement
- Freestanding Carport Placement
- Flat Roof Prohibition
- Building Orientation
- Enclosed Porches Prohibited
- Façade Design (Transparency)
- Protective Maintenance Required

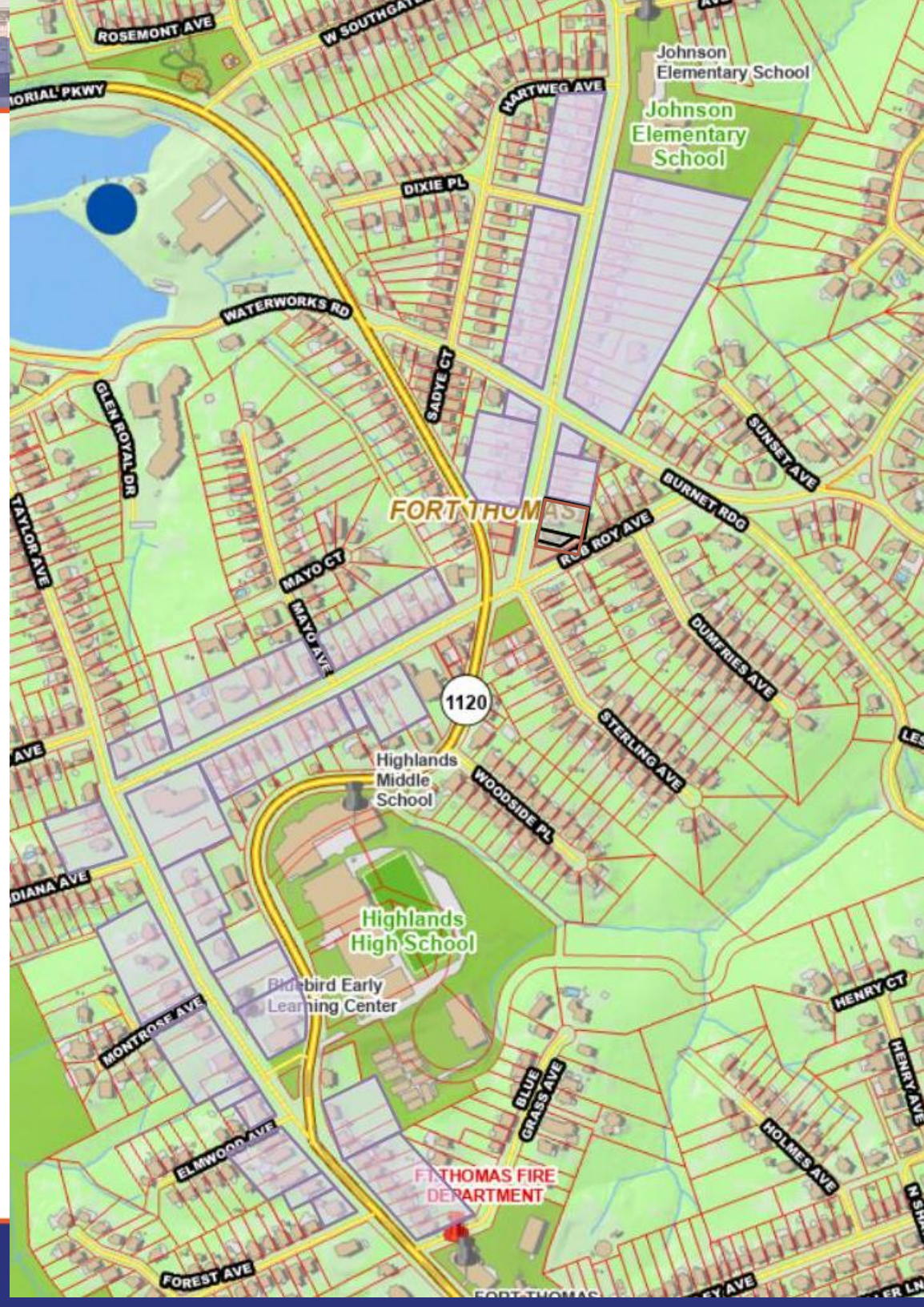


Do these revised regulations reflect your goals and priorities for this District?

Zoning Update

CITY OF FORT THOMAS

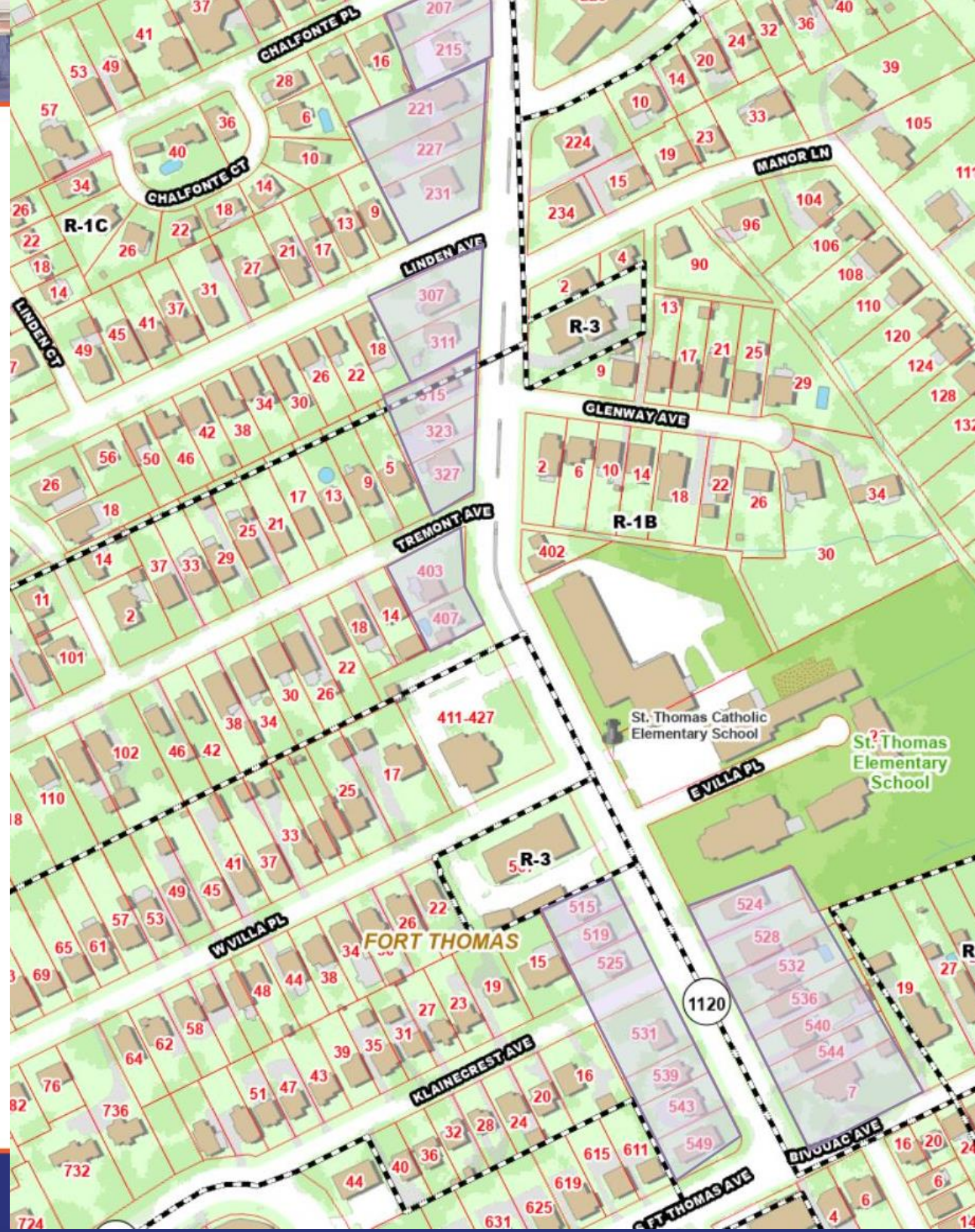
Fort Thomas Avenue Overlay Zoning District



Zoning Update

CITY OF FORT THOMAS

Fort Thomas Avenue Overlay Zoning District



Zoning Update

CITY OF FORT THOMAS

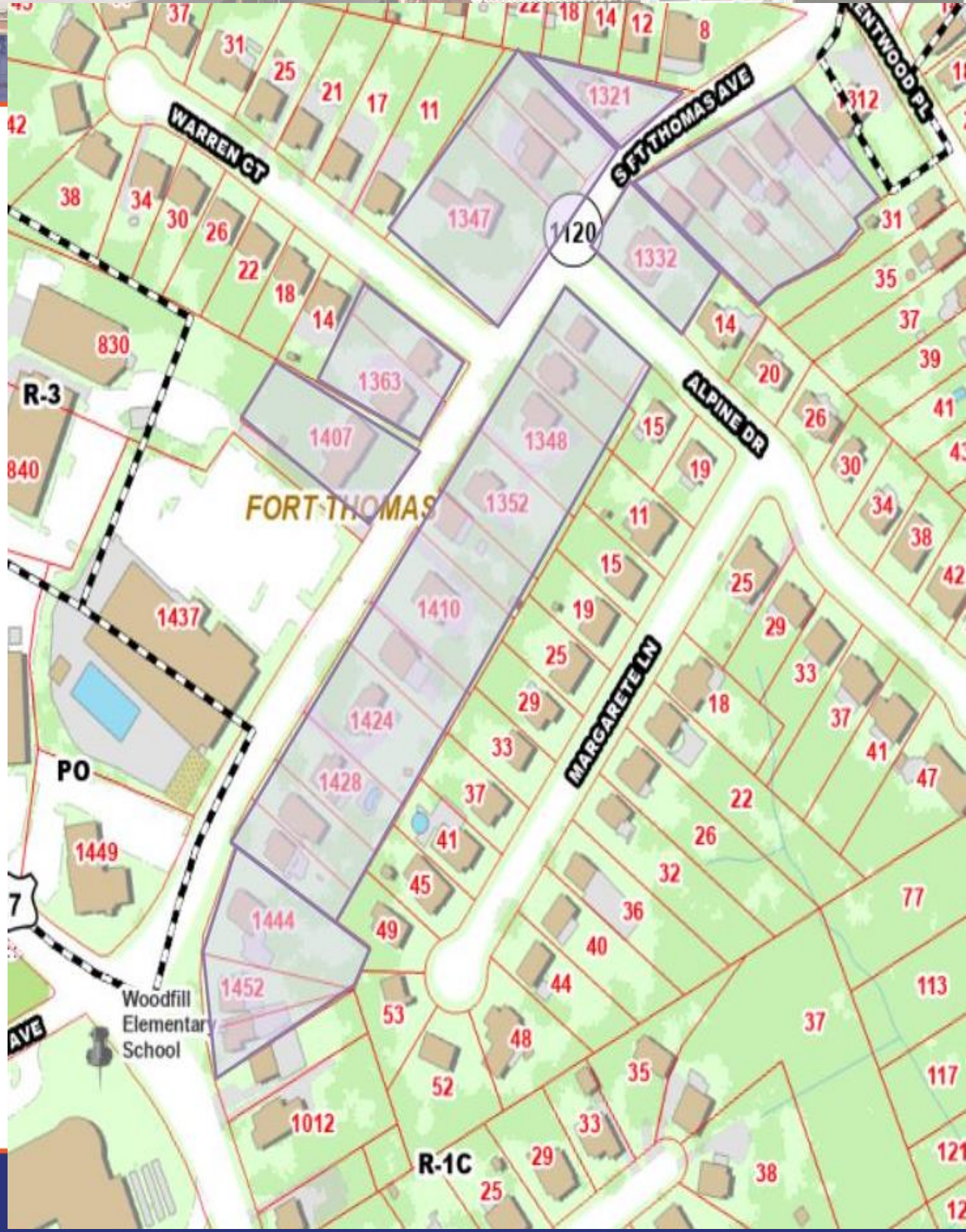
Fort Thomas Avenue Overlay Zoning District



Zoning Update

CITY OF FORT THOMAS

Fort Thomas Avenue Overlay Zoning District

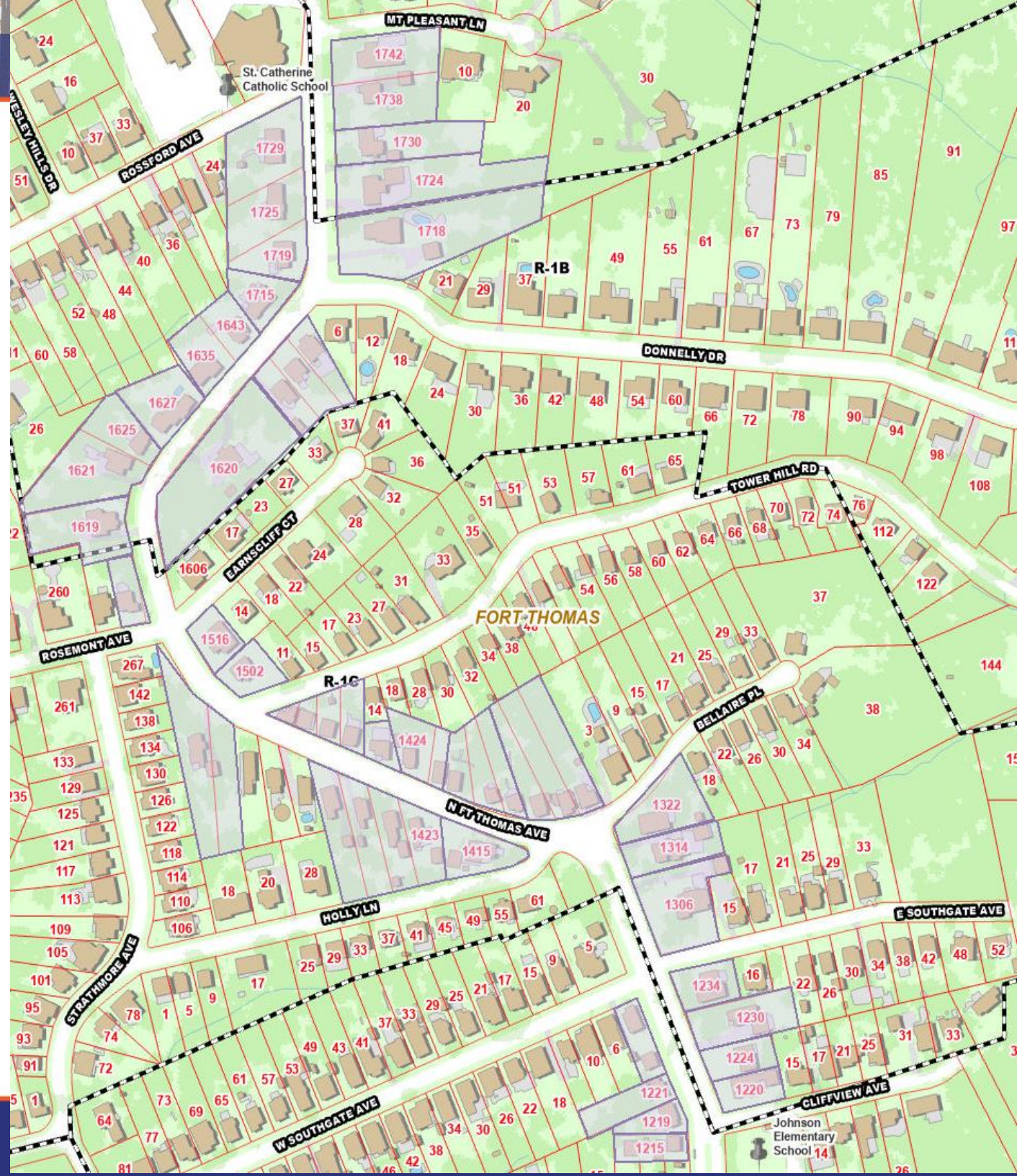


Zoning Update

CITY OF FORT THOMAS

Fort Thomas Avenue Overlay Zoning District

Should FTO-O be
extended north to
Rossford Avenue or
further north?





SECTION 3.8 Fort Thomas Avenue Overlay District (FTA-O) R-3 Considerations



Zoning Ordinance Update

CITY OF FORT THOMAS

Residential Cluster
Development Overlay District
(RCD-O)

Fort Thomas Avenue Overlay
District (FTA-O)

Community Comments



Tower Park Historic Overlay District (TP-O) Greene Street



SECTION 3.10 - Tower Park Historic Overlay District (TP-O) Secretary of Interior's Standards for Rehabilitation

- a. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- b. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
- c. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- d. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- f. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- g. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- i. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- j. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Tower Park Historic Overlay District (TP-O)



Should changes be made to the Tower Park Historic Overlay District?

Multi-Family Residential Districts (R-3 & R-5) Short-Term Rental Properties

- Existing regulations created in 2021
- Definition:
Short-Term Rental Properties: The accessory use of any residential dwelling unit that is advertised for rent for transient occupancy by guests for less than 30-consecutive days. A Short-Term Rental shall be clearly incidental and subordinate to the use of a Dwelling Unit for residential purposes. This definition shall not include Hotels.
- Under existing regulations, Short-Term Rentals are an accessory use in the R-3 & R-5 Districts



Multi-Family Residential Districts (R-3 & R-5) Short-Term Rental Properties

- Existing regulations created in 2021
 - › 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.



Multi-Family Residential Districts (R-3 & R-5) Short-Term Rental Properties

- Should Short-Term Rentals be a principal or accessory use in the R-3 & R-5 Districts?
- If principal use, then the Definition will need to be revised accordingly
- Should Short-Term Rentals be permitted as:
 - › By-right Use
 - › Restricted Use
 - › Conditional Use



Multi-Family Residential Districts (R-3 & R-5) Short-Term Rental Properties

- If Restricted or Conditional Use, what should the regulations address:
 - › Include appropriate existing regulations such as permit/license, etc.
 - › Anything else?



Zoning Ordinance Update

CITY OF FORT THOMAS

Tower Park Historic Overlay
District (TP-O)

Multi-family Districts (R-3 & R-5)

Community Comments

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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**
- Sign Regulations

Zoning Ordinance Update

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