



## Frequency Asked Questions about the Proposed Update to the City's Zoning & Subdivision Ordinances

### 1. What is Zoning?

Zoning provides the standards and regulations for how properties can be lawfully used and developed in the City of Fort Thomas. Zoning divides the City into districts (zoning districts). The zoning districts are shown on the Zoning Map, and the zoning regulations list the rules for each zoning district as well as other regulations that are applicable throughout the City.

### 2. Why is the City updating its Zoning and Subdivision Regulations?

The City's current Zoning Ordinance was adopted in 2012, but it is based on a model code that was adopted in the early 1980s. This model code did not consider the uniqueness of Fort Thomas' character and built environment. At this time, the City seeks to tailor its zoning regulations to better reflect the City's unique lots, buildings, and topography. Additionally, the existing zoning regulations for the City's business areas are more permissive than currently desired, so the regulations for the City's commercial areas are being tightened up to better reflect the City's goals for future development or redevelopment. Also, portions of the City's existing Zoning Ordinance no longer comply with federal laws and court cases, so revisions are necessary to ensure compliance.

The City's Subdivision Regulations, which are standards for how to divide land in the City and include the types of public improvements that must be constructed such as sidewalks, were adopted in 1990 and have not been amended since adoption. The existing Subdivision Regulations do not reflect current practices especially the best engineering practices. Therefore, the City is updating these Subdivision Regulations to incorporate better engineering standards.

You can view the City's [existing Zoning Map](#) and [Zoning Ordinance](#) at <https://fortthomasky.org/departments/general-services/zoning-ordinance/>.

### 3. What is a Unified Development Ordinance or UDO?

As a part of this update, the City is creating a Unified Development Ordinance (UDO). A Unified Development Ordinance is a single regulatory document that guides development within Fort Thomas. The UDO includes the City's zoning and subdivision regulations.

You can view the [proposed Zoning Map](#) and the [proposed Unified Development Ordinance](#) at <https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/>.

### 4. What are some of the general changes that are being considered for the City's zoning regulations?

The Update:

- Reorganizes and reformats the zoning regulations;
- Addresses certain development topics that are currently regulated but where additional consideration is warranted, such as Short-Term Rental Properties;
- Responds to issues and concerns that have been identified by the City Council, Planning Commission, Staff, and the public;
- Consolidates and clarifies permit and approval processes; and,
- Expands the number of definitions.

### 5. How will the new Unified Development Ordinance be different from the current Zoning and Subdivision Ordinances?

The UDO combines both the Zoning and Subdivision Ordinances and has been reorganized and reformatted, but many parts of the existing Ordinances have worked well and are being carried over to the proposed UDO.

Additional provisions have been added to bring the Ordinances into compliance with state/federal law as well as federal court cases. Ambiguous and contradictory provisions have been eliminated, and many new graphics have been added to the UDO for both the Subdivision and Zoning regulations.

In addition, the proposed UDO:

- Establishes several new, non-residential Zoning Districts that are specifically tailored to geographic areas in the City such as the new Alexandria Pike Mixed-Use District, which is described more fully in number 9 below.
- Lists detailed setback, lot, and building dimensional requirements in table summaries for each Zoning District.
- Defines requirements for new development including building materials and design, landscaping, lighting, site access, storage, loading, fencing, etc.
- Clearly defines and outlines all procedures in one location (Article I - General Provisions and Administration) for easier administration.

**6. Is there a glossary of terms for those unfamiliar with the terminology in the draft UDO?**

Yes, Section 1.1 (Definitions and Measurements) defines the terms used in the draft UDO. Section 1.1 is located in [Part 1 of the UDO](#) on the City’s website. In addition, sub-section 1.1.03 - Calculations, Measurements, & Illustrations - explains and illustrates some of the terms used in the proposed UDO.

**7. Are changes being proposed for the City’s residential neighborhoods?**

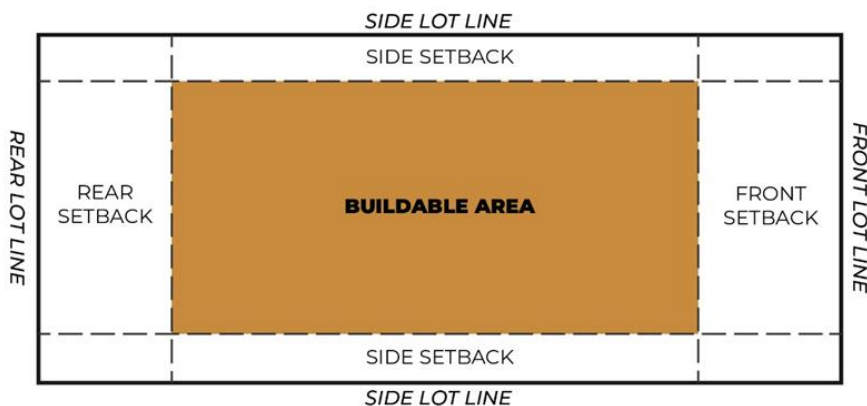
Generally, no. Most existing neighborhoods will continue to be residentially zoned with the same zoning districts that currently exist under the current Zoning Ordinance. All of the existing R-1 Districts, which are the Single-family Residential Districts, are being retained in the UDO.

One new residential zoning district is being proposed for the residential block bounded by Hagedorn Lane, Lumley Avenue, Miller Lane, and North Shaw Lane. This new residential zoning district, which is called the R-1-TC District, recognizes the unique nature of the lots located in this area. You can view this new zoning district on the [proposed Zoning Map](https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/) (<https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/>).

There is one significant zoning district change being proposed for those single-family and two-family homes located on Fort Thomas Avenue. The Fort Thomas Avenue Overlay District is being proposed. See number 13 below for more information on the Fort Thomas Avenue Overlay District.

**8. Are any regulations being changed for the R-1, Single-family Residential Districts?**

Yes. As discussed above, the 2012 Fort Thomas Zoning Ordinance fails to acknowledge and replicate the existing built environment in Fort Thomas. This lack of acknowledgement means the current Zoning regulations, especially those regulations for building placement on residential lots, do not reflect where buildings are actually situated



*Figure 1 - Illustration of Setbacks on a Lot*

on lots in the City’s residential neighborhoods. For example, in many neighborhoods, homes are located too close to the lot lines, according to the regulations in the current Zoning Ordinance. The required distance between the wall of a home and the lot line is called a setback. The proposed UDO reduces the required minimum side and rear setbacks in two R-1 (Single-Family) Districts, which are the R-1B and the R-1C districts. This change may assist homeowners who wish to invest in their properties since fewer homeowners will need a variance, which is special permission from the City, to construct an addition to their home. R-1B and R-1C are the most commonly used residential zoning districts in Fort Thomas. To see where these districts are located, you may view the proposed [Zoning Map](https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/) on the City’s website. Figure 1 illustrates the required setbacks on a lot. (<https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/>)

There is one new zoning regulation that impacts the R-1B and R-1C (Single-family) zoning districts. This regulation mandates a maximum front setback. The current Zoning Ordinance and the proposed UDO require a minimum front setback in the Residential Districts, which is either the defined minimum front setback for the zoning district, or it is derived from the average front setback of existing homes within 300 feet. Homes can be placed anywhere behind the minimum front setback, so a required minimum front setback does not specify exactly where on a lot a home must be placed. Therefore, a home may be constructed a noticeable distance from the front lot line and behind the other homes on the street. When viewed from the sidewalk, such placement can disrupt the line of homes on that side of the street. The maximum front setback only applies in the R-1B and R-1C Districts because these Districts are the most compact Single-Family Districts, and therefore, a home out of line will be the most noticeable. Figure 2 depicts the place of homes when a maximum front setback is required.

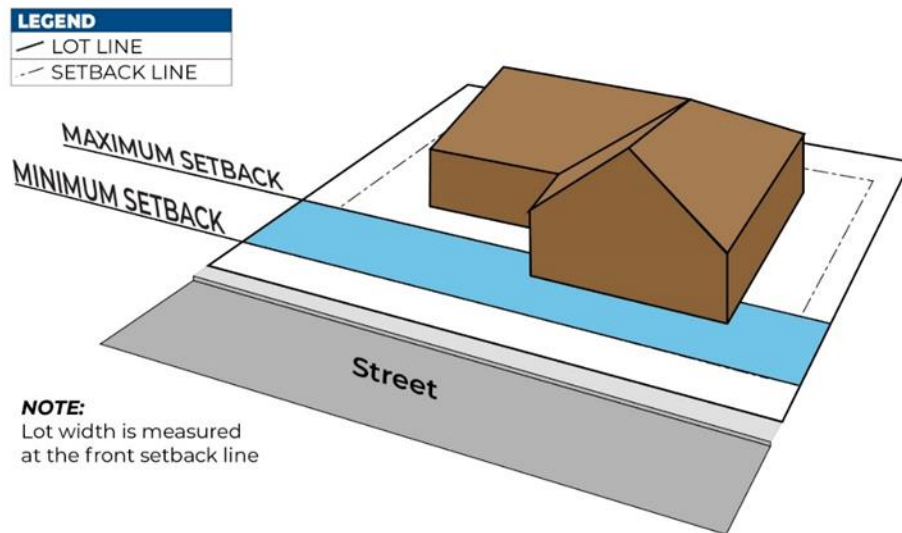


Figure 2 - Illustration of Minimum & Maximum Front Setbacks for Single-Family Detached Dwellings

9. What type of changes are being proposed for the City’s commercial areas like Alexandria Pike (US-27), Highland and Grand, and Fort Thomas Plaza?

- **Alexandria Pike Mixed-Use District (AP-MX)** - For US-27, the proposed UDO creates a Zoning District that is place based and specific to Alexandria Pike, which is called the Alexandria Pike Mixed-Use District (AP-MX). This district replaces the four non-residential zoning districts currently in place from I-471 to the southern corporation boundary. This change lends some development continuity along the corridor. (The four zoning districts currently utilized along this portion of US-27 are General Commercial, Highway Commercial, Professional Office, and Light Industrial Park-Research.) The maximum permitted building height is being reduced from 50 feet, which is permitted in the current

Zoning Ordinance, to 40 feet. No multi-family dwellings will be allowed in the AP-MX. Typical non-residential uses, like offices and retail uses, will be permitted in the AP-MX.

- **Neighborhood Commercial/Office District (NC/O)** - Those commercial/office parcels located at Highland and Grand and 100 Alexandria Pike (Fort Thomas Plaza), will be zoned Neighborhood Commercial/Office. Today, these areas are zoned a mixture of Professional Office (PO) and General Commercial (GC). Typical non-residential uses like offices and retail uses will be allowed, and residential uses above offices and retail spaces will be permitted if the residential uses exist today. The maximum permitted height for buildings is being reduced from 50 feet to 40 feet.

In [part 2 of the UDO](#) on the City's [website](#), see the Sections 3.5 and 3.6 to see all of the uses that are permitted in the AP-MX and NC/O Districts. (<https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/>)

#### **10. What changes are being proposed for Downtown/Town Center and Midway?**

Currently, Downtown/Town Center and Midway are zoned Central Business District (CBD). The current CBD District is a “one size fits all” district that applies equally to all parcels zoned CBD whether the parcel is located in the middle of Downtown or situated on the fringes of Midway along Garrison or Shawnee. In addition, the existing regulations for the CBD do not specify any required development regulations other than maximum building height, which leaves considerable ambiguity about future redevelopment in the Central Business District.

The proposed UDO revises the Central Business District to include associated sub-zoning districts whose requirements are more prescriptive and better tailored to the differing conditions present throughout Downtown and Midway. (A sub-zoning district is a sub-category within the Zoning District that serves to refine the uses and standards.) Today, under the current regulations for the CBD, whether a lot is occupied with a single-family home or an office building, the same land uses are permitted, and the same regulations apply. The sub-zoning districts differentiate between the differing contexts that exist throughout Downtown and Midway. For example, the proposed CBD-Town Center Residential sub-zoning district permits single-family detached dwellings and includes regulations for setbacks and height that are appropriate for these dwelling units. Currently, these homes are nonconforming uses with no defined regulations that indicate where a home should be placed on the lot.

Throughout the CBD and its associated sub-zoning districts, the maximum permitted building height is being reduced. In the current Zoning Ordinance, 50 feet is the maximum building height on all parcels zoned Central Business District. In the proposed UDO, the maximum height is tailored to the desired character of each sub-zoning district. For example, in the CBD-Town Center Core and the CBD-Midway Core 2 sub-zoning districts, the maximum permitted building height has been reduced from the current permitted height of 50 feet to 40 feet, and in the CBD-Midway Residential 1 and 2 sub-zoning districts, the maximum permitted height is 35 feet or 2.5 stories instead of 50 feet, which means buildings 50 feet in height will no longer be permitted on Midway Court for example.

You can view the sub-zoning districts for the CBD on the [proposed Zoning Map](#), which is on the City's website.

#### **11. Are any changes being considered for Inverness?**

Today, the Inverness area is zoned General Commercial, which is one of the zoning districts being eliminated in the proposed UDO. Under the proposed UDO, the Inverness area will be zoned Traditional Business District (TBD), and the requirements and regulations for the TBD are located in Section 3.7 - Central Business and Traditional Business Districts.

Many of the uses currently permitted in Inverness will continue to be permitted in the proposed UDO. The biggest change is that the maximum permitted building height is being decreased from 50 feet, which is currently

permitted, to 40 feet. Also, the regulations for the TBD allow buildings to be built at the sidewalk like the existing buildings in order to reinforce the existing character of Inverness.

**12. Is it true that historic districts are being created through this process to update the City's Zoning Ordinance?**

Yes. Two historic districts are being created. One is for the residential areas in Tower Park, and the other historic district covers Downtown or Town Center and the Midway area. These will be overlay districts. See number 14 for an explanation of an overlay district.

In Tower Park, the residential areas are somewhat historically protected today, but this new Overlay Zoning District will bring more uniformity to the review of proposed changes to the exterior of homes in Tower Park. Creation of this Tower Park Overlay District formalizes the review and enforcement of exterior alterations to the historic homes in the Park. Please see Section 3.10 for more details regarding the proposed Tower Park Historic Overlay District.

In 2002, the City created a local historic district for Downtown/Town Center and the Midway area in the [City's Code of Ordinances](https://codelibrary.amlegal.com/codes/fthomas/latest/fthomas_ky/0-0-0-955#JD_36.010). ([https://codelibrary.amlegal.com/codes/fthomas/latest/fthomas\\_ky/0-0-0-955#JD\\_36.010](https://codelibrary.amlegal.com/codes/fthomas/latest/fthomas_ky/0-0-0-955#JD_36.010)) This local historic district applied to all properties zoned Central Business District. By establishing the historic district in the Code of Ordinances, this local historic district does not appear on any map, which means many community members do not know of its existence. The proposed UDO establishes an overlay district that memorializes and references the local historic district for the Central Business District created in 2002. By establishing this overlay district, the CBD local historic district will be shown on the Zoning Map, which makes the district more visible to all stakeholders. The creation of this Central Business District Historic Overlay District does not change the design review requirements for the properties currently included in the CBD local historic district. New construction and exterior alterations to existing buildings will continue to require a Certificate of Appropriateness. Please see Section 3.9 for more details regarding the proposed Central Business District Historic Overlay District.

**13. I have heard the City is enacting additional regulations for the homes on Fort Thomas Avenue. Why is the City considering enacting the Fort Thomas Avenue Overlay Zoning District?**

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 from Covert Run Pike to US-27. The regulations in the FTA-O apply to single-family detached dwellings and two-family dwellings but do not apply to the multi-family dwellings along Fort Thomas Avenue.

The regulations in the Overlay District seek to support the existing built environment and to reduce conflicts between new construction and existing development. The Fort Thomas Overlay District also seeks to protect the distinctive character and charm of this significant area of Fort Thomas. The new construction of single-family homes or two-family dwellings and renovations to any façade of a dwelling facing Fort Thomas Avenue must comply with the regulations in the Fort Thomas Avenue Overlay District. The Fort Thomas Avenue Overlay District regulates the front setback, garage placement, the placement of carports, roof design, and the enclosing of porches. The FTA-O District also requires windows and doors on the façade of any home with frontage on Fort Thomas Avenue.

You can view the boundaries of the Fort Thomas Avenue Overlay District on the [proposed Zoning Map](https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/) at <https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/>.

**14. What is an Overlay Zoning District?**

An overlay zone is a zoning district that is applied over one or more zoning districts, establishing additional or stricter standards and criteria for covered properties, in addition to those of the underlying zoning district.

**15. What is my property zoned; how do I find out??**

- a. View the City's [existing Zoning Map](https://fortthomasky.org/wp-content/uploads/2015/05/FtThomasZoning_2013_Color-1.pdf); ([https://fortthomasky.org/wp-content/uploads/2015/05/FtThomasZoning\\_2013\\_Color-1.pdf](https://fortthomasky.org/wp-content/uploads/2015/05/FtThomasZoning_2013_Color-1.pdf))
- b. Find your property on the existing Zoning Map and note the Zoning District designation;
- c. View the [proposed Zoning Map](https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/) and note the Zoning District designation. As discussed above, most residentially zoned property is not being rezoned as a part of this update to the City's Zoning and Subdivision regulations. (<https://fortthomasky.org/2024/08/21/proposed-udo-zoning-map-information/>)

**16. How will changes to the Zoning and Subdivision regulations affect me?**

If you do not intend to improve building and/or structures on your property, the proposed revisions will have limited impact on your property. The updated regulations come into effect when you want to make an improvement that would require a Zoning Permit or an application for Development Plan Review. For more information about Zoning Permits or Development Plan Review, see Article 1 which is in [Part I of the UDO](#) on the City's website.

**17. If adopted, will the UDO require changes to existing buildings including single-family detached dwellings?**

The update of the City's zoning regulations will not require legally established existing buildings to conform to the new standards and regulations. New buildings and expansions of existing buildings will have to adhere to the applicable standards adopted as part of this update to the City's zoning regulations or be accommodated through a variance process.

**18. If adopted, will the UDO require changes to existing uses?**

No changes will be required to legally established existing uses. Existing uses that are not listed as an allowed use in the proposed commercial/office/mixed-use districts will be designated as "nonconforming uses." Nonconforming uses may continue to operate and be sold. Section 1.9 - Nonconforming Uses, Lots, Structures, & Site Conditions - of the proposed UDO addresses legal nonconforming uses and buildings.

**19. My property will have a different zoning designation under the UDO than it does now. Can I build under the old zoning rules?**

Generally, no. Any new building or Zoning Permit filed after the UDO is adopted must comply with the zoning regulations that are in place at that time. However, after a zoning change, any legally constructed existing building is considered "legal nonconforming" (commonly referred to as "grandfathered") and is afforded special rights to repair and rebuild in the event of damage or destruction. Section 1.9 - Nonconforming Uses, Lots, Structures, & Site Conditions - of the proposed UDO addresses legal nonconforming uses and buildings.

**20. Besides the regulation for each zoning district, are there other special requirements?**

In addition to the standards in the individual zoning districts, both general and special regulations may further regulate development within the City. These requirements are, generally, in addition to the basic zoning district regulations.

➤ **General Regulations include, but are not limited to:**

- Outdoor lighting in Section 5.3 – Landscaping, Screening, and Lighting Regulations
- Parking Regulations in Section 5.5 – Off-Street Parking, Loading, & Access Regulations
- Landscaping and screening in Section 5.3 – Landscaping, Screening, and Lighting Regulations
- Sign Regulations in Section 5.7

- Special Regulations include, but are not limited to:
  - Hillside Development in Section 5.2 – Environmental Regulations
  - Tree Conservation & Restoration in Section 5.2 – Environmental Regulations
  - Home Occupations in Section 5.1 – Temporary and Accessory Use/Structure Regulations
  - Requirements for sheds and detached garages in Section 5.1 – Temporary and Accessory Use/Structure Regulations
  - Requirements for uses classified as Conditional or Restricted Uses in the Use Schedules for each zoning district – See Section 5.4 – Conditional Use & Restricted Use Regulations. These individualized standards, which are specific for each Conditional Use, will assist the Board of Adjustment when they consider Conditional Uses. For the most part, the current Zoning Ordinance lacks these specific standards for Conditional Uses.

**21. When will the new UDO be adopted?**

It is anticipated the Planning Commission will recommend the proposed UDO at their regularly scheduled meeting on October 16, 2024. After that, the City Council will consider the proposed UDO and may consider adoption before the end of the year. Please check the City's [web calendar](#) for the precise dates of the City Council's consideration of the UDO.

**22. What if I have questions about the proposed updates to the Subdivision and Zoning Ordinances?**

Please e-mail [Planning@FtThomas.org](mailto:Planning@FtThomas.org) or call Kevin Barbian at (859) 572-1224.