MINUTES OF A MEETING OF THE
FORT THOMAS PLANNING COMMISSION
HELD AT THE FT THOMAS MESS HALL
ON WEDNESDAY, MARCH 15, 2023
6:30 P.M.

PRESENT:	Tim Michel Larry Schultz Pam Schweiss
ABSENT:	Dan Fehler, Chairman Jerry Noran Dave Wormald, Secretary
ALSO PRESENT:	Kevin Barbian, General Services Director Mark Stewart, Building Inspector/Zoning Administrator Cheri Scherpenberg, G. S. Administrative Assistant Tim Schneider, City Attorney

6:30 Business Meeting

Minutes – February 15, 2023

Lot Split Plat
501-3 and 455 Chesapeake Ave.
PIDN: 999-99-11-845.00 Joseph & Loraine Stadtmiller
501-3 Lot 1 = 0.93 AC & Lot 2 = 0.43 AC
PIDN: 999-99-11-951.00 Joyce A. Scott Revocable Trust
465 Chesapeake Ave.
0.3849 AC., Add 0.07 AC = 0.4549 AC.

Due to an absence of quorum, the lot split plat will be presented at the next meeting.

Zoning Code Update

Kevin Barbian once again reminded the audience that there would be an opportunity for additional community engagement for the public to ask further questions and make comments about the zoning code update to CT Consultants representatives at Ft. Thomas Coffee from 10am to noon and 6-8pm each Thursday following the Planning Commission meeting date.

Alisa Duffey Rogers with CT Consultants delivered a Zoning Ordinance Update presentation. The presentation revisited the zoning ordinance update process and addressed the following draft ordinance sections:

Article III - Zoning Districts

- Section 3.6 - Neighborhood Commercial/Office District Regulations
    - Should adult/child care centers be permitted in NC/O District? (Page 3 in Section 3.6)
    - Do you want to permit drive-thru facilities? (Page 3 in Section 3.6)
    - Should different setbacks be permitted for the auto dealership at Fort Thomas Plaza? (Page 4 in Section 3.6)
    - Should we regulate more or less elements of non-residential building design in these areas? (Page 7 in Section 3.6)
    - Are the applicability requirements for the Design Standards appropriate? (Page 7 in Section 3.6)
    - Should the prohibition against front yard parking be eliminated for the auto dealership at Fort Thomas Plaza? (Page 9 in Section 3.6)

Article I – General Provisions and Administration

- Section 1.0 - Title, Purpose, and Application [This Section is the introduction for the Unified Development Ordinance (UDO)*.]

- Section 1.2 - Establishment of Districts and Map [This Section establishes all of the zoning districts.]

- Section 1.3 - Powers and Duties [This Section lists the powers and duties for all those charged with administering the UDO.]

- Section 1.4 - Development Plan Review Procedures [This Section outlines the procedures for considering development plans.]

    - Are the review criteria for Stage I Development Plans appropriate? (Page 8 in Section 1.4)

    - Are the review criteria for Stage II Development Plans appropriate? (Page 9 in Section 1.4)

- Section 1.5 - Zoning Permits and Certificates of Zoning Compliance [This Section provides the procedures for issuing Zoning Permits, which are the permits needed before construction starts on a site and for Certificates of Zoning Compliance, which is the approval needed to occupy a site/building after construction has been completed.]

- Section 1.6 - Conditional Use Permits [This Section provides the procedure for obtaining a Conditional Use Permit. Conditional Use Permits are necessary to commence a use that is classified as a conditional use in the Permitted Use Schedules.]

- Section 1.7 – Appeals and Variances [This Section describes the process to appeal a decision of the Zoning Administrator as well as gives the procedures for seeking a variance from dimensional standards in the UDO, such as setback regulations.]

• Section 1.8 – Amendments [This Section explains the process to seek a change to the text of the UDO and the Zoning Map.]

• Section 1.9 - Nonconforming Uses, Lots, Structures, & Site Conditions [This Section recognizes that there are lots, structures, and sites that do not conform to the current standards in the UDO because the lots, structures, and sites were developed before the enactment of the current regulations.]

- Is 180 days an appropriate time period to prevent the reestablishment of a nonconforming use of land? (Page 4 in Section 1.9)
- Should a nonconforming residential use be allowed to expand? (Page 5 in Section 1.9)
- Should a nonconforming structures be permitted to expand:
  1. When the expansion does not increase the nonconformity?
  2. Along the same plane as the existing nonconformity for single-family detached dwellings? (Page 8 in Section 1.9)

• Section 1.10 – Waivers and Modifications [This Section provides for administrative modifications, in some cases, for regulations in the UDO.]

- Should the Ordinance spell out explicitly where waivers are permitted? Is an Equivalency Provision also appropriate? (Page 1 in Section 1.10)
- Are administrative or staff modifications to Ordinance standards appropriate? (Page 3 in Section 1.10)

• Section 1.11 - Enforcement and Penalties [This Section provides measures to enforce the UDO as well as penalties for violations of the UDO.]

*A Unified Development Ordinance (UDO) is an ordinance that includes both the Zoning Ordinance and the Subdivision Ordinance. A Subdivision Ordinance governs how parcels can be subdivided.

Members from the audience in attendance to address the board:

Joan Ferris, who resides at 66 Burney Ln., asked about the consideration of merging mini zones into a universal zone. Joan Ferris also requested that non-conforming buildings in existing zones not be grandfathered into new zones without close examination and evaluation.

Tiffany Huber, who resides at 26 Hawthorne Ave., discussed developing requirements that will create a barrier between the districts to help with noise, light, etc. to keep a city and park feel.

Hilary Landwehr, who resides at 47 Woodland Pl., requested examples of places that “address the corner” for reference.

Peggy Maggio, who resides at 37 S. Shaw Ln., commented that the Comprehensive Plan is a guiding document that is not required to be implemented. Peggy Maggio also discussed the value of making changes versus keeping what is currently in place.

Ken Honchell, who resides at 7 Covert Pl., asked questions about rezoning, standards and districts.

Sharon Macknight, who resides at 62 Miller Ln., drew attention to parking and the use of waivers that may have a negative impact on residential streets.

Dennis Pompilio, who resides at 40 Kathy Ln., expressed concerns about the possibility of large multi-family buildings in the Alexandria Pk. Mixed Use District.

Alisa Duffey Rogers with CT Consultants concluded this portion of the zoning code update. The next section will be covered in April.

Adjournment

Approved: _____
Dave Wormald, Chair Date

Secretary: _____
Dan Fehler, Secretary Date