

## ORDINANCE 2023-02

### **AN ORDINANCE OF THE CITY OF FORT MITCHELL, KENTUCKY TO AMEND THE FORT MITCHELL ZONING ORDINANCE, ADOPTED AS ORDINANCE 2022-01, AND ALL AMENDMENTS THERETO.**

*Whereas*, the City Council for the City of Fort Mitchell, having reviewed the record compiled by the Kenton County Planning Commission and the City Council, agreeing with the recommendations of the Planning Commission, adopted the Planning Commission's findings of fact in support of the new zoning ordinance on February 7, 2022 as Ordinance 2022-01; and,

*Whereas*, the City of Fort Mitchell seeks to amend various provisions of Ordinance 2022-01 to provide clarity and further guidance that is technical in nature; and,

*Whereas*, the City of Fort Mitchell has been asked to consider adding "Coin-Operated Laundries" as a conditional use in the Highway Commercial (HC) Zone; and,

Whereas, the City of Fort Mitchell passed Resolution 2022-20, supporting these amendments; and,

Whereas, the Kenton County Planning Commission voted to recommend these amendments at its January 5, 2023 meeting.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT MITCHELL,  
KENTUCKY:**

#### SECTION I

Amendments as attached hereto and incorporated by reference to the Fort Mitchell Zoning Ordinance, adopted as Ordinance 2022-01, shall be enacted.

#### SECTION II

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

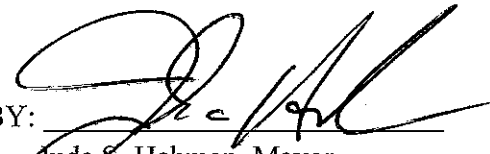
#### SECTION III

The Provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

#### SECTION IV

This Ordinance shall be in full force and effect from and after its passage and publication according to law and said publication may be in summary form.

CITY OF FORT MITCHELL, KENTUCKY

BY:   
Jude S. Hehman, Mayor

ATTEST:

  
Amy Guenther, City Clerk/Treasurer

Date of First Reading: 2-6-2023  
Date of Second Reading and Enactment: 3-20-2023  
Date Published: 3-27-2023

**General Attachment Notice:**

*For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: [www.pdskc.org](http://www.pdskc.org)*

**ATTACHMENT A**

Proposed Text Amendments to the Fort Mitchell Zoning Ordinance  
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

**ARTICLE 2 APPLICABILITY & CONFORMITY**

---

**2.07 Nonconformities**

---

**A. Generally**

1. Any parcel of land, use, easement, structure, sign or feature lawfully existing on the date of any text change in this Ordinance, or on the date of a zoning map amendment initiated by a public body that does not conform to the requirements of the district in which it is located may be continued and maintained in accordance with the provisions of this article and other applicable provisions of this Ordinance. Nonconformities may continue as prescribed, but the provisions of this article are designed to curtail substantial investment in nonconformities and to bring about their eventual conformity or elimination.
2. When there is a timeframe required for the reestablishment, repair, or restoration of a nonconformity, the timeframe begins when notice is given by the Zoning Administrator.

**ATTACHMENT B**

Proposed Text Amendments to the Fort Mitchell Zoning Ordinance  
 Words to be ~~deleted~~ are [lined-through] - Words to be added are underlined>

**ARTICLE 4 USE REGULATIONS & STANDARDS**

**4.04 Table of Uses**

Use	TABLE 4.1 PERMITTED AND CONDITIONAL USES														Use Specific Standards
	Residential						Commercial			Emp	Other			Special	
	R-LLS	R-CVS	R-CPS	R-M	R-MF	MHP	ROC	CC	HC	BP	MU	CO	INST	DC	
<b>COMMERCIAL</b>															
Agriculture Equipment / Chemical Sales, Distribution, Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.05, C.1.
Animal Care - enclosed	-	-	-	-	-	-	-	P	P	-	P	-	-	-	4.05, C.2.
Animal Care – outdoor activity	-	-	-	-	-	-	-	-	P	-	-	-	-	-	4.05, C.3.
Assembly, Commercial	-	-	-	-	-	-	-	P	P	-	-	-	-	-	4.05, C.4.
Bar Or Drinking Place	-	-	-	-	-	-	-	P	P	-	P	-	-	-	4.05, C.5.
Brewery, Distillery, Winery	-	-	-	-	-	-	-	P	P	P	P	-	-	-	4.05, C.6.
Building Material Sales	-	-	-	-	-	-	-	P	P	-	-	-	-	-	4.05, C.7.
Car Wash	-	-	-	-	-	-	-	P	P	-	-	-	-	-	4.05, C.8.
Carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments	-	-	-	-	-	-	-	P	-	-	-	-	-	-	4.05, C.9.
Check Cashing and Title Loan Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.05, C.10.
<u>Coin-Operated Laundries and Drycleaners</u>	-	-	-	-	-	-	-	-	C	-	-	-	-	-	<u>4.05, C.11.</u>
Commercial Printing	-	-	-	-	-	-	-	-	-	P	-	-	-	-	4.05, C.1[1]2.
Conversions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.05, C.1[2]3.
Family Child Care Homes	P	P	P	P	P	P	-	-	-	-	-	-	-	-	4.05, C.1[2]3.
Day Care Or Adult Or Child Care Center, Type II	C	C	C	C	C	C	-	P	P	P	P	-	-	-	4.05, C.1[2]3.

**TABLE 4.1 PERMITTED AND CONDITIONAL USES**

Use	Residential						Commercial			Emp	Other			Special	Use Specific Standards
	R-LLS	R-CVS	R-CPS	R-M	R-MF	MHP	ROC	CC	HC	BP	MU	CO	INST	DC	
Day Care Or Adult Or Child Care Center, Type I	C	C	G	C	C	C	-	P	P	P	P	-	-	-	4.05, C.1[2]3.
Dry Cleaner	-	-	-	-	-	-	-	P	P	P	P	-	-	-	4.05, C.1[3]4.
Equipment Sales, Rental, Repair	-	-	-	-	-	-	-	P	P	P	-	-	-	-	
Farmer's Market	-	-	-	-	-	-	-	P	P	-	P	-	P	-	4.05, C.1[4]5.
Financial Services	-	-	-	-	-	-	-	P	P	P	P	-	-	P	
Funeral Home, Mortuary	C	C	C	C	C	-	-	P	P	P	-	-	P	-	4.05, C.1[5]6.
Gas Station	-	-	-	-	-	-	-	P	P	-	C	-	-	-	4.05, C.1[6]7.
Liquor Store	-	-	-	-	-	-	-	P	P	-	P	-	-	-	4.05, C.1[7]8.
Medical Office	-	-	-	-	-	-	-	P	P	P	P	-	-	-	
Motor Vehicle Sales and Rental	-	-	-	-	-	-	-	P	P	-	-	-	-	-	4.05, C.1[8]9.
Motor Vehicle Service, Major	-	-	-	-	-	-	-	P	C	-	-	-	-	-	4.05, C.[19]20.
Motor Vehicle Service, Minor	-	-	-	-	-	-	-	P	C	-	-	-	-	-	4.05, C.2[9]1.
Nursery / Garden Supply	-	-	-	-	-	-	-	P	P	-	P	-	-	-	4.05, C.2[3]2.
Office	-	-	-	-	-	-	P	P	P	P	P	-	-	C	
Off-Street Parking Lot, Non-Accessory	-	-	-	-	-	-	-	P	-	-	-	-	-	P	4.05, C.2[2]3.
Personal Services	-	-	-	-	-	-	-	P	P	P	P	-	-	P	
Restaurant with drive-in or drive-through	-	-	-	-	-	-	-	-	-	-	C	-	-	-	4.05, C.2[3]4.
Restaurant without drive-in or drive-through	-	-	-	-	-	-	-	P	P	P	P	-	-	P	4.05, C.2[3]4.
Retail Store	-	-	-	-	-	-	-	P	P	P	P	-	-	P	
Sexually-Oriented Business	See Article 9														
Studios for Work or Teaching	-	-	-	-	-	-	-	P	P	P	P	-	-	P	
Tattoo Or Body Art Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.05, C.2[4]5.

**ARTICLE 4 USE REGULATIONS & STANDARDS**

**4.05 Use-Specific Standards**

## C. Commercial

**11. Coin-Operated Laundries and Drycleaners**

- a. If a coin-operated laundry and drycleaner establishment includes on-site laundering or cleaning activities, it is not permitted in Special Flood Hazard Areas.

**1[1]2. Conversions**

- a. In residential districts where non-residential uses are permitted, residential structures can be converted to non-residential uses provided the exterior residential character of the building is preserved.
- b. Parking shall be located on the side or behind the structure.

**1[2]3. Day Care Or Adult Or Child Care Centers and Family Child Care Homes**

- a. Family Child Care Homes
1. Must meet the requirements of Home Occupations in Section 4.05, J., 5., Accessory Uses and Buildings - Home Occupations.
- b. Day Care Or Adult Or Child Care Center, Type II
1. Must meet the requirements of Home Occupations in Section 4.05, J., 5., Accessory Uses and Buildings - Home Occupations.
  2. The child care operation must be clearly incidental and secondary to the occupied residential use of the building.
  3. No physical changes to the residential structure, not otherwise customary to residential use, shall be permitted.
  4. Signage must meet requirements for residential uses.
  5. Care shall be provided by persons residing on the premises although one additional care giver not residing on the premises may also be employed.
  6. Drop-off and pick-up must be accommodated off-street in established vehicular and pedestrian areas and shall accommodate sufficient stacking space to prevent obstruction of public streets.
- c. Day Care Or Adult Or Child Care Center, Type I
1. On-site care services provided to employees of an industrial or other employment use are allowed as an accessory use in commercial and industrial zones.
  2. The care center must be located on a dedicated lot of one acre or more in size or must be integrated into a mixed-use building.
  3. Outdoor areas must be in a side or rear yard screened to a height of six feet from adjacent residential properties located in residential zoning districts within any jurisdiction. Outdoor activity is limited to between the hours of 8 a.m. and 9 p.m.
  4. Drop-off and pick-up must be accommodated off-street in established vehicular and pedestrian areas and shall accommodate sufficient stacking space to prevent obstruction of public streets.
  5. When located at the periphery of residential neighborhoods, primary access to the care center may not be from local roads serving the neighborhood.

**1[3]4. Dry Cleaner**

- a. If a dry-cleaning establishment includes on-site laundering or cleaning activities, it is not permitted in Special Flood Hazard Areas.

**1[4]5. Farmers' Market**

- a. Farmers' markets must be operated by one or more farmers/producers, a nonprofit organization, or a local government agency.
- b. At least 70 percent of vendors must be farmers and other businesses who sell food, plants, flowers, and added-value products such as jams and jellies, that have been grown or produced within the states of Kentucky, Ohio, or Indiana.
- c. Adequate trash and recycling containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

**1[5]6. Funeral Home, Mortuary, Crematorium**

- a. Funeral homes, mortuaries, and crematoriums shall have access to an arterial or collector street.

**1[6]7. Gas Station**

- a. The sale of convenience food items, incidental automobile supplies, or accessories may be provided as an accessory use to a gas station.
- b. A one-bay car wash may be provided as an accessory use to a gas station meeting the requirements of Section 4.05, C., 8., Car Wash.
- c. Outdoor display and sales areas are permitted subject to the conditions of Section 4.05, J., 9., Accessory Buildings and Structures - Outdoor Display and Sales, On-Going.
- d. The minimum distance between the canopy and the right-of-way shall be 12 feet. The minimum distance between the canopy and an interior lot line shall be 20 feet. Structures and all pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines.
- e. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
- f. Minor motor vehicle service is permitted as part of a gas station use.
- g. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- h. Lights should not be mounted on the top or sides (fascias) of the canopy.
- i. Outdoor waste and recycling receptacles for customer use shall be provided, conveniently located, regularly serviced, and maintained.
- j. Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed 13 feet 9 inches. The clearance height of canopies should be clearly indicated on the structure or through use of a headache bar.
- k. The overall height of canopy fascia should not exceed one foot. The fascia shall be designed to block the direct view of the light sources and lenses from the property line.
- l. Any automobile body and repair shops, gas stations and petroleum storage facilities

shall comply with Section 8.03, E., Water Quality Buffer.

**1[7]8. Liquor Store**

- a. Liquor stores shall not be located within 500 feet, measured in any direction, from the exterior wall to the exterior wall of any primary or secondary school, public library, park, child day care, or indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21 years of age.

**1[8]9. Motor Vehicle Sales and Rental**

- a. Vehicles for sale, lease, or rental may be displayed in the front yard provided that no vehicle shall be displayed within 15 feet of the street right-of-way.
- b. Display areas must be shown on the site plan.
- c. All new display areas shall be paved with an all-weather, hard-surfaced material, such as concrete, asphalt, paver, or comparable material.

**[19]20. Motor Vehicle Service, Major**

- a. All servicing, motor repair, or body repair shall be conducted within an enclosed building.
- b. Vehicles to be stored on premise longer than 14 days (long-term) must be screened from view from adjacent public streets and abutting properties. Vehicles to be serviced immediately or within 14 days may be stored in parking lots with required landscaping per Section 7.07, L., Parking Lot Landscaping.
- c. Public streets and alleys shall not be used for the storage of inoperable vehicles, or for storage of any vehicles awaiting service or work by the establishment.
- d. Long term vehicle storage areas are exempt from the interior landscaping requirements for parking lots.
- e. Any automobile body and repair shops shall comply with Section 8.03, E., Water Quality Buffer.

**2[0]1. Motor Vehicle Service, Minor**

- a. All servicing shall be conducted within an enclosed building.
- b. Minor repair work does not include replacement of engines, replacement of transmissions, or any body work.
- c. No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises. This standard does not apply to vehicles under repair.
- d. Any automobile body and repair shops shall comply with Section 8.03, E., Water Quality Buffer.

**2[1]2. Nursery / Garden Supply**

- a. All materials shall be screened by placing the materials in a building or by providing a six-foot solid evergreen hedge.
- b. One single-family dwelling occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as part of this use.

**2[2]3. Off-Street Parking Lot, Non-Accessory**

- a. All off-street parking lots shall meet all of the interior, perimeter, parking lot, buffer yard, site element, and street tree landscaping requirements per Section 7.07, L.,



Parking Lot Landscaping.

- b. The required setbacks are determined by the width of the required landscaping.
- c. Any gate or pay station at the entrance or exit must allow for the stacking of one vehicle off of the street.

**2[3]4. Restaurant, with or without Drive-in or Drive-Through**

- a. Any restaurants with drive in or drive through shall comply with Section 10.21, Parking and Loading Standards - Drive-In or Drive-Through Lanes and Stacking Spaces.
- b. Bars are permitted in restaurants provided they are less than 50 percent of the serving area. If the bar portion of the restaurant occupies greater than 50 percent of the serving area, the use shall be considered a Bar Or Drinking Place and shall be subject to the conditions of Section 4.05, C., 5., Bar or Drinking Place.
- c. Restaurants with outdoor seating or dining adjacent to residential districts shall meet the following criteria:
  1. Outdoor areas are not permitted within 100 feet of the nearest portion of a R-RE, R-LLS, R-CVS, and R-CPS zoning districts.
  2. Outdoor seating shall end by 9:00 p.m.
  3. A decorative fence or wall or similar barrier shall be erected and maintained between any outdoor seating or dining area and residential and public right-of-way in accordance with Sections 7.06, Fences and Walls and 7.07, Landscaping, Screening, and Buffers.
  4. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced, and maintained.
  5. If a pedestrian walkway is provided around an outdoor dining area, then it must be a minimum of five-feet wide to allow pedestrians unobstructed passage around the outdoor seating or dining area.
  6. Outdoor dining must be calculated into the off-street parking requirements in the manner prescribed in Table 10.1, Required Off-Street Parking.
- d. Restaurants with outdoor seating or dining adjacent to non-residential shall meet the requirements of "c" above, except for the following criteria:
  1. Outdoor dining areas shall not be located within any required setback.

**2[4]5. Tattoo or Body Art Services**

- a. Tattoo or body art services are not permitted within 500 feet of another tattoo or body art service use (even if it is located within another jurisdiction), measured by a straight line in any direction, from the lot line of the one use to the lot line of another use.

---

**ARTICLE 14 DEFINITIONS**

---

**14.02 Definitions**

---

**Coin-Operated Laundries and Dry Cleaners** – This industry comprises establishments primarily engaged in (1) operating facilities with coin-operated or similar self-service laundry and drycleaning equipment for customer use on the premises and/or (2) supplying and servicing coin-operated or similar self-service laundry and drycleaning equipment for customer use in places of business operated by others, such as apartments and dormitories (NAICS-812310).

**ATTACHMENT C**

Proposed Text Amendments to the Fort Mitchell Zoning Ordinance  
Words to be deleted are ~~[lined through]~~ - Words to be added are underlined

**ARTICLE 4 USE REGULATIONS**

---

**4.05 Use-Specific Standards**

---

**I. Accessory Use Structures****2. Accessory Dwellings**

- a. See Section 7.04, Character Standards for additional standards.
- b. Accessory dwellings are included in the cumulative floor area limitations established in Subsection 3 below.
- c. Where permitted, only one accessory dwelling unit may be established per single-family or two-family lot.
- d. Where permitted, accessory dwelling units may only be established on lots with a size equal to or greater than 5,000 square feet.
- e. Accessory dwelling units are exempt from the lot area per unit and maximum density standards of Section 3.04, Zoning District.
- f. Accessory dwelling units may be attached to or detached from the primary dwelling unit by zone or by table.
- g. For attached accessory dwelling units:
  1. Only one entrance is permitted on the front of the primary dwelling unit. An additional entrance is permitted on the side or rear of the primary structure.
  2. The accessory dwelling unit shall conform to the setbacks required for primary structures.
- h. Setbacks for detached accessory dwelling units shall conform to setbacks for other accessory structures.
- i. The maximum size of an accessory dwelling unit is 75 percent of the living area of the primary dwelling unit or 800 square feet, whichever is less.
- j. The accessory dwelling unit shall not exceed the height of the primary structure.
- k. The property owner shall occupy either the primary dwelling unit or the accessory dwelling unit.
- l. Where short term rentals are permitted, accessory dwelling units may be used as short-term rentals subject to the provisions of Section 4.05, F., 2., Short Term Rentals.
- m. Any residential dwelling unit using septic tanks shall comply with Section 8.03, E., Water Quality Buffers.

**3. Accessory Structures ~~[Except]~~ Including Accessory Dwellings**

- a. Accessory structures in all districts:
  1. Cumulative floor area as used in this section includes all accessory buildings and accessory dwellings.

2. No accessory structure shall be in any front yard or side yard.
  3. See Article 7 for additional standards for garages and carports.
- b. Accessory structures in the Residential Rural Estate, Agriculture, and Conservation districts:
1. Shall meet all setback requirements. See Section 5.08 for exceptions for small buildings.
  2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 20 percent of the rear yard area.
  3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 20 percent of the side yard area.
- c. Accessory buildings in the Residential Conventional Subdivision, Residential Compact Subdivision, Residential Large Lot Subdivision:
1. Shall meet all setback requirements. See Section 5.08 for exceptions for small buildings.
  2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 650 square feet or 20 percent of the rear yard, whichever is less.
  3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 650 square feet or 20 percent of the side yard, whichever is less.
  4. In all cases, the cumulative floor area of all accessory buildings shall not exceed the floor area of the primary structure.
- d. Accessory buildings in the Residential Multi-Family and non-residential districts (excluding the Agriculture and Conservation districts):
1. Shall meet all setback requirements.
  2. In the Residential Multi-Family, Mixed-use, and all commercial districts, accessory structures shall use exterior materials and forms similar to the primary structure(s).
  3. In all employment districts, accessory structures shall be compatible with the surrounding non-residential area.

**ATTACHMENT D**

Proposed Text Amendments to the Fort Mitchell Zoning Ordinance  
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

**ARTICLE 5 DIMENSIONAL REQUIREMENTS**

---

**5.08 Permitted Encroachments**

---

**E. Other Permitted Setback Encroachments**

1. Walls and perimeter fencing as regulated in Section 7.06, Fences and Walls.
2. Sidewalks, multi-use paths and other pedestrian amenities.
3. Driveways and other vehicular access points, which are addressed in Article 10, Parking & Loading Standards, provided they are not closer than one foot to the property line to which they run approximately parallel.
4. Landscaping as regulated by Section 7.07, Landscaping, Screening, and Buffers.
5. Flag poles that don't exceed the max height of the zone, or 40 feet if the zone does not have a maximum height.

**ATTACHMENT E**

Proposed Text Amendments to the Fort Mitchell Zoning Ordinance  
Words to be **deleted** are ~~lined through~~ - Words to be **added** are underlined

**ARTICLE 7 DEVELOPMENT STANDARDS**

---

**7.04 Character Standards**

---

**C. Character Standards—Services, Utilities, and Minor Accessory Uses**

To subordinate the appearance of services, utilities, and minor accessory uses on individual sites and throughout the City's jurisdiction, the following standards shall apply.

3. All dumpster, trash and recycling receptacle storage areas shall be located in the side or rear yard. ~~Dumpsters~~ Dumpsters shall also be screened per Section 7.07, N.

**ATTACHMENT F**

Proposed Text Amendments to the Fort Mitchell Zoning Ordinance  
Words to be ~~deleted~~ are [~~lined through~~] - Words to be **added** are underlined

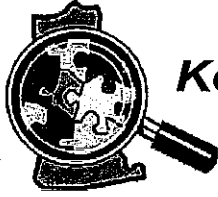
**ARTICLE 14 DEFINITIONS**

---

**14.02 Definitions**

~~Agritourism – [The cultivation or raising of crops or livestock for the purpose of attracting visitors to the farm for educational or entertainment-based activities. These establishments can include a number of activities, including but not limited to include a corn maze, produce sales, and fruit picking.] (1)~~

“Agritourism” means the act of visiting: (a) A farm or ranch; or (b) Any agricultural, horticultural, or agribusiness operation; for the purpose of enjoyment, education, or active involvement in the activities of the farm, ranch, or operation;



# Kenton County Planning Commission

MANY COMMUNITIES / ONE FUTURE

January 6, 2023

Edwin King – City Administrator  
City of Fort Mitchell  
2355 Dixie Hwy  
Fort Mitchell, KY 41017

Dear Mr. King:

NUMBER: PC2212-0001

Attached please find a copy of this Commission's action from its meeting on January 5, 2023 regarding a request for a text amendment. Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Andy Videkovich, Current Planning Manager, of the meeting time and date when this item is placed on your agenda. Once your legislative body acts on this text amendment, please provide our staff at PDS with a copy of your executed ordinance. For questions regarding our action or to request PDS staff representation at your meeting, please contact Andy Videkovich, AICP, Current Planning Manager at PDS 859.331.8980 or [avidekovich@pdskc.org](mailto:avidekovich@pdskc.org).

Thank you.

Paul J. Darpel,  
Chair

pb

attachment



**KENTON COUNTY PLANNING COMMISSION  
STATEMENT OF ACTION AND RECOMMENDATION**

NUMBER: PC2212-0001

**WHEREAS**

City of Fort Mitchell per Edwin King, City Administrator, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: Multiple proposed text amendments to the Fort Mitchell Zoning Ordinance including: (1) clarifying when a timeframe begins for the reestablishment, repair, or restoration of a nonconformity; (2) adding a definition for Coin-Operated Laundries and Drycleaners and adding them as a conditional use within the HC (Highway Commercial) Zone; (3) removing conflicting language regarding the cumulative floor area of accessory dwelling units; (4) adding a setback for driveways; (5) adding a height limit on flag poles; (6) fixing a typo in the Character Standards for Services, Utilities, and Minor Accessory Uses; and (7) updating the Agritourism definition; AND

**WHEREAS**

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, JANUARY 5, 2023, AT 6:15 P.M. IN THE KENTON CHAMBERS; LOCATED AT 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY.

**NOW, THEREFORE,**

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

**KCPC RECOMMENDATION – FORT MITCHELL ZONING ORDINANCE:**

Favorable recommendation on the text amendments to the Fort Mitchell Zoning Ordinance.

**COMPREHENSIVE PLAN DOCUMENTATION:**

- Date of Adoption by the Kenton County Planning Commission: September 5, 2019.

**SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:**

1. The proposed text amendments are authorized to be included within the text of the zoning ordinance per KRS 100.203 (see Attachments A, B, C, D, E, and F).
2. The proposed text amendments are appropriate and reasonable. Making adjustments to a new zoning ordinance is both expected and appropriate as the new text is used against real-world applications and development. The proposed amendments add clarification, remove conflicting regulations, fix typographical errors, and where necessary refine regulations.
3. Based on testimony provided during the public hearing held on January 5, 2023.



PAUL J. DARPEL, CHAIR  
KENTON COUNTY PLANNING COMMISSION