

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION**  
**MINUTES OF THE**  
**November 12, 2024**  
**MEETING**

**MEMBERS PRESENT:**

Mr. CJ Peters-Chair  
Mr. Michael Williams  
Ms. Megan Williams  
Mr. Justin Verst  
Ms. Sharon Haynes  
Mr. Jeff Schuchter  
Mr. Dennis Bass

**MEMBERS ABSENT:**

Mr. Troy Franzen  
Mr. Mark Turner

**STAFF PRESENT:**

Mr. Kirk Hunter, Principal Planner  
Ms. Diane Brossart, Admin. Assistant  
Ms. Molly McEvoy Boh, Legal Counsel

Mr. Peters called the meeting to order at 6:30 PM. Following the Pledge of Allegiance. Ms. Brossart called the roll. A quorum was found.

Mr. Peters began with approval of the previous meeting minutes. Mr. Peters noted one correction. Mr. Verst quoted that on page 10 line 39 it should say "Mr. Peters" instead of "Mr. Verst". Mr. Peters entertained a motion to accept the meeting minutes as presented with the correction as noted by Mr. Verst. Mr. Verst moved to approve the minutes from September 10, 2024 as amended which was seconded by Mr. Williams. There was no discussion on the motion. The roll was called. The motion passed and minutes were approved.

There was no old business to present.

Mr. Peters went over how the meeting will be run.

Mr. Peters introduced the new order of business: case PZ-24-042. Applicant is Jameson Wagner of 1873 Upper Tug Fork Road.

Mr. Peters turned over discussion to staff.

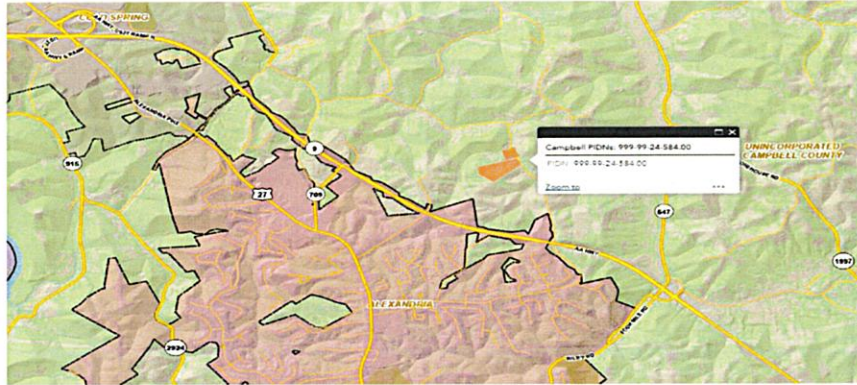
[begin staff report]

CASE: PZ-24-042

APPLICANT: Cardinal Engineering on behalf of MM and Timothy Jamison LOCATION  
1873 Upper Tug Fork Rd

REQUEST:

Final plat approval for a seven-lot subdivision with no public improvements



Considerations:

1. The Campbell County Zoning Ordinance classifies the location as within the Residential-Rural Estate (R-RE) Zone.
2. Currently, the lot is a 17-acre parcel with a house and several farm buildings.



There are currently two additional address points on the house, indicating an additional dwelling unit at the site.

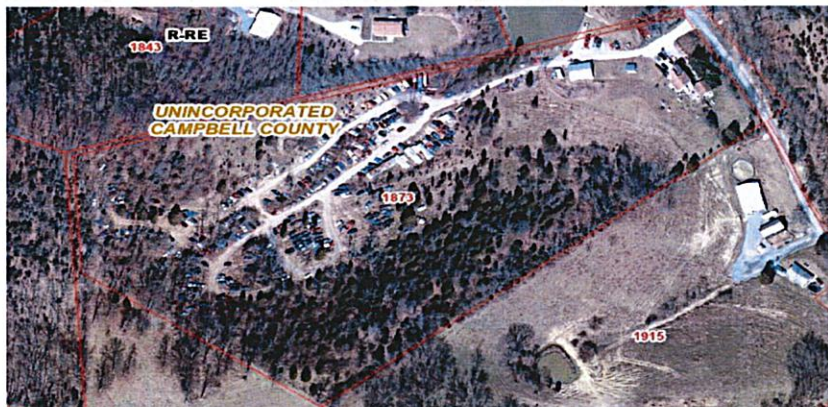




3. The parcel is in two sections or tracts, separated by an access strip to an adjacent property. The parcel crosses Upper Tug Fork Road.
4. The existing land use at the site is identified by the 2008 Campbell County Comprehensive Plan Update as *"Commercial"*.



Aerial imagery confirms that the site is the former location of a salvage yard.



2004

Later aerial imagery confirms that the junkyard was cleared out by 2007.



2007

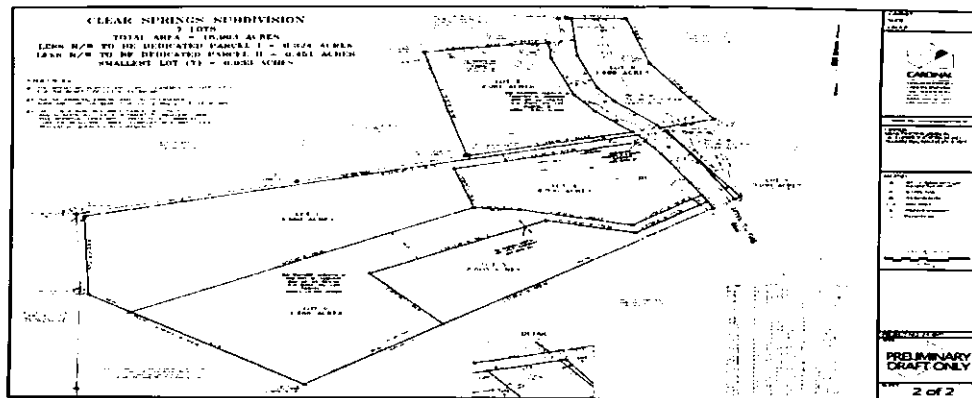
5. The site is situated in an area designated by the 2008 Campbell County Future

**Future Land Use Category**

- Lower Density Single Family Residential
- Higher Density Single Family Residential
- Multi-Family Residential
- Neighborhood Retail
- Campus Style Office
- Mixed Office/Industrial
- Urban Mixed Use
- Village Mixed Use
- Rural Mixed Use
- Active Recreational Facilities
- Licking and Ohio River Corridors
- Passive Recreational Facilities
- Light Industrial
- Agricultural
- E/W Gateway

[illegible]





6. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following:
  - a. The Plat indicates a proposal to subdivide an approximately seventeen (16.903) acre parcel along Upper Tug Fork Road.
  - b. There are seven divisions proposed. Six of the divisions are buildable lots ranging in size from approximately 1 to 4.66 acres.
  - c. Lot 6 is impacted by flood zones.
  - d. Lot 7 on the east side of Upper Tug Fork is to be a land addition to the neighboring parcel.
  - e. The plat indicates that three of the proposed building lots will be flag lots. Lot 4 (remainder), lot 5, and lot 6 meet the minimum lot width for the zone.
  - f. The plat does not indicate any private drives.
  - g. The plat does not indicate any public improvements.
  - h. The plat does not indicate the placement of any structures on the newly-created lots.
  - i. County records indicate centralized sanitary sewers are not available for this area.
  - j. The Plat indicates right-of-way to be dedicated along Upper Tug Fork Road, which is in conformance with County standards.

Because of inquiries from the public, staff requested comment from the applicant regarding the site conditions.

Applicant's comments:

- *The neighbor should produce evidence of pollution on our property. M purchased the property in 2006. Fred Eglin had the property cleared of all junk, cars, metal, etc. He had the EPA test the property. M called the EPA to inquire about the specifics of the test. It was tested in three points. They were at the base of the hill below the Shaw property where runoff was evident, in the pond water below, and in the creek to the right of the easement to the Bachman property. The only element of concern was a small amount of arsenic which is commonly found in soil that has been disturbed. There are no fuel tanks on the property other than the propane tank owned and maintained by Midwest gas. It supplies a small amount of gas to our water heater and cook top.*
  - *911 fees are included with property taxes. The tax bills for 2024 just came out on November. All tax bills have been paid.*
  - *There is one address for our house. There have never been apartment numbers. Our home is a Mother-daughter home. Our daughter has lived there off and on. The appraisals for it include 3 bedrooms, kitchen, living room, one bath and a finished basement.*
  - *The neighbor does not have knowledge of our septic system and our maintenance of it. Only 2 persons live in our home. It is more than adequate.*
7. At the request of staff, the Northern Kentucky Health Department sent an inspector to the site, who found no conditions to be in violation of any health codes.
  8. County building and zoning regulations do not limit the number of kitchens and entrances to a single-family house. Attached, accessory dwelling units (ADU's) are customarily permitted if the additional dwelling space shares ownership and utilities.
  9. A review of public records shows the proposed land divisions are the first through sixth divisions from the parent tract since January 1, 1982. The small land division (lot 7) within this final plat is not counted toward the total number because it will be added to a neighboring parcel.
  10. A waiver of subdivision regulations is requested as part of the plat approval to allow a second and third flag stem in the subdivision. *The regulations limit the number of flag lots in a major subdivision to be 15% of the total number of lots. The total number of lots required to permit three flag lots is twenty (20).*
  11. County records indicate the width of Upper Tug Fork Road is seventeen (17) feet and is in conflict with minimum county standards. Local streets shall have a minimum pavement width of 25'.

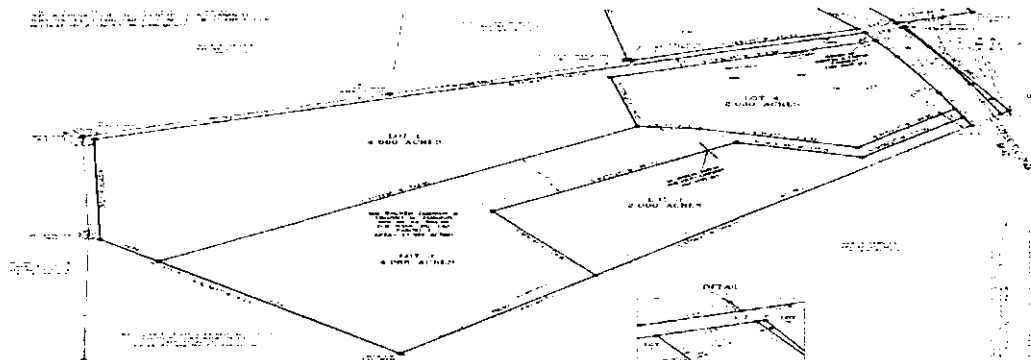
As per Campbell County Subdivision Regulations Section 405: Street design:

Where the pavement width of such existing street is less than that required by these regulations. The Planning Commission, before requiring street improvements along the property of such street in each case, shall conduct an individual analysis as to whether it is reasonable to require the street improvements based on the anticipated burden of development. Before requiring street improvements, the Planning Commission shall find:

- (1) That it is reasonable to require the street improvements be provided, based on the anticipated burden of the new development on the existing street.
- (2) The need for street improvements is reasonably necessitated by the nature of the proposed development; and
- (3) That it is reasonable for the developer to bear the street improvement costs based on the nature of the development.

If the Planning Commission cannot make the findings required, then it shall not require that street improvements be made or an escrow of funds be deposited as a condition to plat approval.

#### Considerations of Waiver of Subdivision Regulations



As depicted on the submitted plat, the applicant proposes three (3) lots that do not meet the minimum road frontage for the zone (flag lots), connecting to the street via narrow (25-foot wide) access strips (panhandles). Two of the flag lots are contiguous.

Campbell County Subdivision Regulations, Section 415 Lot Arrangement and Sizes, (D) Flag Lots For major divisions of land, specifies that:

*"For major subdivisions of land, the maximum number of flag lots permitted shall not exceed fifteen percent (15%) of the total number of lots for the subdivision. For a major division, no more than two contiguous flag lots shall be permitted."*

As per Section 140, Waiver of Subdivision Regulations

*"Upon request to the Administrative Official, an applicant, developer or property owner may seek a waiver of any subdivision regulation in this document based upon a written request (including a completed*

1 application and related fees). The Administrative Official shall review the  
2 individual request and may grant a waiver under unusual or extreme  
3 circumstances or refer the request to the Planning Commission for action.  
4 An action must make a finding of facts to support the granting of the  
5 waiver. This finding of facts must include:

6 1. a) The waiver is not in conflict with the intent and purpose of  
7 these Subdivision Regulations, the zoning ordinance and the adopted  
8 comprehensive plan; and,

9 b) The waiver will not be detrimental to the public  
10 welfare. AND at least one of the following:

11 2. a) Unusual topographic or exceptional physical conditions  
12 exist on the proposed site that are or were not created by actions of the  
13 subdivider or anyone on his/her behalf; OR

14 b) Strict compliance with these Subdivision Regulations  
15 would deprive the subdivider of reasonable use of the land; OR,

16 c) The waiver will provide for an innovative design layout of the subdivision."

17 REQUEST:

18 Grant a waiver to create a total of three (3) new flag lots. This is a two more than are  
19 permitted in the subdivision regulations.

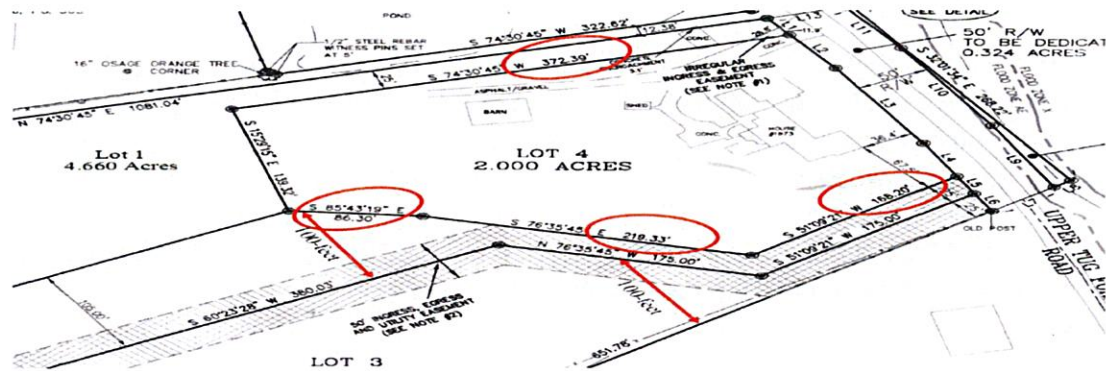
20 FINDING OF FACTS:

- 21 1. The property is located at 1873 Upper Tug Fork Rd) and is approximately  
22 seventeen acres in size.  
23 2. The property is located in the Residential Rural-Estate (R-RE) Zone.  
24 3. The applicant proposes to divide the parcel into seven parcels.  
25 4. The maximum allowable number of flags lots for seven parcels is one (15% of total)  
26 5. Two of the three proposed flag lots exceed the maximum panhandle length.  
27  
28  
29  
30

<u>Zone Requirements</u>	<u>R-RE</u>	<u>Flag Lots in R-RE</u>	<u>Proposed</u>
Minimum Lot Area	1 Acre	1 Acre not including access strip/panhandle	Ranging from 1 to 4.6 acres



Minimum Lot Width	100 Feet	25 Feet for maximum of 350 feet then 100 feet	<ul style="list-style-type: none"> <li>• Lot 1: 25 feet for 372 feet</li> <li>• Lot 2: 25 feet for approximately 470 feet</li> <li>• Lot 3: 25 feet for 175 then widening to 100 feet at approximately 235 feet</li> </ul>
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Staff Comments – Waiver of Subdivision Regulations:

1. The proposed waiver of subdivision regulations cannot be approved without a dimensional variance for the length of the requested additional flag lots. It is in conflict with the zoning ordinance. Staff cannot recommend approval for the number of flag lots.

Staff Comments – Final Plat Approval:

1. Staff cannot make a recommendation to approve the final plat based on the failure of the waiver request to meet the required dimensional requirements of the zone.
2. The frontage along the larger, southern tract is approximately 290 feet. It would be anticipated that based on a legal lot width of 100 feet, this tract could be divided into two parcels without burdening Upper Tug Fork.

[end of staff report]

Mr. Peters opened up to commission for any comments or questions for staff.

Mr. Schuchter asked what was the original parent track for the entire thing and how did the sliver go to the Thatcher Trust. Mr. Hunter responded that he doesn't know because that particular type of flag stem would not be allowed today.

1  
2 Ms. Minter, Director of Planning and Zoning, told the commission that some of the questions  
3 that came in were regarding the site's former use as a salvage yard. Salvage yards are regulated  
4 by the state and this commission cannot rule on that.

5  
6 Mr. Peters invited the applicant up to speak.

7  
8 Joe Kramer of Cardinal Engineering on behalf of the applicant approached the stand. Mr.  
9 Kramer stated that when Mr. Jameson purchased the land it was in two tracts so they are two  
10 distinct parcels. The focus is having a minor subdivision for the lots. The Jameson's can sell the  
11 parcels at any time.

12  
13 Mr. Hunter asked if they combined the tracts for tax purposes. If so, they didn't go through the  
14 P&Z so they might not be one parcel. Mr. Kramer agreed that it's not one parcel. In a minor  
15 subdivision you can have two flag stems and they would ask for a third. The waiver they're  
16 asking for is to do three flag lots.

17  
18 Mr. Verst asked the applicant if the justification to have the flag lots is that it's not practical to  
19 extend the public street due to the topography and the need for only three lots. Mr. Kramer  
20 said yes.

21  
22 Mr. Peters opened the floor to take testimony from the public.

23  
24 Ms. Jan Shaw, 8056 AA HWY, Alexandria, Ky approached the stand. Ms. Shaw stated her  
25 property is adjacent to the Jameson lots. Ms. Shaw stated her objection is regarding the waiver  
26 for the flag lots based on the topography of the flag lots. There has not been a test to know  
27 what kind of sewage system is needed. Ms. McEvoy Boh said that is a state issue and explained  
28 that the commission could only rule on the development of the land. The state and EPA would  
29 deal with the cleanup issue. Ms. Shaw stated that she is concerned with the amount of traffic  
30 on Tug Fork Road. Mr. Peters said he will address that with the commission when they talk  
31 about it.

32  
33 Ms. Angela King, 1915 Upper Tug Fork Road, Alexandria, Ky approached the stand. Ms. King  
34 stated that the survey isn't correct. Ms. King outlined how the fence line that was used for the  
35 survey has changed over the years. Ms. King stated she is concerned with traffic on Tug Fork  
36 Road.

37  
38 Mr. Joe Kramer approached the stand. Mr. Kramer stated that his team is willing to discuss the  
39 survey lines with Ms. King. He stated that his job is to put the lines where they believe the deed  
40 says and that ownership can be different. Mr. Peters asked if changing the survey lines would  
41 change any setback requirements or lengths. Mr. Kramer said no. The lots are big enough.

42  
43 Ms. Jan Shaw approached the stand and asked Mr. Kramer if he spoke with Derek Daily? Mr.  
44 Kramer said no.

1 Mr. Peters recessed the public hearing for discussion among commission members.

2  
3 Mr. Verst made a motion to recess the public hearing. Mr. Williams seconded the motion.

4  
5 Mr. Verst stated that he agreed with the engineer's assessment that it's a minor subdivision. He  
6 asked Mr. Hunter if they have granted waivers of the flag lot counts before. Mr. Hunter said  
7 yes. Mr. Peters asked if there is a need for a traffic study. Mr. Hunter said that traffic studies  
8 kick in at about 100 units. Mr. Williams asked if there's a downside to approving the waiver. Mr.  
9 Verst said he doesn't feel like one more lot would cause a safety issue on the street.

10  
11 Mr. Peters asked for a motion to end the recess.

12  
13 Mr. Verst made a motion to reopen the hearing. Mr. Williams seconded the motion. Motion  
14 passed.

15  
16 Mr. Peters invited Mr. Kramer to the stand to ask about the shared driveway for lots two and  
17 three and what about the possibility for lots one and four. Mr. Kramer stated the intention was  
18 for lots one and four to share a driveway, and lots two and three to share.

19  
20 Mr. William Wilson on behalf of Jameson Wagner approached the stand. Mr. Wilson  
21 acknowledged that the commission heard the issue and concerns and was ready to hear what  
22 the commission had to say.

23  
24 Mr. Verst stated that the road department should be responsible for the roadway  
25 improvements. Mr. Hunter said that he is looking for a waiver for the flag lots and a waiver for  
26 road improvements, and the approval of the final plat. The plat approval would be for the  
27 conforming flag stem.

28  
29 Mr. Peters opened the floor up for motions.

30  
31 Mr. Verst made a motion to approve the variance. Mr. Williams seconded the motion.

32  
33 Roll call vote was taken. Motion passed.

34  
35 Mr. Peters introduced the next case, PZ-24-052. Applicant is the city of Southgate for the  
36 approval of the city of Southgate code of ordinances related to medical cannabis.

37  
38 Mr. Peters opened the meeting for the staff report.

39  
40 [begin staff report]

41  
42  
43 **CASE:** PZ-24-052  
44 **APPLICANT:** City of Southgate

1 REQUEST: Approval of updates to the City of Southgate Code of Ordinances related to  
2 medical cannabis stores.

3 **File Number PZ-24-052:** The City is requesting approval of zoning text amendments to the following  
4 sections of the Official Southgate Zoning Ordinance:

- 5 • Article VII, Section 7.0 – Definitions
- 6 • Article X, Section 10.9 General Commercial (GC) Zone
- 7 • Article X, Section 10.12 Light Industrial Park – Research Zone

8

9 **Recommendation:**

10 To approve the text amendments to the Zoning Ordinance, and forward the recommendation to City  
11 Council for adoption.

12 **Bases for Staff Recommendation:**

- 13 1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Planning Commission has the  
14 authority to recommend the adoption of text changes to the City.
- 15 2. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII  
16 Amendment Procedure.

17

18 ★★★★★★★★★★ **APPENDICES** ★★★★★★★★★★

19 Text amendment additions and renumbering in blue underline and deletions in ~~red-strike-out~~

20

**APPENDIX A**

21 **File Number PZ-24-052:** Zoning text amendments to the Official Southgate Zoning Ordinance:

22

**ARTICLE VII - DEFINITIONS**

23 **SECTION 7.0 - WORDS AND PHRASES:**

24 CANNABIS: See MARIJUANA

25 CANNABIS CULTIVATOR: An entity licensed as such under KRS Chapter 218B

26 CANNABIS PROCESSOR: An entity licensed as such under KRS Chapter 218B

27 CANNABIS PRODUCER: An entity licensed as such under KRS Chapter 218B

28 MARIJUANA: All parts of the plant Cannabis, whether growing or not; the seeds thereof; the  
29 resin extracted from any part of the plant; and every compound, manufacture, salt, derivative,  
30 mixture, or preparation of the plant, its seeds or resin or any compound, mixture, or preparation  
31 that contains any quantity of these substances. The term "marijuana" does not include:

- 32 1. Industrial hemp that is in the possession, custody, or control of a person who holds a  
33 license issued by the Department of Agriculture permitting that person to cultivate,  
34 handle, or process industrial hemp;
- 35 2. Industrial hemp products that do not include any living plants, viable seeds, leaf  
36 materials, or floral materials;
- 37 3. The substance cannabidiol, when transferred, dispensed, or administered pursuant to  
38 the written order of a physician practicing at a hospital or associated clinic affiliated with  
39 a Kentucky public university having a college or school of medicine;



1 4. For persons participating in a clinical trial or in an expanded access program, a drug or  
2 substance approved for the use of those participants by the United States Food and  
3 Drug Administration;

4 5. A cannabidiol product derived from industrial hemp, as defined in KRS 260.850; or

5 6. A cannabidiol product approved as a prescription medication by the United States Food  
6 and Drug Administration.

7 MEDICINAL MARIJUANA DISPENSARY: An entity licensed as such under KRS Chapter 218B

8 SAFETY COMPLIANCE FACILITY: An entity licensed as such under KRS Chapter 218B  
9

## 10 11 12 ARTICLE X - ZONES

### 13 14 SECTION 10.9 SC (GENERAL COMMERCIAL) ZONE

15 ...

#### 16 C. CONDITIONAL USES:

17 1. Medicinal marijuana dispensary.

#### 18 D. AREA AND HEIGHT REGULATIONS:

19 ...

#### 20 E. OTHER DEVELOPMENT CONTROLS:

21 ...

### 22 23 SECTION 10.12 LIGHT INDUSTRIAL PARK - RESEARCH ZONE:

24  
25 A. PERMITTED USES: The following uses are permitted providing all uses are in compliance with the  
26 performance standards as set forth in Article XV of this ordinance.

27 ...

28 9. Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.  
29

30 [end staff report]

31  
32 Mr. Peters asked if any questions from commission for staff.

33  
34 Mr. Verst asked if Southgate has parcels that are zoned Industrial Park. Mr. hunter said he thinks they  
35 do. Mr. Hunter said the commission recommendation will be forwarded to the city.

36  
37 Mr. Peters asked if anyone from the public or City of Southgate wanted to speak.

38  
39 No one came forward.

40  
41 Mr. Peters asked for a motion to recess the hearing.

1  
2 A motion was made by Mr. Verst and seconded by Ms. Haynes.

3  
4 Motion passed.

5  
6 Mr. Verst stated he doesn't have issues with what's being proposed. Mr. Schuchter asked if this  
7 zone is not defined what could happen. Mr. Hunter said they could probably put the dispensary  
8 anywhere. You could have legal trouble when you don't have a use listed in any zone and  
9 somebody wants to do this. The idea is so that these businesses can go in these zones and  
10 nowhere else. Mr. Verst said he would like it to be a conditional use so that each time  
11 somebody applies it can be looked at for a specific place for dispensaries. Ms. Minter asked if  
12 they want to change permitted uses to commercial. Mr. Peters said the only goal is to make  
13 section 10.9 GC a conditional use.

14  
15 Ms. Haynes made a motion to reopen the hearing. Mr. Verst seconded the motion.

16  
17 Motion passed.

18  
19 Mr. Verst made a motion to approve the text amendment as revised in the meeting, subject to  
20 editorial review by staff, based on the consideration of the staff report and public hearing. Mr.  
21 Bass seconded the motion.

22  
23 Roll call was taken. Motion passed.

24  
25 Mr. Peters introduced case PZ-24-055. Applicant City of Southgate to request the approval of  
26 updates to the city of Southgate's ordinances related to accessory dwelling units.

27  
28 Mr. Hunter asked if the Woodlawn case could be moved ahead of the Southgate case so the  
29 people from Woodlawn could leave earlier. Mr. Peters agreed to table the Southgate case.

30  
31  
32 Mr. Peters introduced case PZ-24-056. The City of Woodlawn is the applicant. The request is the  
33 zoning text amendment to add R3 multifamily residential district to the Woodlawn zoning  
34 ordinance.

35  
36 [begin staff report]

37 CASE: PZ-24-056  
38 APPLICANT: City of Woodlawn  
39 REQUEST: Zoning text amendment to add an R-3 Multifamily Residential zoning district  
40 to the Woodlawn Zoning Ordinance

41 **File Number PZ-24-056:** The City is requesting approval of zoning text amendments to the following  
42 sections of the Official Woodlawn Zoning Ordinance:

- 43 • Article VII, Section 7.0 - Definitions  
44 • Article X - Zone Regulations  
45 • Article XVII, Section 17.0 Amendment Procedure

1  
2 **Recommendation:**

3 To approve the text amendments to the Zoning Ordinance, and forward the recommendation to City  
4 Council for adoption.

5 **Bases for Staff Recommendation:**

- 6 1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Planning Commission has the  
7 authority to recommend the adoption of text changes to the City.  
8 2. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII  
9 Amendment Procedure.

10  
11 ★★★★★★★★★★ **A P P E N D I X** ★★★★★★★★★★

12 Text amendment additions and renumbering in blue underline and deletions in ~~red strike-out~~.

13 **File Number PZ-24-056:** Zoning text amendments to the following sections of the Official Woodlawn  
14 Zoning Ordinance:

15 **Article VII, Section 7.0 – Definitions**

16 DWELLING, MULTIPLE MULTI-FAMILY: A residential building ~~used and/or arranged for rental~~  
17 ~~occupancy, or cooperatively owned by applicants,~~ having three (3) or more dwelling units, as  
18 separate housekeeping units. ~~This type of dwelling shall be inclusive of apartment buildings and~~  
19 ~~group house dwellings.~~

20 **Article X - Zone Regulations**

21 **SECTION 10.3 R-3 (RESIDENTIAL THREE) ZONE:**

22 **A. PERMITTED USES:**

- 23 1. Two-family residential dwellings.  
24 2. Multi-family residential dwellings.

25 **B. ACCESSORY STRUCTURES AND USES:**

- 26 1. Customary accessory structures or uses.  
27 2. Fences and walls, as regulated by Article XII.  
28 3. Signs, as regulated by Article XV.

29 **C. CONDITIONAL USES:** No building or occupancy permit shall be issued for any of the  
30 following, nor shall any of the following uses or any customary accessory structures or  
31 uses be permitted until and unless the location of said use shall have been applied for  
32 and approved of by the Board of Adjustment as set forth in Article XVIII of this  
33 Ordinance:

- 34 1. Cemeteries  
35 2. Religious institutions, providing they are located adjacent to an arterial or collector  
36 street.  
37 3. Fire and police stations, providing they are located adjacent to an arterial or  
38 collector street.



- 1 4. Institutions for higher education providing they are located adjacent to an arterial  
2 street.
- 3 5. Nursery school.
- 4 6. Public and parochial schools.
- 5 7. Publicly owned and/or operated parks, playgrounds, golf courses, community  
6 recreational centers, including public swimming pools and libraries.
- 7 8. Recreational uses other than publicly-owned and/or operated as follows
  - 8 a. Golf courses
  - 9 b. Country clubs
  - 10 c. Semi-public swimming pools
- 11 9. Elderly / Retirement Housing provided they are located adjacent to an arterial or  
12 collector street.
- 13 10. Facilities for human medical care – hospital / health care, adult day care, assisted  
14 living / residential care, human care clinic, nursing home, providing they are  
15 located adjacent to an arterial or collector street.
- 16 11. Governmental facilities.
- 17 12. Event facility

18 D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

- 19 1. MINIMUM LOT AREA - Twelve thousand five hundred (12,500) square feet for the  
20 first four (4) dwelling units or less; two thousand (2,000) square feet shall be  
21 provided for every dwelling unit thereafter. In the case of this zone more than one  
22 principal building, as defined herein, may be permitted on one lot.
- 23 2. MINIMUM LOT WIDTH - One hundred (100) feet.
- 24 3. MINIMUM FRONT YARD SETBACK – Thirty (30) feet.
- 25 4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT:
  - 26 a. One side: 10 feet
  - 27 b. Total both sides: 25 feet
- 28 5. MINIMUM REAR YARD SETBACK - Thirty (30) feet.
- 29 6. MAXIMUM BUILDING HEIGHT- Forty (40) feet.

30 E. OTHER DEVELOPMENT CONTROLS:

- 31 1. Off-street parking and loading and/or unloading shall be provided in accordance with  
32 Articles XIII and XIV of this Ordinance.
- 33 2. No outdoor storage shall be permitted except within enclosed containers or structures.
- 34 3. No lighting shall be permitted which would glare from this zone into a street or adjacent  
35 property.
- 36 4. Where a yard of a conditional use abuts property in a single-family residential zone, a ten-  
37 foot wide buffer area, regulated by Section 9.17 of this Ordinance, shall be required.



1 5. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for  
2 any use permitted in this zone, except when development is proposed under the  
3 Residential Cluster Development regulations as regulated by Section 10.8 of this  
4 Ordinance.

5 **Article XVII, Section 17.0 Amendment Procedure**

6 ...  
7 F. MINIMUM SIZE OF NEW ZONES:

8 ... Subject to the foregoing limitations, every zone shall be of at least the following size: The  
9 zoning map or maps shall not be amended, changed, or modified in such manner as to create a  
10 freestanding zone of less than one (1) five-(5) acres, ...

11  
12 [end of staff report]

13  
14 Mr. Peters opened up the floor for questions to staff.

15  
16 Mr. Schuchter asked if any new multifamily could go in Woodlawn. Kirk said no. Ms. Minter said  
17 there is one location that could be an adaptive reuse to a multifamily structure but they were  
18 not able to do that. Having the ability to a two family and multifamily in the R3 zone is  
19 something the city has asked for. Mr. Peters asked if there is a max number of multifamily that  
20 would be permitted. Mr. Hunter said there are some density controls.

21  
22 Terry Rasche, 46 West Crescent, Woodlawn approached the stand. Mr. Rasche stated that  
23 there are currently two multifamily units in Woodlawn that were grandfathered in.

24  
25 Ms. Haynes asked about parking. Mr. Verst also asked if there would be enough parking for  
26 multifamily buildings. Ms. Minter said she would confirm that.

27  
28 Mr. Peters asked if applicant representative would like to address council.

29  
30 Mr. Rasche stated he was there on behalf of the city of Woodlawn to answer questions.

31  
32 Mr. Peters asked if there were any questions for Mr. Rasche. There were none.

33  
34 Mr. Hunter stated that the answer to the earlier parking question is that parking spots are  
35 determined by how many bedrooms a unit has. It is specified in the parking section. Ms. Minter  
36 asked the commission if they want all the conditional uses left in the zone. Mr. Peters  
37 confirmed that the conditional uses in R3 zone are the same as in the R1 zone.

38  
39 Mr. Verst made a motion to reopen the hearing. Ms. Haynes seconded the motion.

40  
41 Motion passed.

42  
43 Mr. Verst made a motion to recommend that the city approve the zoning text amendment. Ms.  
44 Haynes seconded the motion.

1 Roll call was taken. Motion passed.

2

3 Mr. Verst made a motion for a five-minute recess. Ms. Haynes seconded the motion.

4

5 Motion passed.

6

7 Ms. Haynes made a motion to adjourn recess. Mr. Schuchter seconded the motion.

8

9 Motion passed.

10

11 Mr. Peters introduced case PZ-24-055. Applicant City of Southgate to request the approval of  
12 updates to the city of Southgate's ordinances related to accessory dwelling units.

13

14 [begin staff report]

15

16 CASE: PZ-24-055

17 APPLICANT: City of Southgate

18 REQUEST: Approval of updates to the City of Southgate Code of Ordinances related to  
19 accessory dwelling units (ADU's).

20 **File Number PZ-24-055:** The City is requesting approval of zoning text amendments to the following  
21 sections of the Official Southgate Zoning Ordinance:

- 22 • Article VII, Section 7.0 - Definitions
- 23 • Article X, Section 10.1 Residential One – E (R-1E) Zone
- 24 • Article X, Section 10.2 Residential One – F (R-1F) Zone
- 25 • Article X, Section 10.3 Residential One – G (R-1G) Zone
- 26 • Article X, Section 10.4 Residential One – Gh (R-1Gh) Zone
- 27 • Article X, Section 10.5 Residential One – H (R-1H) Zone

28 An accessory dwelling unit (ADU) is a separate residential dwelling unit located on the same lot as a  
29 stand-alone (i.e., detached) single-family home. ADUs are sometimes referred to as in-law suites,  
30 secondary suites, multigenerational suites, etc. . .

31 The demand for additional accessory housing is increasing nationwide for a variety of reasons. Many  
32 families are seeing a need to keep separate spaces for their adult children or aging relatives. The  
33 current regulations effectively prohibit ADUs.

34 The regulations do not define the term "Accessory Dwelling Unit". Accessory "uses" are listed in the  
35 Zoning Ordinance, however. Accessory uses that are specific to each individual zone are listed out in  
36 the respective sections in addition to "Customary Accessory Uses", a use found in all zones. The  
37 regulations define a "Customary Accessory Building or Use" as one which:

- 38 A. Is subordinate to and serves the principal building or principal use;
- 39 B. Is subordinate in area, extent, and purpose, to the principal building or principal use served;
- 40 C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or  
41 principal use served; and
- 42 D. Is located on the same lot as the principal building or principal use served, with the single  
43 exception of public parking buildings or garages as are permitted to locate elsewhere than on  
44 the same lot with the building or use served.

45 *Is an ADU subordinate to, and does it serve the principal building or principal use?*

1 *Is it subordinate in area, extent, and purpose, to the principal building or principal use served?*  
2 *Does it contribute to the comfort, convenience, or necessity of occupants of the principal building or*  
3 *principal use served?*  
4 *Is it located on the same lot as the principal building or principal use served?*

5 Staff concedes that an ADU *can* be:

- 6 • subordinate in area, extent, and purpose, to the principal building or principal use served(2); and
- 7 • located on the same lot as the principal building or principal use served(4).

8 However, the regulations are too vague to allow an ADU to be considered:

- 9 • subordinate to and in service of the principal building or use; and
- 10 • contributing to the comfort, convenience, or necessity of occupants of the principal building or
- 11 principal use served.

12 Without an ADU definition, it is a slippery slope in applying the definitions of “Customary Accessory  
13 Structure” to ADUs. The standard interpretation of “Customary Accessory Structures” does not include  
14 habitable structures.

15 As it is currently written, the ordinance can effectively allow an *internal or attached* ADU within a  
16 single-family detached dwelling. Staff has been able to permit an ADU as an addition to or converted  
17 portion of an existing home. The suite may include its own separate kitchen, bathroom, sleeping and  
18 living areas.

19 Building and zoning codes do not limit the number of kitchens, bathrooms and bedrooms in a single-  
20 family dwelling. As a part of a single family dwelling, a secondary suite would not be required to have  
21 minimum fire separations between it and the rest of the house. It may have it’s own entrance but must  
22 have indoor accessibility from the main area of the house. The suite must share the same address,  
23 utilities, and deeded ownership. The suite may not be used as an apartment for short term or long  
24 term rentals. Buildings with secondary suites must remain under one ownership and address, and that  
25 they may not receive separate utilities.

26 This application of the current regulations does not permit a detached structure.

## 27 **CONSIDERATIONS:**

28 The demand for ADUs is increasing. In some cases, a land division is possible to create a new building  
29 lot for the new house. In the majority of cases, however, a land division is not possible due to  
30 minimum lot area and frontage requirements.

31 Relaxed requirements for ADUs do create a potential for abuse. The ability to construct what is  
32 essentially multi-family housing in single-family zones may produce unwanted consequences. For this  
33 reason, staff proposes that ADUs be a *conditional use* so that they may be considered on a case-by-  
34 case basis in a public hearing with the Board of Adjustments.

## 36 **Recommendation:**

37 To approve the text amendments to the Zoning Ordinance, and forward the recommendation to City  
38 Council for adoption.

## 39 **Bases for Staff Recommendation:**

- 40 1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Planning Commission has the  
41 authority to recommend the adoption of text changes to the City.

2. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure.

## APPENDIX B

**File Number PZ-24-055:** Zoning text amendments to the Official Southgate Zoning Ordinance:

### ARTICLE VII – WORDS AND PHRASES

#### Article VII, Section 7.0 - Definitions

DWELLING UNIT, ACCESSORY (ADU): An accessory residential dwelling unit that provides independent living facilities from a primary dwelling unit but resides on the same parcel as the primary dwelling unit.

## ARTICLE X- ZONES

### SECTION 10.1 R-1E RESIDENTIAL ONE-E ZONE:

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

#### 12. Accessory Dwelling (ADU) unit with the following conditions:

a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.

b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;

c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.

#### d. Location Requirements:

i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.

ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.

#### e. ADU Access:

i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.

ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.

#### f. Maximum Height:

i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.



1                   ii. For a detached ADU, the maximum height shall not exceed the maximum  
2                   height permitted for an accessory structure in accordance with this  
3                   section. The maximum height shall not exceed the height of the principal  
4                   structure.

5                   g. The ADU may not be used for a home-based business.

6                   h. The ADU may not be held out to the public or used as a short or long-term rental.

7                   i. The primary dwelling unit and the ADU must share the same driveway  
8                   encroachment.

9                   j. Off-street parking shall meet the requirements of Article XI of this Ordinance and  
10                  one (1) paved parking pad or one (1) garage parking space shall be provided for  
11                  the ADU.

12                  k. The owner of the property shall reside within either the principal or the accessory  
13                  dwelling unit.

14  
15 D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY  
16 APPROVED ACCESSORY DWELLING UNITS:

- 17                  1. Minimum lot area - Ten thousand (10,000) square feet  
18                  2. Minimum lot width at building setback line - Ninety (90) feet  
19                  3. Minimum front yard depth - Twenty-five (25) feet  
20                  4. Minimum side yard width on each side of lot - Five (5) feet  
21                  5. Minimum rear yard depth - Twenty-five (25) feet  
22                  6. Maximum building height - Thirty-five (35) feet

23  
24 E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED  
25 USES:

- 26  
27                  1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet  
28                  2. Minimum lot width - One hundred fifty (150) feet  
29                  3. Minimum front yard depth - Fifty (50) feet  
30                  4. Minimum side yard width - Fifty (50) feet  
31                  5. Minimum rear yard depth - Fifty (50) feet  
32                  6. Maximum building height - Thirty-five (35) feet

33  
34 F. OTHER DEVELOPMENT CONTROLS:

- 35  
36                  1. Off-street parking and loading and unloading shall be provided in accordance with  
37                  Articles XI and XII.  
38                  2. No outdoor storage of any material (usable or waste) shall be permitted in this zone  
39                  except within enclosed containers.  
40                  3. No lighting shall be permitted which would glare from this zone onto any street,  
41                  road, highway, deeded right-of-way or into any adjacent property.  
42                  4. Where any yard of any conditional use permitted in this zone, except an accessory  
43                  dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening  
44                  area as regulated by Section 9.17 of this ordinance shall be required.  
45

46 **SECTION 10.2 R-1F RESIDENTIAL ONE-F ZONE:**

47 ...  
48

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

12. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.
- e. ADU Access:
  - i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
  - ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- f. Maximum Height:
  - i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.
- g. The ADU may not be used for a home-based business.
- h. The ADU may not be held out to the public or used as a short or long-term rental.
- i. The primary dwelling unit and the ADU must share the same driveway encroachment.
- j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.
- k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:



1. Minimum lot area - Six thousand (6,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth - Twenty-five (25) feet
4. Minimum side yard width on each side of lot - Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10.3 R-1G RESIDENTIAL ONE-G ZONE:**

...

- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

...

12. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.

- 1                   ii. For a detached ADU, the yard or setback requirements of an accessory  
2                   structure shall be met. The detached ADU shall be located either to the  
3                   side or rear yard of the principal structure.
- 4           e. ADU Access:
- 5                   i. For an attached ADU, an exterior staircase used to access a second story  
6                   or higher ADU shall not be located on the front façade of the structure.
- 7                   ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be  
8                   located facing the principal structure or side yard.
- 9           f. Maximum Height:
- 10                   i. For an attached ADU, the maximum height shall not exceed the height of  
11                   the principal structure.
- 12                   ii. For a detached ADU, the maximum height shall not exceed the maximum  
13                   height permitted for an accessory structure in accordance with this  
14                   section. The maximum height shall not exceed the height of the principal  
15                   structure.
- 16           g. The ADU may not be used for a home-based business.
- 17           h. The ADU may not be held out to the public or used as a short or long-term rental.
- 18           i. The primary dwelling unit and the ADU must share the same driveway  
19           encroachment.
- 20           j. Off-street parking shall meet the requirements of Article XI of this Ordinance and  
21           one (1) paved parking pad or one (1) garage parking space shall be provided for  
22           the ADU.
- 23           k. The owner of the property shall reside within either the principal or the accessory  
24           dwelling unit.

25  
26  
27   D.   AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY  
28   APPROVED ACCESSORY DWELLING UNITS:

- 29           1.   Minimum lot area - Five thousand (5,000) square feet  
30           2.   Minimum lot width at building setback line - Fifty (50) feet  
31           3.   Minimum front yard depth – Twenty-five (25) feet  
32           4.   Minimum side yard width on each side of lot – Five (5) feet  
33           5.   Minimum rear yard depth - Twenty-five (25) feet  
34           6.   Maximum building height - Thirty-five (35) feet

35  
36   E.   AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED  
37   USES:

- 38  
39           1.   Minimum lot area - Twenty-two thousand five hundred (22,500) square feet  
40           2.   Minimum lot width - One hundred fifty (150) feet  
41           3.   Minimum front yard depth - Fifty (50) feet  
42           4.   Minimum side yard width - Fifty (50) feet  
43           5.   Minimum rear yard depth - Fifty (50) feet  
44           6.   Maximum building height - Thirty-five (35) feet

45  
46   F.   OTHER DEVELOPMENT CONTROLS:



1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

#### SECTION 10.4 R-1Gh RESIDENTIAL ONE-Gh ZONE:

- ...
- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.
- ...

##### 13. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.
- e. ADU Access:
  - i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
  - ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- f. Maximum Height:
  - i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.
- g. The ADU may not be used for a home-based business.

- h. The ADU may not be held out to the public or used as a short or long-term rental.
- i. The primary dwelling unit and the ADU must share the same driveway encroachment.
- j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.
- k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:

- 1. Minimum lot area - Five thousand (5,000) square feet
- 2. Minimum lot width at building setback line - Forty (40) feet
- 3. Minimum front yard depth - Twenty-five (25) feet
- 4. Minimum side yard width on each side of lot - Five (5) feet
- 5. Minimum rear yard depth - Twenty-five (25) feet
- 6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED USES:

- 1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
- 2. Minimum lot width - One hundred fifty (150) feet
- 3. Minimum front yard depth - Fifty (50) feet
- 4. Minimum side yard width - Fifty (50) feet
- 5. Minimum rear yard depth - Fifty (50) feet
- 6. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

- 1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
- 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- 3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
- 4. Where any yard of any conditional use permitted in this zone, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10-5 R-1H RESIDENTIAL ONE-H ZONE**

- ...
- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.
- ...

14. Accessory Dwelling (ADU) unit with the following conditions:



- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.
- e. ADU Access:
  - i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
  - ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- f. Maximum Height:
  - i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.
- g. The ADU may not be used for a home-based business.
- h. The ADU may not be held out to the public or used as a short or long-term rental.
- i. The primary dwelling unit and the ADU must share the same driveway encroachment.
- j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.
- k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:

- 1. Minimum lot area - Four thousand (4,000) square feet
- 2. Minimum lot width at building setback line - Forty (40) feet
- 3. Minimum front yard depth – Twenty-five (25) feet
- 4. Minimum side yard width on each side of lot – Five (5) feet
- 5. Minimum rear yard depth - Twenty-five (25) feet
- 6. Maximum building height - Thirty-five (35) feet

1  
2 E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED  
3 USES:

- 4  
5 1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet  
6 2. Minimum lot width - One hundred fifty (150) feet  
7 3. Minimum front yard depth - Fifty (50) feet  
8 4. Minimum side yard width - Fifty (50) feet  
9 5. Minimum rear yard depth - Fifty (50) feet  
10 6. Maximum building height - Thirty-five (35) feet

11  
12 F. OTHER DEVELOPMENT CONTROLS:

- 13  
14 1. Off-street parking and loading and unloading shall be provided in accordance with  
15 Articles XI and XII.  
16 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone  
17 except within enclosed containers.  
18 3. No lighting shall be permitted which would glare from this zone onto any street,  
19 road, highway, deeded right-of-way or into any adjacent property.  
20 4. Where any yard of any conditional use permitted in this zone, except an accessory  
21 dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening  
22 area as regulated by Section 9.17 of this ordinance shall be required.

23 [end staff report]

24  
25 Mr. Peters asked if there were any questions from the commission. Mr. Peters asked if either a  
26 parking pad or garage space could be gravel. Mr. Hunter said no. Mr. Verst asked if the  
27 entrance to the ADU face the alley. Mr. Hunter said that the intention is to keep the access to  
28 the houses from the street side. Mr. Verst stated that the ADUs could only be owner occupied.  
29 Mr. Hunter said that's true.

30  
31 Mr. Peters asked if anyone from Southgate or the public would like to address the commission.

32  
33 No one responded.

34  
35 Mr. Peters entertained a motion for a recess for discussion.

36  
37 Motion was made by Mr. Verst and seconded by Ms. Haynes.

38  
39 Motion passed.

40  
41 Mr. Peters entertained a motion to reopen the hearing.

42  
43 Motion was made by Mr. Verst and seconded by Mr. Bass.

44  
45 Motion passed.

46  
47 Mr. Verst made a motion to convey a recommendation to the city of Southgate to approve the  
48 text amendments related to ADUs. Motion was seconded by Mr. Schuchter.



1  
2 Roll call vote was taken. Motion passed.

3  
4 Mr. Peters introduced case PZ-23-011. Applicant is the Campbell County Roadway Department  
5 at the intersection of Plum Creek Road and US 27.

6  
7 [begin staff report]

8  
File Number: PZ-23-011  
Applicant: Campbell County Roadway Department  
Location: Intersection of Plum Creek Road and US 27  
Request: VACATE FORMER RIGHTS OF WAY

9 **Overview:**

10 **KRS 100.324 Public utility facilities excepted -- Review of proposed acquisition, disposition, or**  
11 **change by commission.** (4) Any proposal for acquisition or disposition of land for public  
12 facilities, or changes in the character, location, or extent of structures or land for public  
13 facilities, excluding state and federal highways and public utilities and common carriers by rail  
14 mentioned in this section, shall be referred to the commission to be reviewed in light of its  
15 agreement with the comprehensive plan, and the commission shall, within sixty (60) days from  
16 the date of its receipt, review the project and advise the referring body whether the project is  
17 in accordance with the comprehensive plan.

18 As the result of the reconstruct of the intersection of US 27 and Plum Creek Road by the  
19 Kentucky Transportation Cabinet (KYTC), two County roads have been altered. The alterations  
20 have resulted in excess rights-of-way which are no longer serve a public transportation  
21 purpose. County Road (CR) 1118 – Plum Creek Road was converted to t-style intersection with  
22 US 27. The northern portion of CR 1212A Fairlane Short was transitioned to a dead-end street  
23 with a cul-de-sac bulb.

24 The following aerials depict before and after of the realignment.

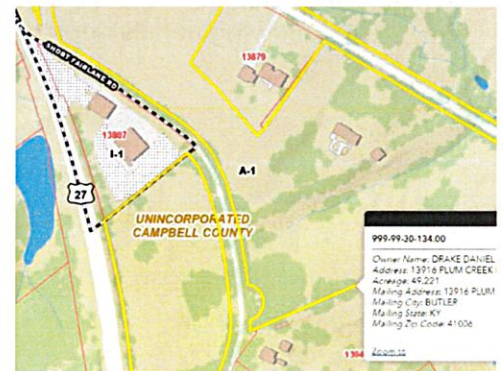
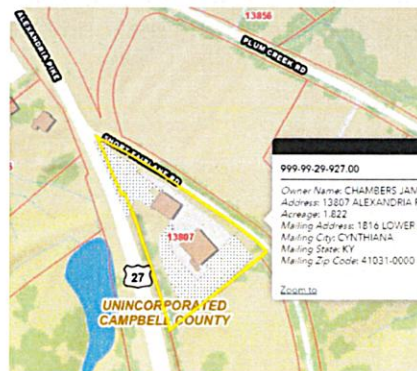




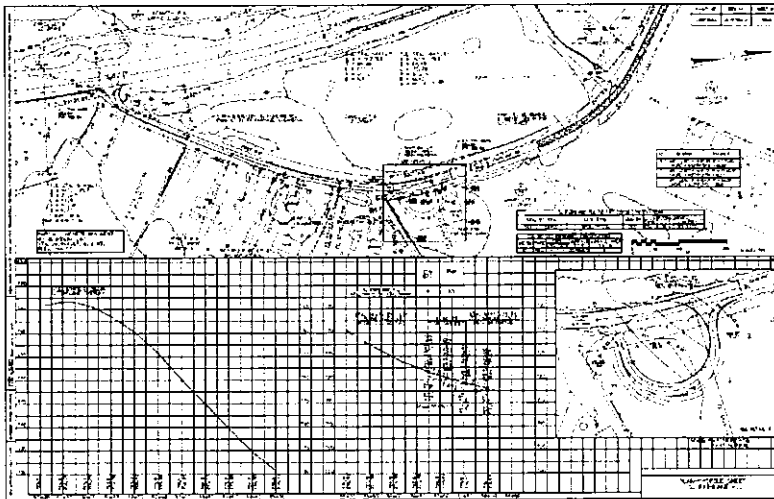
- 1 Adjacent property owners
- 2 Mr. James Chambers and
- 3 Mr. Daniel Drake have each
- 4 petitions to acquire the
- 5 vacated ROW

6

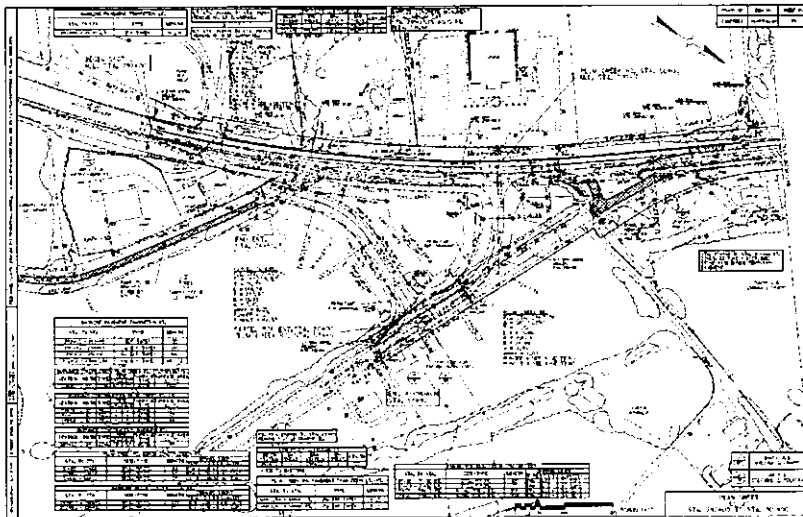
7



- 8 As indicated on Plan Sheets, a portion of the pavement has been removed (see hatched areas).



1



2

3

4 On former Short Fairlane , pavement was not removed from the new cul-de-sac at the termini  
5 but is no longer used by the public for transportation purposes. But this property is abutting  
6 land owned by Mr. Chambers and Mr. Drake respectively. The plan does indicate the presence  
7 of overhead utility lines in this area.

8 While the roadway department wishes to vacate the land for transportation purposes, it should  
9 be noted that utility easements namely for the overhead power, either prescriptive or in writing  
10 will remain in effect.

11 On former Plum Creek, pavement was removed immediately abutting US 27. A driveway  
12 remains to and existing farm but no longer serves the public. The plan does indicate the  
13 presence of a water line in this area.

1 While the roadway department wishes to vacate the land for transportation purposes, it should  
2 be noted that utility easements, namely for the water line, either prescriptive or in writing will  
3 remain in effect.

4 Staff requested an independent review by two individuals from CT Consultants. The review is attached.

5 Staff finds that vacating the identified portions CR 1118 – Plum Creek Road and CR 1212A – Fairlane  
6 Short Road retains the consistency of the Comprehensive Plan. The roadway reconstruction continues  
7 to provide access to the properties in the vicinity. Staff further notes that these improvements provide  
8 a safer interchange design with US 27.

9 **Staff Recommendations:**

10 That the Campbell County & Municipal Planning & Zoning Commission has reviewed the roadway  
11 changes and proposed vacation of the transportation network in regards of its agreement with the  
12 comprehensive plan, and further advise the Campbell County Fiscal Court that the request to vacate  
13 the land for transportation purposes is in accordance with the comprehensive plan.

14 **Bases for Recommendation:**

- 15 1. Notice has been given to the adjacent property owners.
- 16 2. An independent review has been completed.
- 17 3. The proposed change has been reviewed for consistency with the  
18 recommendations of the Campbell County Comprehensive Plan Update.

19  
20 [end staff report]

21  
22 Mr. Verst asked about utilities lines and water easement. Ms. Minter said staff would request  
23 that on the survey.

24  
25 Mr. Peters entertained a motion for recess. Mr. Verst made a motion and Ms. Haynes seconded  
26 the motion. Motion passed.

27  
28 Mr. Peters entertained a motion to reopen the hearing. A motion was made by Ms. Haynes and  
29 seconded by Mr. Verst. Motion passed.

30 Mr. Verst made a motion to pass along recommendation to the Fiscal Court that the vacation of  
31 the right-of-way is in agreement with the comprehensive plan with the one condition that  
32 written easements are provided for any existing utilities. Motion was seconded by Ms. Haynes.

33  
34 Roll call vote was taken. Motion passed.

35  
36 Ms. Minter asked for approval of training completed by Ms. Haynes, Ms. Minter, Ms. Dischar  
37 and Mr. Schuchter.

38  
39 Mr. Williams made a motion to accept the training. Mr. Verst seconded the motion.



1  
2 Roll call vote was taken. Motion passed.

3  
4 Mr. Peters entertained a motion to adjourn. Mr. Verst made the motion to adjourn. Ms. Haynes  
5 seconded the motion. Meeting adjourned.

6  
7  
8 Respectfully Submitted,

Approved:

9  
10   
11 \_\_\_\_\_  
12 Kirk Hunter

  
\_\_\_\_\_

Principal Planner

CJ Peters  
Chair