

**TO:** Kenton County Planning Commission Members

**FROM:** Andy Videkovich, AICP, Planning Manager

**RE:** Staff Recommendations for the Public Hearing

**DATE:** January 14, 2025

PDS submits the attached report and recommendation for your review prior to the scheduled **February 06, 2025**, public hearing. This information relates to the following agenda item:

**FILE: PC-24-0027-TX**

**APPLICANT:** City of Independence per Chris Moriconi, City Administrator

**REQUEST:** Proposed text amendments to the Independence Zoning Ordinance (1) adding setback requirements for driveways as a permitted encroachment, (2) adding standards for portable storage units and shipping containers within residential and mixed-use districts, and (3) adding a definition for "shipping container."

Staff will be prepared to address your comments and/or questions regarding the project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.

**Text Amendments**

File No: PC-24-0027-TX

Jurisdiction: City of Independence

Applicant: City of Independence per Chris Moriconi, City Administrator

Project Manager: Megan Bessey, PhD, CCEO, Principal Planner

**GENERAL CASE INFORMATION**

1. **Request:** Proposed text amendments to the Independence Zoning Ordinance (1) adding setback requirements for driveways as a permitted encroachment, (2) adding standards for portable storage units and shipping containers within residential and mixed-use districts, and (3) adding a definition for “shipping container.”

**PETITION REVIEW**

1. The first part of the submitted request will add setback requirements for driveways as a permitted encroachment.
  - a. Under the current regulations for driveways, the text currently does not provide a setback requirement. This setback requirement existed in the previous ordinance and was inadvertently omitted from the new ordinance.
  - b. The proposed text will require a two-foot setback for driveways.
2. The second part of the submitted request will add standards for portable storage units and shipping containers within residential and mixed-use districts.
  - a. Under the current regulations, in all residential and mixed-use districts, moving trailers, vans, or POD storage units may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed 30 days while owners are moving in or out of a residence.
  - b. The proposed text amendment adds clarification that portable storage units and shipping containers are included in this regulation.
3. The third part of the submitted request will add a definition for “shipping container.”
  - a. The purpose of the definition is to provide clarity to the terms and concepts within the zoning ordinance and to provide consistency in the administration of the zoning ordinance.

**STATE STATUTE**

1. Kentucky Revised Statute (KRS) 100.203 (1) states the allowable content of zoning regulations which cities and counties may enact.

**STAFF RECOMMENDATION:** Favorable recommendation on the proposed text amendments to the Independence Zoning Ordinance (1) adding setback requirements for driveways as a permitted encroachment, (2) adding standards for portable storage units and shipping containers within residential and mixed-use districts, and (3) adding a definition for “shipping container.”

**SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION**

1. The proposed text amendments are appropriate and reasonable. The proposed amendments add clarification, refine regulations, and provide for consistency in the administration of the zoning ordinance.

**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 Independence Zoning Ordinance  
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined.

## **ARTICLE 5 DIMENSIONAL REQUIREMENTS**

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### **5.08 Permitted Encroachments**

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**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 two feet to the property line to which they run approximately parallel.
4. Landscaping as regulated by Section [7.07, Landscaping, Screening, and Buffers](#).

## **ARTICLE 10 PARKING & LOADING STANDARDS**

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### **10.14 Parking, Storage, and Use of Non-Recreational, Commercial, and Industrial Vehicles**

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**A.** The following applies in all residential and mixed-use districts.

1. For this section, refer to the Federal Highway Administration's vehicle category classification for non-recreational, commercial, and industrial vehicles.
2. Classes 1 through 3 vehicles (with or without signs) which are properly licensed, inspected, and used for commercial purposes may be parked anywhere on a residential lot designed, constructed and approved for vehicle parking.
3. Class 4 through 13 vehicles (with or without signs) used for commercial, industrial, farm, or construction purposes are prohibited on residential lots, except within completely enclosed structures or when actively involved in pick-up or delivery to the residence.
4. Moving trailers, vans, [✕] POD, similar portable storage units, or Shipping Container storage units may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed 30 days while owners are moving in or out of a residence.

5. Dumpsters used for debris during construction and renovation of a residence may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed the period of construction.

## ARTICLE 14 DEFINITIONS

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### S

**Shipping Container** – Any container, generally rectangular and made of metal, designed primarily for shipping or hauling materials that is usually stored outside a building or structure and which can usually be stacked. This includes cargo containers, intermodal containers, freight containers, storage containers and shipping crates.