PDS | Planning and Development Services of Kenton County

TO: Kenton County Planning Commission Members

FROM: Andy Videkovich, AICP
Director of Planning

RE: Staff Recommendations for the November 10, 2026, Special Public Hearing

DATE: November 3, 2026

PDS submits the attached report and recommendation for your review prior to the **scheduled November 10, 2026, special** public hearing. This information relates to the following agenda item:

FILE: PC-26-0011-TX
APPLICANT: City of Independence
REQUEST: A text amendment to the Independence Zoning Ordinance to allow accessory structures in the front yard within the R-RE (Residential Rural Estate), R-LLS (Residential Large Lot Subdivision), and CO (Conservation) Zones. These structures would only be permitted on lots greater than three acres, would require a front setback of 150 feet, and require screening.

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 Amendment
File No: PC-26-0011-TX
Jurisdiction: Independence
Applicant: City of Independence
Project Manager: Patrick Denbow, AICP, Senior Planner

GENERAL CASE INFORMATION

1. **Request:** A text amendment to the Independence Zoning Ordinance to allow accessory structures in the front yard within the R-RE (Residential Rural Estate), R-LLS (Residential Large Lot Subdivision), and CO (Conservation) Zones. These structures would only be permitted on lots greater than three acres, would require a front setback of 150 feet, and require screening.

HISTORY & BACKGROUND

1. In August 2026, the Kenton County Joint Board of Adjustment heard an appeal of a decision of the zoning administrator to deny a request to allow accessory structures within the front yard area of a property within the R-LLS (Residential Large Lot Subdivision) Zone of the Independence Zoning Ordinance (BOA-26-0017). The applicant was proposing to subdivide the existing property to build a new home. The proposed location of the new home was to be towards the rear portion of the existing lot. The lot contained existing accessory structures, which were proposed to be included within the new lot for the new home. The applicant was seeking this appeal to allow these structures to be located within the front yard area for the new lot where accessory structures are not permitted within any front yard. The BOA voted to uphold the decision of the zoning administrator. The applicant then petitioned the city regarding the possibility of a text amendment.

2. In October 2026, the Independence City Council passed a resolution (2026-R-09), authorizing the City to file this text amendment application.

PETITION REVIEW

1. Existing Zoning Ordinance:
   a. No accessory structures shall be in any front yard or required minimum side yard (on each side of the lot) in any district.

2. Proposed Amendment:
   a. Language added to clarify there will be an exception to the existing front and side yard restriction.
   b. Language added to allow accessory structures within a front or required minimum side yard, only within the following zones:
      i. R-LLS (Residential Large Lot Subdivision) Zone
      ii. R-RE (Residential Rural Estate) Zone
      iii. CO (Conservation) Zone

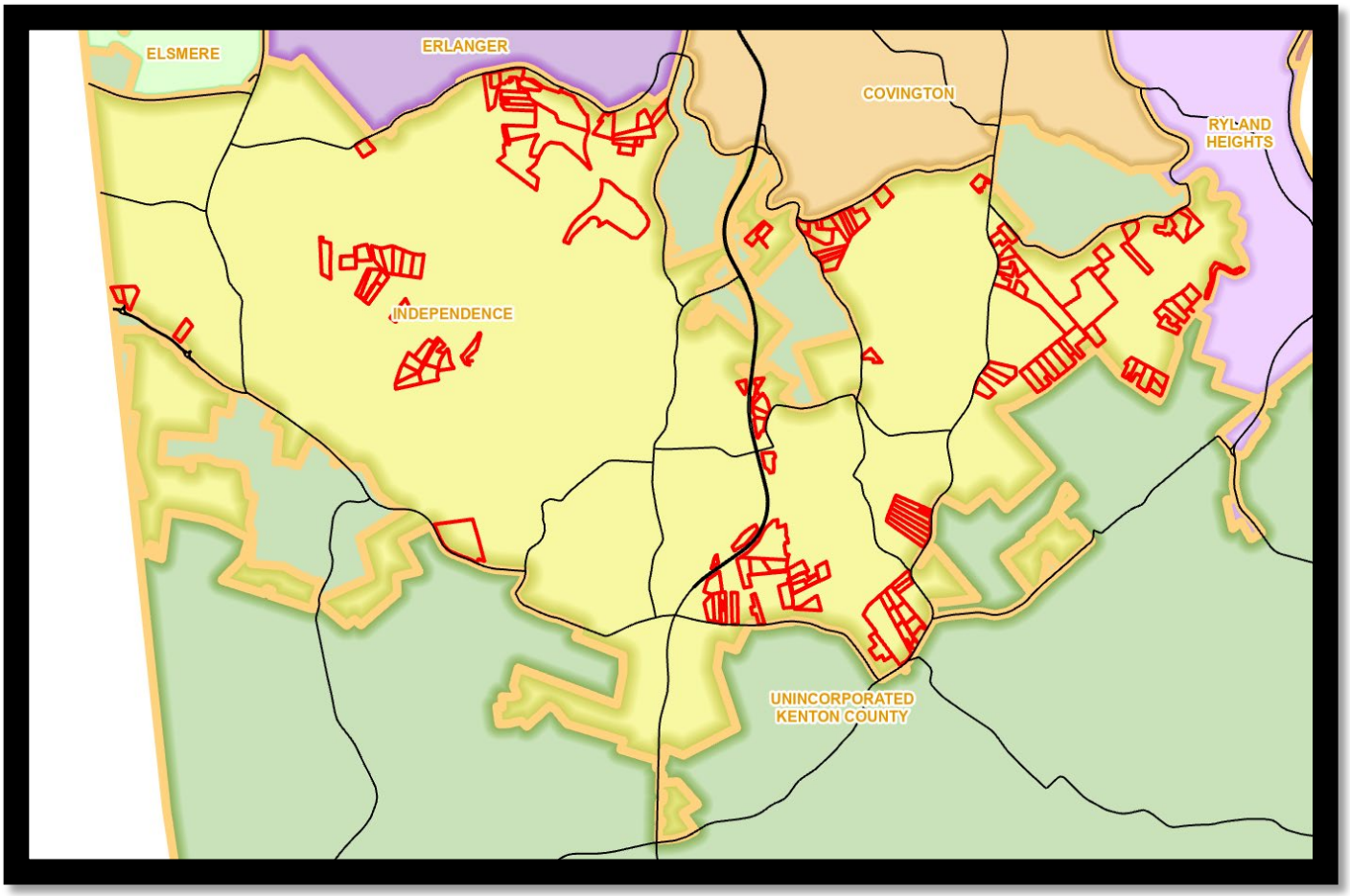
      Subject to the following conditions:
      i. Setback from the front property line a minimum of 150 feet
      ii. Must be screened with a continuous evergreen planting, unless the zoning administrator

determines that there is sufficient existing vegetation or that alternative compliance is warranted.

iii. Must be located on a lot of a minimum of three acres is area.

c. Language added to limit front yard accessory structures to not exceed 50 percent of the front yard area, which is consistent with all other yard areas within these zoning districts.

3. GIS analysis indicates there are 131 existing parcels within the City of Independence that are a minimum of three acres and are located within the R-LLS, R-RE, and CO Zones. (see map below)



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 a text amendment to the Independence Zoning Ordinance to allow accessory structures in the front yard within the R-RE (Residential Rural Estate), R-LLS (Residential Large Lot Subdivision), and CO (Conservation) Zones. These structures would only be permitted on lots greater than three acres, would require a front setback of 150 feet, and require screening.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION

1. The proposed text amendment is appropriate and reasonable. Allowing accessory structures to be located within a front or minimum side yard only under certain conditions and only within the residential large lot zoning districts is a reasonable allowance and will not permit a proliferation of these types of structures.

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

ATTACHMENT A

Proposed Text Amendments to Independence Zoning Ordinance

Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

SECTION 4.05 Use-Specific Standards:

J. **Accessory Structures or Uses, Customary**

1. **Accessory Uses**
   a. All accessory uses must be located on the same lot as the principal use, and shall not be separated from the principal use by a lot line or a public street. Accessory uses on separate lots from the principal use or on a site separated from the principal use by a public street shall be considered principal uses and will be regulated as such.
   b. Customary accessory uses shall not be construed to authorize a use not otherwise permitted in the district where located.
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.
   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 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 required minimum side yard (on each side of the lot) in any district, except as permitted in Section 4.05, J., 3., b., 5. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined herein, in all districts, provided that such structures are set back from the rear lot line a minimum of ten (10) feet, and required minimum side yard clearances are maintained.
3. See Article 7 for additional standards for garages and carports.

b. Accessory structures in the Residential Rural Estate, Residential Large Lot Subdivision, and Conservation districts:

1. Shall meet all setback requirements, except as otherwise stated in this ordinance. 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 50 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 50 percent of the side yard area.
4. The cumulative floor area of all accessory buildings located in the front yard (where permitted) shall not exceed 50 percent of the front yard area.
5. May be located within a front yard or required minimum side yard (on each side of the lot) subject to the following:
   a. Setback from the front property line a minimum of 150 feet; and
   b. Landscape screening is provided using a continuous evergreen planting which sufficiently screens the accessory structure from the public right-of-way, unless determined by the Zoning Administrator that existing vegetation is sufficient or alternative compliance is warranted per the criteria listed in Section 7.07, I.; and
   c. Located on a lot that is a minimum of three acres in total area.

c. Accessory buildings in the Residential Conventional Subdivision, Residential Compact Subdivision, and Residential Mixed 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 700 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 700 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 Mobile Home Park district:

1. Each dwelling site may have one carport and one additional accessory building which shall not exceed 25 percent of the dwelling or 200 square feet, whichever is less.

e. 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.

City of Independence, Ky.

RESOLUTION NO. 2026-R-09

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY (THE "CITY") SPONSORING A PROPOSED TEXT AMENDMENT

WHEREAS, KRS 100.211(3) provides that a proposal for a text amendment may originate with the legislative body; and

WHEREAS, the Independence City Council would like PDS staff to research and issue recommendations and to move forward with a hearing in front of the Kenton County Planning Commission for provisions to Accessory Structures or Uses.

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, KENTUCKY, AS FOLLOWS:

The City Administrator, as an agent of the City's legislative body, is authorized to apply and propose the following to be studied and set for public hearing pursuant to KRS 200.211:

Add two new provisions to Section 4.05, J., 3., b. (the subsection governing accessory structures in the Residential Rural Estate, Residential Large Lot Subdivision, and Conservation districts, the districts with the largest minimum lot sizes):

- A new floor-area cap limiting front yard accessory buildings to 50 percent of the front yard area, matching the existing caps already applied to rear and side yard structures.

- A new subsection permitting accessory structures within a front yard or required side yard, subject to a 150-foot setback from the front property line, evergreen landscape screening from the public right-of-way, and a 3-acre minimum lot size.

The general front/side yard prohibition in Section 4.05, J., 3., a., 2. remains in place for all other districts and circumstances and the amendment only opens a narrow, conditioned exception in the three large-lot districts identified above.

Done this 5th day of October 2026 on a Motion made by _____and seconded by _____.

Members present voting in favor: 4
Members present voting against: _____

BY:_____
Christopher J. Reinersman, Mayor

ATTEST:

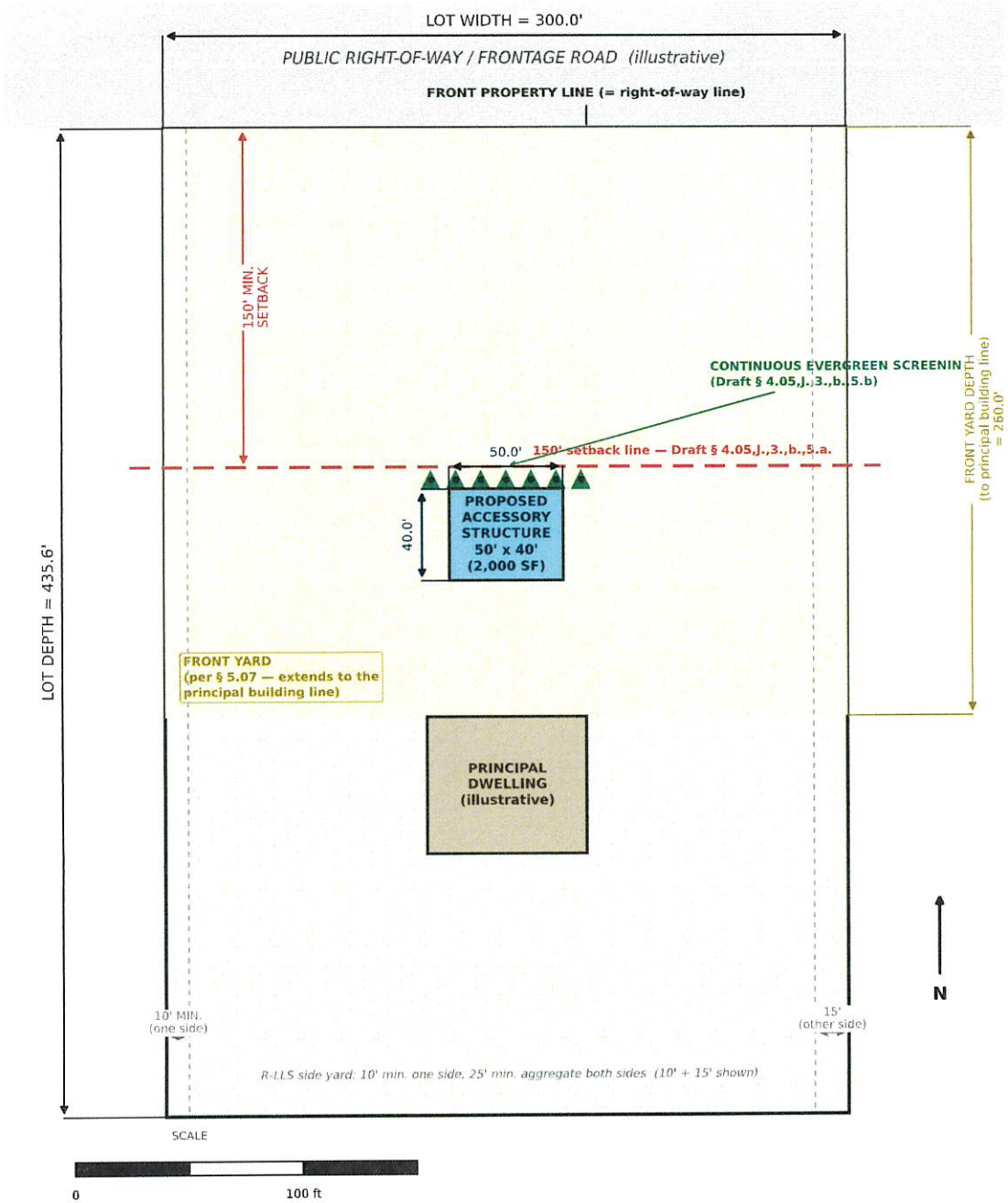
_____
Gina Rawe, City Clerk

ILLUSTRATIVE SITE PLAN

Proposed Accessory Structure Standards — Draft Section 4.05, J., 3., b.

R-RE / R-LLS / Conservation Districts — City of Independence Zoning Text Amendment

Example shown: lot in the R-LLS (Residential Large Lot Subdivision) Zone



LOT AREA (illustrative): 3.00 ACRES (130,680 SF)
— meets 3-acre min., Draft § 4.05,J.,3.,b.,5.c.

FRONT YARD AREA ≈ 300' × 260' = 78,000 SF
MAX. CUMULATIVE ACCESSORY FLOOR AREA
(50% cap, Draft § 4.05,J.,3.,b.,4.) = 39,000 SF
PROPOSED STRUCTURE = 2,000 SF (well within cap)

For illustrative purposes only. Not drawn to represent any specific property or parcel.

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b. Customary accessory uses shall not be construed to authorize a use not otherwise permitted in the district where located.

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.

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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.

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3. See Article 7 for additional standards for garages and carports.

b. Accessory structures in the Residential Rural Estate, Residential Large Lot Subdivision, and Conservation districts:

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