

**TO:** Kenton County Planning Commission Members

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

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

**DATE:** December 20, 2023

PDS submits the attached report and recommendation for your review prior to the scheduled **January 4, 2024**, public hearing. This information relates to the following agenda item:

**FILE:** PC-23-0007-TX

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

**REQUEST:** Text amendments to the Independence Zoning Ordinance: (1) to allow the parking of flatbed utility trailers permanently in front or side yards with certain regulations, (2) the addition of new timeframes for temporary parking of vehicles, (3) the addition of a definition for flatbed utility trailer, and (4) reordering the regulations within this section for clarity. This issue was tabled at the November 2, 2023 meeting.

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-23-0007TX

Jurisdiction: City of Independence

Applicant: The City of Independence per  
Chris Moriconi, City Administrator

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

**GENERAL CASE INFORMATION**

1. **Request:** Text amendments to the Independence Zoning Ordinance: (1) to allow the parking of flatbed utility trailers permanently in front or side yards with certain regulations, (2) the addition of new timeframes for temporary parking of vehicles, (3) the addition of a definition for flatbed utility trailer, and (4) reordering the regulations within this section for clarity. This issue was tabled at the November 2, 2023 meeting.

**PETITION REVIEW**

1. The first part of the submitted request will allow a flatbed utility trailer to be stored in the front or side yard on an all-weather surface provided it shall not have more than two axles and shall not obstruct or hinder in or on any right-of-way provided that the trailer is kept empty, in good repair, and remains operative.
  - a. Currently, if a flatbed utility trailer was stored:
    - i. In the side yard – subject to conditional use permit from the Board of Adjustment.
    - ii. In the front yard – not allowed.
    - iii. It can be parked temporarily for repairs, washing, or some other temporary purpose for less than 72 hours.
2. The second part of the request will increase the timeframe for the temporary storage of vehicles within this section.
  - a. The timeframe will increase from 72 hours to 96 hours.
  - b. Includes campers, trailers, and boats.
3. The third part of the request will add a definition for:
  - a. Flatbed utility trailer - A mobile unit consisting of a completely open platform with side walls no higher than 3 feet measured from the bed that is designed with the intent to be attached to and have its front end supported by a motor vehicle for the purpose of hauling materials.
  - b. Currently, only “vehicles” and “recreational vehicles” are defined.
    - i. Vehicle - Any device capable of moving itself or being moved from place to place upon wheels or tracks, as well as devices capable of being moved on or through water or air, such as boats or airplanes, but such term shall not include any device designed to be moved by muscular power.
    - ii. Recreational vehicle - A vehicle, such as a motor home, travel trailer, truck/camper combination or camper trailer that is designed for recreational or emergency purposes and that may be moved on public highways without any special permit for long, wide or heavy loads.
4. The fourth part of the request is reordering the regulations within this section by moving the first regulation regarding vehicles in excess of 18,000 pounds and 39 feet in length to the last for ease of clarity.
  - a. It makes more sense to have this listed last and have the more common vehicles listed first.

5. Please see the table below comparing the existing regulations, previous proposed (tabled) request, and current proposed request:

Type and Example	Current Regulations	Previous Tabled Request	Current Proposed Request
<b>Flatbed Utility Trailer</b>	<ul style="list-style-type: none"> <li>Can't exceed 18,000 pounds or 39 feet in length.</li> <li>Can't be stored permanently in the front yard.</li> <li>Can be stored in the front or side temporarily for 72 hours.</li> <li>Can be stored in the side yard on an all-weather surface subject to the approval of the BOA.</li> </ul>	<ul style="list-style-type: none"> <li>Definition: Can't exceed [20 or 30] feet in length, 8 feet in width, 5 feet in height (excluding gate).</li> <li>Can be stored in driveway at all times of the year.</li> <li>Unclear if the BOA approval is required for side yard.</li> <li>Unclear regarding 30-39 foot long trailers?</li> </ul>	<ul style="list-style-type: none"> <li>Definition: side walls no higher than 3 feet measured from the bed.</li> <li>Can be stored in the front or side yard on an all-weather surface, shall not have more than two axles and shall not obstruct or hinder in or on any right-of-way provided that the trailer is kept empty, in good repair, and remains operative.</li> </ul>
<b>Camper, Boat, Trailer</b>	<ul style="list-style-type: none"> <li>Can be stored in the rear yard on an all-weather surface.</li> </ul>	<ul style="list-style-type: none"> <li>Can be stored up to 96 consecutive hours in a driveway. All other provisions still apply.</li> </ul>	<ul style="list-style-type: none"> <li>Can be stored up to 96 consecutive hours in a driveway. All other provisions still apply.</li> </ul>
<b>Other Trailer</b>		<ul style="list-style-type: none"> <li>No proposed changes.</li> </ul>	

**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:** Unfavorable recommendation on the proposed text amendments to the Independence Zoning Ordinance: (1) to allow the parking of flatbed utility trailers permanently in front or side yards with certain regulations, (2) the addition of new timeframes for temporary parking of vehicles, (3) the addition of a definition for flatbed utility trailer, and (4) reordering the regulations within this section for clarity.

**SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION**

1. The proposed text amendment is inconsistent with the purpose of Section 10.13. The intent of this ordinance is to protect the residential character of the neighborhoods in Independence by regulating the storage or temporary storage of campers, boats, trailers, recreational vehicles, and other similar equipment from front, side and rear yards. Allowing a longer timeframe for the temporary storage of vehicles and the permanent storage of flatbed utility trailers is inconsistent with this policy, and it is unclear why a flatbed utility trailer is different than other trailers and equipment regulated by this section.

2. The proposed definition is inappropriate and inconsistent. The proposed definition adds regulations for height which should not be within the definition but rather in the standards.

**ADDITIONAL INFORMATION**

1. Staff recommends that if the City wants to consider changes to this policy, the City should remove the regulations from the definition and place them in Section 10.13 and make changes accordingly. Staff does recommend the reordering of the section for clarity regardless of the other changes. The reordering will number the more common regulations at the top rather than the bottom which often causes confusion.

**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 10 PARKING AND LOADING STANDARDS**

**10.13 Parking, Storage, or Use of Campers, Boats, Trailers, or Recreational Vehicles and Other Similar Equipment**

A. Within residential and mixed-use zones

- ~~[1.]~~ It shall be unlawful to park or to keep any truck with a gross vehicle weight in excess of 18,000 pounds, or any trailer, recreational vehicle, camper, boat, or similar type of equipment with a length in excess of thirty nine (39) feet, at any place on property located in a residential district zone, except in a completely enclosed garage. It shall also be unlawful to park or keep any semi tractor trailer, regardless of length, on property located in a residential district zone.]
- ~~[2.]~~1. Only one such vehicle or piece of equipment may be stored or parked on a residential lot, except within an enclosed building.
- ~~[3.]~~2. No such vehicle or equipment shall be permanently stored in a front yard.
- ~~[4.]~~3. Vehicles or other similar equipment permanently stored in the side yard is a conditional use and subject to approval of the board of adjustment, as set forth in Section 13.08, and must be stored on an all-weather surface. Access must be provided entirely on the lot, or via an access agreement, but a paved driveway is not required.
- ~~[5.]~~4. As an exception to 2. and 3. above, a flatbed utility trailer may be stored in the front or side yard on an all-weather surface. The flatbed utility trailer shall not have more than two axles and shall not obstruct or hinder in or on any right-of-way provided that the trailer is kept empty, in good repair, and remains operative.
5. Vehicles or other similar equipment permanently stored in the rear yard must be stored on an all-weather surface. Access must be provided entirely on the lot, or via an access agreement, but a paved driveway is not required.
6. A vehicle may be stored in a front yard or side yard for the purpose of unloading a vehicle, washing a vehicle or some other similar, temporary purpose. The vehicle, however, must be removed from the front yard or side yard once the purpose for temporarily parking the vehicle is accomplished. Temporary for this regulation shall mean less than 72 96 hours.
7. No such equipment shall be used for living, sleeping, or housekeeping purposes on any lot.
8. It shall be unlawful to park or to keep any truck with a gross vehicle weight in excess of 18,000 pounds, or any trailer, recreational vehicle, camper, boat, or similar type of

equipment with a length in excess of thirty-nine (39) feet, at any place on property located in a residential district zone, except in a completely enclosed garage. It shall also be unlawful to park or keep any semi-tractor trailer, regardless of length, on property located in a residential district zone.

- B. Within non-residential zones where permitted
1. Must be screened from public view by building facades or solid fence.
  2. Shall be maintained with a paved surface or compacted gravel or crushed stone.

## ARTICLE 14 DEFINITIONS

### 14.02 Definitions

Flatbed Utility Trailer-A mobile unit consisting of a completely open platform with side walls no higher than 3 feet measured from the bed that is designed with the intent to be attached to and have its front end supported by a motor vehicle for the purpose of hauling materials.