

Frequently Asked Questions (FAQs)

Q: Why is PDS pushing us to do this?

A: The Z21 Initiative is a voluntary effort focused entirely on aging zoning ordinances. Twelve local governments are participating because they chose to be involved. They are participating because their elected and appointed officials want to know where their zoning ordinance requirements put them in relation to the Kenton County comprehensive plan. They also want to know how competitive their community is when it comes to economic development and quality of life. Based on their findings from Phase I of the Z21 Initiative—the zoning audit report—local elected officials are free to continue or end their community's participation in the effort.

Q: What's the goal? Who asked for this?

A: The goal of Phase II is to provide your jurisdiction with a blueprint code and a series of clearly-written options from which you and your elected colleagues can craft an up-to-date zoning ordinance for your community. The catalyst for pursuing the initiative was heard first during public input sessions for the Kenton County comprehensive plan, Direction 2030: Your Voice, Your Choice. That call for action was included then in contents of the plan. PDS is pursuing this effort now as part of its responsibilities as your planning staff under Chapter 147 of the Kentucky Revised Statutes.

Q: What's a blueprint code? I thought this Z21 Initiative was about zoning.

A: It *is* about zoning. PDS has engaged the services of a consultant to help staff provide each of the 12 participating jurisdictions with a draft zoning ordinance that includes a number of blanks—a blueprint if you will—and a series of options from which your jurisdiction can choose what's best. Once you and your elected colleagues select how you want to fill in the blanks, you will complete the task of a new zoning ordinance for your jurisdiction.

Q: What is this going to cost our city?

A: PDS is paying for all three phases of the Z21 Initiative. Staff and members of the PDS Board determined 15 years ago that Kenton County's comprehensive plan, subdivision regulations, and all its zoning ordinances were going to need updating soon. Since then, they contributed funds to PDS' reserve accounts each year to meet the eventual need for outside help. Now that this initiative is underway, those funds are being used to provide needed assistance to staff.

Q: Three phases?

A: Phase I was the audit review and report on your zoning ordinance. That's the report staff distributed. Phase II builds on Phase I by crafting the blueprint code that all participating jurisdictions will use as the base for a new zoning ordinance. It also includes preparation of the options from which you and your colleagues will choose to complete your new zoning ordinance. Phase III will be a collaboration between PDS and each community to customize its own zoning ordinance.

Q: So, what's wrong with the zoning ordinance we have?

A: Kenton County zoning ordinances were written and adopted in the early 1980s. They were written to implement goals included in the county's comprehensive plan at that time. Those planning goals and zoning requirements were grounded in the regimented planning theory of the day. Today, three and a half decades later, those zoning ordinances remain grounded in that 1960s- and 70s-era planning theory even as public input propelled the current Kenton County comprehensive plan in a very different direction. It's this difference—between decades-old planning theory and what's desired today based on citizen opinion—that renders these zoning ordinances out of date.

Q: But we've amended our zoning ordinance many times; doesn't that count?

A: It's true that Kenton County's zoning ordinances have been amended frequently—over 500 times since they were adopted. Most of those text amendments, however, were pursued as a response to something: the request from a developer; the need of a local business; a response to action taken by a neighboring community; the need to delete confusing language; and, the list goes on. Very few were the result of preemptive thought, and very few were undertaken with the goal in mind of implementing the comprehensive plan which is after all one of the main goals of zoning.

Q: My city is unique. Why is Z21 pushing us toward a common zoning ordinance?

A: Each of Kenton County's local jurisdictions *is* unique, a fact that no one has suggested changing. One of the themes that our Z21 consultants heard during Phase I of this process was a desire for Z21 to help each jurisdiction protect its environmental, cultural, and historical resources and to preserve its community character. To that end, Phase II of the Z21 process works toward a draft zoning ordinance—the blueprint—that includes numerous blanks that you and your elected colleagues will fill to preserve community character.

Q: Comparatively speaking, where does our ordinance stand in relation to the others?

A: That's difficult to quantify. Varying reviews of Kenton County's zoning ordinances suggest that 80 to 85 percent of their contents are identical. That's not difficult to understand given the fact that they all grew out of a single model back in the early 1980s. The Z21 Initiative does not seek to change this percentage in any way; hence, the common text of the blueprint and a series of options from which your jurisdiction can choose what's best for your community.

Q: It seems like we could lose a lot by adopting this blueprint code.

A: Clarification is important here. The blueprint code is just the starting point for updating your zoning ordinance. Once you and your elected and appointed colleagues choose how to fill in the blanks, you'll begin the steps necessary to make the blueprint code your own.

As for your question, your community will lose a lot. For starters, you'll lose a three-decades-old zoning ordinance that was crafted to implement a comprehensive plan that was scrapped years ago. You'll lose the legal vulnerability that goes with that fact. You'll lose an ordinance that's difficult to use because of its organization, time-consuming to

interpret because of its inconsistencies, and difficult to understand because it's void of illustrations and charts that would make it easier to understand. And finally, you'll lose an ordinance that's governed by inefficient and inflexible processes that fail to produce predictable decisions.

Q: What final product will result from this process?

A: The updated zoning ordinances produced through the Z21 Initiative will be electronic in format, so they can be accessed easily online. In this format, they will complement the all-electronic *Direction 2030: Your Voice, Your Choice*, and the online Kenton County Subdivision Regulations. These products will be fully electronic, illustrated liberally, condensed in length using tables and charts instead of text, and filled with numerous hyperlinks to other provisions in the document and to your community's GIS zoning maps.

Q: I've heard that Z21 may advocate combining or deleting zoning districts; is that true?

A: The number and usefulness of all zoning districts is part of the Z21 review process. The 12 zoning ordinances that Z21 seeks to update vary widely when it comes to the number of zones included and the differences exhibited. Often these differences are minuscule and accomplish very little compared to the red tape and administrative procedures they perpetuate. Streamlining the day-to-day administration and procedural requirements of these ordinances is one of the fundamental reasons Z21 is being pursued.

Q: What will be PDS' responsibility and what will be the city's responsibility as the blueprint code is completed?

A: That's Phase III of the process and, as was noted earlier, PDS staff will work alongside you and your elected and appointed colleagues to prepare the new ordinance for hearing before the Kenton County Planning Commission. We'll pursue whatever joint steps may be necessary to educate your citizens on the benefits that come with this new ordinance. And, collaborate to determine if any map amendments are necessary to align your zoning map with your new text.

Q: I thought the idea of this was to bring all the communities under a common code. If we all get to pick and choose, will we accomplish this goal?

A: One of Z21's goals is to update and standardize to the extent possible the contents of these 12 zoning ordinances. That's what the blueprint code is all about; working toward a draft zoning ordinance that includes numerous blanks that you and your elected colleagues will fill with standardized language to preserve your community's character.

Q: PDS has helped us in the past with common regulations about sexually-oriented businesses, signs, and floodplain management. How will these be handled through the Z21 process?

A: The goals of each of those efforts involved putting each Kenton County government on the most solid ground possible, legally speaking. On the subjects of sexually-oriented businesses and signs, that meant taking steps to meet legal tests established by the US

Supreme Court. Regarding floodplain management, that meant meeting FEMA requirements to qualify land owners in Kenton County's floodplains for federal flood insurance. Those regulations will be carried forward into the new ordinances to keep your local government and landowners in compliance with federal laws and court decisions.

Q: Will a new code create more nonconformities? Does state law allow for flexibility in nonconforming uses?

A: The answer to this question is difficult until you determine how zoning districts will be defined in your new ordinance. PDS staff is aware of this issue and will help guide you through the process of filling in the blanks in the blueprint code.

Q: Has anyone reviewed the Z21 blueprint code from a legal perspective?

A: Understand first that the blueprint code doesn't exist yet. That's what PDS' consultant is pursuing currently. Legal review of the resulting blueprint code and the options that will help you maintain/establish your jurisdiction's community character is very much a part of Z21's Phases II and III. Your own city attorney will also be invited to participate in this process when there's a product to review.

Q: Who has the final say regarding changes to our zoning ordinance?

A: You and your elected colleagues... just like every other zoning text amendment you've considered during your term in office.

Q: What process will be used to adopt our new zoning ordinance?

A: KRS Chapter 100 provides several options regarding the adoption of zoning regulations. All involve a hearing before the Kenton County Planning Commission, a recommendation from that body, and a final vote by your legislative body. The determination on which of these courses we'll need to pursue will depend on how much your new zoning ordinance deviates from your current one.

Q: As a council/commission member, can I become more involved with the Z21 Initiative moving forward?

A: Yes. Contact Andy Videkovich at 859.331.8980 to be added to the list of people who are notified of meetings on your jurisdiction's new zoning ordinance.