

January 3, 2023

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## SECTION 3.0

### River Preservation District and Conservation District Regulations

3.0.01	Intent.	3.0.05	Performance Standards.
3.0.02	Use Regulations.	3.0.06	Other Development Controls.
3.0.03	Development Standards.	3.0.07	Development Plan Review.
3.0.04	Accessory Use & Structure Regulations		

#### 3.0.01 INTENT.

The River Preservation (RP) and the Conversation (CO) Districts are created to conserve open space because of natural scenic assets, terrain limitations, streams and storm drainage, woodlands, and the adaptability for predominantly passive recreational purposes.

#### 3.0.02 USE REGULATIONS.

- A. Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 3.0.02 C.
- B. Organization of Use Table. In the Use Schedule, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.
- C. Schedule 3.0.02 C. Permitted Uses. Schedule 3.0.02 C. sets forth the uses allowed in the River Preservation and Conservation Districts. The abbreviations used in the Schedule are defined in sub-section 1.2.02 B.

#### Example Development



*For illustrative purposes only*

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 3.0.02 C. Permitted Uses in the River Preservation and Conservation Districts					
	River Preservation District (RP)		Conservation District (CO)		Use-Specific Regulations
	Existing	Proposed	Existing	Proposed	
<b>1. Community Facilities/Institutions</b>					
a. Community center		P			
b. Cultural institution		P			
c. Public facility		P		P	
d. Public park/playground	P	P	P	P	
e. Utility substation/distribution facility		C		C	XX
<b>2. Other</b>					
a. Agriculture	P	R	P	R	XX
b. Campground/Recreational vehicle park		C			XX
c. Country club	P	P	P		
d. Open space		P		P	
e. Open space, common		P		P	
f. Open space recreation area	P	C	P		
g. Pleasure boat harbors and marinas	C	C	C		XX
h. Public boat landing or launching facilities	C	C	C		XX
i. Recreational dockage facilities	C	C	C		XX
j. Riding academies and stables	C	C	C	C	XX
k. Sexually oriented businesses	P	P			
l. Telecommunication facility	See Section _____				
<b>3. Accessory Uses</b>					
a. Fences, walls	A	A	A	A	XX
b. Off-street parking	A	A	A	A	XX
c. Other accessory structures	A	A	A	A	XX
d. Outdoor display of merchandise in association with a permitted use		A			XX
e. Outdoor storage of general materials, fleet vehicles, and equipment		A			XX
f. Signs	A	A	A	A	XX
g. Trash receptacle		A		A	XX
Notes to Schedule 3.0.02 C.:					
<b>Bold = Proposed New Use</b> <del>Strikethrough</del> = Use proposed to be deleted					
XX = Reference to Use-Specific Regulations that will be added during Phase 3.					
P = Principal Permitted By-Right Use      R=Restricted Use      C=Conditional Use      Blank Cell = Not Permitted      A = Accessory Use					

The *Community Plan* discusses permitting camping and “glamping” in the RP. This topic requires additional discussion.

**D. Similar Uses. See sub-section 1.3.02 B. 15.**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

### 3.0.03 DEVELOPMENT STANDARDS.

- A. **All buildings, parking areas, and land in the River Preservation and Conservation Districts shall comply with the requirements set forth in Schedule 3.0.03 B. See Section 5.4, Conditional Use and Restricted Use Regulations, for additional development regulations for Conditional and Restricted Uses.**
- B. Schedule 3.0.03 B., Development Standards in the River Preservation and Conservation Districts.

Schedule 3.0.03 B. Development Standards in the River Preservation and Conservation Districts		
	River Preservation RP	Conservation CO
1. Minimum lot area	5 acres	5 acres
2. Minimum lot width	100 feet	300 feet <sup>(a)</sup>
3. Minimum front setback	25 feet	100 feet
4. Minimum principal building setback abutting a non-residential district		
a. Minimum side	15 feet	50 feet
b. Minimum rear	35 feet	50 feet
5. Minimum principal building setback abutting a residential district	100 feet	100 feet
6. <b><u>Minimum off-street parking area setback</u></b>		
a. <b><u>Public rights-of-way</u></b>	<b><u>50 feet</u></b>	<b><u>50 feet</u></b>
b. <b><u>Residential districts</u></b>	<b><u>50 feet</u></b>	<b><u>50 feet</u></b>
c. <b><u>All other lot lines</u></b>	<b><u>25 feet</u></b>	<b><u>25 feet</u></b>
7. Maximum height of principal building	25 feet	25 feet
8. <b><u>Maximum height of accessory building</u></b>	<b><u>25 feet</u></b>	<b><u>25 feet</u></b>

**Notes to Schedule 3.0.03 B.**

- (a) **See sub-section            for lots used as open space and common open space.**

### 3.0.04 ACCESSORY USE AND STRUCTURE REGULATIONS.

- A. **Accessory uses and accessory structures permitted in the River Preservation and Conservation Districts shall conform to the regulations in this Section and other applicable Sections of the Zoning Ordinance including Section 5.1.**

- B. Accessory buildings with a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the applicable parking setbacks set forth in Schedule 3.0.03 B. Accessory buildings with more than 200 square feet of gross floor area shall comply with the principal building setback regulations in Schedule 3.0.03 B. and shall submit a development plan in compliance with Section 1.4 (Development Plan Approval Process).

### 3.0.05 PERFORMANCE STANDARDS.

Every use shall comply with the following performance standards as well as any other applicable performance standards in this Ordinance.

- A. Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal by-right, restricted, conditional, or accessory use shall either be disposed of, stored in buildings, or held for removal in completely enclosed in containers. Such building, container, or waste receptacle shall be located in a side or rear yard and shall comply with the applicable minimum parking setbacks set forth in this Section and shall be screened in accordance with the provisions set forth in Section 5.3, Landscaping, Screening & Lighting Regulations.
- B. Outdoor Storage. ~~With the exception of Subsection D of this section of the ordinance, no outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed metal containers or approved equal.~~

Outdoor storage of general materials, fleet vehicles, and equipment as permitted in Schedule 3.0.02 C. shall be permitted only when accessory to a principal permitted, restricted, or conditional use in compliance with the following regulations:

1. Outdoor storage of materials, fleet vehicles, and equipment shall only include the storage of goods, materials, equipment or products customary associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
2. All outdoor storage of goods, materials, fleet vehicles, and equipment shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at grade level. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition. No barb or razor wire shall be permitted.
3. All outdoor storage shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
4. Areas devoted to outdoor storage shall be located in a rear yard so that it is

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

behind the principal building and not visible from any public street, unless the outdoor storage is located on a corner lot. Enclosed storage areas devoted to outdoor storage shall be setback 50 feet from any property boundary that abuts a Residential Districts. In no case shall the side and rear setback of the enclosed area be less than ten (10) feet.

5. All equipment and fleet vehicles shall be in an operable state. In no case shall inoperable equipment and vehicles be stored outdoors overnight.
6. Any proposed outdoor storage areas shall be approved as part of a development plan review in accordance with Section 1.4.
- C. Lighting. No lighting shall be permitted which would glare from this ~~zone~~ District on to any street, road, highway, and deeded right-of-way or into any residential zone (See Section ~~9.14~~ 5.3).
- D. Objectionable External Impacts. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential ~~zone~~ District and must comply with the performance standards in Section 5.1.16 ~~Article XI~~ of this Ordinance.

### 3.0.06 OTHER DEVELOPMENT CONTROLS.

- A. Certificate of Approval from the City Engineer. All "~~Uses Permitted~~", "~~Conditional Uses~~", and "~~Temporary Uses~~", Principal Permitted By-Right, Restricted, Conditional, and Temporary uses permitted in this ~~zone~~ District shall require a certificate of approval from the City Engineer certifying his approval of the type of, and manner of, construction to be built (insuring that such construction shall not cause flood hazards, soil erosion, adverse changes in the natural drainage courses or unnecessary destruction of natural features) which completed certificate shall be submitted to the appropriate officer or Board, as required herein, at time of request.
- B. Dwelling Units. Dwelling units, both permanent and seasonal, are not permitted in this ~~zone~~ District;
- C. Off-Street Parking and Loading Regulations. Off-street parking and loading or unloading shall be provided in accordance with Section 5.5 of this Ordinance.
- D. Landscaping, Screening, and Lighting Regulations. Screening and landscaping shall be provided in the River Preservation and Conservation Districts in accordance with the provisions set forth in Section 5.3, Landscaping, Screening, and Lighting Regulations.
- E. Signs. Signs shall be permitted in the River Preservation and Conservation Districts only in accordance with Section 5.7, Sign Regulations.

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

**3.0.07 DEVELOPMENT PLAN REVIEW.**

**All uses, structures, and buildings in the River Preservation and Conservation Districts shall only be permitted after development plans have been reviewed and approved according to the procedures set forth in Section 1.4, Development Plan Review Procedures.**

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## SECTION 3.1

### Single-Family and Two-Family District Regulations

3.1.01	Intent.	3.1.05	Projections into Required Setbacks.
3.1.02	Use Regulations.	3.1.06	Performance Standards.
3.1.03	Development Standards.	3.1.07	Other Development Controls.
3.1.04	Residential Contextual Standards.	3.1.08	Development Plan Review.

#### 3.1.01 INTENT.

Single-family and Two-family Residential Districts (R-1AA, R-1A, R-1B, R-1C, R-1D, R-1-CBD, and R-2) and their regulations are established in order to achieve the following purposes:

- A. To regulate the size and location of dwellings, accessory buildings and other structures in order to preserve privacy and allow for useable open space on each lot appropriate for the residential zoning district;
- B. To regulate the density and distribution of population consistent with the City of Fort Thomas Comprehensive Plan and thereby avoid the overburdening of existing and proposed municipal facilities and public services;
- C. To reflect the existing substantially developed patterns in Fort Thomas and minimize non-conforming conditions and thereby facilitate investment that is within the public interest without the necessity of requiring variances;
- D. To foster a variety of residential living units with respect to lot sizes and the types and density of dwelling units while protecting the character of the City;
- E. To preserve the character of unique neighborhoods by creating separate districts with different densities and development standards.

#### Example Development



*For illustrative purposes only*



**3.1.02 USE REGULATIONS.**

- A. Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 3.1.02 C.
- B. Organization of Use Table. In the Use Schedule, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.
- C. Schedule 3.1.02 C. Permitted Uses. Schedule 3.1.02 C. sets forth the uses allowed in the Single-Family and Two-Family Districts. The abbreviations used in the Schedule are defined in sub-section 1.2.02 B.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 3.1.02 C. Permitted Uses in the Single-Family and Two-Family Districts								
	R-1AA	R-1A	R-1B	R-1C	R-1D	R-1-CBD	R-2	Use-Specific Regulations
<b>1. Residential</b>								
a. Single-family dwelling, detached	P	P	P	P	P	<u>P</u>	P	
b. Two-family dwelling			<u>C/R?</u>	<u>C/R?</u>		<u>C/R/P?</u>	P	XX
c. Residential care facility for persons with disabilities	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b>2. Community Facilities/Institutions</b>								
a. Community recreation center	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>		<u>P C</u>	XX
b. Day care center, <b>adult</b> or child	C	C	C	C	C			XX
c. Institutions for human medical care	C	C	C	C	C			XX
d. Places of worship	C	C	C	C	C		C	XX
e. Public facility (Government offices)	<u>P R</u>	<u>P R</u>	<u>P R</u>	<u>P R</u>	<u>P R</u>	<u>R</u>	<u>P R</u>	XX
f. Public park/playground	<u>P R</u>	<u>P R</u>	<u>P R</u>	<u>P R</u>	<u>P R</u>	<u>R</u>	<u>P R</u>	XX
a. School (public/private), college/university	C	C	C	C	C		C	XX
b. School (public/private), elementary/secondary	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>		<u>P C</u>	XX
g. Utility substation/distribution facility	C	C	C	C	C		C	XX
<b>3. Other</b>								
a. Cemetery	C	C	C	C	C		C	XX
b. Country club	C	C	C	C	C		C	XX
c. Funeral homes <b>without crematorium</b>				C	C		C	XX
d. Open space recreation area	C	C	C	C	C		C	XX
e. Telecommunication facility	See Section _____							
<b>4. Accessory Uses</b>								
a. Accessory dwelling unit	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	XX
b. Agriculture	R							XX
c. Fences, walls	A	A	A	A	A	<u>A</u>	A	XX
d. Home occupation	A	A	A	A	A	<u>A</u>	A	XX
e. Other accessory structures	A	A	A	A	A	<u>A</u>	A	XX
f. Short-term rental properties	A	A	A	A	A	<u>A</u>	A	XX
g. Signs	A	A	A	A	A	<u>A</u>	A	XX
<b>Notes to Schedule 3.1.02 C.:</b> <b>Bold = Proposed New Use</b> <del>Strikethrough = Use proposed to be deleted</del> <b>Bold</b> = Change from existing regulations XX = Reference to Use-Specific Regulations that will be added in Phase 3 P = Principal Permitted By-Right Use      R=Restricted Use      C=Conditional Use Blank Cell = Not Permitted      A = Accessory Use								

Questions to Consider: Should Two-Family Dwellings be Conditional or Restricted Uses in R-1B & R-1C? Should Two-Family Dwellings be Permitted, Restricted, or Conditional in R-1-CBD?

**D. Similar Uses. See sub-section 1.3.02 B. 15.**  
**3.1.03 DEVELOPMENT STANDARDS.**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

- A. **All buildings, parking areas, and land in the Single-Family and Two-Family Districts shall comply with the requirements set forth in Schedule 3.1.03 B. See Section 5.4, Conditional Use and Restricted Use Regulations, for additional development regulations for Conditional and Restricted Uses.**
- B. Schedule 3.1.03 B., Development Standards in the Single-Family and Two-Family Districts.

Schedule 3.1.03 B. Development Standards in the Single-Family and Two Family Districts							
	R-1AA	R-1A	R-1B	R-1C	R-1D	R-1-CBD	R-2
1. Minimum lot area (square feet)	43,560	9,500	7,500	7,000	13,000	<b>3,400</b>	8,000
2. Minimum lot width (feet)	150	75	65	60	85	<b>45</b>	75
3. Minimum principal building setback (feet)							
a. Minimum front	40 <sup>(a)</sup>	30 <sup>(a)</sup>	30 <sup>(a)</sup>	25 <sup>(a)</sup>	30 <sup>(a)</sup>	<sup>(b)</sup>	25 <sup>(a)</sup>
b. Minimum side	12	10	<b>9 5</b>	<b>8 5</b>	10	<b>3</b>	8
c. Combined minimum side setback for both sides	38	NA	<b>14</b>	<b>14</b>	NA	<b>9</b>	NA
d. Minimum rear	40	40	<del>35</del> <b>30</b>	<del>30</del> <b>25</b>	40	<b>20</b>	30
4. Minimum gross floor area per dwelling unit (square feet)	<b>1500</b>	<b>1000</b>	<b>800</b>	<b>800</b>	<b>1000</b>	<b>800</b>	<b>500</b>
5. Maximum height of principal building (feet)	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	<b>35 feet or 2.5 stories</b>	35 feet or 2.5 stories
6. Maximum height of accessory building (feet)	15	15	15	15	15	15	15

Notes to Schedule 3.1.03 B.

(a) See sub-section 3.1.03 C.

(b) See sub-section 3.1.03 C. 3.

NA = Not Applicable

**Bold** = Change from existing regulations    ~~Strikethrough~~ = Change from existing regulations

Questions to Consider: For the R-1-CBD, should the new district cover the entire block? Should the R-1-CBD have sub-districts?

An illustration of setbacks will be inserted during Phase III.

C. **Front Setback Requirements.**

1. **Increasing the Required Front Setback.** ~~In any zone where~~ **Where** the average depth of existing front ~~yard setbacks~~ within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front ~~yard setback~~ depth prescribed ~~elsewhere~~ in this Ordinance, the required minimum front ~~yard setback~~ depth on such lot shall

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

be modified to be the average depth of said existing front ~~yards~~ **setbacks** provided; however, that the depth of the front ~~yard~~ **setback** on any such lot shall not be greater than sixty (60) feet. In instances where more than one building can be constructed within the three hundred (300) feet, the minimum front ~~yard~~ **setback** required shall be determined by uniform successive setbacks in order to establish a gradual adjustment of front ~~yard~~ **setback** requirements. No front yard shall be less than the average depth of existing front ~~yards~~ **setbacks** on the lots abutting on each side; ~~provided that in any residence district no front yard shall be less than ten (10) feet in depth.~~

2. **Decreasing the Required Front Setback.** In any residential ~~zone~~ **district**, no front ~~yard~~ **setback** shall be required to exceed the average depth of existing front ~~yards~~ **setback** on the same side of the street within three hundred (300) feet, when fifty-one percent (51%) or more of lots within that distance are improved with residential buildings having less than the required minimum front ~~yard~~ setback.
3. **Front Setback in the R-1-CBD.** **In the R-1-CBD, the minimum front setback shall be the average setback of adjacent principal buildings. Such minimum front setback shall be the average distance, or within three (3) feet of such average, of the front setbacks of the four lots, two on either side, of the lot in question.**

Question to Consider: Should a provision be added to mandate new/renovated homes are built to match the prevailing front setback of homes on the same side of the street?

### 3.1.04 RESIDENTIAL CONTEXTUAL STANDARDS.

**The purpose of the following residential contextual standards is to further the goals of the City of Fort Thomas *Comprehensive Plan* and the Purpose Statements in this Section. The *Comprehensive Plan* sets out the following goals and objectives:**

- **Maintain and improve our housing stock and neighborhoods.**
- **Promote continued neighborhood investment through renovations and rehabilitation of homes, along with compatible additions and new infill construction and other improvements that help neighborhoods retain their viability and desirability.**
- **Encourage sensitive renovations to older homes as a way of retaining the original character of Fort Thomas neighborhoods.**
- **Ensure that new housing is compatible with the character of the surrounding area.**

**The regulations below are tailored to fulfill these goals and objectives so that infill development in the City's traditional neighborhoods retains and enhances the City's original residential built environment that is recognized and valued in the City's *Comprehensive Plan*.**

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

- A. Applicability. In the R-1A, R-1B, R-1C, R-1-CBD, and R-2 zoning districts, all new single-family detached dwellings, constructed on lots of record, excluding flag lots, that existed as of January 1, 2024, shall comply with the regulations in this sub-section.

1. Garages.

- a. On lots less than fifty (50) feet in width, street-facing garages are prohibited except that below grade garages, which are located in the basement or below the first-floor of the dwelling, are permissible.



Figure 1 - Illustration of Below Grade Street Facing Garage

- b. On lots equal to or greater than fifty (50) feet in width, street-facing garages shall not:
- i. Protrude beyond the wall of the livable portion of the dwelling;
  - ii. Occupy more than fifty percent (50%) of the ground level street-facing building façade
- c. Street-facing garages shall incorporate at least one (1) of the following design features:
- i. Each garage door includes transparent or opaque windows;
  - ii. To provide variation in the appearance of the garage door(s), garage doors incorporate decorative hinges or hardware that may be functional or aesthetic and/or simulated woodwork;
  - iii. Garage doors include an overhang, eave, trellis, arbor, awning, or other similar architectural feature that projects at least 16 inches beyond the front wall plane of the street facing facade;

Additional photographs illustrating these design standards will be incorporated once such standards are agreed upon.

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

- iv. Garage doors are flanked on either side by vertical design elements like columns, pilasters, posts, or similar vertical feature;
  - v. The story/floor above the garage is cantilevered over or overhangs the garage by at least 18 inches;
  - vi. The garage is set back or recessed at least 18 inches from the primary mass of the street facing façade;
  - vii. The garage door(s) are painted a color other than white to complement the street facing façade.
- d. Side-loaded garages may be closer to the street than the primary entrance to the dwelling, provided the garage facade facing the street includes compatible design features found on the other facades of the dwelling, including but not limited to:
- i. Windows;
  - ii. Eaves;
  - iii. Overhangs;
  - iv. Decorative trim;
  - v. Material changes; or
  - vi. Other architectural features included for the sake of compatibility with the dwelling.
2. Building Orientation. The primary entrance to the residence shall face the public street, and the front wall of the principal structure shall be parallel to the street or to its tangent, if the street is curved.
3. Side and Rear Facades.
- a. Although the front facade of a principal building is expected to be the primary focal point in terms of architectural character and features, all sides of a dwelling should incorporate architectural detailing and windows that complement the front facade and provide visual interest.
  - b. Blank walls void of windows or doors and architectural detailing are prohibited when adjacent to or visible from a street.

Changes from existing provisions are noted: **Substantive Additions** and Deletions

- B. Design Review of New Single-Family Detached Dwellings. **The Zoning Administrator shall review new single-family detached dwellings for compliance with the standards in this sub-section. If an applicant wishes to deviate from these standards, the application will be forwarded to the Design Review Board, and the Design Review Board may permit deviations when appropriate due to site constraints or applicant's request to meet the intent of the standard in an equal or better way than strict adherence to the standard.**

Questions to Consider: 1. Are the design standards being applied in the correct zoning districts? 2. Should we regulate more or less elements of single-family home design? 3. Is the Zoning Administrator the appropriate reviewer? 4. Is it appropriate to send deviations to the Design Review Board? 5. Do the proposed garage standards meet the goal of reducing the impact of street facing garages on the character of the residential streets?

### 3.1.05 PROJECTIONS INTO REQUIRED SETBACKS.

Permitted encroachments into required setbacks shall be limited to the following:

- A. In all setbacks:
1. Awnings, terraces, and ~~uncovered porches which do not extend more than three (3) feet above the ground story floor level~~; canopies not over four (4) feet in width; ~~driveways extending to the property line~~; walks, steps, fire escapes, chimneys, cornices, eaves and ornamental architectural features projecting three (3) feet or less into the required minimum ~~yard~~ **setback**;
  2. Flagpoles, birdbaths, ornamental water fountains, yard lampposts;
  3. Fences and walls subject to the requirements in \_\_\_\_\_ of this Ordinance.
- B. In the front setback:
1. One-story bay windows projecting three (3) feet or less into the minimum required ~~yard~~ **setback**;
  2. Overhanging eaves and gutters projecting three (3) feet or less into the minimum required front ~~yard~~ **setback**, and
  3. Open porches ~~not exceeding twenty (20) percent of the width of the structure and not projecting not more than six (6) ten (10) feet into the minimum front yard setback providing there is a minimum of five (5) feet between the edge of the open porch and the front lot line.~~
- C. In the rear setback:
1. One-story bay windows, projecting three (3) feet or less into the minimum required rear ~~yard~~ **setback**;
  2. Overhanging eaves and gutters projecting three (3) feet or less into the

Let's consider the appropriateness of permitting 2-story bay windows.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

minimum required rear ~~yard~~ **setback**;

3. Play equipment, arbors and trellises not projecting more than six (6) feet into the minimum required rear ~~yard~~ **setback**.
  4. Open porches, **uncovered porches, decks, patios, and terraces not exceeding twenty (20) percent of the width of the structure and not projecting ~~not~~ more than six (6) **fifteen (15)** feet into the minimum required rear ~~yard~~ setback providing there is a minimum of fifteen (15) feet between the edge of the appurtenance and the rear lot line.**
- D. In the side setback, overhanging eaves, gutters and chimneys, projecting thirty (30) inches or less into the minimum required side yard; arbors, trellises and play equipment.

### 3.1.06 PERFORMANCE STANDARDS.

**Every use shall comply with the following performance standards as well as any other applicable performance standards in this Ordinance.**

- A. **Outdoor Storage.** No outdoor storage of any material (usable or waste) shall be permitted in this ~~zone~~ **District** except within enclosed metal containers or approved equal.
- B. **Lighting.** No lighting shall be permitted which would glare from this zone District on to any street, road, highway, and deeded right-of-way or into any residential ~~zone~~ **district.** (See Section ~~9.14~~ **5.3**);

### 3.1.07 OTHER DEVELOPMENT CONTROLS.

- A. **More than One Building on a Single Lot.** In the R-2 District, more than one **principal** building may be permitted on a single lot of more than 8,000 square feet provided that the lot is contiguous with ~~an integral portion of a development in a R-3 Zone~~ **District.**
- B. **One Dwelling per Lot.** **In the R-1 Districts, there shall not be more than one (1) dwelling unit constructed on a zoning lot, except as otherwise permitted in this Ordinance.**
- C. **Off-Street Parking and Loading Regulations.** Off-street parking and loading or unloading shall be provided in accordance with Section 5.5 of this Ordinance.
- D. **Landscaping, Screening, and Lighting Regulations.** **Screening and landscaping shall be required for Conditional and Restricted uses in accordance with the provisions set forth in Section 5.4, Conditional Use and Restricted Use Regulations, and Section 5.3, Landscaping, Screening, and Lighting Regulations.**



Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

- E. Accessory Structures and Uses. Accessory structures and uses shall comply with the requirements in Section 5.1.
- F. Unsightly or Unsanitary Storage. See Section 5.0, General Regulations.

### **3.1.08 DEVELOPMENT PLAN REVIEW.**

All uses in the Single-family and Two-family Districts, except those uses specifically excluded in sub-section \_\_\_\_\_, Exceptions, shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Section 1.4, Development Plan Review Procedures.

### SECTION 3.3

#### Residential Cluster Development Overlay District Regulations

3.3.01	Intent.	3.3.07	Fences, Walls, and Signs
3.3.02	General.	3.3.08	Erosion & Sedimentation Control.
3.3.03	Use and Density Regulations.	3.3.09	Common Open Space – Recreation Area.
3.3.04	Area Requirements.	3.3.10	Amendments.
3.3.05	Height and Setback Requirements.	3.3.11	Application & Processing.
3.3.06	Off-Street Parking & Loading and/or Unloading.		

#### 3.3.01 INTENT.

The purposes of the Residential Cluster Development (RCD) Overlay ~~Zone~~ Zoning District are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Residential Zones, and therein, through a Development Plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas, and other natural geographic and topographic features, and to provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures.

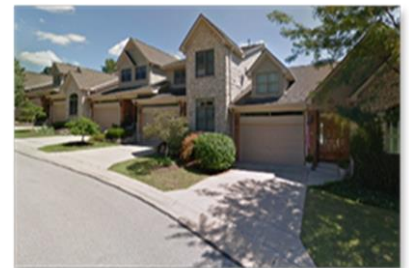
#### 3.3.02 GENERAL.

A Residential Cluster Development Overlay Zone may be permitted only to be superimposed over any of the R-1 Residential ~~Zones~~ Zoning Districts, provided that all conditions or provisions of this Section of the Ordinance, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the RCD overlay zone and its proper integration with the surrounding development are met; and a public hearing is held on the RCD application.

#### 3.3.03 USE AND DENSITY REGULATIONS.

- A. Residential Uses and Densities. Attached and detached single-family dwellings may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to streets

#### Example Development



*For illustrative purposes only*

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

public and private) and those areas as identified as ~~Physically Restrictive Area on the Comprehensive~~ **exceeding a twenty percent (20%) slope in the Fort Thomas Comprehensive Plan (December 2018).**

- B. **Accessory Uses.** Short-Term Rental Properties are permitted pursuant to Section 5.1, Temporary and Accessory Use/Structure Regulations.
- C. ~~Public and Semi-Public Uses.~~ **Community Facilities/Institutions.**
  - 1. Schools ~~(nursery, elementary and secondary)~~ **(public/private), elementary/secondary;**
  - 2. ~~Churches~~ **Places of Worship;**
  - 3. Community centers, ~~including day care facilities;~~
  - 4. Day care center, **adult** or child
  - 5. Country clubs;
  - 6. Libraries;
  - 7. ~~Fire or police stations~~ **Public facility;**
  - 8. Open space recreation area;
  - 9. **Open space, common.**

#### **3.3.04 AREA REQUIREMENTS.**

No RCD Overlay ~~Zone~~ **Zoning District** shall be permitted on less than five (5) acres of land; however, development of a smaller tract adjacent to an existing RCD Overlay Zone may be permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

#### **3.3.05 HEIGHT AND SETBACK REGULATIONS.**

Requirements shall be as approved ~~in~~ **on** the ~~plan~~ **Development Plan.**

#### **3.3.06 OFF-STREET PARKING AND LOADING AND/OR UNLOADING.**

Off-street parking and when applicable, loading and/or unloading facilities, shall be provided in accordance with ~~Articles XIII and XIV of this ordinance~~ **Section 5.5 of this Ordinance.**

#### **3.3.07 FENCES, WALLS, AND SIGNS.**

The location, height, and type of all fences, walls, and signs shall be as approved ~~in~~ **on** the ~~plan~~ **Development Plan** or, as outlined in other applicable Sections of this Ordinance.

#### **3.3.08 EROSION AND SEDIMENTATION CONTROL.**

Effective erosion and sedimentation controls shall be planned and applied in accordance with Sections ~~9.7 and Section 9.20.K~~ \_\_\_\_\_ of this Ordinance.

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

### **3.3.09 COMMON OPEN SPACE - RECREATION AREA.**

At least fifteen percent (15%) of the total acreage of the proposed RCD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the RCD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, ~~commercial~~ non-residential areas, and other non-open space and non-recreational oriented facilities.

### **3.3.10 AMENDMENTS.**

Any amendments to plans, except for the minor adjustments ~~which~~ that may be permitted by the Planning Commission, shall be made in accordance with the Amendment procedure required by this Ordinance in Section 1.8, subject to the same limitations and requirements as those under which such plans were originally approved.

### **3.3.11 APPLICATION AND PROCESSING.**

Applications for Residential Cluster Development Overlay Zone shall be processed in accordance with Section 1.4, Development Plan Review Procedures and Section 1.8, Amendments ~~9.19 and 9.20~~ of this Ordinance.

## SECTION 3.4

### Multi-Family Residential District Regulations

- |  |                                    |
|--|------------------------------------|
| 3.4.01 Intent.                             | 3.4.05 Performance Standards.      |
| 3.4.02 Use Regulations.                    | 3.4.06 Other Development Controls. |
| 3.4.03 Development Standards.              | 3.4.07 Development Plan Review.    |
| 3.4.04 Projections into Required Setbacks. |                                    |

#### 3.4.01 INTENT.

**The Multi-family Residential Districts (R-3 and R-5) and their regulations are established in order to achieve the following purposes:**

- A. **To facilitate the development of attached and detached single-family and two-family dwellings as well as multi-family dwellings in appropriate locations that result in stable and sustainable higher density neighborhoods through the adoption of appropriate development regulations.**
- B. **To provide development standards for high-density apartment development in appropriate locations where sufficient levels of municipal services and public utilities are available.**
- C. **To regulate the density and distribution of population consistent with the City of Fort Thomas Comprehensive Plan.**
- D. **To foster a variety of residential living units as envisioned in the Comprehensive Plan while protecting the character of the City;**

#### Example Development



*For illustrative purposes only*

**3.4.02 USE REGULATIONS.**

- A. Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 3.4.02 C.
- B. Organization of Use Table. In the Use Schedule, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.
- C. Schedule 3.4.02 C. Permitted Uses. Schedule 3.4.02 C. sets forth the uses allowed in the Multi-family Residential Districts. The abbreviations used in the Schedule are defined in 1.2.02 B.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 3.4.02 C. Permitted Uses in the Multi-Family Residential Districts			
	R-3	R-5	Use-Specific Regulations
<b>1. Residential</b>			
a. Single-family dwelling, detached	P		
b. <b>Single-family dwelling, attached</b>	<b>R</b>	<b>P</b>	XX
c. <b>Two-family dwellings Duplex</b>	P		
d. Multi-family dwellings	P	P	
e. <b>Residential care facility for persons with disabilities</b>	<b>P</b>	<b>P</b>	
<b>2. Community Facilities/Institutions</b>			
a. Community <del>recreation</del> center	<del>P C</del>	<del>P C</del>	XX
b. Day care center, <b>adult</b> or child	C	C	XX
c. Institutions for human medical care	C	C	XX
d. Places of worship	C	C	XX
e. <b>Public facility</b> (Government offices)	<b>P R</b>	<b>P R</b>	XX
f. Public park/playground	<b>P R</b>	<b>P R</b>	XX
g. School (public/private), college/university	C	C	XX
h. School (public/private), elementary/secondary	<b>P C</b>	<b>P C</b>	XX
<b>3. Other</b>			
a. Cemetery	C	C	XX
b. Country club	C	C	XX
c. Funeral Homes without crematorium	C	C	XX
d. Open space recreation area	C	C	XX
e. <b>Telecommunication facility</b>	See Section _____		
<b>4. Accessory Uses</b>			
a. <b>Accessory dwelling unit<sup>(a)</sup></b>	<b>A</b>		XX
b. Fences, walls	A	A	XX
c. Home occupation	A	A	XX
d. Other accessory structures	A	A	XX
e. Off-street parking lots and/or parking garages*	<del>€ A</del>	<del>€ A</del>	XX
f. Short-term rental properties	A	A	XX
g. Signs	A	A	XX
h. <b>Trash receptacle</b>	<b>A</b>	<b>A</b>	XX
<b>Notes to Schedule 3.4.02 C.:</b> (a) Accessory dwelling units are permitted when accessory to detached single-family and two-family dwellings. <b>Bold = Proposed New Use</b> <del>Strikethrough = Use proposed to be deleted</del> <b>Bold</b> = Change from existing regulations XX = Reference to Use-Specific Regulations that will be added in Phase 3 P = Principal Permitted By-Right Use      R=Restricted Use      C=Conditional Use Blank Cell = Not Permitted      A = Accessory Use			

Question to consider: \*1. Should parking garages be a principal use that is conditional or should we require that accessory parking garages have to meet the same setbacks as principal buildings?  
 2. Should funeral homes have cremation facilities in these districts?

D. **Similar Uses. See sub-section 1.3.02 B. 15.**

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

### 3.4.03 DEVELOPMENT STANDARDS.

- A. **All buildings, parking areas, and land in the Multi-family Residential Districts shall comply with the requirements set forth in Schedule 3.4.03 B. See Section 5.4, Conditional Use and Restricted Use Regulations, for additional development regulations for Conditional and Restricted Uses.**
- B. Schedule 3.4.03 B., Development Standards in the Multi-family Residential Districts.

Schedule 3.4.03 B. Development Standards in the Multi-family Residential Districts		
	R-3	R-5
1. Minimum lot area (square feet)		
a. Single-family detached dwelling	8000	
b. Two-family dwelling	8000	
c. Multi-family dwelling	8000 sq. ft. for the first 4 dwelling units <b>and</b> or less in one building, 4,000 improved square feet of land shall be provided for every dwelling unit thereafter in the same building	19,200 sq. ft. for the first 4 dwelling units or less in one building 4,800 sq. ft. of land shall be provided for every dwelling unit thereafter in the same building
2. Minimum lot width (feet)		
a. Single-family detached dwelling	80	
b. Two-family dwelling	80	
c. Multi-family dwelling	80 feet plus 10 feet for every additional family <b>dwelling</b> unit over 4 up to a maximum of one hundred twenty (120) feet	80 feet plus 10 feet for every additional family <b>dwelling</b> unit over 4 up to a maximum of 120 feet
3. Minimum principal building setback (feet)		
a. Minimum front <sup>(a)</sup>	35	35
b. Minimum side		
i. Single-family detached dwelling	9	
ii. Two-family dwelling	<del>15</del> 9	
iii. Multi-family dwelling	15 feet + 10 feet for each additional story to a maximum of 35 feet	10 feet for the first four <b>dwelling</b> units + 2 <b>additional</b> feet for every additional family <b>dwelling</b> unit to a maximum of 20 feet
c. Minimum rear	35	35



Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

Schedule 3.4.03 B. Development Standards in the Multi-family Residential Districts		
	R-3	R-5
4. Maximum height of principal building (feet)		
a. Single-family detached dwelling	35 feet or 2.5 stories	
b. Two-family dwelling	35 feet or 2.5 stories	
c. Multi-family dwellings	6 stories, not to exceed 50 feet	3 stories, not to exceed 35 feet
5. Maximum height of accessory building (feet)	<u>20</u>	<u>20</u>

Notes to Schedule 3.4.03 B.:

(a) See sub-section 3.4.03 C.

Questions to Consider: 1. Should a minimum parking setback be required particularly adjacent to single-family residential districts? 2. Do you expect additional development/redevelopment on already developed sites or additional R-3/R-5 development?

C. Front Setback Requirements.

1. Increasing the Required Front Setback. ~~In any zone where~~ **Where** the average depth of existing front ~~yards setbacks~~ within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front ~~yard setback~~ depth prescribed ~~elsewhere~~ in this Ordinance **Section**, the required minimum front ~~yard setback~~ depth on such lot shall be modified to be the average depth of said existing front ~~yards setbacks~~ provided; however, that the depth of the front ~~yard setback~~ on any such lot shall not be greater than sixty (60) feet. In instances where more than one building can be constructed within the three hundred (300) feet, the minimum front ~~yard setback~~ required shall be determined by uniform successive setbacks in order to establish a gradual adjustment of front ~~yard setback~~ requirements. No front yard shall be less than the average depth of existing front ~~yards setbacks~~ on the lots abutting on each side; ~~provided that in any residence district no front yard shall be less than ten (10) feet in depth.~~
2. Decreasing the Required Front Setback. In any residential ~~zone~~ **district**, no front ~~yard setback~~ shall be required to exceed the average depth of existing front ~~yards setback~~ on the same side of the street within three hundred (300) feet, when fifty-one percent (51%) or more of lots within that distance are improved with residential buildings having less than the required minimum front ~~yard~~ setback.

Changes from existing provisions are noted: Substantive Additions and ~~Deletions~~

#### 3.4.04 PROJECTIONS INTO REQUIRED SETBACKS.

For detached single-family and two-family dwelling units, see sub-section 3.1.05 for permitted projections into required setbacks.

#### 3.4.05 PERFORMANCE STANDARDS.

Every use shall comply with the following performance standards as well as any other applicable performance standards in this Ordinance.

- A. Outdoor Storage. No outdoor storage of any material, equipment, or vehicles (~~usable or waste~~) shall be permitted in this ~~zone~~ District ~~except within enclosed metal containers or approved equal.~~
- B. Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal by-right, restricted, conditional, or accessory use shall either be disposed of, stored in buildings, or held for removal in completely enclosed in containers. Such building, container, or waste receptacle shall be located in a side or rear yard and shall be setback 5 feet from rear and side property lines. Trash receptacles shall be screened in accordance with the provisions set forth in Section 5.3, Landscaping, Screening & Lighting Regulations.
- C. Lighting. No lighting shall be permitted which would glare from this zone District on to any street, road, highway, and deeded right-of-way or into any residential ~~zone~~ zoning district. (See Section 5.3 ~~9.14~~)

#### 3.4.06 OTHER DEVELOPMENT CONTROLS.

- A. Buildings per Lot.
  - 1. In the R-3 zoning district, more than one multi-family building may be permitted on a single zoning lot; ~~of more than sixteen thousand (16,000) square feet~~, however, in no case ~~may~~ shall the density exceed the limits set forth in this Section. ~~subsection D-1 above~~
  - 2. In the R-5 zoning district, more than one building may be permitted on a single zoning lot ~~of more than thirty eight thousand four hundred (38,400) square feet~~; however, in no case may there be more than one (1) dwelling unit for each four thousand eight hundred (4,800) square feet of land.
- B. Off-Street Parking and Loading Regulations.
  - 1. Off-street parking areas shall be located to the rear or side of the principal building on the lot and no closer to the front lot line than the front façade of the largest principal building on the lot. The Planning Commission may grant a waiver to this requirement due to existing site constraints or to the location of existing off-street parking areas.

Changes from existing provisions are noted: **Substantive Additions** and ~~Deletions~~

2. Off-street parking and loading or unloading shall be provided in accordance with Section **5.5** of this Ordinance.
- C. **Landscaping, Screening, and Lighting Regulations. Screening and landscaping shall be required for Conditional and Restricted in accordance with the provisions set forth in Section 5.4, Conditional Use and Restricted Use Regulations and Section 5.3, Landscaping, Screening, and Lighting Regulations.**
- D. **Accessory Structures and Uses.**
  1. **Accessory uses and accessory structures permitted in the Multi-family Districts shall conform to the regulations in this Section and other applicable Sections of the Zoning Ordinance including Section 5.1.**
  2. **Accessory buildings shall be located in the side and rear yards and shall comply with the principal building setback regulations in Schedule 3.4.03 B. and shall submit a development plan in compliance with Section 1.4 (Development Plan Approval Process).**
- E. **Unightly or Unsanitary Storage. See Section 5.0, General Regulations.**
- F. **Development on Steep Slopes.** All of those areas identified on the ~~locally adopted Comprehensive Plan as Physically Restrictive Development Area~~ (containing slopes of 20 percent or greater and left undisturbed in their natural state as required by the Planning Commission ~~may~~ **shall** not be included in the determination of the total number of dwelling units to be permitted on the site. Furthermore, existing vegetation shall be left undisturbed wherever possible, especially on sloped areas, to ensure stable hillside conditions and minimize increases in storm water runoff.

### **3.4.07 DEVELOPMENT PLAN REVIEW.**

All uses in the Multi-family Residential Districts, except those uses specifically excluded in sub-section \_\_\_\_\_, Exceptions, shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Section 1.4, Development Plan Review Procedures.

This is a new district, so no changes to existing standards are noted.

### SECTION 3.5 Alexandria Pike Mixed Use District Regulations

3.5.01	Intent.	3.5.06	Performance Standards.
3.5.02	Use Regulations.	3.5.07	Development Incentives.
3.5.03	Development Standards.	3.5.08	Other Development Controls.
3.5.04	Required Design Standards.	3.5.09	Development Plan Review.
3.5.05	Projections into Required Setbacks.		

#### 3.5.01 INTENT.

The Alexandria Pike Mixed Use District (AP-MX) and its regulations are established in order to achieve the following purposes:

- A. To realize the Vision for the Alexandria Pike Focus Area contained in the City's *Comprehensive Plan*, which envisions an attractive corridor with concentrated nodes of mixed-use development at key intersections that serves as a welcoming gateway into the City with good building and site design as well as attractive streetscapes, that contribute to and reflect the overall high-quality built environment that is Fort Thomas.
- B. To provide for and encourage a balanced, compatible mix of uses, rather than a separation of uses, in a transit-friendly environment.
- C. To concentrate higher-density, mixed-use residential and commercial development at select major transit nodes or key thoroughfare intersections, with higher site and building design standards that create a more attractive pedestrian environment.
- D. To provide for walkable streetscapes where active facades address sidewalks and parking and loading are located behind buildings.
- E. To promote small, incremental development, alongside larger developments.
- F. To promote economic opportunity/viability and consumer services for Fort Thomas and the surrounding area.

#### Example Development



*For illustrative purposes only*

This is a new district, so no changes to existing standards are noted.

### 3.5.02 USE REGULATIONS.

- A. Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 3.5.02 C.
- B. Organization of Use Table. In the Use Schedule, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.
- C. Schedule 3.5.02 C. Permitted Uses. Schedule 3.5.02 C. sets forth the uses allowed in the Alexandria Pike Mixed Use District. The abbreviations used in the Schedule are defined in sub-section 1.2.02 B.

Schedule 3.5.02 C. Permitted Uses in the Alexandria Pike Mixed Use District		
	AP-MX	Use-Specific Regulations
<b>1. Residential</b>		
a. Dwelling unit(s) above non-residential use	P	
<b>2. Community Facilities/Institutions</b>		
a. Community center	P	
b. Cultural institution	P	
c. Day care center, adult or child	P	
d. Institutions for human medical care	C	XX
e. Library	P	
f. Public facility (Government offices; public safety; water treatment facilities)	C	XX
g. Public park/playground	P	
a. School (public/private), elementary/secondary	R	XX
<b>3. Entertainment/Recreation</b>		
a. Assembly hall	P	
b. Health club	P	
c. Indoor commercial recreation	C	XX
d. School, specialty/personal instruction	P	
e. Theater, indoor	P	
<b>4. Office/Professional Services</b>		
a. Banking, financial institution	P	
b. Conference Center	P	
c. Medical/dental Clinic; Urgent Care	P	
d. Offices – administrative/professional	P	
e. Offices – medical/dental	P	
<b>5. Retail/Personal Services</b>		

This is a new district, so no changes to existing standards are noted.

Schedule 3.5.02 C. Permitted Uses in the Alexandria Pike Mixed Use District		
	AP-MX	Use-Specific Regulations
a. Animal hospital/veterinary clinics without outdoor runs and kennels	C	XX
b. Artist studio	P	
c. Brewpub	R	XX
d. Experiential retail establishment	P	
e. Personal service establishment (includes beauty & barber shops; seamstress/tailor)	P	
f. Restaurants	P	
g. Retail Establishments	P	
<b>6. Industrial</b>		
a. Artisan industrial	R	XX
b. Commercial kitchen	R	XX
c. Manufacturing, light	R	XX
d. Research and development facility	R	XX
<b>7. Vehicles and Equipment</b>		
a. Auto service stations	C	XX
b. Drive-thru facilities associated with a principal permitted use	C	XX
c. Freestanding drive-thru facilities	C	XX
d. Vehicle fueling stations	C	XX
<b>8. Other</b>		
a. Cemetery	C	XX
b. Funeral homes with cremation facilities	C	XX
c. Telecommunication facility	See Section _____	
<b>9. Accessory Uses</b>		
a. Electric vehicle charging stations	A	
b. Fences, walls	A	XX
c. Food trucks	R	XX
d. Home occupation	A	XX
e. Other accessory structures	A	XX
f. Off-street parking lots	A	XX
g. Outdoor dining in association with a principal permitted use	A	XX
h. Outdoor sales/display in association with a principal permitted use	A	XX
i. Parking garages*	C	XX
j. Short-term rental properties	A	XX
k. Signs	A	XX
l. Trash receptacle	A	XX
<b>Notes to Schedule 3.5.02 C.:</b> P = Principal Permitted By-Right Use      R=Restricted Use      C=Conditional Use Blank Cell = Not Permitted      A = Accessory Use *Parking garages will be required to meet the principal building setbacks. XX = Reference to Use-Specific Regulations that will be added during Phase 3.		

Question to Consider:  
1. Are the uses in the Vehicle & Equipment Category appropriate?

D. Similar Uses. See sub-section 1.3.02 B. 15.

This is a new district, so no changes to existing standards are noted.

### 3.5.03 DEVELOPMENT STANDARDS.

- A. All buildings, parking areas, and land in the Alexandria Pike Mixed Use District shall comply with the requirements set forth in Schedule 3.5.03 B. See Section 5.4, Conditional Use and Restricted Use Regulations, for additional development regulations for Conditional and Restricted Uses.
- B. Schedule 3.5.03 B., Development Standards in the Alexandria Pike Mixed Use District.

Schedule 3.5.03 B. <sup>(a)</sup> Development Standards in the Alexandria Pike Mixed Use District	
	AP-MX
1. Minimum lot area (square feet)	7500
2. Minimum lot width (feet)	None
3. Maximum lot coverage	None <sup>(b)</sup>
4. Minimum principal building setback (feet)	
a. Minimum front	20
b. Maximum front	30
c. Minimum Setback Abutting Non-residential Districts	0
d. Minimum setback abutting R-1 Districts	25
e. Minimum setback abutting R-3 District	15
5. Percent of façade within build-to-zone	70%*
6. Minimum parking setback from:	
a. Public rights-of-way	(c)
b. Project boundary line abutting single-family detached dwellings	10
c. Project boundary line abutting all other uses <sup>(d)</sup>	5
7. Height of principal building (feet) <sup>(e)</sup>	
a. Minimum	24
b. Maximum	50
8. Maximum height of accessory building (feet)	20

(a) The Planning Commission may grant a waiver to these requirements due to existing site and/or lot constraints pursuant to sub-section \_\_\_\_\_.

(b) No restrictions except as required by the setback requirements of this district.

(c) See sub-section 3.5.08 A. 1.

(d) See sub-section 3.5.08 A. 3.

(e) Rooftop equipment and access shall not count towards building height.

\*Build-to-Zone (BTZ) means a build-to zone (BTZ) is the area on a lot, measured parallel from the front and/or corner side lot line, where a structure must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.

This is a new district, so no changes to existing standards are noted.

### 3.5.04 REQUIRED DESIGN STANDARDS.

- A. The buildings along Alexandria Pike contribute to the City's character and sense of place. Enhancing the quality and compatibility of these buildings is of utmost importance. The standards set forth below are intended to achieve among others the following purposes:
1. To strengthen, enhance, and improve the existing visual and aesthetic character of the Alexandria Pike corridor;
  2. To protect and enhance property values;
  3. To provide guidelines for property owners, architects, and contractors to aid in the preparation of appropriate plans; and,
  4. To fulfill the Vision for the Alexandria Pike Focus Area set forth in the City's *Comprehensive Plan*.
- B. Applicability of Regulations. In addition to the development standards set forth in Schedule 3.5.03 B., the design standards set forth in Schedule 3.5.04 E. shall apply to the exterior appearance and design of all new construction and building renovations in the Alexandria Pike Mixed Use District.
- C. The Design Review Board may grant an exemption from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.
- D. The Design Review Board may grant an exception or modification to the Design Standards in Schedule 3.5.04 E. if the applicant demonstrates that, due to the unusual shape or topography of the lot or an adjoining lot; or due to the location or design of existing structures or other site features; or the presence of mature trees; or due to other site constraints, the application of the design standards would be unreasonable. The Design Review Board may grant a complete exception from the standard, or it may modify the standard in view of the peculiarities of the site. Any modification of the standard shall be considered an "exception." In determining whether to grant an exception, the Design Review Board shall consider:
1. The purposes of the Alexandria Pike Mixed Use District;
  2. The intent of the guideline from which the exception is requested; and,
  3. Whether the intent of the standard may be met by an alternate means.
- E. Schedule 3.5.04 E. Design Standards. The design standards set forth in Schedule 3.5.04 E. shall apply to the exterior appearance and design of all new construction



This is a new district, so no changes to existing standards are noted.

and building renovations for non-residential and mixed used buildings in the Alexandria Pike Mixed Use District.

#### **Schedule 3.5.04 E.**

##### **Required Design Standards in the Alexandria Pike Mixed Use District**

1.	Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.
2.	All buildings shall provide at least one functional building or storefront entrance for every 60 feet of façade length located adjacent to Alexandria Pike. A corner entrance may be substituted if both street frontages measure eighty (80) lineal feet or less.
3.	For the first floor, the front facade of every building shall have transparent areas, equal to 60 % of the front facade area (measured as the total area below the transition line). These transparent areas shall be between two (2) and nine (9) feet above the sidewalk or finished grade with glass paneled garage doors being permissible when such garage doors lower to sidewalk grade.
4.	For all upper floors, each floor of the front facade of the building shall have glazed areas equal to 15%.
5.	A transition line shall be provided between the first and second stories. The height of this transition line shall match the height of the transition line on the abutting or adjacent buildings. If adjoining properties are vacant or contain single-story buildings, then the ground floor shall be at least ten (10) feet in height measured from finished floor to finished ceiling.
6.	Any part of the building that is visible from a private right-of-way, public circulation area, or public parking area shall have no more than six (6) feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created. In no case shall a continuous wall length be devoid of windows for more than 20 feet.
7.	The pattern of architectural features, such as windows and doors, shall be placed upon the street facing facade of a building in a pattern that creates a building fenestration that has a constant rhythm, a harmonious appearance, and is proportional to one another and surrounding buildings, if applicable.
8.	First floor windows shall permit pedestrians a view of the interior of the building. Windows shall remain transparent and shall not be blocked in any manner except for permitted window signage. Alternatively, display windows may be used provided these windows are a minimum of three (3) feet in depth, extend the full height of the glazing, and are internally lit.
9.	Buildings shall have finish materials on all sides. Finish materials shall not include cinder block or vinyl siding.
10.	A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.
11.	Facade openings, including windows and colonnades, shall be vertical in proportion.
12.	Facades may be supplemented by awnings, which shall be straight sheds without

This is a new district, so no changes to existing standards are noted.

- |     |  |
|-----|--|
|     | side flaps, but shall not be cubed or curved.  |
| 13. | Materials within ten (10) feet of the ground or the sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. If “dry vit” or E.I.F.S is used as an exterior building material, impact resistant E.I.F.S., as classified by EIMA (EIFS Industry Members Association), shall be used on all wall areas within ten (10) feet of the ground or sidewalk. |
| 14. | All roof top equipment shall be concealed in building materials that match the structure or shall be painted to be visually compatible with the structure.   |
| 15. | The first 30 feet of ground floor building depth along Alexandria Pike shall be occupied space that is used for retail display, dining, lobby or waiting areas, fitness areas, open office, or other active uses.  |

Photographs illustrating these design standards will be incorporated once such standards are agreed upon.

Considerations: 1. Should we regulate more or less elements of non-residential design along Alexandria Pike? 2. Are the DRB roles and responsibilities appropriate?

### 3.5.05 PROJECTIONS INTO REQUIRED SETBACKS.

- A. Facade elements above the ground floor may project into required setbacks.
- B. Display windows and awnings may project into required setback no more than four (4) feet.

### 3.5.06 PERFORMANCE STANDARDS.

Every use shall comply with the following performance standards as well as any other applicable performance standards in this Ordinance.

- A. Outdoor Storage. No outdoor storage of any material, vehicles or equipment ~~(usable or waste)~~ shall be permitted in this District ~~except within enclosed metal containers or approved equal.~~
- B. Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal by-right, restricted, conditional, or accessory use shall either be disposed of, stored in buildings, or held for removal in completely enclosed in containers. Such building, container, or waste receptacle shall be located in a side or rear yard and shall comply with the applicable minimum parking setbacks set forth in this Section and shall be screened in accordance with the provisions set forth in Section 5.3, Landscaping, Screening & Lighting Regulations.
- C. Lighting. No lighting shall be permitted which would glare from this District on to any street, road, highway, and deeded right-of-way or into any residential zoning district. See Section 5.3, Landscaping, Screening, and Lighting Regulations.
- D. Enclosure. All uses and operations, except off street parking and loading facilities,

This is a new district, so no changes to existing standards are noted.

shall be operated and performed within an enclosed building, unless otherwise specifically permitted.

- E. Outdoor Vending Machines. There shall be no outdoor vending machines visible from a public street.

### 3.5.07 DEVELOPMENT INCENTIVES.

- A. Purpose. To implement the *Comprehensive Plan* objectives to support multi-modal transportation and sustainability. These objectives include:

1. Being the most walkable and bike-friendly community in Kentucky, with a well-connected and attractive multi-modal transportation system so that citizens can safely and comfortably travel between all neighborhoods, schools, parks, business districts and other key destinations within the city and throughout neighboring communities, whether on foot, bike, car or other form of transportation.
2. Maintaining and improving stormwater quality and reducing quantity by:
  - a. Improving stormwater quality as redevelopment occurs;
  - b. Branding the City as Sustainable; and,
  - c. Encouraging Low Impact Development Principles in the community, and providing smart growth or LEED® green building program incentives.

- B. Applicability. This sub-section 3.5.07 applies to all new construction and substantial renovations in the AP-MX zoning district.

- C. Incentive.

1. Parking Reduction. Sites, structures, and buildings that fulfill the requirements set forth in sub-section 3.5.07 C. 2. may exempt 5000 square feet of gross floor area from the parking spaces otherwise required in Section 5.5 of this Ordinance when such improvements are approved by the Planning Commission during development plan review.
2. Improvements to Qualify for Parking Reduction. When applicants utilize Low Impact Development techniques, achieve Green Building certification, or provide improvements in the Alexandria Pike right-of-way that benefit transit riders or pedestrians as set forth in this sub-section, required parking may be reduced as provided for in sub-section 3.5.07 C. 1.
  - a. Low Impact development (LID) techniques that shall include at least two of the following:

This is a new district, so no changes to existing standards are noted.

- i. Rainwater harvesting;
- ii. Bioretention cells or rain gardens that include planter boxes;
- iii. Permeable pavement or pavers;
- iv. Bioswales;
- v. Green roofs and/or walls;
- vi. Other LID techniques as approved by the City Engineer.



*Illustration of Bioretention Cell*

b. Green building certification as follows:

- i. Leadership in Energy and Environmental Design (LEED) Silver or better; or,
- ii. Green Building Initiative - Green Globes, 2 Globe certification or better.

c. Public improvements within the Alexandria Pike right-of-way that shall include at least three of the following:

- i. Bus shelter;
- ii. Seating at bus stops;
- iii. Bicycle parking;
- iv. Bicycle repair stations;
- v. Increase sidewalk width to 8 feet along the frontage of the development site;
- vi. Provide respite areas for pedestrians, measuring at least 200 square feet, that includes seating and trees;
- vii. Art installations utilizing a bus shelter;
- viii. Other public improvements that benefit pedestrians and transit riders as approved by the Planning Commission.



*Illustration of Respite Area for Pedestrians*

This is a new district, so no changes to existing standards are noted.

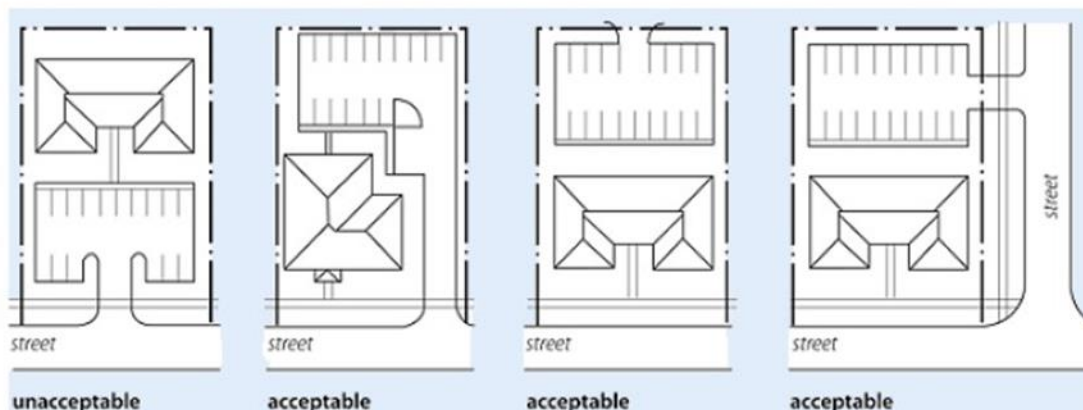
### 3.5.08 OTHER DEVELOPMENT CONTROLS.

#### A. Off-Street Parking and Loading Regulations.

1. Off-street parking areas shall be located to the rear or side of the principal building on the lot and no closer to the front lot line than the front façade of the largest principal building on the lot. The Planning Commission may grant a waiver to this requirement only if the applicant demonstrates that, due to existing site conditions, the application of this parking locational requirement would be unreasonable. Existing site conditions include, but are not limited to, the existing lot configuration and patterns of surrounding development; inability of the applicant to acquire additional property; location of the existing structures on the site in question; the location of parking and/or access on the site in question, and the location of utilities both on and off-site.

If the Planning Commission finds the merits of such a waiver, the majority of the parking should be located behind the front façade of the principal building, and any parking located between the building and Alexandria Pike shall be setback a minimum of 10 feet from the Alexandria Pike right-of-way.

Below, in Figure 1, is an example of the appropriate siting of off-street parking areas:



**Figure 1**  
Appropriate Siting of  
Off-street Parking Areas

*For illustrative purposes only*

2. Cross Access to Off-Street Parking Lots. Parking lots in the Alexandria Pike Mixed Use District shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible. Permanent cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the City's Law Director and the Planning Commission.

This is a new district, so no changes to existing standards are noted.

3. Setbacks for Joint Parking Facilities. When cross access between two parking areas is required or provided, the parking setback shall not be required for the opening that accommodates the drive aisle, but it shall be required in all other areas that abut the shared property line. When shared parking, which spans the mutual property line, is required or provided, the parking setback is not required to be provided.
  4. Landscaping within the Parking Setback. The area within the parking setback shall be landscaped in accordance with Section 5.3, Landscaping, Screening, and Lighting Regulations.
  5. Off-street parking and loading or unloading shall be provided in accordance with Section 5.5 of this Ordinance unless exemptions are permitted under sub-section 3.5.07.
- B. Landscaping, Screening, and Lighting Regulations. Screening and landscaping shall be required in accordance with the applicable provisions set forth in Section 5.4, Conditional Use and Specific Use Regulations and Section 5.3, Landscaping, Screening, and Lighting Regulations.
- C. Accessory Structures and Uses.
1. Accessory uses and accessory structures permitted in the Alexandria Pike Mixed Use District shall conform to the regulations in this Section and other applicable Sections of the Zoning Ordinance including Section 5.1.
  2. Accessory buildings with a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the applicable parking setbacks set forth in Schedule 3.5.03 B. Accessory buildings with more than 200 square feet of gross floor area shall conform to the principal building setback regulations in Schedule 3.5.03 B. and shall submit a development plan in compliance with Section 1.4 (Development Plan Approval Process).
- D. Unightly or Unsanitary Storage. See Section 5.0, General Regulations.

### **3.5.09 DEVELOPMENT PLAN REVIEW.**

All uses in the Alexandria Pike Mixed Use District shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Section 1.4, Development Plan Review Procedures.



This is a new district, so no changes to existing provisions are noted.

### SECTION 3.6 Neighborhood Commercial/Office District Regulations

3.6.01	Intent.	3.6.06	Performance Standards.
3.6.02	Use Regulations.	3.6.07	Development Incentives.
3.6.03	Development Standards.	3.5.08	Other Development Controls.
3.6.04	Required Design Standards.	3.5.09	Development Plan Review.
3.6.05	Projections into Required Setbacks.		

#### 3.6.01 INTENT.

The Neighborhood Commercial/Office District (NC/O) and its regulations are established in order to achieve the following purposes:

- A. As stated in the City's *Comprehensive Plan*:
  - 1. To continue to foster investment, infill development and redevelopment that create and enhance vibrant and resilient mixed-use business districts, each with a unique theme and sense of place, oriented primarily to the needs of residents, and which include a central gathering place.
  - 2. To enhance the City's business districts through the use of well-designed signs, landscaping and streetscape treatments to create distinctive places.
  - 3. To attract businesses to the City to promote a healthy economy with a stable and diversified employment base.
- B. To allow for new development, redevelopment, renovation, and expansion of buildings and uses in developed commercial areas in a way that reflects the City's desired character; accommodates the retail business, service, and office needs of the community; and provides for small business development opportunities.

#### Example Development



*For illustrative purposes only*

This is a new district, so no changes to existing provisions are noted.

### 3.6.02 USE REGULATIONS.

- A. Compliance with Standards. Although a use may be indicated as a permitted use in a particular district, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Ordinance applicable to the specific use and lot in question, including but not limited to any supplemental use-specific standards cross-referenced in Schedule 3.6.02 C.
- B. Organization of Use Table. In the Use Schedule, land uses are classified into general use categories and specific uses based on common physical or functional characteristics, such as type of dwelling unit, amount of activity generated by the use, and site conditions. Whenever a standard or reference is made to a general use category throughout this code, it shall include the specific uses in that category.
- C. Schedule 3.6.02 C. Permitted Uses. Schedule 3.6.02 C. sets forth the uses allowed in the Neighborhood Commercial/Office District. The abbreviations used in the Schedule are defined in sub-section 1.2.02 B.

Schedule 3.6.02 C. Permitted Uses in the Neighborhood Commercial/Office District		
	NC/O	Use-Specific Regulations
<b>1. Residential</b>		
a. Dwelling unit(s) above non-residential use	P	
<b>2. Community Facilities/Institutions</b>		
a. Community center	R	XX
b. Cultural institution	P	
c. Day care center, adult or child	R	XX
d. Library	P	
e. Institutions for human medical care	C	XX
f. Places of worship	R	XX
g. Public facility (Government offices)	R	XX
h. Public park/playground	P	
i. School (public/private), college/university	R	XX
j. School (public/private), elementary/secondary	R	XX
k. Trade or vocational school	R	XX
<b>3. Entertainment/Recreation</b>		
a. Assembly Hall	R	XX
b. Health club	R	XX
c. Indoor commercial recreation	C	XX
d. School, specialty/personal instruction	P	
e. Theater, indoor	R	XX
<b>4. Office/Professional Services</b>		
a. Banking, financial institution	P	
b. Medical/dental Clinic; Urgent Care	R	XX
c. Offices – administrative/professional	P	
d. Offices – medical/dental	P	



This is a new district, so no changes to existing provisions are noted.

Schedule 3.6.02 C. Permitted Uses in the Neighborhood Commercial/Office District		
	NC/O	Use-Specific Regulations
<b>5. Retail/Personal Services</b>		
a. Animal hospital/veterinary clinics without outdoor runs and kennels	C	XX
b. Artist studio	P	
c. Brewpub	R	XX
d. Experiential retail establishment	P	
e. Hotel	R	XX
f. Personal service establishment (includes beauty & barber shops; seamstress/tailor)	P	
g. Restaurants	P	
h. Retail Establishments	P	
<b>6. Industrial</b>		
a. Artisan industrial	R	XX
<b>7. Vehicles and Equipment</b>		
a. Drive-thru facilities associated with a principal permitted use	C	XX
b. Freestanding drive-thru facilities	C	XX
c. Vehicle fueling stations	C	XX
d. Vehicle sales/rental/service	C	XX
<b>8. Other</b>		
a. Funeral homes without crematorium	C	XX
b. Telecommunication facility	See Section	
<b>9. Accessory Uses</b>		
a. Electric vehicle charging stations	A	
b. Fences, walls	A	XX
c. Food trucks	R	XX
d. Home occupation	A	XX
e. Other accessory structures	A	XX
f. Off-street parking lots	A	XX
g. Outdoor dining in association with a principal permitted use	A	XX
h. Outdoor sales/display in association with a principal permitted use	A	XX
i. Parking garages	C	XX
j. Short-term rental properties	A	XX
k. Signs	A	XX
l. Trash receptacle	A	XX
<b>Notes to Schedule 3.6.02 C.:</b>  P = Principal Permitted By-Right Use      R=Restricted Use      C=Conditional Use Blank Cell = Not Permitted      A = Accessory Use  XX = Reference to Use-Specific Regulations that will be added during Phase 3.		

Questions to Consider: 1. Should adult/child care centers be permitted in NC/O District? 2. Do you want to permit drive-thru facilities?

D. Similar Uses. See sub-section 1.3.02 B. 15.

This is a new district, so no changes to existing provisions are noted.

### 3.6.03 DEVELOPMENT STANDARDS.

- A. All buildings, parking areas, and land in the Neighborhood Commercial/Office District shall comply with the requirements set forth in Schedule 3.6.03 B. See Section 5.4, Conditional Use and Specific Use Regulations, for additional development regulations for Conditional and Restricted Uses.
- B. Schedule 3.6.03 B., Development Standards in the Neighborhood Commercial/Office District.

Schedule 3.6.03 B. <sup>(a)</sup> Development Standards in Neighborhood Commercial/Office District	
	NC/O
1. Minimum lot area (square feet)	5000
2. Minimum lot width (feet)	None
3. Maximum lot coverage	None <sup>(b)</sup>
4. Minimum principal building setback (feet)	
a. Minimum front	None
b. Maximum front	45
c. Minimum Setback Abutting Non-residential Districts	0
d. Minimum setback abutting R-1 Districts	25
e. Minimum setback abutting R-2 and R-3 Districts	15
5. Minimum parking setback from:	
a. Public rights-of-way	(c)
b. Project boundary line abutting Nonresidential District <sup>(d)</sup>	10
c. Project boundary line abutting Residential District	15
6. Height of principal building (feet) <sup>(e)</sup>	
a. Minimum	24
b. Maximum	50
7. Maximum height of accessory building (feet)	20
<sup>(a)</sup> The Planning Commission may grant a waiver to these requirements due to existing site and/or lot constraints pursuant to sub-section _____. <sup>(b)</sup> No restrictions except as required by the setback requirements of this district. <sup>(c)</sup> See sub-section 3.6.08 A. 1. <sup>(d)</sup> See sub-section 3.6.08 A. 3. <sup>(e)</sup> Rooftop equipment and access shall not count towards building height.	

Question to Consider:  
Should different setbacks be permitted for the auto dealership at Fort Thomas Plaza?

This is a new district, so no changes to existing provisions are noted.

### 3.6.04 REQUIRED DESIGN STANDARDS.

- A. The buildings in the City's commercial areas contribute to the City's character and sense of place and must "promote development that contributes to the image of the City," as the *Comprehensive Plan* states. Therefore, enhancing the quality of these buildings is of utmost importance. The standards set forth below are intended to achieve among others the following purposes:
1. To strengthen, enhance, and improve the existing visual and aesthetic character of the City's commercial and office nodes;
  2. To protect and enhance property values;
  3. To provide guidelines for property owners, architects, and contractors to aid in the preparation of appropriate plans; and,
  4. To meet the *Comprehensive Plan* objective of "Enhanc[ing] secondary business districts...to create distinctive places."
- B. Applicability of Regulations. In addition to the development standards set forth in Schedule 3.6.03 B., the design standards set forth in Schedule 3.6.04 E. shall apply to the exterior appearance and design of all new construction and building renovations in the Neighborhood Commercial/Office District.
- C. The Design Review Board may grant an exemption from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.
- D. The Design Review Board may grant an exception or modification to the Design Standards in Schedule 3.6.04 E. if the applicant demonstrates that, due to the unusual shape or topography of the lot or an adjoining lot; or due to the location or design of existing structures or other site features; or the presence of mature trees; or due to other site constraints, the application of the design standards would be unreasonable. The Design Review Board may grant a complete exception from the standard, or it may modify the standard in view of the peculiarities of the site. Any modification of the standard shall be considered an "exception." In determining whether to grant an exception, the Design Review Board shall consider:
1. The purposes of the Neighborhood Commercial/Office District;
  2. The intent of the guideline from which the exception is requested; and,
  3. Whether the intent of the standard may be met by an alternate means.

This is a new district, so no changes to existing provisions are noted.

- E. Schedule 3.6.04 E. Design Standards. The design standards set forth in Schedule 3.6.04 E. shall apply to the exterior appearance and design of all new construction and building renovations for non-residential and mixed used buildings in the Neighborhood Commercial/Office District.

**Schedule 3.6.04 E.**

**Required Design Standards in the Neighborhood Commercial/Office District**

1. Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.
2. All buildings shall provide at least one usable building or storefront entrance on each façade facing a public street.
3. For the first floor, the front facade of every building shall have transparent areas, equal to 50% of the front facade area (measured as the total area below the transition line). These transparent areas shall be between two (2) and nine (9) feet above the sidewalk or finished grade with glass paneled garage doors being permissible when such garage doors lower to sidewalk grade.
4. For all upper floors, each floor of the front facade of the building shall have glazed areas equal to 15%.
5. A transition line shall be provided between the first and second stories. The height of this transition line shall match the height of the transition line on the abutting or adjacent buildings. If adjoining properties are vacant or contain single-story buildings, then the ground floor shall be at least ten (10) feet in height measured from finished floor to finished ceiling.
6. Any part of the building that is visible from a private right-of-way, public circulation area, or public parking area shall have no more than six (6) feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created. In no case shall a continuous wall length be devoid of windows for more than 20 feet.
7. The pattern of architectural features, such as windows and doors, shall be placed upon the facade of a building in a pattern that creates a building fenestration that has a constant rhythm, a harmonious appearance, and is proportional to one another and surrounding buildings, if applicable.
8. First floor windows shall permit pedestrians a view of the interior of the building. Windows shall remain transparent and shall not be blocked in any manner except for permitted window signage.
9. Buildings shall have finish materials on all sides. Finish materials shall not include cinder block or vinyl siding.

This is a new district, so no changes to existing provisions are noted.

10. A combination of materials, textures, colors, and finishes shall be utilized to create visual interest.
11. Facade openings, including windows and colonnades, shall be vertical in proportion.
12. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, but shall not be cubed or curved.
13. Materials within ten (10) feet of the ground or the sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. If “dry vit” or E.I.F.S is used as an exterior building material, impact resistant E.I.F.S., as classified by EIMA (EIFS Industry Members Association), shall be used on all wall areas within ten (10) feet of the ground or sidewalk.
14. All roof top equipment shall be concealed in building materials that match the structure or shall be painted to be visually compatible with the structure.
15. For all buildings located at the intersection of Highland and Grand Avenues, substantial renovations and new buildings shall comply with the following:
  - > The primary building entrance shall face the primary or secondary frontage or be located on the corner, if the corner is chamfered.
  - > The principal building shall occupy 70% of the lot frontage on the primary frontage and at least 40 feet of the frontage along the secondary frontage.
  - > Parking shall be located behind the façade of the building on both the primary and secondary frontages. No parking shall be permitted between the building and Grand and Highland Avenues.
  - > Architectural elements such as corner pediments and awnings or verandahs should be utilized to “hold the corner.” Corners should generally consist of one contiguous space user wrapping the corner.

Photographs illustrating these design standards will be incorporated once such standards are agreed upon.

Questions to Consider: 1. Should we regulate more or less elements of non-residential design in these areas? 2. Are applicability requirements appropriate?

### 3.6.05 PROJECTIONS INTO REQUIRED SETBACKS.

- A. Facade elements above the ground floor may project into required setbacks.
- B. Display windows and awnings may project into required setback no more than four (4) feet.

This is a new district, so no changes to existing provisions are noted.

### 3.6.06 PERFORMANCE STANDARDS.

Every use shall comply with the following performance standards as well as any other applicable performance standards in this Ordinance.

- A. Outdoor Storage. No outdoor storage of any material or equipment ~~(usable or waste)~~ shall be permitted in this District ~~except within enclosed metal containers or approved equal~~.
- B. Trash Receptacles. All solid waste products, including empty packing boxes, that result from any permitted principal by-right, restricted, conditional, or accessory use shall either be disposed of, stored in buildings, or held for removal in completely enclosed in containers. Such building, container, or waste receptacle shall be located in a side or rear yard and shall comply with the applicable minimum parking setbacks set forth in this Section and shall be screened in accordance with the provisions set forth in Section 5.3, Landscaping, Screening & Lighting Regulations.
- C. Lighting. No lighting shall be permitted which would glare from this District on to any street, road, highway, and deeded right-of-way or into any residential zoning district (See Section 5.3).
- D. Enclosure. All uses and operations, except off street parking and loading facilities, shall be operated and performed within an enclosed building, unless otherwise specifically permitted.
- E. Outdoor Vending Machines. There shall be no outdoor vending machines visible from a public street.

### 3.6.07 DEVELOPMENT INCENTIVES.

- A. Purpose. To implement the *Comprehensive Plan* objective to “continue to foster investment, infill development and redevelopment that create and enhance vibrant and resilient mixed-use business districts...which include a central gathering place.”
- B. Applicability. This sub-section 3.6.07 applies to all development in the NC/O zoning district.



*Illustration of a Plaza*

This is a new district, so no changes to existing provisions are noted.

C. Incentive.

1. Parking Reduction. Development that provides the Civic Open Space as set forth in Schedule 3.6.07 C. may exempt a portion of the development's gross floor area from the parking spaces otherwise required in Section 5.5 of this Ordinance when the Planning Commission approves such Civic Open Space during development plan review.

Schedule 3.6.07 C. Parking Requirement Reduction with the Provision of Civic Open Space	
Civic Open Space	Reduction in Gross Floor area from Required Parking Calculation
Plaza	2500 square feet
Square less than ¼ acre	2500 square feet
Square ¼ acre or more	5000 square feet
Green less than ¼ acre	2500 square feet
Green ¼ acre or more	5000 square feet
<p>Plaza: A publicly accessible open space that is primarily paved and oriented towards group assembly and activities. The space is typically defined by building frontages.</p> <p>Square: A publicly accessible open space that is primarily landscaped and oriented towards passive recreation. The space is defined by building frontages.</p> <p>Green: A publicly accessible open space for unstructured recreation, spatially defined by landscaping rather than building frontages.</p>	

These definitions will be included in the Definitions Section but are given here for context.

### 3.6.08 OTHER DEVELOPMENT CONTROLS.

A. Off-Street Parking and Loading Regulations.

1. Off-street parking areas shall be located to the rear or side of the principal building on the lot and no closer to the front lot line than the front façade of the largest principal building on the lot. The Planning Commission may grant a waiver to this requirement only if the applicant demonstrates that, due to existing site conditions, the application of this parking locational requirement would be unreasonable. Existing site conditions include, but are not limited to, the existing lot configuration and patterns of surrounding development; inability of the applicant to acquire additional property; location of the existing structures on the site in question; the location of parking and access on the site in question, and the location of utilities both on and off-site.

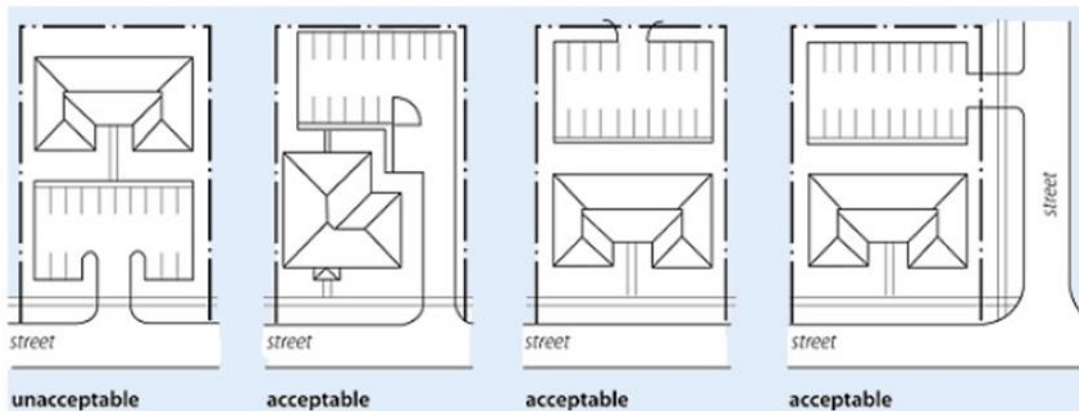
Should the prohibition against front yard parking be eliminated for the auto dealership at Fort Thomas? Plaza?



This is a new district, so no changes to existing provisions are noted.

If the Planning Commission finds the merits of such a waiver, the majority of the parking should be located behind the front façade of the principal building, and any parking located between the building and the applicable right-of-way shall be setback a minimum of 10 feet from Grand Avenue, Highland Avenue, Alexandria Pike, Fort Thomas Avenue right-of-way, and any other arterial or collector right-of-way.

Below, in Figure 1, is an example of the appropriate siting of off-street parking areas:



**Figure 1**  
Appropriate Siting of  
Off-street Parking  
Areas

*For illustrative purposes only*

2. Cross Access to Off-Street Parking Lots. Parking lots in the Neighborhood Commercial/Office District shall be interconnected with non-residential parking lots on adjacent properties to the maximum extent feasible. Permanent cross-access easements or other acceptable agreements for adjacent lots with interconnected parking lots shall be submitted in language acceptable to the City's Law Director and the Planning Commission.
3. Setbacks for Joint Parking Facilities. When cross access between two parking areas is required or provided, the parking setback shall not be required for the opening that accommodates the drive aisle, but it shall be required in all other areas that abut the shared property line. When shared parking, which spans the mutual property line, is required or provided, the parking setback is not required to be provided.
4. Landscaping within the Parking Setback. The area within the parking setback shall be landscaped in accordance with Section 5.3, Landscaping, Screening, and Lighting Regulations.
5. Off-street parking and loading or unloading shall be provided in accordance with Section 5.5 of this Ordinance unless exemptions are permitted under sub-section 3.6.07.



This is a new district, so no changes to existing provisions are noted.

- B. Landscaping, Screening, and Lighting Regulations. Screening and landscaping shall be required in accordance with the applicable provisions set forth in Section 5.4, Conditional Use and Restricted Use Regulations, when applicable, and Section 5.3, Landscaping, Screening, and Lighting Regulations.
- C. Accessory Structures and Uses.
  - 1. Accessory uses and accessory structures permitted in the s Neighborhood Commercial/Office Use District shall conform to the regulations in this Section and other applicable Sections of the Zoning Ordinance including Section 5.1.
  - 2. Accessory buildings with a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the applicable parking setbacks set forth in Schedule 3.6.03 B. Accessory buildings with more than 200 square feet of gross floor area shall conform to the principal building setback regulations in Schedule 3.6.03 B. and shall submit a development plan in compliance with Section 1.4 (Development Plan Approval Process).
  - 3. Unightly or Unsanitary Storage. See Section 5.0, General Regulations.

### **3.6.09 DEVELOPMENT PLAN REVIEW.**

All uses in the Neighborhood Commercial/Office Use District shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Section 1.4, Development Plan Review Procedures.

To: City of Fort Thomas, KY Planning Commission

From: Alisa Duffey Rogers, AICP  
Frank Twehues, P.E.

Subject: Zoning Ordinance Update  
Considerations regarding the Central Business District (CBD)

Date: January 9, 2023

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At this point, the Central Business District (CBD) is being retained. Currently, both the Midway Business District and Downtown (referred to as the Town Center District in both the *Community Plan* and the Design Guidelines and Procedures) are zoned CBD. Below are several issues that require discussion and consideration.

1. The regulations for the Central Business District prohibit residential uses on the first floor. It is our understanding that this regulation was adopted to prevent retail/office spaces from converting to residential uses such as currently exists in Midway.



Closed off residential uses also create “dead spots” in vibrant, walkable central business districts.

**Essential Question:** Should the restriction on first floor residential uses be continued?

**Recommendation:**

- A. For Downtown, require first floor non-residential uses for those parcels with frontage on North Fort Thomas Avenue as shown on the following map.



- B. For Midway, require first floor non-residential uses for those parcels with frontage on South Fort Thomas Avenue as shown on the following map.





2. According to the current provisions of the CBD, single-family detached dwellings are not a permitted use.

Essential Question: Should single-family detached dwellings be a permitted use in the CBD?

Recommendation:

- A. In Downtown, there are existing single-family detached dwellings that have been converted to business uses as permitted by the CBD zoning. Because single-family detached dwellings are not a permitted use, these converted homes cannot be returned to a solely residential use. For those existing single-family detached dwellings that are currently being residentially used, this residential use is non-conforming, which greatly curtails the usability of these homes.

To increase the viability of the existing single-family detached dwellings, we recommend permitting by-right single-family detached dwellings in the CBD for only existing single-family detached dwellings. This change legitimizes the existing homes and gives more flexibility in terms of use for the property owners.

- B. In Midway, there are existing single-family detached dwellings, but several of these single-family detached dwellings have been converted to two-family dwellings. To increase the usability of these existing dwelling units, we recommend permitting by-right existing single-family and two-family dwelling units in the CBD.

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3. The *Community Plan* in the Midway Focus Area Plan discusses encouraging new housing on Midway Court. The Plan states, “Encourage new housing development along Southview Avenue and Midway Court. Redevelopment of this area should be designated to take advantage of views of the reservoir, with new housing targeted to empty nesters and young professionals....”

Currently, most of Midway Court is zoned CBD. The parcel at the end of the Court was rezoned to R-1A in 2012 in order to permit expansion of the existing home and to permit the consolidation of two parcels.

Essential Question: Should a mix of new dwelling units be permitted only on Midway Court, specifically new two-family dwelling units and attached single-family dwellings?

Recommendation: Permit new two-family dwelling units and attached single-family dwellings on Midway Court as Restricted Uses, which requires review by the Planning Commission. Rezone 28 Midway Court back to CBD, if the Planning Commission/Council allows existing single-family detached dwelling units to be permitted by-right uses. These changes would encourage new housing on Midway Court without harming existing property owners.





4. The Midway Business District is influenced by two properties that are not zoned CBD. One parcel is the Cincinnati Bell site, which is zoned R-3. The other property is the VA Hospital, which is zoned R-1C.

For the VA Hospital, the *Community Plan* states, “In the event the VA Hospital leaves, encourage adaptive reuse for housing.” For the Cincinnati Bell property, the *Community Plan* states there is a need for additional parking behind the businesses on the north end of the Midway District, and the *Plan* suggests acquiring land from Cincinnati Bell to accommodate this needed parking.

Essential Question: Should these two parcels, the VA Hospital and the Cincinnati Bell property, be rezoned to CBD?

Recommendation: Rezone both parcels CBD.

- Incorporating the VA Hospital into the CBD would facilitate redevelopment and help to integrate the site into the Midway Business District, if the VA Hospital vacates the site. The list of permitted uses in the CBD could be tailored to allow the VA Hospital to remain a conforming use and to accommodate a variety of uses in the VA Hospital, if the VA Hospital vacates the building in the future.
- The Cincinnati Bell property is large site, approximately 2.86 acres, which could both accommodate any needed parking for the Midway plus allow for the expansion of the Midway Business District in the future.

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5. In both the Midway Business District and Downtown, renovations; façade changes; new construction; additions; and signs are governed by *the City of Fort Thomas Design Guidelines and Procedures*. These *Guidelines* were enacted in 2002 and are advisory guidelines, not mandatory, objective standards, such as the development standards in the Zoning Ordinance. For renovations and rehabilitations, these *Guidelines* provide guidance on roofline contours, gutters, rhythm of openings, doors/windows/shutters, materials, masonry cleaning/sealants/tuck pointing, siding treatments, and paints/colors. Similar guidance is provided for additions and new construction in addition to scale, height and width, and setbacks.

Essential Question: Should mandatory design standards be included in the updated Zoning Ordinance for the CBD?

Recommendation: Mandatory standards that regulate massing/scale and pedestrian oriented design elements such as building entrances, awnings, and façade design components including transparency and the rhythm of openings should be incorporated into the CBD standards. These mandatory standards will help to activate both Downtown and Midway and will enhance walkability and economic vitality. These

standards would be similar to the draft design standards for the new Alexandria Pike Mixed Use District and the Neighborhood Commercial/Office District. An example of such standards is below:

## DESIGN STANDARDS

- Street level facades shall contain transparent or clear glazing that reveals the activities of the establishment. Transparent glazing does not include dark tinted or opaque glazing.
- Commercial building façades fronting on public streets or open space shall not be less than 60% clear glazing on the ground floor to reveal the activity of the building to pedestrians and to activate the street. All glazing shall have a minimum of sixty percent (60%) light transmittance factor at street level.
- No portion of the building façade shall have highly reflective glass (maximum reflectance factor of 0.25) and there shall be no reflective coatings on the exterior of the glass.

6. Both the Midway and Downtown areas of the City are currently zoned CBD whereas Inverness is zoned General Commercial. Below is a map of Inverness.



**Essential Questions:** Should Inverness be rezoned to CBD? If so, should all of the area currently zoned General Commercial be rezoned to CBD?

**Recommendation:** We recommend rezoning Inverness to CBD. Inverness has the built form of a walkable, pedestrian friendly area, which should be preserved. This change would make the existing gas station a non-conforming use, which would mean the use could continue, but not expand. Any new construction on the gas station site would be required to conform to the CBD regulations.

**Additional Inverness Consideration:** If the Planning Commission recommends rezoning some or all of Inverness to CBD, should the first-floor/frontage prohibition on residential uses be instituted in Inverness?

**Recommendation:** To preserve some of the existing non-residential uses and to ensure that the gas station contains some non-residential uses along the frontages, we recommend requiring first floor/frontage non-residential uses as shown on the following map.

