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SECTION 3.7
Central Business District & Traditional Business District Regulations

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3.7.01 INTENT.

The Central Business District (CBD) and the Traditional Business District (TBD) and the associated sub-districts and accompanying regulations are established to achieve the following purposes:

DISTRICT & INTENT	SUB-ZONING DISTRICT NAME & INTENT
<p>Central Business District TOWN CENTER (CBD-TC)</p> <p>To be a compact, thriving, and family friendly city center with restaurants, convenient goods, services (e.g., small grocery and pharmacy) and other uses that meet the everyday needs of nearby residents, area employees and visitors, as well as a welcoming gathering place for families to go after games and other school events; with housing integrated in the district above first floor commercial in some locations and as compatible free-standing buildings that contribute to a compact, walkable, and bikeable district.</p>	<p>Town Center Core (CBD-TCC)</p> <p>The intent of this sub-zone is to highlight, enhance, & activate the historic core of Fort Thomas by requiring first floor retail or office use to facilitate vertical mixed use in predominantly two-story buildings located adjacent to the sidewalk.</p> 
	<p>Town Center Supporting (CBD-TCS)</p> <p>The intent of this sub-zone is to be compatible with the Core by providing flexibility that accommodates a diverse range of residential & non-residential uses & building types while reinforcing the existing walkable nature of the area & encouraging investment in existing and proposed two story buildings that have small front setbacks and separation between buildings.</p> 
	<p>Town Center Residential (CBD-TCR)</p> <p>The intent of this sub-zone is to support appropriate residential transitions between existing residential neighborhoods and the more active commercial areas in the Town Center.</p> 

**Central Business District
MIDWAY BUSINESS DISTRICT
(CBD-M)**

To be a fun entertainment/recreation destination for both residents and visitors while preserving the historic character and integrity of the area, enhancing the existing traditional main street character, and enriching the critical mass of retail/mixed uses and housing.

Midway Core-1 (CBD-MC1)

The intent of this sub-zone is to support the fun entertainment/recreation destination envisioned by the *Community Plan* with mixed-use development characterized by pedestrian-priority streetscapes, inviting storefronts, ground level retail and other commercial services, and upper floor office and residential uses housed in predominantly two-story buildings located close to the sidewalks.



Midway Core-3 (CBD-MC2)

The intent of this sub-zone is to be compatible with and supporting the Core by allowing relatively dense, pedestrian-friendly, mixed-use development that prioritizes streetscapes, inviting facades located close to the sidewalk while allowing more flexibility with single-use buildings.



Midway Core-3 (CBD-MC3)

The intent of this sub-zone is to expand the Midway to include the sites currently housing the VA Hospital and the Cincinnati Bell to encourage housing, civic, and mixed uses that are integral to the vitality of the Midway area. This expansion of the CBD will support additional sites for parking in the Midway and will also enable the conversion of the VA Hospital into housing with some commercial uses or to facilitate other mixed-use development, if conversion proves unworkable.



Midway Residential-1 (CBD-MR2)

The intent of this sub-zone is to sustain existing residential structures by permitting residential uses while also providing the flexibility to use these residential structures for non-residential uses thereby adding to the diversity of uses in Midway.



Midway Residential-2 (CBD-MR2)

The intent of this sub-zone is to support appropriate residential transitions between existing residential neighborhoods and the more active commercial areas in Midway.



**Traditional Business District (TBD)
INVERNESS BUSINESS DISTRICT**

To foster investment, infill development, and redevelopment that enhances this pedestrian-friendly, vibrant, and resilient mixed-use business district, with its unique sense of place, that is oriented primarily to the needs of residents, and which includes a central gathering place.



Questions to Consider: Are these the correct districts and sub-districts? See maps of each district.

3.7.02 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 3.7.02 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

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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 3.7.02 C. Permitted Uses. Schedule 3.7.02 C. sets forth the uses allowed in the Traditional and Central Business Districts. The abbreviations used in the Schedule are defined in sub-section 1.2.02 B.

Schedule 3.7.02 C. Permitted Uses in the Central Business & Traditional Business Districts										
USES	DISTRICT									Use-Specific Regulations
	TOWN CENTER			MIDWAY					Traditional Business	
	CBD-TCC	CBD-TCS	CBD-TCR	CBD-MC1	CBD-MC2	CBD-MC3	CBD-MR1	CBD-MR2	TBD	
1. Residential										
a. Single-family dwelling, detached		R	P				P	P		XX
b. Two-family dwelling			R				R	R		XX
c. Multi-family dwellings	R	R			P	P			R	XX
d. Dwelling unit(s) above ground floor non-residential uses	P	P		P	P	P			P	
e. Dwelling unit(s) behind ground floor non-residential uses	P	P		P	P				P	XX
f. Residential care facility for persons with disabilities		P	P				P			
2. Community Facilities/Institutions										
a. Community center	P	P		P	P	P			P	
b. Congregate care facility		P			P	P			R	XX
c. Cultural institution	P	P		P	P	P			P	
d. Day care center, child or adult		P			P	P			P	
e. Institutions for human medical care						P				
f. Membership club		P			P				R	XX
g. Places of worship						P				
h. Post office	P	P								

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Schedule 3.7.02 C. Permitted Uses in the Central Business & Traditional Business Districts										
USES	DISTRICT									Use-Specific Regulations
	TOWN CENTER			MIDWAY					Traditional Business	
	CBD-TCC	CBD-TCS	CBD-TCR	CBD-MC1	CBD-MC2	CBD-MC3	CBD-MR1	CBD-MR2	TBD	
i. Public facility	P	P	P	P	P	P	P	P	P	
j. Public park/playground	P	P	P	P	P	P	P		P	
k. School (public/private) elementary/secondary						P			R	XX
l. School (public/private), college/university						P			R	XX
3. Entertainment/Recreation										
a. Health club	P	P		P	P	P			P	
b. Live music venue	R			P	P	P			R	XX
c. School, specialty/personal instruction	P	P		P	P	P			P	
4. Office/Professional Services										
a. Banking, financial intuition	P	P		P	P	P			P	
b. Offices – administrative/professional	P	P		P	P	P			P	
c. Offices – Medical/dental	P	P		P	P	P			P	
d. Shop house		P	R				P	R		XX
5. Retail/Personal Services										
a. Artisan or craft workshops	P	P		P	P	P			R	XX
b. Artisan production	P	R		P	P	P			R	XX
c. Artist studio	P	P	R	P	P	P			P	XX
d. Brewpub	P			P	P	P			R	XX
e. Drinking establishment	P			P	P	P			P	
f. Experiential retail establishment	P	P		P	P	P			P	
g. Hotel	P	P		P	P	P			P	

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Schedule 3.7.02 C. Permitted Uses in the Central Business & Traditional Business Districts										
USES	DISTRICT									Use-Specific Regulations
	TOWN CENTER			MIDWAY					Traditional Business	
	CBD-TCC	CBD-TCS	CBD-TCR	CBD-MC1	CBD-MC2	CBD-MC3	CBD-MR1	CBD-MR2	TBD	
h. Micro-Brewery/Distillery/Winery	R			P	P	P				XX
i. Personal service establishment (includes beauty & barber shops; seamstress/tailor)	P	P		P	P	P			P	
j. Restaurants	P	P		P	P	P			P	
k. Retail establishments	P	P		P	P	P			P	XX
l. Shop house		P	R				P	R		XX
6. Vehicles and Equipment										
a. Drive-thru facilities associated with a principal permitted use	C	C								XX
7. Other										
a. Funeral homes		C								XX
b. Habitable roof – non-residential use	R	R		R	R	R			C	XX
c. Habitable roof – residential use	P	P	P	P	P	P	P	P	P	
d. Parking structure	C				C	C				XX
e. Telecommunication facility										
8. Accessory Uses/Structures										
a. Electric vehicle charging stations	R	R		R	R	R			R	XX
b. Fences, walls	A	A	A	A	A	A	A		A	XX
c. Home occupation	A	A	A	A	A	A	A		A	XX
d. Other accessory structures		A	A	A	A	A	A		R	XX
e. Off-street parking lots	R	R		R	A	R	R		R	XX
f. Outdoor dining in association with a principal permitted use	A	A		A	A	A			A	XX

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Schedule 3.7.02 C. Permitted Uses in the Central Business & Traditional Business Districts										
USES	DISTRICT									Use-Specific Regulations
	TOWN CENTER			MIDWAY					Traditional Business	
	CBD-TCC	CBD-TCS	CBD-TCR	CBD-MC1	CBD-MC2	CBD-MC3	CBD-MR1	CBD-MR2	TBD	
g. Outdoor sales/display in association with a principal permitted use	A	A		A	A	A			A	XX
h. Parking structures	C	C		C	C	C			C	XX
i. Short-term rental properties	A	A	A	A	A	A	A	A	A	XX
j. Signs	A	A	A	A	A	A	A	A	A	XX

Notes to Schedule 3.7.02 C.:

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 will be added in Phase 3.

Please note: 1. That, as drafted, the gas station in the Inverness Business District will be a non-conforming use. 2. More discussion regarding the future of Midway Court will occur during Phase 3.

Questions to consider: 1. Should drive-thru uses be conditional uses or become non-conforming in CBD-TCC? 2. In the residential sub-districts, TCR, MR1, and MR2, should more uses be permitted as by-right, restricted, or conditional? 3. Are the proposed uses appropriate for each district and sub-district?

D. Use Restrictions.

1. In the CBD-TCC, the CBD-MC1, and the TBD Districts, buildings that have frontage along the required non-residential frontage, as specified on the Zoning Map, shall have Required Occupied Space with a minimum depth of 25 feet from the frontage line within the first or ground story for the permitted non-residential uses.
2. Prohibited Uses in the CBD and TBD Districts.
 - a. Tattoo/Piercing Shops [The definition for this use excludes the application of permanent cosmetics.]
 - b. Alternative Financial Services [Synonymous with Check Cashing Facility]
 - c. Outdoor automatic food and drink vending machines

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

3.7.03 DEVELOPMENT STANDARDS.

- A. All buildings, pavement areas, and land in the Central and Traditional Business Districts shall comply with the requirements set forth in Schedules 3.7.03 B and C. See Section 5.4, Conditional Use and Specific Use Regulations, for additional development regulations for Conditional and Restricted Uses.
- B. Schedule 3.7.03 B., Development Standards in the TBD, CBD-TCC, CBD-TCS, CBD-MC1, CBD-MC2, CBD-MC3 Sub-Districts are as follows:

Schedule 3.7.03 B. Development Standards TBD, CBD-TCC, CBD-TCS, CBD-MC1, CBD-MC2, CBD-MC3			
	TBD/CBD-TCC CBD-MC1/CBD-MC2	CBD-TCS	CBD-MC3 ^(c)
1. Lot Configuration. ^(a)			
a. Minimum lot area (sq. ft.)	None	4,500	5,000
b. Minimum lot width (feet)	None	50	50
c. Minimum lot depth (feet)	None	100	100
d. Maximum lot coverage	100%		75%
2. Principal Building Siting. ^{(a)(h)}			
a. Multiple principal buildings	Not permitted	Permitted	Permitted
b. Minimum primary lot line coverage	90% ^(b)	50%	
c. Occupation of corner	Required	Not Required	Not Required
d. Setback from back of sidewalk along Fort Thomas Avenue (feet)	Minimum - 0	Minimum - 25	Minimum - 0
	Maximum - 10	Maximum - 35	Maximum - 10
e. Fronting street setback (feet) ^(d)	Minimum - 0	NA	Minimum - 0
	Maximum - 20		Maximum - 50
f. Secondary street (Street other than Fronting or Ft. Thomas Ave.) setback (feet)	Minimum – 5		
	Maximum – 20		
g. Minimum side setback (feet)	Abutting lot in Non-Residential & R-3 Districts – 0	One side - 3	Abutting lot in Non-Residential & R-3 Districts – 0
	Abutting lot in R-1 District - 15	Total of both sides - 14	Abutting lot in R-1 District - 15
h. Minimum distance between principal buildings (feet)	NA	15	NA

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Schedule 3.7.03 B. Development Standards TBD, CBD-TCC, CBD-TCS, CBD-MC1, CBD-MC2, CBD-MC3			
	TBD/CBD-TCC CBD-MC1/CBD-MC2	CBD-TCS	CBD-MC3 ^(c)
i. Minimum rear setback (feet) –	Abutting lot in Non-Residential, R-3, & R-5 Districts – 0	25	Abutting lot in Non-Residential, R-3, & R-5 Districts – 0
	Abutting lot in R-1 District - 25		Abutting lot in R-1 District - 25
j. Maximum building width (feet)	185	75	None
3. Accessory Siting. ^(a)			
a. Accessory building/structures location	Rear yard; prohibited in front and corner side yards		
b. Accessory building/structure side & rear setback from boundary of development (feet)	5		
4. Height.			
a. Principal building Height (feet) ^(e)	Minimum – 24	Minimum – None	Minimum - 24
	Maximum – 40-50 ^(g)	Maximum – 35-50 ^(g)	Maximum - 50
b. Minimum ground floor height ^(a) (Measured floor to floor) (feet)	10	NA	
c. Maximum ground floor height ^(a) (Measured floor to floor) (feet)	18	NA	
d. Minimum upper floor ceiling height (feet) ^(a)	9		
e. Maximum height of accessory buildings/structures (feet) ^(a)	15		
5. Parking/Vehicular Access. ^(a)			
a. Parking within building	Permitted fully in any basement and in rear of ground floor		
b. Entry for parking within/attached to principal building	Rear façade, interior side façade permitted on lots wider than 100 feet, or corner side façade with approval of the Planning Commission after consultation with the City Engineer		
c. Parking location ^(f)	Rear, perpendicular to principal building behind the front façade, or within building; parking between a building and any primary street is prohibited		
d. Permitted vehicular access	Curb cuts shall be minimized in quantity and width. One driveway permitted off each abutting secondary street; if no secondary street exists, then Planning Commission, in consultation with the City Engineer and the Zoning Administrator, will determine the appropriate primary street access. Accessing parking from Fort Thomas Avenue shall be avoided, and when provided, only a single shared drive shall be provided and the width of the curb cut shall not exceed 22 feet.		

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Schedule 3.7.03 B. Development Standards TBD, CBD-TCC, CBD-TCS, CBD-MC1, CBD-MC2, CBD-MC3			
	TBD/CBD-TCC CBD-MC1/CBD-MC2	CBD-TCS	CBD-MC3 ^(c)
e. Minimum surface parking lot or pavement setback from the project boundary (feet)	0		
	Abutting lot in R-1 District – 15		
6. Street Façade Requirements⁽ⁱ⁾			
a. Minimum transparency on ground story of building façade facing a street	75%	15%	30%
b. Minimum transparency per each story	15%	12%	
c. Blank wall limitations	Required per floor on all stories of street facing facades – See sub-section 3.7.03 D 2.	30 feet maximum	Required per floor on all stories of street facing facades – See sub-section 3.7.03 D 2.
d. Required principal entrance location	Front, street facing façade adjacent to sidewalk	Front, street facing facade	Front, street facing façade adjacent to sidewalk
e. Ground story entrance spacing	1 per each 70 feet of street facing facade	NA	1 per each 100 feet of street facing facade
f. Ground story vertical facade divisions	Minimum of every 30 feet of facade width	NA	1 per each 100 feet of front facade
a. Horizontal façade divisions	Required within 3 feet of the top of the ground story	NA	Required within 3 feet of the top of the ground story

Notes to Schedule 3.7.02 B.:

- (a) The Planning Commission may grant a waiver to these requirements pursuant to Section 1.10, Waivers and Modifications.
- (b) When parking access is not available on an alley, rear street, or corner side street and is only available on a primary street, the required percentage indicated above may be reduced by the Planning Commission to allow parking access that is perpendicular to the front lot line and located behind the façade of the principal building.
- (c) The frontages of this sub-district that abut South Fort Thomas Avenue shall meet the development standards for CBD-MC1
- (d) In the CBD-M3, Cochran Avenue is considered a Fronting Street.” In the TBD, Rob Roy and Memorial Parkway are fronting streets.
- (e) Where existing at the adoption of these regulations, a single-story building that does not meet the minimum height requirements shall not be considered nonconforming in height.
- (f) On corner lots, parking lots shall be behind the building façade and/or set back a minimum of 10 feet from the secondary street and screened with a 3-foot masonry or continuous landscape wall.
- (g) In the CBD-TCC and CBD-TCS sub-districts, 100 from the back of the sidewalk along Front Thomas Avenue, upper stories of a building may be stepped-back and exceed the maximum height by 10 feet when approved by the Planning Commission and a COA is granted from the Design Review Board.
- (h) For through lots, see 3.7.03 D.
- (i) The Design Review Board may grant exemptions, waivers, and modifications to these requirements pursuant to sub-section 3.7.04.

NA = Not Applicable

Primary street is defined as Fort Thomas Avenue.

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Questions to Consider: 1. Are the maximum height restrictions appropriate for each sub-district? 2. For the CBD-TCS sub-district, are the setbacks and the minimum distance between buildings appropriate?

C. Schedule 3.7.03 C., Development Standards in the CBD-TCR, CBD-MR1, & CBD-MR2 Sub-Districts.

Schedule 3.7.03 C. ^(a) Development Standards CBD-TCR, CBD-MR1, & CBD-MR2 Sub-Districts.			
	CBD-TCR	CBD-MR1	CBD-MR2
1. Lot Configuration.			
a. Minimum lot area (sq. ft.)	5,000	4,000	3,000
b. Minimum lot width (feet)	40	35	30
7. Minimum principal building setback (feet).			
a. Minimum front	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.		
b. Minimum for one side	5	3	3
c. Combined minimum side setback for both sides	14	9	9
d. Minimum rear	25	25	25
8. Other Development Standards.			
a. Accessory building/structures location	Rear yard; prohibited in front and corner side yards in conformance with Section 5.1, Temporary & Accessory Use/Structure Regulations		
b. Minimum gross floor area per dwelling unit (square feet)	800		
9. Height.			
a. Maximum height of principal building	35 feet or 2.5 stories		
b. Maximum height of accessory buildings/structures (feet)	15		
Notes to Schedule 3.7.02 C.:			
(a)	Variances from the Development Standards in Schedule 3.7.03 C will be considered by the Board of Adjustment pursuant to Section 1.7.		

D. General Provisions.

1. Through Lots. Through lots require special consideration with regard to rear and side setback requirements, and the property owner may be allowed or required by the Zoning Administrator or the Planning Commission, as applicable, to meet some or all setback requirements on both street frontages of the lot; and to deviate from the Development Standards in this Section to ensure that the intent of these regulations with respect to the occupation of the street, the relationship of the building and the street, and the proper functioning of a site for utility and other access is ensured.
2. Blank Wall Limitations. A blank wall limitation is a restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:
 - a. No rectangular area greater than 30 percent of a story's facade, as measured from floor to floor, may be windowless; and
 - b. No horizontal segment of a story's facade greater than 20 feet in width may be windowless.
3. Increased Street Setback. In the TBD, CBD-TCC, CBD-MC1, and CBD-MC2 Districts and Sub-Districts, the Maximum Setback from Back of Sidewalk along Fort Thomas Avenue may be increased by 10 feet if a plaza, seating area or other outdoor area is incorporated into the development abutting the sidewalk. Unless waived by the Planning Commission pursuant to Section 1.10, at least 50% of the building frontage shall comply with the Minimum and Maximum Setback from Back of sidewalk along Fort Thomas Avenue established in Schedule 3.7.03 B..

3.7.04 REQUIRED DESIGN STANDARDS.

- A. The buildings in the Central and Traditional Business Districts 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 Traditional Business District and the core areas of the Central Business Districts;
 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;

Most of this Section is new, but major changes from existing standards are noted: Substantive Additions and ~~Deletions~~.

4. To realize the Focus Area Plans for Town Center and Midway as set forth in the City's *Comprehensive Plan*; and,
 5. To supplement the Design Guidelines for Midway and the Town Center Business Districts.
- B. Applicability of Regulations. In addition to the development standards set forth in Schedule 3.7.03 B., the design standards set forth in Schedule 3.7.04 G. shall apply to the exterior appearance and design of all new construction and building alterations in the Traditional Business District and the CBD-TCC, CBD-MC1 & 2 sub-districts.
- C. The Design Review Board shall review all new construction and exterior building alterations in the Traditional Business District and provide a recommendation to the Planning Commission as required in Section 1.4, Development Plan Review if a Development Plan is required. If a Development Plan is not required per this Ordinance, the Zoning Administrator or the Design Review Board, as applicable, shall review and consider exterior building alterations in the Traditional Business District.
- D. In the CBD-TCC, CBD-MC1 & 2 sub-districts, the Design Review Board shall review all new construction and exterior alterations and issue a Certificate of Appropriateness as required by Sections 36.010 – 36.015 of the Code Ordinances of the City of Fort Thomas, Kentucky.
- E. The Design Review Board may grant an exemption from these standards when the exterior building alterations 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.
- F. The Design Review Board may grant an exception or modification to the Design Standards in Schedule 3.7.04 G. 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/building/utility 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 and existing structures. 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 Traditional Business and Central Business Districts;
 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.

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- G. **Schedule 3.7.04 G. Design Standards.** The design standards set forth in Schedule 3.7.04 G. shall apply to the exterior appearance and design of all new construction and exterior building alterations in the Traditional Business District and the CBD-TCC, CBD-MC1 & 2 sub-districts.

Schedule 3.7.04 G.

Required Design Standards in the TBD & the CBD-TCC, CBD-MC1 & 2 Sub-districts

1.	<p>Corner Treatment - Buildings located on corner lots shall:</p> <ul style="list-style-type: none"> a. Occupy the corner as required by Schedule 3.7.03 B. and provide a minimum secondary lot line coverage of 60% b. Accentuate the corner’s unique location with architectural features that actively engage the public realm and create a visual presence at the corner, such as, but not limited to the following: <ul style="list-style-type: none"> i. Chamfered or rounded building corner or other architectural features to change the wall plane at the corner; ii. Projecting and recessed balconies & entrances; and, iii. Accentuating corner features including embellished doorways, recessed corner entries, volumetric building features (e.g. corner towers), and increased corner building height.
2.	<p>Mass and Scale</p> <ul style="list-style-type: none"> a. Buildings with approximately 150 feet or more of street frontage shall incorporate coordinated building massing techniques so that the building width is divided vertically and designed as two (2) or more separate and distinct facades of differing architectural treatment so that the building appears to be multiple buildings. Appropriate techniques are: <ul style="list-style-type: none"> i. A facade plane change with a minimum depth or projection of 3 feet that extends the full height of the building or the lower story, if the building has upper floors; ii. A building material or color change that extends the full height of the building or the lower story when the building has upper floor(s); iii. A change in cornice, roof eave, or parapet; iv. A change in wall material for each storefront or 30-foot Ground Story Vertical Façade Division mandated in Schedule 3.7.03 B; and, v. Other techniques that achieve the overall intent of this Design Standard. b. All buildings over one (1) story shall evidence a design that illustrates a bottom, middle, and top of the building. Elements that demonstrate such building sections include, but are not limited to, cornices, changes in material, or other architectural expressions such as belt courses and fenestration. c. Horizontal ground floor facade elements shall, to the extent possible, align with horizontal ground floor facade elements of surrounding buildings in order to create continuity at the pedestrian level. d. The use of vertical cornice line elements is encouraged to create visual interest and articulate the building facade at the roof line.

Most of this Section is new, but major changes from existing standards are noted: **Substantive Additions** and ~~Deletions~~.

3.	<p>Façade Articulation/Design</p> <ul style="list-style-type: none"> a. Scaling elements, architectural details, and other forms of facade articulation shall be integrated into building massing so they convey a sense of depth and texture rather than a thinly applied surface treatment. b. Façade articulation techniques used on the street level facade should coordinate with upper floor design elements to result in a cohesive building design. c. Articulate buildings with dimensions & elements that promote a sense of human scale.
4.	<p>Materiality & Colors</p> <ul style="list-style-type: none"> a. Street level facades shall be constructed of material that is durable and appropriate to pedestrian contact. Durable materials include masonry and other materials that require minimal or no maintenance. (Applicants may be required to prove the durability of unproven or unusual materials.) b. The following exterior building materials are prohibited. The use of any materials not specifically prohibited in this sub-section are subject to the review by the Design Review Board. <ul style="list-style-type: none"> i. Plain concrete masonry units (CMU). ii. Vinyl siding, aluminum, or wood-slat siding. iii. Exterior Insulation Finish System, EIFS or "Dryvit" (non-masonry stucco products a.k.a. Artificial Stucco, Synthetic Stucco, Vinyl Stucco, and Latex Stucco). iv. T-111 Composite plywood siding. v. Utility-sized, king-size, or jumbo brick. vi. Fiberglass or plastic. vii. Exposed aggregate (rough finish) concrete wall panels. <p>Any expansions of structures existing as of the date of the adoption of this Ordinance may use the same building materials on the facade as the facade of the existing structure, even if such materials are not listed as permitted or are listed as prohibited in this sub-section. The use of such materials is subject to approval by the Design Review Board.</p> c. Architectural cast-in-place concrete shall incorporate textural detailing, color, and finish elements to ensure a high-quality final surface. d. Exterior building materials & finishes shall be detailed to articulate texture and depth. Appropriate techniques include but are not limited to: <ul style="list-style-type: none"> i. Adding visual interest through texture, depth, finish, and detailing; and, ii. Applying materials in units, panels or modules that produce shadow lines to help convey a sense of scale. e. The color of materials should be kept to a minimum, preferably 3 or fewer excluding a neutral trim color. f. Wall materials appearing heavier in weight should be used below wall materials appearing lighter in weight. (For example, wood and metal above brick, and all three above stone)

Most of this Section is new, but major changes from existing standards are noted: **Substantive Additions** and ~~Deletions~~.

5.	<p>Windows & Transparency</p> <p>a. Display windows that do not provide views into the interior of the building may be counted towards satisfying up to 50 percent of the Minimum Transparency on Ground Story of Building Façade mandated in Schedule 3.7.03 B., provided that they are internally illuminated and are at least 3 feet in depth.</p> <p>b. The bottom of any window or product display window used to satisfy Minimum Transparency on Ground Story of Building Façade mandated in Schedule 3.7.03 B, shall not be more than 3 feet above the adjacent sidewalk.</p> <p>c. All glazing shall have a minimum of sixty percent (60%) light transmittance factor at street level.</p> <p>d. 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.</p> <p>e. Required transparency on the street level façade shall not be blocked by furnishings, displays, graphics, or other obstructing elements.</p> <p>f. Illumination of windows, display windows and primary entrances shall not have any effects of movement, flashing, scintillation, rolling, dissolving, fading or similar effects.</p> <p>g. Required glazing shall not be aggregated into a single undivided area of glazing treatment. Individual glazing areas shall not span more than 15 linear feet.</p> <p>h. Display windows should be a minimum of 8 feet in height. Sills, bulkheads, or support walls at the bottom of display areas should be approximately 8-18 inches tall and generally no higher than 24 inches.</p>
6.	<p>Building Entries</p> <p>a. Entrances shall be easily differentiated from the adjacent facade.</p> <p>b. Entrances set back from the sidewalk by a plaza, entry court, or other outdoor spaces shall be visible and maintain direct, universal access from the sidewalk.</p> <p>c. Glass on entry doors shall be highly transparent using non-reflective and minimally tinted glass.</p> <p>d. Street Level building entries shall be emphasized. Appropriate techniques include, but are not limited to:</p> <ul style="list-style-type: none"> i. Recessed or projecting entries ii. Recessed or projecting canopies or awnings iii. Other design solutions that emphasize building entry prominence <p>e. Entrances shall be recessed no more than 4 feet from the face of the storefront.</p> <p>f. Multi-family buildings shall provide entry from the public sidewalk to shared entry areas or lobbies.</p>

Most of this Section is new, but major changes from existing standards are noted: **Substantive Additions** and ~~Deletions~~.

<p>7.</p>	<p>Awnings</p> <ul style="list-style-type: none"> a. Awnings shall be an integral part of the architectural design of the buildings and facades to which they are attached while serving a purpose such as reducing solar gain, shadowing the pedestrian realm, emphasizing building entrances, creating a sense of human scale by helping to define the street level facade, and/or highlighting vertical/horizontal shifts in building massing. b. Stretched vinyl or materials similar in material, texture, or appearance are prohibited on awnings. c. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, but shall not be cubed or curved. d. Only “goose-neck” or other similar forms of external lighting are permissible to illuminate awnings. Internally lit awnings are prohibited. e. Awnings shall not come within 2 feet from the back of the curb and shall not impede street tree growth. f. Awnings should be designed as individual components & not be continuous & uninterrupted along the street level façade.
<p>8.</p>	<p>Signs</p> <ul style="list-style-type: none"> a. Box/Cabinet Signs are prohibited. (Face changes of existing box or cabinet signs are acceptable.) b. Power sources, raceways and conduit shall be concealed to minimize their visual impact. c. Sign character and sign materials that are expressive of the individual proprietor is encouraged. d. Signs located at building corners and corner entrances or in other highly visible locations should be creative & iconographic. Appropriate techniques include, but are not limited to: <ul style="list-style-type: none"> i. Incorporating symbols or representations of products into sign design; ii. Utilizing unique typography in sign design; and, iii. Integrating creative lighting into the sign design.
<p>9.</p>	<p>Miscellaneous Requirements:</p> <ul style="list-style-type: none"> a. Elements such as meter boxes, utility conduits, roof projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed and located so as to minimize their visibility and visual impact from the sidewalk.

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- b. All rooftop equipment shall be screened from view on all sides visible from public right-of-way, residential districts, and residential uses. Screening shall be provided through parapets, walls, or other building elements that appear as elements integral to the overall building. Such screening shall be provided to screen the equipment from off-site view and to buffer sound generated by such equipment. The height of the screening shall equal the height of the tallest rooftop mechanical element installed on the building. Solar energy systems shall be excluded from the requirements of this subsection to the extent the requirements prevent or limit functionality and/or accessibility to direct sunlight.
- c. Loading docks, overhead doors, & other service entries shall not be located on primary street facades and should not face a public street.
- d. Any building that terminates a view, as designated on the Zoning Map, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark and focal point.
- e. No exterior stairs shall be permitted on any street facing façade.
- f. Facade elements above the ground floor are permitted to project into required setbacks.
- g. Display windows and awnings shall only project into a required setback no more than four (4) feet provided the City Engineer permits any encroachment into the right-of-way.

Human Scale. The perception of a building and its parts based on proportions, scaling elements, and context-sensitive solutions that allow a human to reasonably interpret the design as relatable to the size of a person. Human scale is a scale that feels comfortable and appropriate to a person, for example, doorways, canopies, and other building elements are sized to feel comfortable (not oversized to induce a feeling of being small or undersized to induce a feeling of being large in relation to the built form).

Questions to Consider: Should other aspects of design be regulated to create and preserve the character of downtown, Midway, and Inverness?

3.7.05 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, **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 be set back 5 feet from all lot lines and shall be screened in accordance with the provisions set forth in Section 5.3, Landscaping, Screening & Lighting Regulations.**

Most of this Section is new, but major changes from existing standards are noted: **Substantive Additions** and ~~Deletions~~.

- 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. Furthermore, lighting fixtures, types and placement shall be consistent with Section ~~9-14~~ **Section 5.3, Landscaping, Screening, and Lighting Regulations** and with design ~~standards~~ guidelines approved for the CBD zone and reviewed by the Design Review Board.
- 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. Above ground mechanical devices shall be located in the side or rear yard, behind all portions of the principal building façade and shall be fully screened from the street and neighboring properties as required by Section 5.3, Landscaping, Screening & Lighting Regulations.
- F. Where any yard of any **non-residential** use permitted in this ~~zone~~ zoning district abuts a ~~residential zone~~ **R-1 zoning district**, a minimum ~~yard requirement of fifty (50) feet~~ side and rear setback as required by Schedule 3.7.03 B. for each side and/or rear yard which abuts said ~~zone~~ shall be provided, with a screening area, as regulated by Section ~~9-17~~ **5.3** of this Ordinance. The Planning Commission may reduce this minimum ~~yard~~ setback requirement by no more than one-half ~~of the required fifty (50) foot setback~~ based upon the submission of a Development Plan that utilizes other approaches to effectively screen and separate incompatible land uses.
- G. No use producing objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone, and shall comply with ~~Article XI~~ **Section 5.0** of this Ordinance.
- H. No motor vehicle, which is inoperable, or trailer, which is usable or unusable, shall be stored or used for storage of any items therein on any lot or parcel of ground in this ~~zone~~ zoning district unless it is within a completely enclosed building.
- I. Unightly or Unsanitary Storage. See Section 5.0, General Regulations.

~~Residential uses shall be restricted to floors other than the ground floor. Residential floor space shall not exceed a ratio of 2:1 of the other permitted use(s) in the structure.~~

~~Parking requirements shall be determined by the number of spaces required by the nonresidential portion of the mixed use premises. However, any residential units in excess of two (2) shall have additional parking as required in Article XIII. The waiver of the parking requirements for the first two (2) residential units on a mixed use premises shall be restricted to those businesses or organizations with operating hours limited to 6:00 A.M. to 6:00 P.M. that utilize the same off street parking area.~~

3.5.06 OTHER DEVELOPMENT CONTROLS.

- A. All new construction, ~~building improvements~~ and alterations shall be completed in conformance with the CBD Design ~~Standards~~ **Guidelines** and plans approved by the CBD Design Review Board **or the Zoning Administrator** as ~~outlined within this ordinance~~ **required by Sections 36.010 – 36.015 of the Code Ordinances of the City of Fort Thomas, Kentucky.**
- B. For commercial, office, multi-family, and mixed-use projects, unless waived by the Planning Commission pursuant to Section 1.10, a designated pedestrian access path from rear parking areas to the public sidewalk shall be provided based on the following regulations:
1. For parcels fifty (50) feet to seventy-four (74) feet in width, no dedicated pedestrian access path is required.
 2. For parcels seventy-five (75) feet to one hundred forty-nine (149) feet in width, one (1) dedicated pedestrian access path is required.
 3. For parcels one hundred fifty (150) feet or more in width, two (2) dedicated pedestrian access paths are required.
 4. Permitted pedestrian access paths may include the following (See Figure 1- Permitted On-Site Pedestrian Paths):
 - a. Side building access path.
 - b. Passageway between buildings.
 - c. Internal corridor.
 - d. Side yard adjoining a street public sidewalk.
 5. All parking lot pedestrian access paths shall have a minimum width of five (5) feet.
 6. All passageways between buildings shall have a minimum width of five (5) feet and a maximum width of ten (10) feet.
 7. On a parcel with a side yard adjoining a street, a public sidewalk on the secondary street may serve as the designated pedestrian access if the following are true:
 - a. The sidewalk has a minimum width of five (5) feet.
 - b. The sidewalk is determined to be in good condition and meeting all accessibility requirements.
 - c. Direct pedestrian access is provided from the on-site parking area to the public sidewalk.

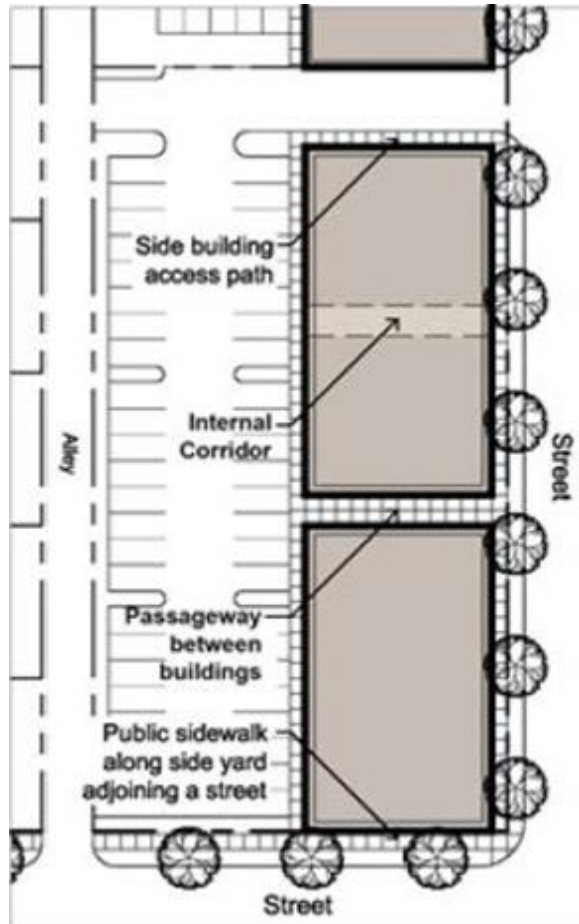


Figure 1 - Permitted On-site Pedestrian Paths

- C. Cross Access to Off-Street Parking Lots. Parking lots in the Traditional Business and Central Business Districts 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 Attorney and the Planning Commission.

3.7.07 ADDITIONAL DEVELOPMENT REGULATIONS THAT APPLY.

See Article V – Regulations Applicable to All Districts

5.0	General Regulations
5.1	Accessory and Temporary Uses
5.2	Environmental Regulations
5.3	Landscaping, Screening, and Lighting Regulations
5.4	Conditional Use and Restricted Use Regulations
5.5	Off-Street Parking, Loading, and Access Regulations
5.7	Sign Regulations

Most of this Section is new, but major changes from existing standards are noted: **Substantive Additions** and ~~Deletions~~.

3.7.08 DEVELOPMENT PLAN REVIEW.

All uses in the Traditional Business and Central Business Districts 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.

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

SECTION 5.0
General Regulations

5.0.01	Purpose.	5.0.08	Excavation, Filling or Grading Operations.
5.0.02	Reduction in Building Site Area.	5.0.09	Unsightly or Unsanitary Storage.
5.0.03	Interference with Traffic Control Devices.	5.0.10	Junkyard Location.
5.0.04	Vision Clearance at Intersections, Curb Cuts, Pedestrian & Railroad Crossings.	5.0.11	Application of Zoning Regulations.
5.0.05	Corner Lots, Double Frontage Lots, Flag Lots.	5.0.12	Exceptions & Modifications.
5.0.06	Utilities Location.	5.0.13	Move and Set.
5.0.07	Railroad Rights-of-Way.	5.0.14	Phased Zoning Regulations.
		5.0.15	Performance Standards.

5.0.01 PURPOSE.

General regulations shall apply to all districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

5.0.02 REDUCTION IN BUILDING SITE AREA.

Notwithstanding other provisions of this Ordinance, no lot in any ~~zone~~ **zoning district** may be reduced in area below the minimum lot area as specified herein for the ~~zone~~ **zoning district** within which said lot is located except where such reduction has been brought about by the expansion or acquiring of rights-of-way for a street, road, or highway by a public entity. If, however, by some means (e.g., misinterpretation of law, erroneous lot descriptions, etc.) the lot area is reduced below the minimum required lot area as specified herein for the ~~zone~~ **zoning district**, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this Ordinance. In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the Board of Adjustment, as provided for in Section ~~18.5~~ **1.7** of this Ordinance.

5.0.03 INTERFERENCE WITH TRAFFIC CONTROL DEVICES.

Notwithstanding other provisions of this Ordinance, in any ~~zone~~ **zoning district**, no sign, structure, tree, planting, or vegetation, or any portion thereof, shall protrude over or into any street, road or highway so as to create confusion around, or otherwise interfere with, traffic control devices of any kind.

5.0.04 VISION CLEARANCE AT INTERSECTIONS, CURB CUTS, PEDESTRIAN AND RAILROAD CROSSINGS.

- A. Notwithstanding any part of this Ordinance, or any permit granted, or any variance granted by the Board of Adjustment; no type of structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would obstruct the visual clearance and

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

create a potential hazard from inadequate sight distance at intersections, curb cuts, and pedestrian or railroad crossings.

- B. No fence, wall, hedge, or other structure or other obstruction above a height of three (3) feet as measured above the curb level shall be erected, placed, maintained, or continued in any zone within that triangular portion of a corner lot formed by measuring ~~fifty (50)~~ **20** feet from the intersection of the rights-of-way line of two (2) streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree or planting or other obstruction shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings. See Figure 5.0-1 – Illustration of Clear Sight Triangle to Insure Visibility at Intersections.

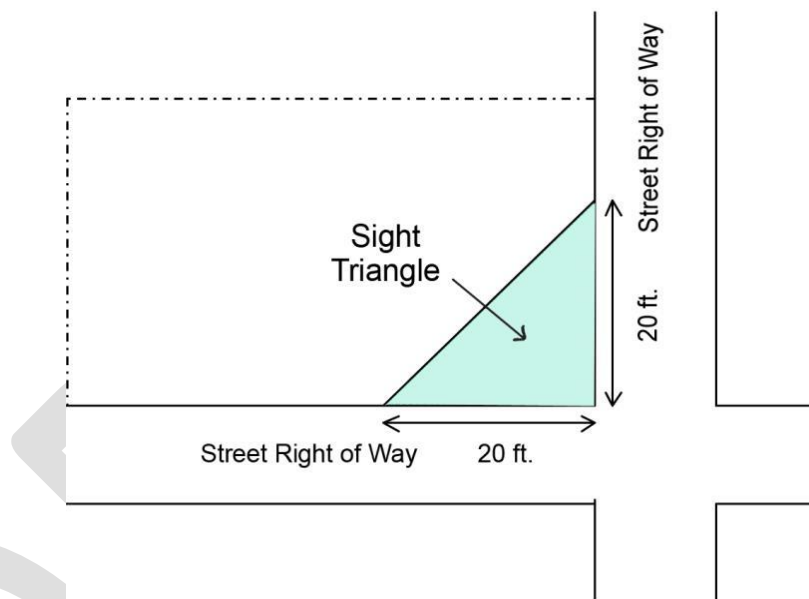


Figure 5.0-1 – Illustration of Clear Sight Triangle to Insure Visibility at Intersections

5.0.05 CORNER LOTS, DOUBLE FRONTAGE LOTS, FLAG LOTS.

- A. On lots having frontage on more than one street, in any ~~zone~~ **zoning district**, the minimum front ~~yard setback~~ of a ~~principle~~ **principal** structure shall be provided for each street, road or highway, in accordance with the provisions of this Ordinance. On corner lots, the minimum front ~~yard setback~~ shall be in accordance with the provisions of this Ordinance, and the side yard facing the secondary street shall have a minimum requirement of fifteen (15) feet.
- B. Flag lots shall only be used in those locations where due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas. In no case shall the required lot width of a flag lot be located further than two hundred fifty (250) feet from the publicly dedicated right-of-way from which the flag lot originates, and the narrow portion of

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the lot (flag stem) extending from the right-of-way shall be physically capable of providing reasonable access to the flag lot. In no case shall more than two (2) flag lots be contiguous to each other at the publicly dedicated street.

5.0.06 UTILITIES LOCATION.

Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply and other similar utility uses may be located in any ~~zone~~ **zoning district** subject to the approval of the **Planning Commission and if necessary, the** Board of Adjustment, as set forth in Section ~~18.4 C~~ **1.7** of this Ordinance. The location of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements:

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.
- B. A building or structure, except an enclosing fence, shall be set back at least fifty (50) feet from any property line.
- C. Such facilities shall be enclosed by a protective fence **or wall.** ~~as regulated by Article X#~~ **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 (6) feet. The solid wall or fence and the associated gates shall be maintained in good condition. Barbed wire or sharp pointed fences are permitted in conformance with the regulations in Section 5.1.**
- D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area according to ~~Section 9.17 of~~ this Ordinance and may be required in and along any yard.
- E. The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.
- F. The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration by such suitable means and conditions as the Board of Adjustment or Planning Commission may specify.
- G. A Development Plan, as regulated by Section ~~9.19~~ **1.4** of this Ordinance, shall be required with an application submitted to the Board of Adjustment **and/or** Planning Commission, **as applicable.**

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

5.0.07 RAILROAD RIGHTS-OF-WAY LOCATION.

Railroad right-of-ways, exclusive of such uses as marshalling yards, passenger and freight terminals, maintenance shops, fueling facilities and round houses, may be located in any ~~zone~~ zoning district of this Ordinance providing said railroad right-of-ways meet the requirements of those sections of the Kentucky Revised Statute, Section 277, which regulate such uses.

5.0.08 EXCAVATION, FILLING OR GRADING OPERATIONS.

Notwithstanding other provisions of this Ordinance, no governmental entity except Federal and State, or other person or entity shall strip, excavate, or otherwise remove or add fill or otherwise place soil for sale or for any other purpose, except for minor changes such as the filling of small pockets in lots, flower beds and other similar operations, in any ~~zone~~ zoning district set forth in this Ordinance without first insuring that all requirements of this Ordinance and the Subdivision Regulations of the City of Fort Thomas, if applicable, have been fulfilled and then obtaining a permit from the ~~Building Inspector~~ Zoning Administrator for such filling, excavating or other means of addition or removal of soil, vegetation, and trees. For purposes of this ordinance “minor” grading shall be limited to areas requiring less than 200 cubic yards of material and not within 10 feet of property lines. The ~~Building Inspector~~ Zoning Administrator shall issue the required permit but may require a letter from the City of Fort Thomas Engineer, that the resulting change in grade in the affected area will not be against the best interests of the local area. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this Ordinance, but shall include all road cuts thereto. Grading activities shall be subject to the requirements of Section ~~9.20 (B)(1-k)~~ 1.4, Development Plan Review Procedures, of this Ordinance for runoff, erosion, and silt control.

5.0.09 UNSIGHTLY OR UNSANITARY STORAGE.

- A. No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored, or kept in the open, and no grass and/or weeds over 12 inches high shall be allowed to go uncut within any ~~zone~~ zoning district. Such materials shall be removed, and unsightly vegetation shall be cut and removed from the premises, within seven (7) days from the receipt of notification of the violation by the Zoning Administrator. Regular salvage and junkyards shall be adequately enclosed with a solid fence or wall, as regulated by ~~Article XII~~ this Ordinance, and an approved permanent planting screen may also be required as regulated in Section ~~9.17~~ 5.3 of this Ordinance.
- B. No vehicle ~~which~~ that is abandoned, inoperable, in a state of disrepair, or lacking a valid license, shall be stored in excess of seventy-two (72) hours in any residential ~~zone~~ zoning district, unless it is in a completely enclosed building. Parking shall be limited to the number of operable vehicles regularly used by members of resident families and their guests. Any violation of this section shall be rectified within fourteen (14) days after receipt of notification from the Zoning Administrator.

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

- C. It shall be unlawful for any person, or persons, to live in any trailer, boat, or truck within the limits of the City of Fort Thomas, Kentucky. It shall be unlawful for any person, or persons, to keep or to park any trailer, or boat in any residential district on any street or public way in Fort Thomas, Kentucky, for more than 24 hours. Said 24-hour period being for the purpose of loading and unloading same. Except for above, it shall be unlawful to park or store any trailer or boat at any place or location in the City of Fort Thomas, except in the rear yard of any premises (as rear yard is defined in this Ordinance). In no case shall more than one of the aforementioned vehicles or similar type equipment, be permitted in any rear yard area unless it is in a completely enclosed building. It shall be unlawful to park or keep any vehicle greater than seven feet (7') in height as measured from the ground ~~nor more than eight thousand pounds (8000 lbs.) curb weight~~ at any place or location on any private property in any residential district except in a completely enclosed garage building. No recreational vehicle, trailer, or boat ~~greater than eight thousand pounds (8,000 lbs) curb weight~~ or more than ten feet (10') in height or more than thirty feet (30') feet in length shall be permitted at any place or location on any private property in any residential district except in a completely enclosed garage building.
- D. It shall be unlawful to park any automobile, truck, trailer, boat, or vehicle or to keep any material or other item on any property, street or public way that blocks or obscures sight distance and/or creates a public safety hazard. Any violation of this section shall be rectified within twenty-four (24) hours of notification of violation from the Zoning Administrator. Failure to comply with an order of the Zoning Administrator to maintain sight distance as herein defined, may be corrected by the City at the property owner's or violator's sole expense.

~~5.0.10~~ **JUNKYARD LOCATION.**

~~No person shall operate or cause to operate any junkyard which shall in no case be situated closer than two thousand (2,000) feet to the centerline of any county, state, federal or limited access highway or turnpike, including bridges and bridge approaches.~~

5.0.11 APPLICATION OF ZONING REGULATIONS.

- A. Except as hereinafter provided, no public or private structure, except the service facilities of public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation or Federal Power Commission and common carriers by rail, shall be erected, reconstructed, or structurally altered, nor shall any public or private structures or land except the service facilities of public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation or Federal Power Commission and common carriers by rail, be used for any purpose other than that permitted in the ~~zone~~ **zoning district** in which such structures or land is to be located or is located.
- B. Except as hereinafter provided, no ~~public or private~~ structures except the service facilities of public utilities operating under the jurisdiction of the Public Service

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

- Commission or the Department of Motor Transportation or Federal Power Commission and common carriers by rail, shall be erected, reconstructed, or structurally altered to exceed the height or bulk limit herein established for the ~~zone~~ **zoning district** in which such structure is to be located or is located.
- C. Except as hereinafter provided, no lot areas shall hereafter be so reduced or diminished that the yards, **setbacks**, or other open spaces shall be smaller than described **or required** by this Ordinance, and ~~no buildings shall~~ **only** be occupied by ~~a use more families than prescribed for such building, structure or premises for the zone~~ **permitted in the zoning district** in which it is located.
- D. Except as herein provided, no part of any yard, **setback**, open space, or off-street parking or loading and/or unloading space in connection with any building, structure, or use permitted by this Ordinance shall be considered to be part of a required ~~yard~~ **setback**, open space, or off-street parking or loading space for any other building, structure, or use.
- E. Every public or private building or other structure hereafter erected shall be located on a lot as herein defined and in no case **in the R-1 Districts** shall there be more than one (1) principal building and ~~the~~ **permitted** accessory structures on one (1) lot, except as hereinafter ~~provided~~ **permitted**, nor shall any building be erected on any lot ~~which that~~ does not abut at least twenty-five (25) feet on a deeded and accepted public right-of-way.

5.0.12 EXCEPTIONS AND MODIFICATIONS.

- A. Exceptions to Height Limits.
1. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, conveyers, flag poles, masts and aerials, equipment penthouses, scenery lofts, stand pipes, parapet walls, other related structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the City of Fort Thomas, Commonwealth of Kentucky, and is in conformance with federal regulations under the jurisdiction of the Federal Aviation Agency and the Federal Communication Commission. Radio and television towers shall not exceed the maximum building height of the zoning district in which they are located.
 2. In the districts where permitted, as permitted or conditional uses, public or semi-public buildings or hospitals may be erected to a height not exceeding seventy-five (75) feet when the front, side and rear ~~yards~~ **setbacks** are increased an additional foot for each foot such buildings exceed the maximum height permitted in that district.

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

B. Area Exceptions.

1. For the purpose of side ~~yard~~ **setback** regulations, the following dwellings with common party wall shall be considered as one (1) building occupying one (1) lot: Two-family **dwellings, attached single-family**, and multi-family dwellings.
2. In the case of a ~~court~~ apartments **with an inner courtyard (See Figure 2)** or multi-family dwellings, side yards may be used as rear yards provided that:
 - a. The required side ~~yard~~ **setback** shall be increased by one (1) foot for each entrance or exit opening into or served by such yard;
 - b. The width of the courty**ard** shall not be less than two and one-half (2-1/2) times the width of the side yard as required in the district in which such courty**ard** apartments or multi-family dwellings are located;
 - c. Where a roadway is provided in the courty**ard**, the width allowed for such roadway shall be in addition to that required in the foregoing regulation;
 - d. All other requirements, including front, side, and rear ~~yards~~ **setbacks** shall be complied with in accordance with the regulations of the district in which such courty**ard** apartments or multi-family dwellings are located;
 - e. Every part of a required minimum ~~yard~~ **setback** or courty**ard** shall be open from its lowest point to the sky unobstructed, except for permitted obstructions in minimum required yards as specified in ~~Section 9.10, G,~~ of this Ordinance.



Figure 2 - Illustration of Apartments with Inner Courtyard

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

- C. Exception to Area and ~~Yard~~ **Setback** Regulations.
1. Where existing or proposed development within any multi-family (R-3, R-5) or ~~commercial (NSC, GC, HC, and PO, CBD)~~ **Business and Mixed Use Zoning Districts** ~~zones~~ is to be subdivided, the minimum area and ~~yard~~ **setback** requirements may be less than required by this Ordinance provided that:
 - a. The maximum density of the ~~zone~~ **zoning district** is not exceeded and/or the minimum site for the total development ~~must~~ **shall** not be less than that required by the respective ~~zone~~ **zoning district**;
 - b. A community association or other responsible entity is established prior to the approval by the Planning Commission of any subdivision of land. The association shall be obligated and empowered to own, operate and maintain all common areas (as specifically identified on the submitted ~~site~~ **development** plan required by item c. of this ~~sub-~~section) including such items as open space, recreational facilities, access drives, parking areas, pedestrian walkways, etc., and all facilities constructed thereon;
 - c. A Development Plan as regulated by the applicable requirements of Section ~~9.19~~ **1.4** of this Ordinance, including the proposed area and ~~yard~~ **setback** requirements for the development, is submitted for review and approval by the Planning Commission.
 2. In addition, the Planning Commission may waive the requirement that all lots abut a minimum frontage along a dedicated right-of-way provided that those lots that do not abut a dedicated right-of-way are assured an unencumbered and maintained access way by the association to a dedicated right-of-way in accordance with sub-section ~~9.13~~ **5.0.12**, ~~¶ C~~, paragraph 1, b, above of this Ordinance.
 3. It is understood that the developer shall comply with all of the provisions of Chapter 100 of the Kentucky Revised Statutes including but not limited to, the provisions, which deal specifically with the recording requirements for all subdivisions of lands.
- D. Exception to the Minimum Frontage Along a Dedicated Right-of-Way. **The Planning Commission may waive the requirement that lots, which contain open space and common open space, abut a minimum frontage along a dedicated right-of-way provided that the common open space and open space, as shown on the development plan, is appropriate for the development and appropriate access is provided for the intended users of the common open space and the open space.**

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

5.0.13 MOVE AND SET.

- A. No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, road, or highway in the City of Fort Thomas until and unless a move and set permit has been obtained therefore and said building, structure, or improvement complies with the provisions of this section.
- B. All buildings, structures, and improvements shall comply with the Kentucky Building Code.
- C. Procedure:
 - 1. Any person who wishes to obtain a move and set permit and a building permit, to move and set in compliance herewith, shall apply at the Office of the Building Inspector requesting an inspection of the building, structure or improvement to be moved and set, and that an application for such permit be filed with the Building Inspector.
 - 2. The applicant shall submit, with his application for said building permit, a plat plan, footing and foundation plan, and construction plans for any new construction. Said plans shall comply with the Kentucky Building Code.
 - 3. If the building, structure or improvement is located in the City of Fort Thomas, all outstanding property taxes shall be paid and the applicant shall submit with his application a statement from the City of Fort Thomas' City Treasurer showing that all past and current taxes have been paid before any permit shall be issued.
 - 4. Upon receipt of the foregoing items, the Building Inspector shall inspect said building, structure or improvements, and the proposed location where it will be set within the City of Fort Thomas and determine that the proposed development complies with the building code.
 - 5. The move and set shall be referred to the Zoning Administrator for approval or denial of compliance with this Ordinance.
 - 6. Upon approval by the Zoning Administrator and Building Inspector, a permit shall be issued to permit the move and set. The City Engineer shall then be notified of it. The City Engineer or his agent will designate the route to be traveled. The move and set permit is good only for the date specified on the permit. The move and set permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the Building Inspector.
 - 7. There will be a move and set permit fee to cover the costs of investigation and inspection for assessing the structural condition of buildings, structures,

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

or improvements to be moved, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures or improvements into compliance with the City of Fort Thomas Building Code should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be capable of complying with the Kentucky Building Code, and this Ordinance, a building permit will be issued at the regular fees as determined by the valuation of said building, structure, or improvements as published in the building code. This **building permit** fee is in addition to the move and set fee ~~first listed (see ARTICLE XIX).~~

8. The move and set permit provided for in this section shall not be in lieu of any building permits, which may be required by the City.
9. No move or set or building permit shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, the Kentucky Department of Transportation, the Campbell County Road Supervisor or any other utility companies having jurisdiction.
10. No move and set or building permit shall be issued for any building, structure or improvement exceeding the dimensions as approved by the Zoning Administrator and Building Inspector.
11. No person, corporation, or company shall transport, move or set any building, structure or improvement in the City of Fort Thomas until and unless such person, corporation or company shall post with the Building Inspector a good and sufficient indemnity bond in the amount of five thousand dollars (\$5,000.00) in favor of the City of Fort Thomas. Such bond shall be made by a Surety Corporation authorized to do business in the Commonwealth of Kentucky; said bond may be issued on an annual basis but shall not be in excess of such period of time.

5.0.14 PHASED ZONING REGULATIONS.

- A. ~~Phased zoning is an overlay type of zone to be used in cases where the timing and/or phasing of the zoning of an area is especially critical to the implementation of the adopted Comprehensive Plan. The intent of the phased zoning regulations is to encourage redevelopment of a specified area for the use and/or density designated on the Comprehensive Plan when the necessary conditions for such development are realized (e.g., demolition of existing building). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development identified by the Comprehensive Plan is premature; such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future rezoning, which would be in compliance with the adopted Comprehensive Plan.~~

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- ~~B. The phased zoning regulations may be overlaid over any zoning classification by means of a conventional zone change process. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced based upon the general existing land use, but upon attainment of the requirements of the zone which corresponds to the adopted Comprehensive Plan for type of use and/or density, the area could be rezoned in direct compliance with the plan.~~

Phased zones are indicated on the official zoning map by adding to the overlaid zone the letter "P" as a suffix enclosed in parentheses. For example, in order to properly phase its change, an area zoned R-1C, which is identified for future use on the adopted comprehensive plan for "industrial" could be temporarily zoned R-1C (P), indicating that present development on the site would be in conformance with the regulations of the overlaid R-1C zone, but that, upon the attainment of certain conditions (e.g., provision of an adequate access road, demolition of existing building, etc.) as indicated on the local Comprehensive Plan, the area could be rezoned through a conventional zone change procedure. At the time of the zone change, the temporary R-1C (P) zone is removed and the area is developed according to the regulations of the new zone, which is in conformance with the adopted Comprehensive Plan.

5.0.15 PERFORMANCE STANDARDS.

No land or structure in any zoning district shall be used or occupied in a manner to create a dangerous or objectionable condition, substance or element, in such a manner or in such amount to adversely affect the adjoining premises or surrounding area. All uses shall comply with the following performance standards in addition to the applicable requirements elsewhere in this Ordinance.

- A. **Americans with Disabilities Act. All uses shall comply with all applicable requirements of the Americans with Disabilities Act, and all other applicable federal, state, and county regulations, as required by the Zoning Administrator.**
- B. **Lighting and Glare. All exterior lighting and conditions that generate glare shall comply with the requirements of Section 5.3, Landscaping, Screening, and Lighting Regulations.**
- C. **Heat. No use shall generate heat that is perceptible without the aid of instruments at any point beyond the lot occupied by the use.**
- D. **Noise.**
- No land use or structure shall be used or occupied in a manner which creates dangerous or objectionable noise. See Chapter 95 of the City of Fort Thomas Code of Ordinances.**
 - Within a nonresidential district, a maximum level of noise of 80 decibels is permitted at the boundary of the nearest residential district located within**

Changes from existing provisions are noted: Substantive Additions and Deletions

the City. During the hours of 7:00 AM to 6 PM Monday through Saturday, sound may equal but not exceed traffic noise in the vicinity. Noise producing equipment and activities shall be muffled to prevent intermittence, beat frequency, or shrillness.

- E. **Vibration. Vibrations, which are perceptible without the aid of instruments, shall not be permitted beyond the lot occupied by the use generating such vibration.**
- F. **Smoke. No use shall emit smoke for longer than eight (8) minutes in any hour which is of a shade darker than Number 3 on the Standard Ringelmann Chart as issued by the U.S. Bureau of Mines.**
- G. **Odors. No use shall emit malodorous gas or matter that is discernible on any adjoining lot or property. No use shall allow for the bedding, fur, feathers, feces, and/or urine of animals to collect or remain on the premises whereby noxious odors or offensive smells are generated and discernible on any adjoining lot or property. No use shall allow any structure that shelters or houses animals to collect or generate noxious odors or offensive smells that are discernible on any adjoining lot or property.**
- H. **Air Pollution.**
1. **No use shall cause the emission of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, animals, vegetation, or property, or which can cause any soiling or staining of persons or property at any point beyond the boundaries of the lot occupied by the use creating the emission.**
 2. **Appropriate landscaping, paving, oiling or other acceptable treatment shall be used to reduce and minimize dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by.**
- I. **Fire Hazards. Flammable or explosive materials shall only be permitted in structures having incombustible exterior walls.**
- J. **Solid Waste. Solid waste, including empty packing crates and other excess materials, shall be regularly removed from a lot or enclosed within a wall or fence, as required by this Ordinance, until removed.**
- K. **Liquid Waste. Liquid wastes should be disposed of in appropriate containers removed from the site on a regular basis. Liquid waste or sewerage shall not be discharged into a reservoir, stream, other open body of water, or a storm or sanitary sewer except as allowed by the law and regulations of governmental authority with jurisdiction.**

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- L. Noxious, Toxic or Corrosive Fumes. **Noxious, toxic or corrosive fumes or gasses injurious to the property, vegetation or health of the people residing in an adjacent residential district shall not be emitted.**
- M. Radioactive or Electrical Disturbances. **Radioactive emissions or electrical discharges shall be confined to the use and shall not cross the boundary lines of the lot from which they originate.**
- N. Infectious and Medical Waste Materials. **Infectious or medical waste materials shall not be stored, incinerated or disposed of in a manner or in such quantities that produces a public nuisance or a hazard to the public health and welfare of the community and is prohibited.**
- O. Underground Utilities. **All utilities required to serve a development shall be located underground.**

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

SECTION 5.1 Temporary and Accessory Use/Structure Regulations

5.1.01	Applicability.	5.1.03	Temporary Uses.
5.1.02	Accessory Uses.	5.1.04	Accessory Structures.

5.1.01 APPLICABILITY.

Temporary and Accessory Use/Structure regulations shall apply to all districts. Where requirements of this Section and a district regulation differ, the more restrictive requirement shall prevail.

5.1.02 ACCESSORY USES.

A. General Provisions.

1. **Accessory Uses Allowed. Accessory uses are allowed only in connection with lawfully established principal uses.**
2. **Allowed Uses. Allowed accessory uses are limited to those expressly regulated in this Ordinance as well as those that, in the determination of the Zoning Administrator, satisfy all of the following criteria:**
 - a. **They are subordinate and clearly incidental to the principal use(s) of the property; and**
 - b. **Either:**
 - i. **They are customarily found in conjunction with the subject principal use(s) or principal structure; or,**
 - ii. **They serve a necessary function for the comfort, safety, or convenience of occupants of the principal use(s).**
3. **Time of Construction and Establishment. Accessory uses shall be established only after the principal use of the property is in place.**

B. Home Occupation. The following requirements shall apply to home occupations when permitted herein:

1. No persons other than the individual, or individuals, residing on the premises shall be engaged in such operation as herein defined.
2. A home occupation shall be clearly incidental and subordinate to the use of a dwelling unit for residential purposes. No more than twenty-five percent

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(25%) of the total floor area ~~not or~~ more than five hundred (500) square feet, whichever is ~~less~~ **greater**, of the dwelling unit may be used in connection with a home occupation. Floor area of a dwelling unit, in this case, shall include the floors of all heated and ventilated and thereby habitable rooms, including basements, cellars, and habitable attic space.

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except **signage that a name plate** as regulated by Section ~~15.3-D~~ **5.7, Sign Regulations** of this Ordinance, shall be permitted. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.
4. A home occupation shall be operated wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be permitted in an accessory building or garage, attached or detached, or any vehicle including a recreational vehicle.
5. There shall be no goods or products sold **directly from** ~~upon~~ the premises in connection with such home occupation. **Internet based sales are permitted.**
6. No traffic shall be generated by such home occupation in greater volumes than would normally be generated in a residential neighborhood.
7. Delivery from a commercial supplier in a vehicle larger than a step van shall be limited to one delivery and one pickup each week and the delivery or pickup shall not restrict traffic flow.
8. Neither a home occupation nor any equipment used in conjunction with a home occupation shall produce heat, sound, vibration, light, glare, dust, odor, smoke, or fumes detectable to normal sensory perception by a person located off premises or beyond the walls of the dwelling unit if the dwelling is part of a multi-family building. No equipment or process shall create a hazard to person or property, resulting in electrical, visual, or audible interference to nearby machinery or equipment, become a nuisance, or cause fluctuation on line voltage or utilities off or on the premises.
9. A home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, waste collection, etc.) so that the combined total use for dwelling and home occupation exceeds the average for the residences in the neighborhood.
10. No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

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11. The Zoning Administrator may inspect all properties used for home occupations annually to determine compliance with a permit and/or applicable zoning regulations herein.
 - a. Upon inspection and determination of violation, the Zoning Administrator shall notify owner of violations and require compliance within twenty-one (21) days of receipt of notice.
 - b. Failure to comply with notification for compliance from the Zoning Administrator shall be **considered a violation of this Ordinance and shall be subject to the penalties in Section 1.11 and shall also be** cause for revocation of a permit for a home occupation.

Question to Consider: Do the home occupation standards need to be updated?

- C. **Outdoor Dining. When permitted in the zoning district, restaurants shall be permitted to operate outdoor dining on sidewalks, patios, and other impervious surfaces, including areas within the public right-of-way and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired. The following standards shall apply to outdoor eating areas:**
 1. **If outdoor dining is proposed to be in the public right-of-way, a permit shall be obtained from the Zoning Administrator or the Kentucky Transportation Cabinet, as applicable, before a Certificate of Zoning Compliance is issued.**
 2. **Planters, fencing, or other devices shall be used as a way of defining the area occupied by the outdoor dining.**
 3. **Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade or cover.**
 4. **The operators of outdoor dining shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of cafe activity.**
 5. **The outdoor dining area shall comply with the building setback regulations for the zoning district in which it is located, except that the outdoor dining area may encroach up to ten (10) feet into the front setback.**
 6. **The outdoor seating area shall be used in conjunction with and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.**
- D. **Outdoor Sales/Display in Association with a Permitted Use. When permitted by this Ordinance, the outdoor display of merchandise for sale shall comply with the following requirements. These requirements shall not apply to a vehicle sales/rental/service establishment.**

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1. Outdoor display of merchandise for sale shall be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
 2. The area of the lot devoted to outdoor display shall not exceed 20 percent (20%) of the gross ground floor area of the building(s) on the lot. The Planning Commission may grant a waiver to this requirement when the ground floor area is 5000 square feet or less.
 3. The outdoor display area shall not be located in areas intended for traffic and pedestrian circulation or parking as identified on the approved Development Plan.
 4. Any proposed outdoor display areas shall be approved as part of a development plan review in accordance with Section 1.4.
 5. If the outdoor display of merchandise is proposed to be in the public right-of-way, a permit shall be obtained from the Zoning Administrator or the Kentucky Transportation Cabinet, as applicable, before a Certificate of Zoning Compliance is issued.
 6. The outdoor display and sales areas shall be maintained in good order and appearance.
 7. Temporary structures may be erected in association with a seasonal outdoor display when located in compliance with the required principal building setbacks and specifically authorized during development plan review.
- E. Outdoor Storage. The outdoor, overnight storage of general materials, fleet vehicles, and equipment shall comply with the following:
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 (6) feet. The solid wall or fence and the associated gates shall be maintained in good condition. No

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

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 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 twenty-five (25) feet from any property boundary that abuts a Residential District, except the R-3 and R-5 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 outside overnight.**
 6. **Any proposed outdoor storage areas shall be approved as part of a development plan review in accordance with Section 1.4.**
- F. **Short-Term Rental Properties.** The operation of short-term rental units is subject to all of the following standards and conditions **when permitted by this Ordinance:**
1. An annual permit/license from the city is required. The fee for the initial permit/license is One Hundred Dollars (\$100.00) and the annual fee for each renewal is Fifty Dollars (\$50).
 2. A copy of a current business liability insurance policy is required to be submitted to the City each year at the time an application for a permit is filed.
 3. Occupational taxes shall be paid to the City.
 4. Each dwelling used for short-term rental shall be subject to inspection by the Building Inspector prior to the issuance of an annual business permit/license and at all renewals.
 5. Short-term rental units are permitted in attached single-family dwellings, detached single-family dwellings, two-family dwellings, ~~town homes,~~ **housing in the Central Business and Traditional Business Districts housing,** condominiums, ~~and~~ landominiums, **accessory dwelling units.** Owners of rental properties ~~must~~ **shall** consent to short term rental units. Condominium/Landominium owners ~~must~~ **shall** have written permission from the homeowners' association.
 6. Short-term rental guests shall not stay more than twenty-nine (29) consecutive days in duration.

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

7. All short-term rental buildings and units shall be in compliance with applicable building codes.
8. Bed and Breakfasts ~~must~~ **shall** be in compliance with their distinct building codes
9. Contact information for the owner(s) ~~must~~ **shall** be posted in a conspicuous location within each unit of the short-term rental.
10. Evacuation plan must be posted in a conspicuous location within each unit of the short-term rental permit.
11. If property is subject to two (2) or more substantiated civil and/or criminal complaints, the Zoning Administrator may revoke the approval of the short-term rental permit/license.
12. Parking. Host ~~must~~ **shall** provide one off-street parking space per guest room of short-term rental contract.
13. Number of Persons Allowed. No more than two (2) adults per bedroom. Maximum of six (6) adults per home.
14. Noise Ordinance. Each unit shall comply with the City's Noise Ordinance. A copy of said Ordinance shall be posted in a conspicuous place within the unit.
15. The owner(s) Host is responsible for giving adjoining neighbors contact information.
16. Any person who shall violate a provision of this **Ordinance and Chapter** this **sub-section 5.1.02** shall be subject to a fine of Five Hundred Dollars (\$500.00),
17. The City shall have the right to seek civil injunctive relief against any person(s) who rent(s) any rental unit in the absence of a valid rental license and the City shall recover the litigation costs and attorney fees incurred by the City therein.

5.1.03 TEMPORARY USES.

- A. Temporary Uses Allowed. Temporary uses are allowed only in connection with lawfully established principal uses.

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

- B. Allowed Temporary Uses. **Expressly permitted temporary uses are enumerated in this sub-section. The Zoning Administrator may permit other temporary uses with appropriate conditions to insure public safety and welfare.**
- C. Garage Sales/Yard Sales. The following requirements shall apply to garage sales/yard sales when permitted herein:
1. Permit Required. No garage sale may be conducted within the city without a permit having been first issued for such sale by the Zoning Administrator. Such permit shall set forth and restrict the time and location of such garage sale. No more than three such permits may be issued to one residence and/or household during a calendar year. Such permits shall be limited in time to no more than the daylight hours of two (2) consecutive days.
 2. One sign of not more than twelve (12) square feet shall be permitted to be displayed on the property of the residence where a garage sale is being conducted. Such signs shall be displayed only during the times of the sale as stated on the permit. In no case shall the sign be placed on any property other than the property of the residence to which the permit has been issued, nor shall any sign be located closer than five (5) feet from the property line.
 3. General Retail Sales Prohibited. The conduct of general retail sales or commercial activities in residential areas is, except as otherwise expressly authorized under this Ordinance, prohibited. Garage/Yard sales are permitted only insofar as they are conducted consistent with the limitations set forth herein.

5.1.04 ACCESSORY STRUCTURES.

- A. General Provisions.
1. **Each accessory structure is permitted in the districts in which it is listed as an accessory, provided that it is developed in compliance with the development standards detailed in this sub-section, unless otherwise permitted or regulated in this Ordinance.**
 2. Yard. **Accessory structures shall only be located in the side and rear yards unless otherwise permitted in this Ordinance.**
- B. Accessory Structures. Accessory structures shall not be permitted in any front or side yard unless they are attached to the principal structure on the lot and also conform to the minimum yard setback requirements of the ~~zone~~ zoning district, except **as otherwise permitted in this Ordinance** in the CBD Zone; provided however, garages not attached to the principal structure **that are greater than 600 square feet**, if approved by the Board of Adjustment, may be permitted within a side

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yard but ~~must~~ **shall** be a minimum of sixty (60) feet from the front lot line and **shall** meet side ~~yard~~ setback requirements. Accessory structures shall be permitted to be extended into the minimum ~~yard~~ **setback** areas, as defined herein, in all ~~zones~~ **zoning districts** with the following limitations **in this sub-section. For other permitted encroachments into setbacks, refer to the applicable zoning district section.**

1. At least five (5) feet from any property lines on an interior lot for garages and other storage buildings that do not exceed six hundred (600) square feet in floor area and ~~fifteen (15) feet in height.~~
 2. On a corner lot, the side ~~yard~~ **setback** abutting the street shall equal the front ~~yard~~ **setback** of principal permitted uses on the abutting property on the same side of the street.
 3. On through or double frontage lots both setbacks abutting a street shall be at least the minimum front ~~yard~~ **setback** requirement for the ~~zone~~ **zoning district** in which it is located.
 4. All accessory structures and uses not intended as use for a garage or storage building shall not encroach more than ten (10) feet into the required rear ~~yard~~-setback and **shall** conform to all side ~~yard~~ **setback** requirements in the zone in which it is located.
 5. A garage or accessory structure in a residential zone shall be clearly incidental to the principal permitted use.
 6. A **detached** garage, or garages, in a single-family ~~zone~~ **zoning district** as an accessory structure~~(s)~~ to a residence, shall not contain space for more than four (4) motor vehicles.
- C. Accessory Dwelling Unit (ADU). **Accessory dwelling units are permitted in the R-1AA, R-1A, R-1B, R-1C, R-1D, R-1-TC1, and R-1-TC2, zoning districts in accordance with the following standards:**
1. **There are two types of ADUs: (1) integrated ADUs, and (2) detached ADUs. Integrated ADUs are established by dividing space within a principal dwelling or by adding floor area to an existing single-family detached dwelling. Detached ADUs are prohibited in the R-1 Districts, and integrated ADUs are permitted only on lots that comply with the minimum lot area for the applicable zoning district.**
 2. **Integrated ADUs shall comply with the minimum principal building setbacks established in Section 3.1.**
 3. **No more than one ADU shall be located on a zoning lot with a single-family detached dwelling.**

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4. **The floor area of an ADU shall not exceed 40 percent of the finished floor area of the principal residential building to which it is accessory, or 1,000 square feet, whichever is less. An ADU shall not be required to comply with the development standard for minimum gross floor area per dwelling unit established in Section 3.1.**
5. **The accessory dwelling unit may be located in a basement or story below the first floor if permitted to do so by the Building Code.**
6. **Appearance:**
 - a. **Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a residential dwelling (e.g. side doors, French doors, etc.).**
 - b. **Exterior stairs that provide access to an entrance to the ADU shall be located on the side or rear of the principal building and are prohibited from being located on the front of the principal building.**
 - c. **If a principal building is expanded to accommodate an integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building.**
 - d. **Only one entrance may be located on the front facade of the principal building facing the street unless the building contained additional front entrances prior to the ADU's construction. Additional entrances are permitted on the side or rear of the principal building.**
 - e. **If a principal building is expanded to accommodate an integrated ADU, the accessory dwelling unit shall not exceed the height of the existing, single-family detached dwelling.**
7. **An ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit.**
8. **An ADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot).**
9. **An ADU may be served by separate or shared water, sanitary sewer, gas, and electrical utilities.**
10. **One additional off-street parking space shall be provided unless waived by Planning Commission.**

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11. **The gross floor area of an integrated ADU shall be included in the gross floor area of the single-family detached dwelling in terms of meeting the development standard for minimum gross floor area per dwelling unit established in Section 3.1.**
12. **Where short term rentals are permitted, accessory dwelling units may be used as short-term rental properties subject to the provisions of this Section and this Ordinance.**

Questions to Consider: 1. Should ADUs be permitted by right or conditionally permitted? Should the classification vary by zoning district? 2. Should detached ADUs be permitted? If so, what zoning district(s)? If so, by-right or conditionally? 3. Should non-conforming lots be allowed to have an ADU? 4. Is the floor area limitation appropriate? 5. Are there any other Appearance standards that should be added? 6. Should parking be required?

- D. **Air Conditioning and Outside Mechanical Equipment.** All air conditioning condenser units, heat pumps, or other mechanical devices placed outside of a building shall comply with minimum ~~yard~~ **setback** requirements for the zoning district in which they are located, except that they may be located within ~~five (5)~~ **three (3)** feet of a side property line if they are sound shielded and screened with fencing and/or shrubs equal in height to the height of the appliance.

Question to Consider: Should the minimum side setback for HVAC condensing units & other mechanical devices be reduced to 3 feet?

- E. **Fences and Walls.** **Fences and walls shall comply with the regulations in this Section and this Ordinance.** The following shall be the classification of fences and walls for this Ordinance:
1. Hedges;
 2. Retaining walls;
 3. Other masonry walls;
 4. Ornamental iron, **aluminum, and iron** (eighty percent (80%) open);
 5. Woven wire-Chain Link (eighty percent (80%) open);
 6. Wood or other materials (more than fifty percent (50%) open);
 7. Solid fences - wood or other materials (less than fifty percent (50%) open);
 8. Barbed wire or sharp pointed fences;
 9. Earthen or concrete walls intended to contain or redirect flooding waters, or otherwise serve as a physical barrier.
- F. **Fences and Walls in the Conservation and River Preservation Districts.** Fences and/or walls within the Conservation and River Preservation Zoning Districts shall conform to the following requirements:

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1. ~~Section 12.0, except that~~ In front yards, class 2 or 4, or 5 fences may be erected up to a maximum height of eight (8) feet;
 2. Side and rear yard, class 1, 2, 3, 4, 5, 6, 7, or 8 fences and/or walls may be erected up to a maximum height of eight (8) feet;
 3. Class 9 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or City Engineer, whichever is applicable.
- G. Fences and Walls in the Residential Districts. Fences and/or walls within the Residential ~~Zones~~ **Zoning Districts** shall conform to the following requirements:
1. ~~Section 12.0 and~~ The requirements set forth and depicted on Figure ~~2~~ 1 of this Ordinance for residential uses only.
 2. For all nonresidential uses Permitted, **Restricted**, or Conditional uses permitted herein:
 - a. ~~Section 12.0 except that~~ In front yards, class 1 or 2 fences may be erected up to a maximum height of six (6) feet;
 - b. Side or rear yards, class 1,2,3,4,5,6, or 7 fences or walls may be erected up to a maximum height of eight (8) feet;
- H. Fences and Walls in Business and Mixed Use Districts. Fences and/or walls within the **Business and Mixed Use Districts** ~~GC, HC and PO, CBD Zones including those permitted with all conditionally permitted uses in these zones~~ shall conform to the following requirements:
1. ~~Section 12.0, except that~~ In front yards of, ~~GC, HC, and PO, CBD Zones,~~ Classes 1, 2, or 3 fences may be erected up to a maximum height of ~~six (6)~~ **three (3)** feet; and ~~except class 6 fences may be erected in front yards of HC zones to a maximum height of four and one (4 1/2) feet.~~
 2. Side and rear yard, classes 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of eight (8) feet except that ~~Section 12.0~~ **sub-section 5.0.04, Vision Clearance at Intersections**, shall prevail at all intersections.
- I. Fencing for Athletic Activities. In ~~zones~~ **zoning districts** where permitted, public and semi-public athletic fields, ball fields, tennis courts, and similar recreation areas may be fenced with fences of a maximum height of twelve (12) feet. Baseball field backstops may have a maximum height of sixteen (16) feet.

In Residential Districts, private athletic fields, tennis courts and similar recreation areas may be fenced with Class 4 or Class 5 fences to a maximum height of twelve (12) feet. These fences shall be setback an additional one foot from the minimum

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building setbacks established in each ~~zone~~ **zoning district** for each additional foot in height above the foot maximum height established in ~~Section 12-3~~ **5.1.04 G.** of this Ordinance.

- J. Height for Barbed Wire or Sharp Pointed Fences. ~~In zones~~ Where permitted, barbed wire or sharp pointed fences, shall not be less than a height of six (6) feet.
- K. General Provisions for Fences and Walls.
1. Measurement of All Fence and/or Wall Heights.
 - a. All fences and/or wall heights shall be measured from their top edge to bottom edge, except as stated in ~~Section 12-0~~ **sub-section 5.0.04, Vision Clearance at Intersections**, and shall be maintained at bottom edge of no greater than 3 inches from the existing grade at any point.
 - b. All locations for distance measurements shall be measured from lot lines.
 2. Height of Fences atop Retaining Walls. A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this Ordinance for the applicable ~~zone~~ **zoning district**. Said measurement shall be made at the location of the fence and retaining wall. Where difference in grade require “guards” per Kentucky Building Code (KBC), fencing and/or guards shall meet the minimum standards of this Ordinance and the KBC.

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3. **Structural Elements of Fences.** Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side which faces the property owned by the person building the fence.

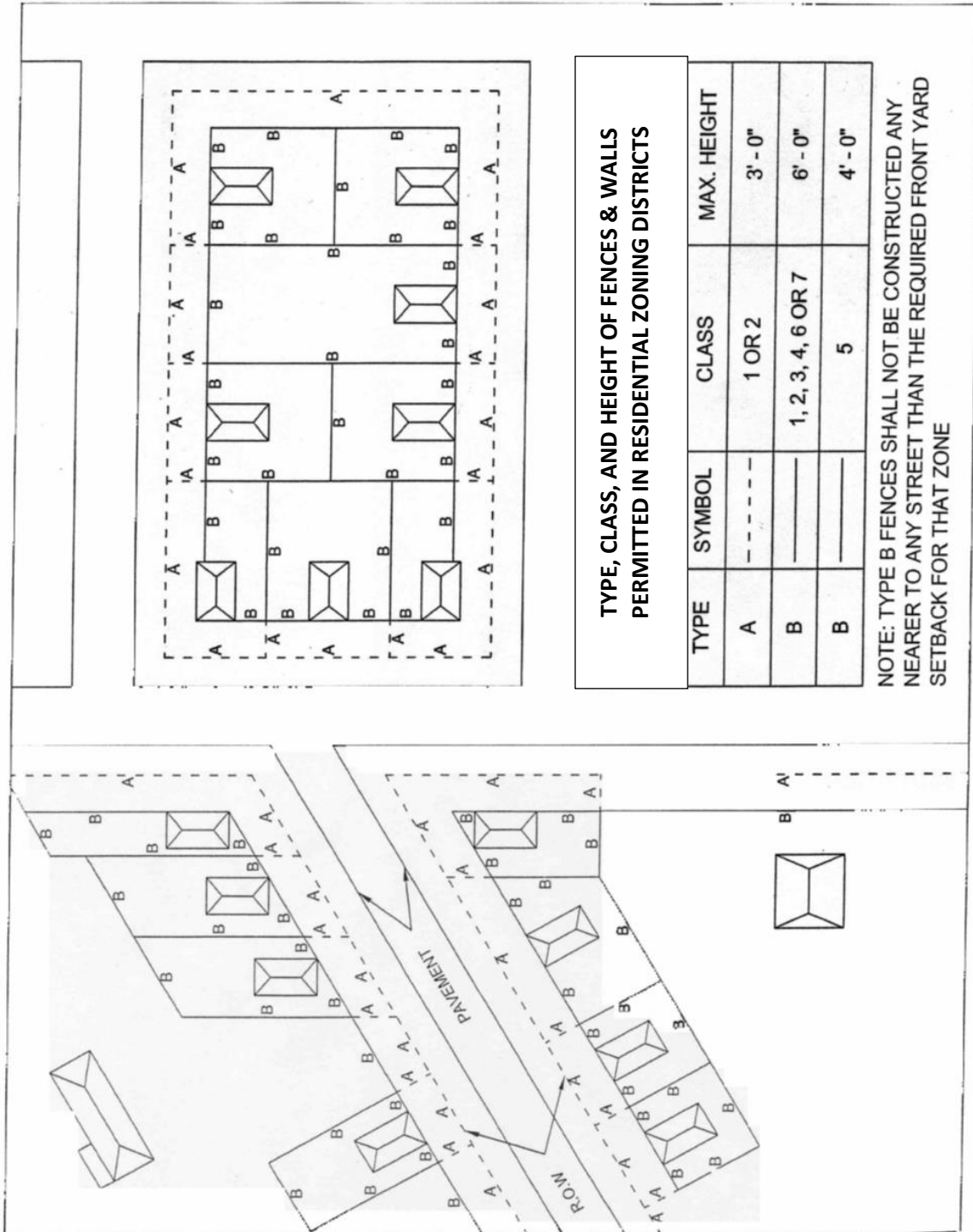


Figure 1 - TYPE, CLASS, AND HEIGHT OF FENCES & WALLS PERMITTED IN RESIDENTIAL ZONING DISTRICTS

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

- L. **Satellite Receiving Antenna for All Zoning Districts.** Satellite Receiving Antenna in all Zoning Districts shall conform to the following requirements:
1. A satellite receiving antenna, and its components, herein defined as an accessory structure, shall not be permitted within any front yard ~~depth~~ or side ~~yard depth~~ **setback** in any ~~zone~~ **zoning district**.
 2. In all ~~zones~~ **zoning districts**, a satellite-receiving antenna may be permitted in the rear yard area provided that such structures are set back from the rear lot line a minimum of fifteen (15) feet and set back from the side lot lines a minimum of fifteen (15) feet.
 3. The structure shall be mounted at ground level and the entire structure shall not exceed fifteen (15) feet in height as measured from ground level to the highest point of the structure.
 4. The dish antenna shall be limited to a maximum of ten (10) feet in diameter.
 5. No more than one (1) satellite receiving antenna shall be permitted per lot in single-family residential zones.
 6. No satellite-receiving antenna shall be roof-mounted or connected to any other structure.
 7. All structures shall be neutral in color ~~and bear no advertising emblem~~. The name of the manufacturer in letters shall not exceed two inches in height.
 8. In the case of a corner lot providing that all **setback** requirements ~~for yard space~~ are complied with, the rear yard shall be most opposite the front yard and front lot line.
 9. In the case of a double frontage lot, the unit shall be located within the required rear ~~yard depth~~ **setback** for that ~~zone~~ **zoning district**.
 10. A Building Permit is required before a structure is to be placed on any lot. All satellite-receiving antenna shall comply with all regulations of the Kentucky Building Code, the Federal Communications Commission and the Official Zoning Ordinance.
 11. Any dish-type antenna measuring twenty-four (24) inches in diameter or less shall be excluded from all provisions of ~~Section 9.15~~ **this sub-section**; however, dish-type antennae of this size shall still comply with all regulations of the Kentucky Building Code and the Federal Communications Commission.

M. Outdoor Swimming Pools.

1. Private Swimming Pools. All private swimming pools eighteen (18) inches or more in depth shall be regulated according to the following requirements:
 - a. Swimming pools shall be permitted to be located only to the side or rear of the principal permitted dwelling or dwellings, shall be a minimum of sixty (60) feet from the front lot line, meet side ~~yard~~ setback requirements and may encroach up to ten (10) feet into the minimum required rear **setback yard**.
 - b. Except as herein provided, no swimming pool, including the apparatus and equipment pertaining to the operation of the swimming pool shall be permitted within any required side ~~yards~~ **setback** of the lot nor within the limits of any public utility right-of-way or easement.
 - c. The swimming pool, or the property on which the pool is located, shall be surrounded by a fence or wall (only classes 1, 3, 4, 5, 6, and 7 are permitted as regulated in ~~Article XII~~ **this Section 5.1.04 of this the** Ordinance at least four (4) feet in height but not exceeding a height of six (6) feet or of such construction that a small child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence as determined by the Zoning Administrator. The same shall have a self-closing and self-latching gate. Elevated or portable pools which sides are at least four (4) feet above the surrounding ground level for a minimum area of four (4) feet from the base of the pool will be considered to comply with this regulation, provided stairs, ramps, or ladders used for ingress and egress are protected by self-latching and self-closing gates or other approved protection. Pools located more than three hundred and fifty (350) feet from the nearest lot line are excluded from this fence requirement.
 - d. Glare from floodlights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties and comply with Section ~~9.14~~ **5.3, Landscaping, Screening, & Lighting Regulations**, of this Ordinance.
 - e. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool, shall be constructed, and erected in accordance with all applicable codes, ordinances, and regulations of the City of Fort Thomas. Any water used in the operation of a swimming pool other than from a public source, shall be approved by the appropriate health department.
 - f. On a corner lot, a swimming pool shall conform to all setback requirements for a **principal** structure in that ~~zone~~ **zoning district**. When

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a swimming pool is placed on a corner lot whose rear lot line is common with a side lot line of an adjoining lot, a closed fence (less than 10% open) and screen plantings shall be placed on the corner lot to the extent necessary to screen the view of the pool and the view of the fence from said abutting lot. The minimum screening shall be determined by the Zoning Administrator.

2. Public, Semi-Public, and Commercial Swimming Pools. All public, semi-public, and commercial swimming pools shall be regulated according to the KBC and the following requirements:
 - a. Except as herein provided, no swimming pool including the apparatus and equipment pertaining to the operation of the swimming pool, shall be permitted within any required ~~yards~~ **setback** of the lot or within the limits of any public utility right-of-way easement.
 - b. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties through the emission of noises, voices or music.
 - c. The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, (only classes 1, 3, 4, 5, 6, and 7 are permitted as regulated by ~~Article XII~~ **this Section of this the** Ordinance at least six (6) feet in height, but not exceeding the height as herein required, or of such construction that a small child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence as determined by the Zoning Administrator.
 - d. Pools located more than three hundred and fifty (350) feet from the nearest lot line are excluded from the fence requirement.
 - e. Glare from flood lights used to illuminate the swimming pool area for night bathing shall be directed away from adjacent properties and comply with Section ~~9.14~~ **5.3, Landscaping, Screening, & Lighting Regulations** of this Ordinance.
 - f. All swimming pools including the apparatus and equipment pertaining to the operation of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the City of Fort Thomas. Any water used in the operation of swimming pool other than from a public source, shall be approved by the appropriate health department.

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- N. **Solar Energy System (SES), Integrated & Rooftop. Integrated and Rooftop Solar Energy Systems are permitted as an accessory structure when attached to a principal or accessory building and installed in conformance with the following:**
1. **Solar Access. Consistent with KRS 381.200(2), a property owner may obtain a solar easement from another property owner for the purpose of ensuring adequate exposure to sunlight for an Integrated or Rooftop SES. Such easement shall be recorded.**
 2. **Tree Removal. The removal of trees or natural vegetation for an Integrated or Rooftop SES shall be limited to the extent practicable or any applicable regulations or restrictions.**
 3. **Height Restrictions.**
 - a. **A rooftop SES may exceed the maximum permitted height for the structure type by no more than five (5) feet.**
 - b. **A rooftop SES shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave, provided that where it is mounted on a sloped roof, the SES shall not vertically exceed the highest point of the roof to which it is attached by more than five (5) feet except whenever rooftop SES are located on the front of the structure with pitched, hipped, or gambrel roofs, the panels shall be mounted at the same angle as the roof's surface with no more than 18 inches between the roof and the upper side of the SES.**
 4. **Lighting. Integrated and Rooftop SESs shall not be illuminated and shall be designed and installed to prevent off-site glare.**
 5. **Integrated SESs shall comply with all setback requirements for the structure type.**
 6. **Glare. SESs shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties, or streets.**

Question to Consider: Are these appropriate standards for Integrated and Rooftop Solar Energy Systems, particularly the height exception?