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

SECTION 5.0
General Regulations

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

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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.

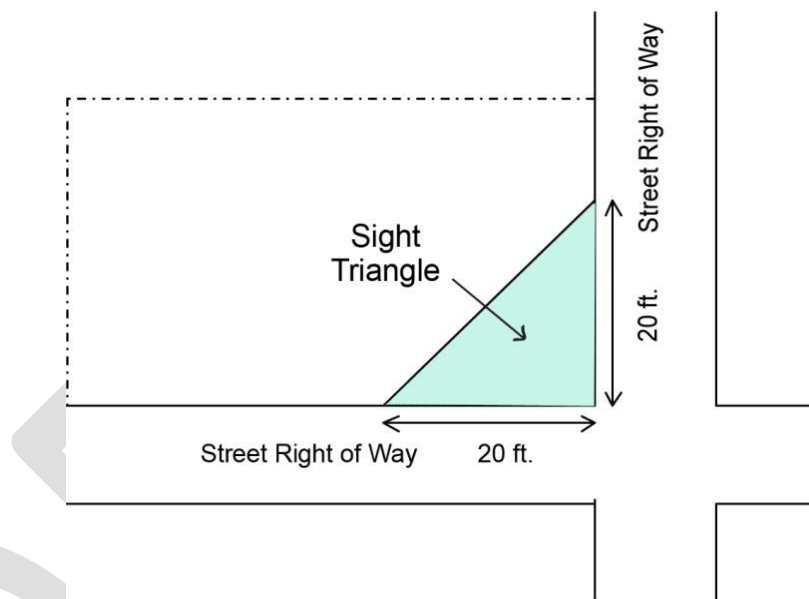


Figure 5.0-1 – Illustration of Clear Sight Triangle to Insure Visibility at Intersections

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 XX~~ **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.**

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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.

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- 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

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- 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**

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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.**

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

- 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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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

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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.

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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.

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- 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.

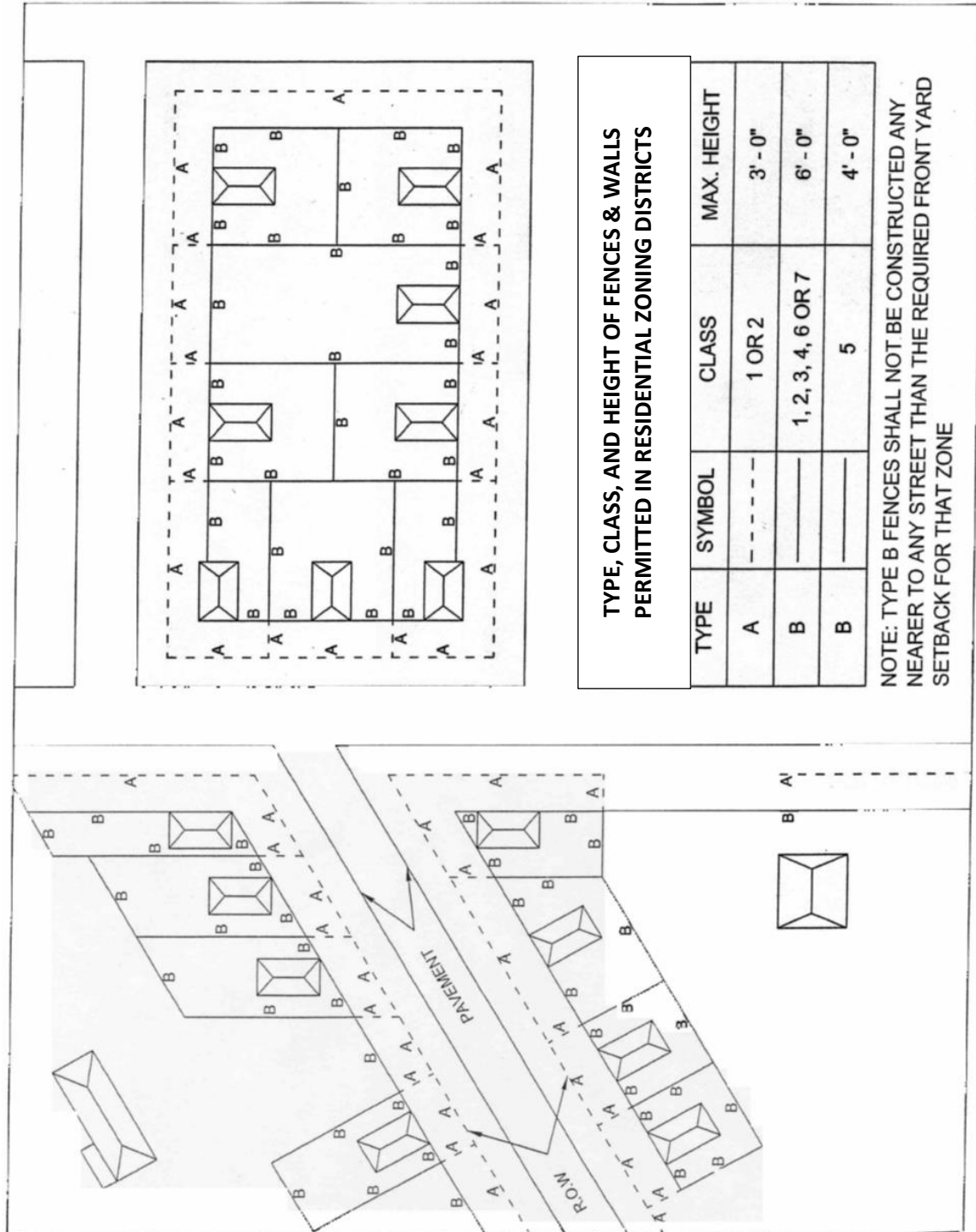


Figure 1 - TYPE, CLASS, AND HEIGHT OF FENCES & WALLS PERMITTED IN RESIDENTIAL ZONING DISTRICTS

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- 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?

SECTION 5.2 Environmental Regulations

5.2.01	Intent.	5.2.04	Tree Conservation & Restoration Requirements.
5.2.02	Applicability.		
5.2.03	Hillside Development Controls.		

5.2.01 INTENT.

The purpose of these standards is to:

- A. **Establish development standards to protect functions and values of environmentally sensitive features;**
- B. **Protect unique, fragile and valuable elements of the environment by maintaining and promoting native biodiversity and habitat; and,**
- C. **Preserve and enhance the natural beauty of the landscape and open ridgelines.**

5.2.02 APPLICABILITY.

These standards shall apply to all development in all zoning districts unless otherwise stated.

5.2.03 HILLSIDE DEVELOPMENT CONTROLS.

The purpose of this sub-section is to promote the public health, safety and general welfare, and to minimize public and private losses resulting from earth movement, erosion, deforestation, and related environmental damage in the areas subject to Hillside Development Controls as well as adjoining properties.

- A. **Applicability.** The areas subject to compliance of this section shall contain two (2) or more of the following site characteristics:
 1. Slopes of 20% or greater; ~~as identified on~~ **slopes greater than 20% are identified in the Comprehensive Plan;**
 2. Exposures of KOPE geologic formations;
 3. Prominent hillsides, which are readily viewable from a public thoroughfare located in a valley below the hillside;
 4. Hillsides, which provide views of a major stream or valley;
 5. Hillsides functioning as community separators or community boundaries;
 6. Hillsides which support a substantial natural wooded cover.

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

B. The following requirements shall be enforced on all proposed development within property designated as "Hillside Development" as outlined in sub-section ~~B~~ **A** above:

1. No excavation, removal or placement of any soil, foundation placement, or construction of buildings, or structures of any nature within "any area designated as Hillside Development" may occur until plans and specifications for such work have been submitted in the form of a ~~site~~ **Development** Plan as regulated by Section ~~9.19~~ **1.4** of this Ordinance and all the requirements as outlined in this ~~sub~~ **sub**-section;
2. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area;
3. A subsurface geo-technical investigation report shall be submitted as part of the Stage I Development Plan in accordance with Section ~~9.19~~ **1.4** of this Ordinance. This report shall include but not be limited to the following:
 - a. A general description of the existing site geology and topographic features.
 - b. A description of visible indications of past or present adverse site features such as landslides, slumps erosion, creep, ravines, man-made cuts and fills, springs, ponds, etc.
 - c. A general description of the proposed development and resulting changes to the existing site.
 - d. The results of any soil borings, laboratory tests and geo-technical analysis.
 - e. Recommendations of the type, location, and procedure for construction of the proposed development, which will not promote slope failures, excessive settlement of erosion on the site or an adjacent properties.

This report shall be produced by a qualified professional engineer licensed in the Commonwealth of Kentucky. The report conformance with the requirements of this Ordinance shall be subject to approval by the Planning Commission.

4. Plan(s) which inventory the approximate location, species, and size of all trees over eight (8) inch caliber that are located in the area to be affected by the proposed development. This plan shall further designate between the trees to be saved and those which will be lost due to construction. This plan

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

shall be submitted with Stage I Development Plans for review by the Zoning Administrator and the Planning Commission.

The Planning Commission shall retain the right to require a developer to post a performance bond with the City of Fort Thomas for an amount specified below for the purpose of ensuring strict compliance with submitted plans. Failure to comply with said plans will result in the Planning Commission directing that the bond be executed to cover the expenditures required to replace trees that were removed in violation of said plan. The performance bond shall be effective until the site improvements are completed in accordance with approved plans and the Zoning Administrator performs a final inspection and recommends to the Planning Commission that said bond be released. ~~The following schedule will be used to determine amounts of bonding required for tree conservation on development sites.:~~ **See the current Fee Schedule for the City of Fort Thomas, KY**

~~\$2,500 – for first acre~~

~~\$1,000 – for each additional acre or fraction thereof~~

5. Plans shall indicate the limits of all proposed tree conservation areas. Such limits shall be undisturbed through all phases of construction and shall be staked and protected by a physical barrier throughout the construction of the site. This barrier shall be installed in accordance with the approved **Development Plan** before issuance of any permits to proceed with work on the site.
6. Provision shall be made to replace trees lost due to construction. Location, species, and size of replacement trees shall be indicated on the submitted Stage I plans. It may be required as a condition of approval that trees lost to construction are replaced pursuant to Section 9.26 of this ordinance.
7. The site plan and other information required in this section shall be reviewed by the City Engineer and Zoning Administrator who shall report to the Planning Commission regarding compliance with this Ordinance.
8. The Planning Commission shall consider the reports from City Staff and the following "Hillside Development Guidelines" when reviewing the plan for acceptance or denial. The following guidelines may be used for consideration of an approval or denial of a development:
 - a. Cuts in the hills should not be made if they would leave cliff-like vertical slopes;
 - b. Large parking area requirements should be satisfied by providing some parking within structures and by providing multiple small parking areas, screening them with plantings, berms, and walls. The

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

rate of storm water discharges from the site should be analyzed and limited to minimize erosion in receiving watercourses.

- c. Buildings should be planned to fit into the hillside rather than altering the hillsides to fit the buildings. This should be accomplished with as little cutting as necessary for foundations, parking, and access drives;
 - d. All cuts, fills or any other earth modifications shall be replanted in accordance with Section ~~9.17~~ **5.3, Landscaping, Screening, & Lighting Regulations** of this Ordinance.
 - e. Buildings should be planned and designed to take advantage of views without obstructing the views from other buildings;
 - f. Avoid roof-top utilities, or provide screening and sound control, or in other ways integrate them into the rooftop;
 - g. Respect the site's conditions of steepness, soil, bedrock, and hydrology so as to ensure hillside stability and reduce erosion both during and after construction;
 - h. Match scale of buildings to scale of terrain, stagger or step building units according to the topography;
 - i. Provide parking on the uphill side behind buildings;
 - j. Respect and retain natural site features such as streams, slopes, ridge lines, wildlife habitat, plant communities, and trees;
 - k. Employ techniques that create a variety of architectural solutions responsive to the limits and potentials of hillside development.
9. After consideration of the recommendations, the Planning Commission, or the Zoning Administrator, **as applicable**, may authorize use of the site in accordance with the submitted plans.

Questions to Consider: Should these existing Hillside Development Controls be amended? Have you had any issues effectively using these regulations in the past?

5.2.04 TREE CONSERVATION AND RESTORATION REQUIREMENTS.

- A. All ~~subdivision plans~~ **major subdivisions** and Development Plans submitted for consideration to the Fort Thomas Planning Commission shall address the following items. Plans shall first be submitted to the Tree Commission for review and recommendation to the Planning Commission. The Planning Commission shall have sole enforcement authority of said Ordinance as it relates to **major** subdivision plans and Development Plans.

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

- B. The following requirements shall apply for all **major subdivisions and** Development Plans submitted for a development in any ~~zone~~ **zoning district**:
1. A tree inventory plan shall be submitted in conjunction with all Development Plans. The tree inventory plan shall be submitted pursuant to the requirements contained in ~~sub-section 9.24.C.4~~ **Chapter 98, Trees, of the City of Fort Thomas, KY General Ordinances** of this Ordinance. The tree inventory plan shall also identify any landmark tree(s) and delineate the buildable area of a proposed development. The Planning Commission may permit the removal of a tree outside the buildable area, with the advice of the Tree Commission, provided the proposed tree removal is reasonably required to develop the parcel in compliance with this Ordinance.
 2. All trees to be saved outside of the buildable area of a development shall be conspicuously designated with suitable protective tree barriers. Protective tree barriers shall be installed to a minimum height of four (4) feet above ground level around the outermost dripline of the tree protection zone. Tree protection zones shall be delineated with typical orange construction fencing or continuous rope or flagging. In either case, the tree protection barrier shall be accompanied by "Tree Save Area" signage to be placed around the tree zone not more than every twenty (20) feet. The use of tree protection zones is encouraged rather than the protection of individual (non-specimen) trees that may be scattered throughout a development site.
 3. The layout of development improvements, utilities, access drives, grading, etc., of a site shall accommodate the required tree protective zones. The public improvements shall be placed along the corridors between tree protective zones unless the placement of same causes undue hardship on the developer as determined by the Planning Commission. If the Planning Commission determines that public improvements and/or utilities may be placed within a tree protective zone, the installation shall occur by way of tunneling rather than trenching.

Tunneling or boring shall be at least three (3) feet below grade within the dripline of the tree and any access pits for utilities shall be placed outside the dripline.
 4. Construction site activities including, but not limited to, material storage, parking, or concrete washout shall not encroach into any tree protection zone. Any tree irreparably damaged or killed within a tree protection zone as a result of construction activity shall be removed and replaced by the owner and/or developer at a rate of two (2) trees for every tree irreparably damaged or killed.
 5. The tree-planting plan shall indicate the total number and location of trees to be planted within a proposed development. Trees required to be planted by

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

this ~~Ordinance~~ **sub-section** should be planted predominately in the developed areas, driveway aisles, and/or parking areas of the project. In no case shall more than fifty percent (50%) of the trees required be utilized to satisfy the screening requirements of a development. The exact location of the trees to be planted shall be approved by the Planning Commission, after review of all Tree Commission recommendations, as part of the Stage I Development Plan review process. Whenever the owner/developer can demonstrate to the Planning Commission that the site spatial constraints result in an absolute inability to plant the required number of trees, as many trees as possible shall be planted on the site. The difference of those trees required to be planted, and those trees planted, shall be donated to the City for use elsewhere in the City on public property. A reduction credit of one (1) tree or more shall be granted to an owner/developer:

- a. For every tree saved within the buildable area of a development, eight (8) inches or more in diameter; or
- b. For every two (2) trees saved within the buildable area of a development four (4) to eight (8) inches in diameter.

C. **In addition to the landscaping requirements in Section 5.3,** the following criteria shall apply for tree replacement for Development Plans in each zoning district as outlined below. Trees planted to meet this requirement shall be planted within the development site unless otherwise noted and shall not be less than three (3) inches in diameter when planted.

1. In the R-3, R-5, and RCD-~~O~~ zones one (1) tree shall be planted on the development site for every one unit approved.
2. In the ~~NSC, GC, HC, PO, CBD and IP~~ **CBD-TC, CBD-M, TBD, AP-MX and NC/O zones zoning districts,** one (1) tree shall be planted for every five (5) required parking spaces.
3. In the R-1AA, R-1A, **R-1B,** R-1C, R-1D, **R-1-TC** and R-2 zones one (1) tree shall be planted on each lot or on the public right-of-way in front of each lot, for every five thousand (5,000) square feet of lot area or fraction thereof.

Questions to Consider: Are these regulations in concert with Chapter 98, Trees, of the City's General Ordinances working well? Are any modifications needed?

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

SECTION 5.3 Landscaping, Screening, & Lighting Regulations

5.3.01	Intent.	5.3.10	Ancillary Screening Requirements.
5.3.02	Applicability.	5.3.11	General Landscaping Requirements.
5.3.03	Landscape Review.	5.3.12	Approval Process for Landscaping, Fences, & Walls.
5.3.04	Flexibility; Waiver/Deferral of Requirements.	5.3.13	Lighting Regulations.
5.3.05	Landscaping Along Street Frontage.	5.3.14	Additional Development Regulations that Apply.
5.3.06	Vehicle Use Areas (VUA).		
5.3.07	Building Landscaping.		
5.3.08	Sign Landscaping.		
5.3.09	Buffering & Screening Between Districts & Uses.		

5.3.01 INTENT.

The preservation of existing trees and vegetation and the planting of new trees and vegetation can significantly add to the quality of the physical environment of the City of Fort Thomas. The regulations in this Section are designed to foster development that will improve the appearance and character of the City and promote the health, safety, and welfare of the community by:

- (A) Mitigating the potential impacts and hazards created through the development of incompatible uses adjacent to each other and to preserve and supplement the tree and vegetation cover and the ecological, environmental, and economical benefits they provide.
- (B) **Using** landscaping ~~shall be used~~ to reduce adverse impacts, to provide separation of private vehicle use areas from the public street, and to otherwise buffer incompatible land uses.
- (C) **Requiring the proper utilization of landscaping and screening as a buffer between certain land uses to reduce the noise, glare, and the visual clutter associated with parking and service areas.**
- (D) **Requiring landscaping in vehicular use areas to break up large expanses of pavement and reduce reflected heat and glare.**
- (E) **Controlling the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect, and enhance the character of the City and the lawful nighttime use and enjoyment of property located within the City.**
- (F) **Improving the appearance of off-street parking areas and vehicular use areas and properties abutting public rights-of-way.**

Changes from existing provisions are noted: Substantive Additions and Deletions

- (G) Protecting, preserving, and promoting the aesthetic character valued by the residents of the City of Fort Thomas.
- (H) Providing areas of permeable surfaces in order to:
 - (1) Allow the infiltration of surface water into groundwater resources;
 - (2) Reduce the quantity of storm water discharge, thereby reducing the hazards of flooding and aiding in the control of erosion and storm water runoff;
 - (3) Preserve air quality through the preservation and replacement of trees and significant vegetation removed in the course of development; and,
 - (4) Improve the quality of storm water discharge.

5.3.02 APPLICABILITY.

- A. The landscaping, screening, and buffering provisions of this Section and Chapter 98, Trees, of the City of Fort Thomas Code of Ordinances shall apply to:
 - 1. New Development. New development on vacant land that requires the approval of a development plan and issuance of a Zoning Permit or building permit. The required landscaping shall be shown on plans submitted as part of the development plan application.
 - 2. Existing sites. No building, structure, or vehicular use area shall be constructed or expanded unless the minimum landscaping required by the provisions of this Section is provided on the property to the extent of its alteration or expansion. In the case of a substantial expansion, the entire site must be brought into compliance with the minimum requirements of this Section, or to the maximum extent practicable as determined by the Planning Commission. An alteration or expansion of an existing property is generally considered substantial when:
 - a. The square footage of an expansion exceeds 33% of the gross floor area of the existing building.
 - b. The square footage of the vehicular use area expansion exceeds 33% of the total existing vehicular use area.
 - c. The land area of the developed portion of the zoning lot is increased by thirty three percent (33%) or more.
- B. Single-family detached dwellings and two-family dwellings located on existing lots of record are exempt from the requirements of this Section.

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

- C. **The requirements of this Section are minimum landscaping requirements. Nothing herein shall prevent a developer from proposing and the City from approving more extensive landscaping.**

5.3.03 LANDSCAPE REVIEW.

- A. The **landscaping, screening, and buffering** requirements stated in this Section and **Chapter 98, Trees, of the City of Fort Thomas Code of Ordinances** shall be addressed during the applicable review process ~~for all newly developing property or expansion of existing sites~~ subject to Development Plan review procedures as required by Section ~~1.4 9.19 and 9.20~~. Also review the Landscape Ordinance (~~0-40-90~~) for additional requirements. The submitted landscaping plan shall be reviewed to determine if proposed improvements comply with the requirements and standards of this ~~chapter~~ **Section, Chapter 98, Trees, of the City of Fort Thomas Code of Ordinances, Section 5.2.02, Tree Conservation and Restorations Requirements**, and commonly accepted landscaping and design standards. The Planning Commission or Tree Commission may call upon professional services from either the public or private sectors to provide an evaluation relative to any submitted landscaping plan.
- B. A Landscaping Plan ~~will~~ **shall** be required as part of the Development Plan Review procedure pursuant to Sections ~~9.19 and 9.20~~ **1.4** of this Ordinance. The landscaping plan shall be prepared by a licensed design professional or landscape professional and shall include the following information:
1. Proposed plant material, including botanical and common names, installation size, on-center planting dimensions where applicable, and an inventory of all existing and proposed landscaping materials to be used on site by type, common name, and quality.
 2. Where development calls for removal of existing trees, a tree inventory plan and replanting plan for any proposed development shall be submitted in accordance with Section ~~9.24.C.4~~ **Chapter 98, Trees, of the City of Fort Thomas Code of Ordinances** of this Ordinance.
 3. Typical building elevations and/or cross sections with proposed vegetation sufficient to demonstrate compliance with the provisions of this Section.

5.3.04 FLEXIBILITY; WAIVER/DEFERRAL OF REQUIREMENTS.

- A. **Flexibility. The standards and criteria in this Section establish the City's objectives and landscaping intensity expected. The Planning Commission may exercise discretion and flexibility with respect to the placement and arrangement of the required elements to ensure that the objectives of the zoning district and the proposed development or redevelopment are satisfied.**

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

- B. The Planning Commission shall have the authority to grant a waiver of any of the **landscaping, screening, and buffering** requirements in this Section upon receipt of a written request that outlines the rationale for the waiver. The Planning Commission shall review each written request and grant a waiver, **pursuant to Section 1.10 Waivers and Modifications**, ~~only under~~ **after considering any** unusual or extreme circumstances that cause an unreasonable hardship such as the size of the lot, when sufficient vegetation exists that meets the screening requirement of the required buffer yard, or when an innovative or alternative approach can be made which still meets the intent and purpose of this Section. If existing plant material is to be used to meet these requirements, they must be protected during all phases of construction. Protective tree barriers shall be installed to a minimum height of four (4) feet around the outermost drip line of the area to be protected. Tree protection zones shall be delineated with typical orange construction fence or continuous rope and flagging and “Tree Save Area” signs placed not more than every twenty (20) feet.

5.3.05 LANDSCAPING ALONG STREET FRONTAGE.

All areas within the building and parking setback adjacent to a street right-of-way as well as the front or corner lot setbacks, excluding driveway openings, shall be landscaped as required below. The following minimum plant materials shall be provided and maintained on all lots or developments:

- A. **Three (3) deciduous trees shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances. Large deciduous trees shall be used for setback areas that have minimum dimensions of 20 feet for both length and width. Small deciduous trees shall be used for smaller setback areas.**
- B. **Twenty (20) shrubs shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.**
- C. **All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment.**
- D. **Trees and shrubs may be aggregated appropriately.**
- E. **Whenever the building setback is 10 feet or less, these requirements shall not apply.**

5.3.06 VEHICLE USE AREAS (VUA).

~~When a VUA adjoins a street, regardless of whether it is public or private, landscaping shall be required. This landscaping is not required to be placed in a linear design, but shall be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses that require high visibility from street frontages.~~

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

- A. **Screening Along Public Streets.** In addition to the requirements of Section 5.3.05, whenever a vehicular use area of five (5) spaces or more is adjacent to and within 40 feet of a public street, a continuous ten (10) foot wide landscape area shall be provided and maintained between the parking area and the street right of way line. The screening shall be a combination of a berm, ornamental fence, or a decorative brick wall and low-level landscaping that provides a visual screen.
1. **Walls, and fences shall have a minimum height of three (3) feet, measured from the highest finished grade of the parking area and a maximum opaqueness of 50%.**
 2. **Shrubs with a minimum height of 30 inches shall be placed to effectively obscure a minimum of 75% of the parking area at the time of planting.**
 3. **Landscaping and screening shall be located parallel to and within five (5) feet of the edge of the parking lot.**
- B. **Perimeter Landscaping Requirements.** Perimeter landscaping shall be required along any side of a vehicular use area that abuts adjoining property that is not a right-of-way. A landscaped strip, which is the depth of the minimum parking setback set forth in this Zoning Ordinance for the district in which the lot is located, except as otherwise regulated in Section 5.4, Conditional Use and Restricted Use Regulations, shall be located between the parking area and the abutting property lines. One large deciduous or two small deciduous trees for each 40 lineal feet shall be planted in the landscape strip. A wall, fence, or walkway may be constructed along the edge of the landscaped strip. This subsection shall not apply where planting is required for screening pursuant to Section 5.3.09, Buffering and Screening between Districts and Uses or when shared parking areas on adjacent parcels is provided.
- C. **Interior Parking Lot Landscaping: Islands, Peninsulas, and Bumpouts.** Interior landscaping of vehicular use areas shall be provided in accordance with the following requirements.
1. Vehicular use areas designed to accommodate 20 or more vehicles shall provide a minimum of five percent (5%) of interior landscaping, **reasonably distributed throughout the vehicular use area to define major circulation aisles and driving lanes and to provide visual and climatic relief from broad expanses of pavement. Unbroken rows of parking shall be limited to a maximum of 100 linear feet.** Except as noted in Items 4 and 5, the landscaping shall contain a variety of trees from Plant List A and shall be dispersed throughout the paved area in the form of islands or peninsulas (See Figure 9.17.2). This interior **vehicular use area** landscaping shall be in addition to any other planting or landscaping required within this Section. ~~No interior landscaping will be required within industrial zones if the VUA is located behind the front of the building.~~

Changes from existing provisions are noted: Substantive Additions and Deletions

2. **The area of a parking lot includes the vehicular use area within the perimeter of the parking lot, landscaped islands, parking spaces and circulation aisles. Circulation aisles with no parking spaces or landscaped islands located on either side are not included. See Figure 1, Parking Lot Interior Calculation.**

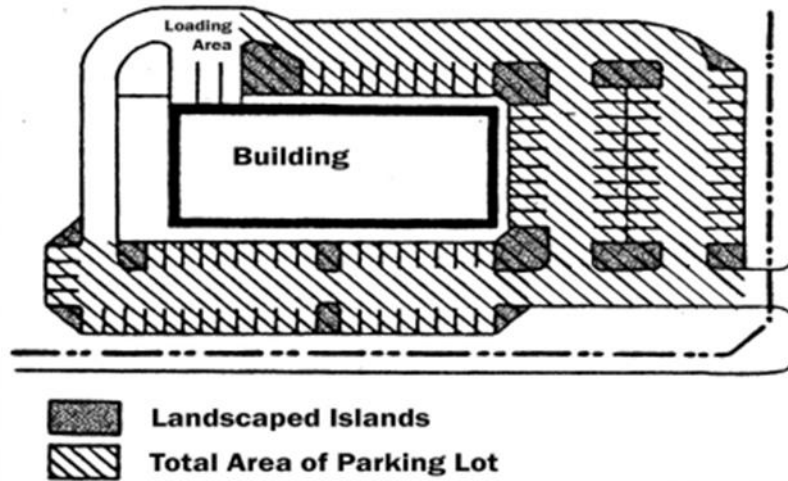


Figure 1 - Parking Lot Interior Calculation

3. **The interior landscaping shall be located within landscaped islands that are separated from the perimeter landscaping required in sub-section 5.3.06 B. and shall be dispersed throughout the vehicular use area to break up large areas of pavement. Landscaped islands that are designed as extensions from the perimeter landscaping areas shall also be considered as interior parking area landscaping but shall not count as the perimeter landscaping area.**
4. Each interior landscaped area shall be no less than 200 square feet. The minimum width for each area shall be ten (10) feet. In all cases, the minimum distance from a tree to the back of curb or edge of pavement shall be 2.5 feet where vehicle overhangs the landscaped area. See Figure 2.

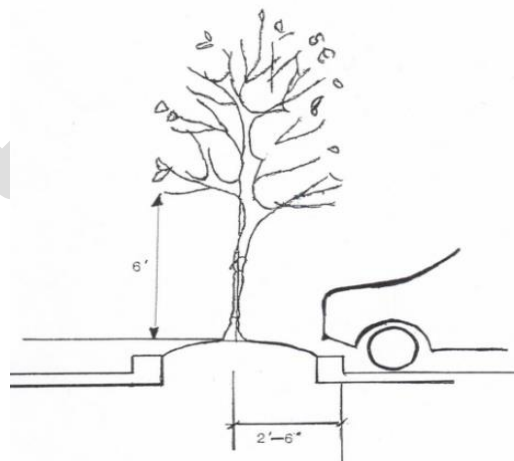
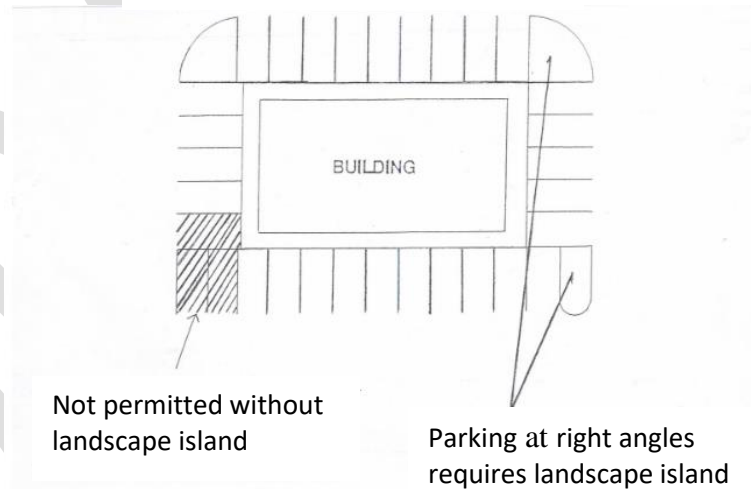


Figure 2 - Minimum Required Overhang Dimension

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

5. **Within the interior landscaped areas, there shall be provided 1 large deciduous tree for every 10 parking spaces, and each interior landscape island shall have at least 1 large deciduous tree, provided there is no impairment to visibility of motorists or pedestrians. Where a landscape area is equal to the width and length of two parking spaces, a minimum of two (2) large deciduous trees shall be provided.** ~~Planted areas will be required to have 1 tree from Plant List A per 200 square feet of area if designed as in Figure 9.17.3B and 1 tree per 40 linear feet (or fraction thereof) if designed as in Figure 9.17.3A.~~
6. Planted areas shall be required at the end of every other parking row and when parking adjoins each other at or near right angles (See Figure 3 9.17.4). ~~Planting areas that are a minimum of 600 square feet will be required if rows of parking are unbroken for 180 linear feet or more (See Figure 9.17.3B).~~ **To encourage the required landscaped areas to be properly dispersed, an individual landscape area shall not exceed 350 square feet, unless approved by the Planning Commission per sub-section 10 below or as otherwise permitted for herein.**

Figure 3 – Required Landscape Islands



7. All planting islands shall be planted with grass, low ground cover, shrubs, flowers, mulch, or any combination of these. Hard surfaces or gravel are not permitted. All planting islands shall have minimum 6-inch curb installed to protect the planting area from vehicle traffic.
8. Sites which have large uninterrupted circulation areas for tractor trailers and trucks, ~~such as warehouses and distribution centers, can~~ **may** provide one or more large landscape islands in order to comply with the required 5% landscaped area within these large, **uninterrupted** circulation areas.
9. No landscaping materials with a mature height greater than 3.0 feet shall be placed in sight triangles, (see ~~figure 9.17.1~~ sub-section 5.4.04 for diagram of

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

sight triangles.) This includes trees that are limbed up because a mature tree trunk can impair motorist visibility.

10. **If the application of the interior landscape requirement significantly limits the function of the building site, the Planning Commission has authority to permit consolidation and relocation of the landscaped areas on the building site.**

5.3.07 BUILDING LANDSCAPING.

- A. Any blank façade or portion of a façade of a building that is not used for outdoor display, storage or loading/unloading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank façades shall be classified as any wall that does not have **unobstructed** windows ~~used for display~~ or entry doors for customers of the general public. Buildings that are 5,000 square feet or smaller shall be exempt from the requirement within this Section.
- B. Landscaping shall be required to break the mass and visual monotony of long continuous façades. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the length of the building façade. ~~If the required buffer yard can be used to adequately reduce the view of the façade from the public right-of-way, no building landscaping shall be required. However, the determination of whether the required buffer yard can be used for building landscaping shall be determined by the Fort Thomas Planning Commission.~~
- C. Facades that abut VUA's shall have a minimum eight (8) feet wide planting area. This planting area may be reduced by four (4) feet if sidewalks are installed.

5.3.08 SIGN LANDSCAPING.

Landscaping shall be located around the base of freestanding signs. This landscaping ~~should~~ **shall** be ornamental in nature with annuals, perennials, ornamental grasses, etc. This landscaping is not required to be installed for existing free-standing signs. The amount of landscape area required shall be one square foot of landscape area per one square foot of sign area.

5.3.09 BUFFERING AND SCREENING BETWEEN DISTRICTS AND USES.

The purpose of this sub-section is to establish provisions for a visually opaque screen or buffer between unharmonious uses and to reduce the effects of glare from automobile headlights, noise, and other activities on a lot that may disturb the owners and occupants of the abutting lot. Screening is intended to eliminate or minimize these conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots. Screening may include a combination of setbacks and visual buffers or barriers.

~~A buffer yard is defined as a planted area that is used to separate uses that are not compatible. This planted area should reduce or eliminate noise and light pollution and other~~

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

~~adverse impacts, while providing a year round or partial visual separation.~~

- A. **Screening. Screening shall be of such nature and density that it will screen the activities on the lot from view of a first story window at normal level on an abutting lot.**
- B. **When Required. A buffer yard and screening shall be required when:**
 - 1. **Screening is required in the following scenarios and are required to be erected by the more intensive use to properly visually buffer the use or activity of the more intensive use:**

		Schedule 5.3.09 - Buffering and Screening Requirements ^(a)					
		Adjacent Zoning District					
		RP	R-1 Districts	R-2	R-3 & R-5	CBD & TBD	AP-MX & NC/O
Proposed Development or Zoning District	RP						
	R-1 Districts						
	R-2						
	R-3 & R-5 ^(b)		X	X	X ^(c)		
	CBD & TBD		X	X	X ^(c)		
	AP-MX & NC/O		X	X	X ^(c)		
	Non-residential use R-1 & R-2 Districts		X	X	X ^(c)		

(a) Buffering and screening is not required when uses and districts of different intensities are located across a public street.

(b) Single-family detached dwellings and two-family dwellings in the R-3 District shall not be required to provide buffering and screening.

(c) Buffering and screening shall be required when occupied by a single-family detached or two-family dwelling.

X = Buffering and Screening Required

~~Buffer yards shall be required for any development in a multifamily, commercial or industrial zoning district that adjoins a district permitting single family detached housing.~~

- 2. **Required by the regulations in Section 5.4, Conditional Use and Restricted Use Regulations; and,**
- 3. **Required by the regulations in the Business, Mixed Use, and Other Districts.**

~~If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall not be required.~~

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

- C. **Required Width of Buffer Yard.** ~~The width of the buffer yard shall be equal to the parking set back set forth in the applicable zoning district or 10 feet, whichever is greater.~~ **Buffer yards shall be a minimum of one half (1/2) of the required side or rear yard setback for the developing property and shall extend along the entire property line.**
- D. **Location.**
1. **The buffer yard shall be located entirely within the higher intensity zoning district or use. The buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if the lots on both sides of the zoning district line and the entire buffer yard width have common ownership. A permanent easement over any portion of the buffer yard not within the higher intensity zoning district shall be approved by the City Attorney and filed for record in the Campbell County, KY Clerk's Office.** ~~Buffer yards can be shared between uses if an easement is provided and recorded which indicates how maintenance and replacement of unhealthy plants will be accomplished. The more restrictive buffer yard width and plant material shall be provided between the two properties in this instance if different requirements would normally apply.~~
 2. Buffer yards ~~can~~ **may** be located within building setbacks, and in some circumstances ~~can~~ **may** be located within utility easements with a written agreement from the grantee of the easement. However, ~~this location within an easement~~ **will shall** be the responsibility of the owner of the property to replace the required vegetation at their expense.
 3. ~~The design and exact placement of the buffer yard shall be the decision of the designer or developer, but shall be reviewed during the Development Plan review procedure to ensure compliance with this section. However,~~ Trees and shrubs should be planted a minimum of five (5) feet away from the property line to ensure maintenance access and to avoid encroachment on neighboring property.
- E. **Buffer Yard Abutting an Adjacent Political Subdivision.** **When a property line abuts an adjacent political subdivision, the Planning Commission shall determine the screening and buffering required along that property line after consideration of the zoning classification and land use of the adjacent property. The requirements shall not exceed the municipal requirements for property within the City of Fort Thomas, KY with a similar use and zoning classification.**

- F. **Screening. When the natural vegetation within the required buffer yard does not form a solid, continuous, visual screen or is less than six (6) feet in height along the entire length of the common boundary at the time of occupancy, screening shall be installed in compliance with the following provisions unless more stringent requirements are imposed in Section 5.4, Conditional Use and Restricted Use Regulations or the Zoning District Regulations.**
1. **Screening Materials. Screening design and plantings shall be compatible with the existing and proposed land use and character of the surrounding land, structures, and development. Screening within the buffer yard shall include of one (1) or more of the following:**
 - a. **A dense vegetative planting incorporating trees and/or shrubs of a variety which shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid, continuous visual screen within one year after the initial installation. At a minimum, at the time of planting, the spacing of trees shall not exceed 12 feet on center, and the planting pattern shall be staggered. Shrubbery shall be more closely spaced.**
 - b. **Non-living opaque structures, such as a solid masonry wall, that is compatible with the principal structure or a solid wood fence together with a landscaped area at least 10 feet wide. For solid fences, fences shall be designed, constructed, and finished so that the supporting members face the property owner of the fence, and they shall be maintained in good condition, be structurally sound, and attractively finished at all times. All structures and hardware used for landscaping or screening, such as walls or fences, shall be constructed of weatherproof or weather resistant materials such as treated wood, PVC or composite materials such as Trex, brick, natural stone or pre-cast stone or other material approved by the Planning Commission.**
 - c. **An ornamental fence with openings through which light and air may pass and a landscaped area at least 10 feet wide. Chain link fence is prohibited.**
 - d. **A landscaped mound or berm at least seven feet wide, with a slope no more than a 3:1. Where the mound or berm is to be mowed, the maximum permitted slope is 4:1.**
 2. **The location of the wall, fence, or vegetation shall be placed within the buffer yard to maximize the screening effect, as determined by the Zoning Administrator or the Planning Commission, as applicable.**

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3. The wall, fence, and vegetation shall be continuous and in place at the time of occupancy. If vehicular or pedestrian access through the screen is necessary, the screening function shall be preserved.
 4. The height of screening shall be in accordance with the following:
 - a. Visual screening by walls, fences, or mounds in combination with vegetation, fences or walls, shall be a minimum of six (6) feet high measured from the natural grade.
 - b. Visual screening shall not exceed a height of three (3) feet when it is located within 25 feet of a parking lot, drive, or driveway entrance.
 - c. Visual screening by vegetation only shall be a minimum of six (6) feet high, measured from the natural grade. The required height shall be achieved no later than 1 year after the initial installation.
- G. Modifications to Buffering and Screening Requirements. A requirement of a buffer yard shall be applied equally to all similarly situated properties. The Planning Commission is authorized to waive, pursuant to Section 1.10 – Waivers and Modifications, the above buffering and screening requirements if:
1. Natural land characteristics, such as topography or existing vegetation on the proposed building site, achieve the same screening requirement of this Section; or
 2. Innovative landscaping or architectural design is proposed on the building site to achieve an equivalent screening and buffering effect; or
 3. The required screening and landscaping will not provide visual screening at maturity due to the topography of the site, the location of the improvements on the site, or the topography of adjacent and surrounding sites; or
 4. The Planning Commission is persuaded that it is highly improbable that the abutting property will be developed for residential purposes.
- H. Development within Required Buffers. The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this sub-section or that require removal of existing vegetation, except for the following features:
1. Fences or walls;
 2. Sidewalks, trails, and other elements associated with passive recreation, if all required landscaping is provided;
 3. Signs and light posts;

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4. **Driveways, access roads, driveway connections between sites and similar uses if they cross perpendicularly across a required buffer and are designed to limit disturbance of vegetation;**
5. **Overhead and underground utilities required or allowed by the City with written agreement from the grantee of the easement as provided for in this Section;**
6. Detention and retention systems ~~can also be located within the required buffer yards; however,~~ **provided** the visual screening requirements shall **not** be altered or diminished.

5.3.10 Ancillary Screening Requirements.

In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from adjacent, less intense uses and from views from public rights-of-way. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

- A. **The following areas shall be screened in accordance with this sub-section:**
 1. **All trash collection areas**
 2. **Outdoor storage;**
 3. **Off-street loading areas;**
 4. **Pipes, conduit, and cables associated with the building or use;**
 5. **Outdoor service areas that are necessary to support common business operations (e.g., outdoor freezer or refrigeration units, storage units, etc.); and,**
 6. **Ground-level or façade-mounted mechanical equipment and utility structures.**
- B. **Screening shall not be required if any of the above items are not visible from adjacent rights-of-way or from adjacent lots.**
- C. **All sides of the item shall be screened with the exception that one side of the item may be screened with a gate or other similar feature to allow access while screening the item when access is not necessary.**
- D. **Trash Collection Areas.**
 1. **Trash or garbage collection areas shall be enclosed on all sides by a solid wall or fence and a solid gate at least one (1) foot higher than the refuse**

containers in the collection area but not less than six (6) feet in height. The solid wall or solid fence shall screen the view of the collection area from adjacent properties and from visibility from the street. The wall or fence shall be constructed of wood, brick, decorative concrete, split face block, stone, or a synthetic material manufactured to look like the approved material. See Figure 4, Examples of Appropriate Trash Collection Screening.

2. **Any screening material placed around trash or garbage collection area shall be protected to prevent damage to the screening when the trash containers are moved, emptied, or removed. Curbing, if required for protection, shall be at least one foot from the screening material.**

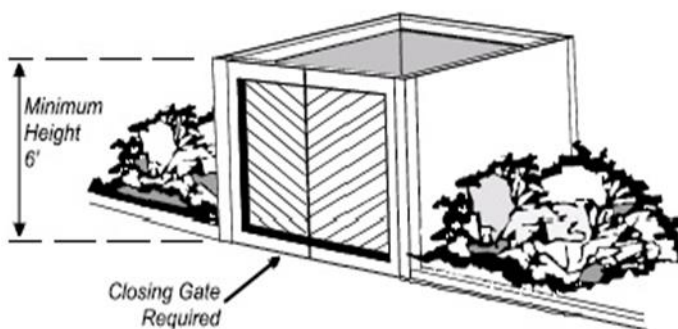


Figure 4 - Examples of Appropriate Trash Collection Area Screening

- E. **Ground mounted Mechanical Equipment and Utility Structures. Ground mounted mechanical equipment and utility structures shall be screened with evergreen plant material so the equipment is completely obscured from view within 2 years.**

Loading/unloading areas, storage areas, utility and mechanical equipment and trash collection areas shall be screened from view of any street right-of-way or adjoining property. This screening shall be accomplished by continuous, solid closed fence, wall, earthen berm, evergreen hedge, evergreen trees or combination thereof which is high enough to effectively screen the items mentioned above from view. Any wall or fence shall be the same or compatible, in terms of texture and quality, with the material and color of the principle building.

- F. **Outdoor Storage and Loading Areas.**

1. **Permitted loading areas, outdoor storage of goods, supplies, equipment, or vehicles used in the operation of use, shall be enclosed with a solid fence or wall and solid gates. The wall or fence shall be high enough to conceal all operations and materials from the view of an observer standing at the grade level of an abutting lot or a public street, but in no case shall the wall or fence be less than six (6) feet in height. The wall or fence shall be constructed of wood, brick, decorative concrete, split face block, stone, or a**

synthetic material manufactured to look like the approved material.

2. For loading spaces, a single gap of no more than 40 feet shall be permitted to allow for ingress and egress to a loading area.
- G. Screening Methods for Other Unsightly Areas.
1. The following items are permitted for use as screening materials for pipes, conduit, and cables associated with the building or use; outdoor service areas that are necessary to support common business operations; and façade-mounted mechanical equipment and utility structures. More than one method may be used on a lot or site.
 - a. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views; or
 - b. An opaque fence or wall consistent with the standards of Section 5.1, Temporary and Accessory Use/Structure Regulations; or
 - c. Integration into the building design (e.g., false walls or other architectural screening) that utilizes the same building materials and colors as the principal building.
 2. The required screening shall have a height sufficient enough to screen the applicable item(s) provided it is in accordance with any other applicable sections of this Ordinance.
 3. Alternative screening materials that are not listed or alternative configurations may be proposed as part of an equivalency provision review application. See Section 1.10 – Waivers and Modifications.
 4. To the maximum extent feasible, pipes, conduit, and cables should be located along the rear facade of buildings if conditions do not allow for them to be enclosed within the building itself. Pipes, conduit, and cables shall be located as far away from public view as practical and shall be painted a similar color as the building façade to further reduce visibility.
 5. In cases where vegetative materials are used for screening in accordance with this sub-section, the vegetative materials shall:
 - a. Be planted around the perimeter of the site feature to be screened in a manner that screens the site feature from all off-site views;
 - b. Be configured in two staggered rows or other arrangement that provides maximum screening;

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- c. **Be upright, large evergreen shrubs or a hedge and be capable of reaching at least 6 feet in height within 2 years of planting; and**
- d. **Be spaced no farther than necessary to create an opaque screen when the shrubs or trees are fully grown. In no case shall trees used for screening be spaced further than 8 feet apart on center.**

5.3.11 GENERAL LANDSCAPING REQUIREMENTS.

Areas within the setbacks of the lot and not covered by structures shall be landscaped with grass, trees, shrubbery or other appropriate ground cover or landscaping material. Landscaping material shall be well maintained, free of weeds, and in good and healthy condition.

- A. **Installation. All plant materials shall be living plants and when provided in order to comply with this Section shall meet the minimum size requirements in Schedule 5.3.11, or according to industry standards when installed.**

Schedule 5.3.11 Minimum Size Requirements for Plant Materials	
Plant Type	Minimum Size at Time of Planting
(1) Large Deciduous Trees	2-inch DBH with a clear trunk height of 6 feet
(2) Small Deciduous Trees	1.5-inch DBH with a clear trunk height of 5 feet
(3) Evergreen Trees	6 feet in height
(4) Shrubs	2 feet in height

DBH = Diameter at Breast Height

- B. **Planting Arrangement. Trees and shrubs shall be arranged to create varied and attractive views. The plant material selected should provide a variety of color and seasonal interest displayed throughout the year.**
- C. **Screening. All screening and buffer yards shall be free of advertising and signs, except for Incidental Instructional Signs.**
- D. **Parking. Vehicle parking shall not be permitted in landscaped areas.**
- E. **Pedestrian Movement. Landscaping materials shall not be placed where they will prevent pedestrian movement unless planted to create a pedestrian barrier.**
- F. **Damage to Public Works. Plant material shall not interfere with or cause damage to underground utility lines, public roadways, or other public works.**
- G. **Maintenance. The lot owner shall maintain landscaping in good condition and keep plants healthy and thriving by following best practices for watering, fertilizing, mulching, and weeding, in order to present a neat and orderly appearance. Landscape areas shall be free from refuse and debris. All unhealthy**

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- or dead plant material shall be replaced by the next planting season (seasons can differ depending on the type of plant) or within 1 year. **No plant material required herein shall be removed unless replaced with like kind and size. Prior to removal, a revised landscape plan shall be submitted to the Zoning Administrator for review and approval pursuant to Section 1.4.10, Minor Alternations by Zoning Administrator.**
- H. **Vehicular Encroachment on Landscaping Islands. For parking areas with ten (10) or more parking spaces, concrete curbs or other wheel stops shall be provided to assure that vehicles overhang into landscape areas no more than 2.5 feet.**
- I. **Ground Cover. The property owner is required to maintain vegetative or other effective ground cover to prevent soil erosion.**
- J. All plant material:
1. Shall meet specifications for the quality and installation of trees and shrubs in accordance with the most recent edition of “American Standards for Nursery Stock” published by the American Association of Nurserymen.
 2. Shall be free from disease and damage.
 3. Shall be planted in a manner that is not intrusive to ~~utilities,~~ pavement, ~~pedestrian traffic~~ or vehicular traffic.
- K. All plant material ~~must~~ **shall** be installed according to the approved landscaping plan, and in accordance with commonly accepted landscape standards by no later than ~~the next planting season or within six (6) months from the date that~~ **prior to** a building occupancy permit is ~~being~~ issued, ~~season permitting.~~ **If planting is not possible prior to occupancy, a performance guarantee shall be provided to the City from a banking institution of sufficient amount to cover the estimated cost of materials and labor and in a form acceptable to the City Attorney.** If no occupancy permit is required, all plant material ~~must~~ **shall** be installed by the next planting season from the date of approval for the landscaping plan.
- L. All plant material that is selected should be able to tolerate the specific planting environment and shall be designed and installed to permit access to any area where repairs, renovations, or maintenance to site, building, utilities, etc. can be reasonably expected.
- M. The location of all driveways, off-street parking and loading areas, and all other improvements, including grading, shall be designed to minimize the destruction of any existing trees. As part of the approved landscaping plan, trees to be removed due to disease or construction of improvements ~~may~~ **shall** be replaced by trees of an appropriate species with a caliper not less than three (3) inches **as required by Section 5.2, Environmental Regulations.**

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- N. Intersection Visibility. No landscaping materials with a mature height greater than 3.0 feet shall be placed in sight triangles., (see figure 9.17.1 for diagram of sight triangles.) This includes trees that are limbed up because a mature tree trunk can impair motorist visibility. **All landscaping shall be subject to the intersection visibility standards established in 5.0.04, Vision Clearance at Intersections, Curb Cuts, Pedestrian & Railroad Crossings.**

5.3.12 APPROVAL PROCESS FOR REQUIRED LANDSCAPING, FENCES, AND WALLS.

- A. **The location of landscaping, fences, or walls required to fulfill the standards and criteria of this Section shall be reviewed and approved as part of a Development Plan pursuant to Section 1.4, Development Plan Review Procedures:**
- B. **When a fence, wall, or landscaping is proposed at a separate time from any other development for new construction, additions or site renovation, a fence; wall; or landscaping may be approved administratively by the Zoning Administrator when the Zoning Administrator determines that the proposal:**
1. **Complies with the requirements of this Section, other applicable provisions in this Zoning Ordinance;**
 2. **Is consistent with any previously approved plan;**
 3. **Is compatible with the current site development if there is no approved plan; and,**
 4. **Will have a minimal adverse impact to the surrounding areas.**

Question to Consider: Do these landscaping, buffering, and screening requirements provide for sufficient landscaping and screening?

5.3.13 LIGHTING REGULATIONS.

Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights of way.

- A. **For the purpose of this sub-section, certain words, phrases and terms used herein shall have the meanings assigned to them as follows:**
1. Cutoff Fixture – An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2½) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.
 2. Flood Lamp – A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself.

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

Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

3. Flood Light – A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.
4. Footcandle (FC) – A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.
5. Full Cutoff Fixture – An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Figure 5 – Example of Full Cutoff Fixture



6. Glare – The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.
7. IESNA – The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.
8. Internal Refractive Lens – A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.
9. Light Source – The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.
10. Lumen – A quantitative unit measuring the amount of light emitted by a light source.
11. Maintained Footcandles – Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output

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depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

12. Medium Base – The size of lamp socket designed to accept a medium or Edison base lamp.
 13. Outdoor Sports Field – An area designed for active recreation, whether publicly or privately owned, including but not limited to baseball/softball diamonds, soccer fields, football fields, golf courses and ranges, tennis courts, racetracks, and swimming pools.
 14. Outdoor Performance Area – An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheaters and similar open or semi-enclosed structures.
 15. Semi-Cutoff Fixture – An outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture, and no more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.
 16. Vehicular Canopy – A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.
 17. Wall Pack – A type of light fixture typically flush-mounted on a vertical wall surface.
 18. Wide-body Refractive Globe – A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light style fixtures). "Wide-body" refers to a wider than average size globe (greater than 15.75 inches in diameter). "Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.
- B. Light Measurement Technique. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of

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

no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated, and measured in footcandles (FC). All FC values below are maintained footcandles.

C. General Standards for Outdoor Lighting.

1. Unless otherwise specified in sub-sections ~~(E)~~ **D.** through ~~(H)~~ **I.** below, the maximum light level shall be 0.5 maintained footcandle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care or congregate living structure, ~~and~~ 2.0 maintained footcandles at any public street right-of-way, **and 5 maintained footcandles along a non-residential property line** unless otherwise ~~approved~~ **waived** by the Planning Commission **pursuant to Section 1.10, Waivers and Modifications.**
2. All flood lights, **when permitted by this sub-section 5.3.14,** shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within fifty feet (50) of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way.
3. All flood lamps emitting 1,000 or more lumens, **when permitted by this sub-section 5.3.14,** shall be aimed at least sixty (60) degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
4. **Lighting shall be controlled to prevent direct lighting into the sky or on neighboring properties. Examples of methods to accomplish this directive include the use of fully shielded cut off fixtures, directing light fixtures downward rather than upward, or shielding the light to reduce light emission from the fixture so it cannot be seen at a reasonable distance.**
5. All wall pack fixtures shall be **full** cutoff fixtures.
6. Service connections for all freestanding fixtures installed after application of this Ordinance shall be installed underground.

~~Within Thoroughfare and Special Highway Overlay Districts, all outdoor lighting fixtures shall be at minimum semi-cutoff fixtures.~~

7. **Prohibited Lighting Effects. The following effects from exterior lighting of buildings, properties, developments, signs or other features, and for any**

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

use, including, but not limited to, residential, commercial, and industrial uses, shall be prohibited.

- a. Light trespass (light that spills over or is directed onto adjacent properties or rights-of-way).
- b. Flashing, scrolling, and strobing, rotating, and moving lights.
- c. Lighting which may be confused with warning signals, emergency signals or traffic signals.
- d. Direct or reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, that is visible at the property line or right-of-way.
- e. Any artificial light source which creates glare observable within the normal range of vision from any public walk, thoroughfare, or adjacent property under normal weather conditions is considered a safety hazard and is prohibited.

8. An outdoor light fixture installed and maintained upon private property within all zoning districts shall be turned off between 11:00 pm and sunrise, except when used for security purposes or to illuminate walkways and roadways.

9. Exemptions. The following are exempted from the requirements of this Section.

- a. All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets are otherwise exempt from this regulation.
- b. Lighting fixtures and standards required by federal, state, county, or city agencies.
- c. Outdoor lighting fixtures used or required by law enforcement, fire and emergency services, transportation, or similar governmental agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.

D. Lighting in Parking Lots and Outdoor Areas.

1. Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than ~~2,000~~ 1,800 lumens shall be full cutoff fixtures, ~~or comply with subsection below.~~

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

2. The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed ~~forty-one (41)~~ **30** feet above finished grade, unless ~~waived approved~~ by the Planning Commission ~~as having no adverse effect~~ **pursuant to Section 1.10.**

3. ~~Exceptions~~ **Exemptions:**

~~Non-cutoff fixtures may be used when the maximum initial lumens generated by each fixture shall not exceed 9500 initial lamp lumens per fixture.~~

~~All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.~~

~~All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide body refractive globe.~~

~~All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.~~

- a. **Fixtures having a total light output less than one thousand (1000) lumens (approximately equal to a 60-watt incandescent bulb or a 15-watt compact fluorescent) are exempted from the full cutoff requirement provided:**
 - i. **The fixture has a top that is completely opaque such that no light is directed upward.**
 - ii. **The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi-opaque material, such as dark tinted glass or translucent plastic, may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear glass, are not allowed.**
 - iii. **The light source (light bulb or filament) must not be visible from any point outside the property on which the fixture is located.**
- b. **Spotlights controlled by motion sensors having a light output less than one thousand (1000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempt from the full cutoff requirement, provided:**

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

F. Outdoor Sports Field/Outdoor Performance Area Lighting.

1. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed eighty (80) feet from finished grade unless ~~approved~~ **waived** ~~approved~~ by the Planning Commission **pursuant to Section 1.10** ~~as having no adverse effect or approved by the City Council as part of a Special Use Permit.~~
2. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
3. The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

G. Lighting of Outdoor Display Areas.

1. Parking lot outdoor areas shall be illuminated in accordance with the requirements for sub-sections **C. and D.** ~~(E)~~, above. Outdoor display areas shall have a maximum point of illuminance of twenty-four (24) maintained footcandles (FC).
2. All light fixtures shall ~~meet the IESNA definition of~~ **be full** cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of-way **and shall be aimed away from the public street right of way**. Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with subsections ~~(D)~~ **C.** 1. and ~~(D)~~ **C.** 2. of this ~~ordinance~~ **Section**.
3. The mounting height of outdoor display area fixtures shall not exceed ~~forty-one (41)~~ **30** feet above finished grade, unless ~~approved~~ **waived** by the Planning Commission ~~as having no adverse effect~~ **pursuant to Section 1.10**.

H. Sign Lighting.

1. Lighting fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively on the sign.
2. **An illuminated sign for commercial purposes shall be turned off between 11:00 pm and sunrise, except that signs may be illuminated while the business facility is open to the public.**
3. **Illuminated signs shall also comply with Section 5.7, Sign Regulations.**

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

- I. Lighting of Buildings and Landscaping. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building façade, plantings, and other intended site feature and away from adjoining properties and the public street right-of-way.
- J. Permits. The applicant for any permit required for work involving outdoor lighting shall submit documentation at time of ~~site plan or plot~~ **Development Plan** approval that the proposed lighting plan complies with the provisions of this ~~Code~~ **Section**. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this ~~Code~~ **Ordinance**:
1. A point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained footcandles required by this ~~Code~~ **Section**.
 2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]). The ~~Building Inspector or his/her designee(s)~~ **Zoning Administrator** may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this ~~Code~~ **Section**.
- K. Nonconformities.
1. Following application of this regulation, the installation of outdoor lighting, replacement of outdoor lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this ~~Code~~ **Ordinance**. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to sub-section 2. below.
 2. All outdoor lighting that fails to conform with sub-section ~~(D)~~ **C.** above which is either located in a residential zoning district or which affects a lot occupied by a dwelling, congregate care, or congregate living structure located in a residential zoning district shall be discontinued, removed, or made to conform with subsection ~~(D)~~ **C.** at any time development or redevelopment on the property results in review of a Development Plan by the Planning Commission. The Planning Commission shall have the right to waive these requirements or impose them as a condition of approval of any Development Plan **as provided for in Section 1.10, Waivers and Modifications.**

Question to Consider: Are the changes to the Lighting Regulations appropriate?

5.3.14 ADDITIONAL DEVELOPMENT REGULATIONS THAT APPLY.

See Section 5.2 – Environmental Regulations.

DRAFT

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

SECTION 5.5 Off-Street Parking, Loading, and Access Regulations

5.5.01	Intent.	5.5.11	Allowance for Shared Parking for Non-Residential Uses.
5.5.02	Applicability.	5.5.12	Allowance for Off-Site Parking.
5.5.03	Parking Facilities Required.	5.5.13	Parking Spaces for Persons with Disabilities.
5.5.04	Expansion of Existing Parking Lots.	5.5.14	Location of Required Parking Spaces.
5.5.05	Units of Measure.	5.5.15	General Requirements.
5.5.06	Off-Street Parking Standards.	5.5.16	Design & Layout of Off-Street Parking Areas.
5.5.07	Parking Requirements for the Central Business & Traditional Business Districts.	5.5.17	Access Control Regulations.
5.5.08	Parking Assessment.	5.5.18	Street Loading and/or Unloading Regulations.
5.5.09	Modification of Standards.		
5.5.10	Deferred Construction of Required Spaces.		

5.5.01 INTENT.

Off-street parking and loading requirements and regulations are established in order to achieve, among other things, the following purposes:

- (A) **To provide regulations that assure sufficient number of off-street parking spaces, in proportion to the need of each use to:**
1. **Relieve congestion on streets to allow more fully the movement of vehicular traffic;**
 2. **Lessen vehicular movement in the vicinity of intensive pedestrian traffic and thereby promote safety and convenience;**
 3. **Protect adjoining residential neighborhoods from excessive non-residential on-street parking; and,**
 4. **Promote general convenience, welfare, and prosperity of developments that depend upon off-street parking facilities.**
- (B) **To ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.**
- (C) **To provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner and to minimize external effects on adjacent land uses.**
- (D) **To provide specifications for vehicular site access.**

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

- (E) **To prevent the creation of surplus amounts of parking spaces and reduce unnecessary amounts of impervious surface by allowing for a reduction in parking requirements where warranted.**
- (F) **To allow flexibility in addressing vehicle parking and access issues.**

5.5.02 APPLICABILITY.

- A. In all ~~zones~~ **zoning districts**, off-street parking facilities for use by occupants, employees, and patrons of the building hereafter erected, altered, or extended, and all uses of the land after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.
- B. **Compliance. Compliance with the standards outlined in this Section shall be attained in the following ways:**
 - 1. **Development of new parking facilities, loading facilities, and driveways.**
 - 2. **Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, enlargement, removal or pulverization of an existing parking lot (excluding milling and paving), or the addition of curbs, walkways, fencing, or landscaping.**
- C. **Parking Plan Approval Required.** Plans for all parking lot facilities, including parking ~~garages~~ **structures**, excepting that required for single- and two-family development, shall be submitted to the ~~Zoning Administrator~~ **Planning Commission** for review and for compliance with the provisions of this Ordinance and such other pertinent ordinances of the City of Fort Thomas. Such plans shall show the number of spaces and arrangements of parking aisles, location of driveway entrances and exits, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, locations of signs, typical cross-sections of pavement, base and sub-base, in accordance with ~~Article XIII, Section 13.0, M 5.5.16~~ of this Ordinance, proposed grade of parking lot, storm drainage facilities, location of lighting facilities and such other information or plans as the circumstances may warrant.

5.5.03 PARKING FACILITIES REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be provided prior to the occupancy of a building or use. Facilities shall be provided for the entire building or use in accordance with the regulations in this Section:

- A. **Whenever a building is constructed or a new use is established; or,**
- B. **Whenever** the intensity of use of any building, structure, or premises shall be increased through a change of use, addition of dwelling units, gross floor area

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

exceeding one thousand (1,000) square feet, seating capacity not exceeding ten persons, or other units of measurement specified herein - additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing off-street parking area is inadequate to serve such increase in intensity of use.; or,

- C. **The Zoning Administrator is authorized to waive a requirement for additional parking spaces relating to the construction of a minor accessory building or minor building addition when such construction is within the limits prescribed by Section 1.4.10 Minor Alteration Approved by the Zoning Administrator.**

5.5.04 EXPANSION OF EXISTING PARKING LOTS.

- A. **When an existing parking lot or loading area is increased in area by 33% or more, the entire parking lot or loading area shall conform with the current requirements for paving, storm water, and landscaping as required by this Ordinance and other application City Ordinances.**
- B. **Alterations or repairs may be made to any existing parking lot or loading area without requiring the existing facility to comply with the current requirements of this Ordinance. The alterations or repairs shall conform to the applicable requirements set forth herein.**

5.5.05 UNITS OF MEASURE.

In computing the number of parking spaces required by this Ordinance, the following rules shall apply:

- A. **Floor Area. Gross floor area shall be used as the standard for determining parking space requirements, for all uses, unless specifically noted otherwise.**
- B. **Seats. Seat means the number of seating units installed or indicated on plans for places of assembly, or one seat for each twenty-four lineal inches of benches, or pews or the capacity shall be determined as one seat for each 30 square feet of gross floor area of the assembly room.**
- C. **Employees. Employees means the maximum number of employees on duty on the premises at one time.**
- D. **Fractional Numbers.** When the computation results in a fractional unit, the number of said required spaces shall be construed to be the next highest whole number.
- E. **Parking for Mixed or Multiple Uses. When a building or group of buildings contains two or more uses, normally operating during the same hours, the number of parking spaces for each use shall be computed separately. The total spaces provided shall not be less than the sum of the spaces required for each use, except as otherwise provided for in this Section.**

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

F. Parking Requirements for Uses Not Specified.

1. **When the off-street parking requirements for a use are not specifically defined herein, the parking facilities for such use shall be determined by the Zoning Administrator based on the standard most similar to the proposed use.**
2. **Appeal by the applicant of a decision by the Zoning Administrator according to this Section and deemed to be too restrictive may be reviewed by the Planning Commission at a regular meeting.**

Based on study to be prepared by owner or operator; number of spaces to be required determined according to:

- a. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound)
- b. Estimated parking duration per vehicle trip (turn-over rates)
- c. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required.
- d. Estimated number of employees one (1) space to be provided for each two (2) employees based on shift of maximum employment.

5.5.06 OFF-STREET PARKING STANDARDS.

The amount of required off-street parking space for uses, buildings, or additions thereto shall be determined according to the following requirements, and the space, so required, shall be reserved for such use. ~~Where more than one use is located in the same building, each individual use shall be in accordance with the offstreet parking requirements of this section of the ordinance, except as provided for under Section 13.0.E of this Ordinance.~~

Schedule 5.5.06 Required Off-Street Parking Spaces	
<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> ^(a)
A. Residential	
1. <u>Accessory dwelling unit</u>	<u>1 space per unit</u> ^(c)
2. <u>Dwelling unit(s) above/behind non-residential use</u>	<u>1 space per dwelling unit</u>
3. <u>Single-family dwelling, attached</u>	<u>1.5 spaces for each dwelling unit</u>
4. Single-family dwelling, detached	2 spaces for each dwelling unit
5. Two-family dwelling; duplex	≥ <u>1</u> space for each dwelling unit
6. <u>Shophouse</u>	<u>1 parking space for each dwelling unit</u>

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

Schedule 5.5.06 Required Off-Street Parking Spaces	
<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> ^(a)
7. Multi-family dwellings	<p>One and one half (1 ½) parking spaces for each dwelling unit containing not more one (1) bedroom and two (2) parking spaces per each dwelling unit containing more than one bedroom.</p> <p><u>1 Bedroom - 1 space per unit</u> <u>2 Bedroom - 1.5 spaces per unit</u> <u>3+ Bedroom - 2 spaces per unit</u></p>
8. <u>Residential care facility for persons with disabilities</u>	<u>0.5 space per employee</u>
B. <u>Community Facilities/Institutions</u>	
1. <u>Cemetery</u>	<u>0.75 per employee + 1 per 4 persons at design capacity of any chapel</u>
2. <u>Community center</u>	<u>1 space per 500 sq. ft. of floor area, plus 1 space for every 6 seats in any assembly area</u>
3. <u>Congregate care facility/nursing home/assisted living facility</u>	<p><u>1 space for each 6 beds, plus 1 space for every 3 employees</u> Congregate housing & Orphanages – One (1) parking space for each two (2) beds, plus one (1) space for each two (2) employees or staff members, including nurses, on the shift of largest employment, plus one (1) parking space per doctor.</p>
4. <u>Day Care Center, Adult or Child</u>	<u>1 space per employee</u>
5. <u>Government Facilities, other than municipal</u>	<u>To be established by the Planning Commission</u> ^(b)
6. Hospital; Institutions for human medical care	1 space per 2 beds plus one (1) space for each employee
7. Cultural Institution; library and similar use	<p><u>1 space for each 400 square feet of public floor area</u> One (1) parking space for each four (4) seats in rooms for public assemble or one (1) parking space for each fifty (50) square feet of net floor area for use by the public, whichever is greater, plus one (1) space for each two (2) employees on shift of largest employment.</p>
8. <u>Membership club and similar uses</u>	<u>1 space per 4 persons at design capacity</u>
9. <u>Outdoor swimming pool (Not associated with dwelling units)</u>	<u>1 space for every 5 persons, based on pool capacity</u>

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

Schedule 5.5.06 Required Off-Street Parking Spaces	
<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> ^(a)
10. <u>Place of worship</u>	One (1) parking space for each four (4) seats based on a maximum seating capacity, plus one (1) space for each (2) employees on shift of largest employment. <u>1 space for every 6 seats in the portion of the building to be used for assembly use</u>
11. <u>Post office</u>	One (1) parking space for each four hundred (400) square feet of gross floor area, plus one (1) parking space for each two (2) employees on the shift of largest employment plus one (1) space for every vehicle operating from the premises
12. <u>Public facility</u>	1 space per each full-time employee on largest shift plus 1 space for each 6 seats in assembly rooms
13. <u>Public park/playground</u>	<u>To be established by the Planning Commission</u> ^(b)
14. <u>School (Public/Private) college/university</u>	<u>1 space per 4 students (based on the maximum number of students at design capacity) plus 2 spaces for each 3 employees</u>
15. <u>School (public/private), elementary/secondary</u>	One (1) space per teacher and administrator <u>classroom</u> , or one (1) space for each four (4) seats in the auditorium, stadium and other places of assembly or facilities available to the public, based on maximum seating capacity.
16. <u>Utility substation/distribution facility</u>	No parking requirement
C. <u>Office/Professional Services</u>	
(1) <u>Banking; Financial Institutions</u>	One (1) parking space for each three hundred (300) square feet of gross floor area <u>One space per 350 square feet of floor area.</u>
(2) <u>Conference Center</u>	<u>1 space per 4 seats in the assembly rooms + other use requirements</u>
(3) <u>Medical/Dental Clinic; Urgent Care</u>	<u>5 spaces per doctor and/or dentist</u>
(4) Office - administrative/ professional;	One (1) parking space for each three hundred (300) square feet of gross floor area <u>1 space per 2000 square feet of floor area</u>
(5) Office – medical/dental	Five (5) parking spaces per each practitioner plus one (1) parking space for each two (2) employees, or one (1) parking space per each two hundred (200) <u>300</u> square feet of gross floor area in the building plus one (1) parking space for each two (2) employees, whichever is greater.
(6) <u>Vocational, Trade or Technical School</u>	<u>1 space for every instructor, employee and administrator, plus 1 space for every 2 students</u>

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

Schedule 5.5.06 Required Off-Street Parking Spaces	
<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> ^(a)
D. Retail/Personal Services	
1. <u>Artist or craft workshop</u>	<u>1 space per employee, plus 1 space per 500 square feet of floor area</u>
2. Beauty salons and barber shops	2 spaces per beauty or barber chair
3. <u>Brewpub</u>	<u>1 space per 50 square feet of floor area or 1 space per two seats, whichever requires the greater number of spaces plus 1 space per 2,000 sf of floor area of production area</u>
4. <u>Drinking establishment</u>	<u>1 space per 200 square feet</u>
5. Hotel	One (1) parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment. <u>0.8 per room, plus 1 per 800 sf of public meeting, event, or restaurant area</u>
6. <u>Micro-brewery/Distillery/Winery</u>	<u>1 parking space per 500 square feet of industrial/manufacturing floor area, 1 parking space per 400 square feet of retail/restaurant floor area, and 1 parking space per 500 square feet of office floor area</u>
7. Retail establishment; Personal services; Experiential retail establishment	One space per 300 <u>400</u> square feet of floor area
8. Retail establishment – bulky items such as furniture	1 space for each four hundred (400) <u>450</u> square feet of floor area plus one (1) parking space for each two (2) employees
9. <u>Restaurant carryout only</u>	<u>1 space per 300 square feet</u>
10. Restaurant, indoor	One (1) parking space for each: a. 50 square feet of gross floor area for taverns and bars (i.e. businesses with less than 50% of gross income from sale of food) b. 65 square feet of gross floor area for fast food restaurants c. 150 square feet for sit-down restaurants <u>One space per 200 square feet of floor area or 1 parking spaces for every 5 persons of maximum occupancy, whichever requires the least number of spaces plus 1 space for each delivery vehicle</u>
11. <u>Restaurant, outdoor seating including when located on habitable roof</u>	<u>For the first 500 square feet of outdoor seating area, no additional parking spaces. Beyond 500 square feet, one space per fifty (50) square feet of floor area or one (1) space per two seats, whichever requires the greater number of spaces</u>

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

Schedule 5.5.06 Required Off-Street Parking Spaces	
<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> ^(a)
12. <u>School, specialty/personal instruction</u>	2 spaces per classroom, plus 1 space for every 5 students at design capacity
E. Vehicles and Equipment	
1. <u>Auto service stations</u>	1 space for each gas pump plus two (2) spaces for each Working service bay, plus one (1) parking space for each employee on largest shift, but never less than 5 spaces
2. <u>Freestanding drive-thru facility</u>	1 per employee + stacking for 2 vehicles per station
3. <u>Drive-thru associated with a principal permitted use</u>	Stacking for 2 vehicles per station + other use requirements
4. <u>Vehicle fueling station</u>	2 spaces per pump plus other use requirements
F. Entertainment/Recreation	
1. Bowling establishments	5 parking spaces for each lane; plus one (1) space for each two (2) employees on shift of largest employment
2. <u>Assembly hall</u>	1 space per 4 persons at design capacity
3. <u>Golf course; country club</u>	1 per 500 square feet of club house + 3 spaces per hole
4. Health club	1 space per 300 square feet of exercise area, including locker and equipment rooms
5. Live music venue	1 per 6 seats + other use requirements
6. <u>Recreation facility, indoor</u>	1 space per 3 persons based on maximum occupancy load of entertainment areas
7. <u>Recreation facility, outdoor</u>	1 space per 1,000 square feet of recreation area
8. <u>School, specialty/personal instruction</u>	2 spaces per classroom, plus 1 space for every 5 students at design capacity
9. Theaters and other places of assembly	1 parking space for each 4 seats based on a maximum seating capacity, plus one (1) space for each (2) employees on shift of largest employment
G. Industrial	
1. <u>Artisan industrial</u>	1 space per 2 employees + other use requirements
2. <u>Commercial kitchen</u>	1 space per 2 employees + other use requirements

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

Schedule 5.5.06 Required Off-Street Parking Spaces	
<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> ^(a)
3. Light manufacturing uses	<p>Two (2) parking spaces for each three (3) employees the total number of parking being the total number of employees on any two (2) consecutive shifts having the largest number of employees based on design capacity, plus one (1) parking space for each company vehicle operating from the premises.</p> <p><u>1 space per 2 employees on the largest shift</u></p>
4. Research and development facilities	<p>Two (2) parking spaces for each three (3) employees the total number of parking being the total number of employees on any two (2) consecutive shifts having the largest number of employees based on design capacity, plus one (1) parking space for each company vehicle operating from the premises</p> <p><u>1 space per 1000 square feet of floor area</u></p>
5. <u>All Other Industrial Facilities</u>	<u>1 space per 2 employees on the largest shift</u>
H. Other	
1. Agriculture	No parking requirement
2. Funeral home	<p>One (1) parking space for each four (4) seats in the main chapel or public assembly area based on maximum seating capacity, plus one (1) parking space for each fifty (50) square feet of floor area in parlors or service rooms, or one (1) parking space for each four (4) persons, based on designed capacity of the building, whichever is greater, plus one (1) parking space for each funeral vehicle and employee</p> <p><u>1 space per 4 seats of design capacity, plus 1 space for each vehicle maintained on the premises</u></p>
3. <u>Habitable roof – non-residential uses</u>	<u>Parking requirement for designated use of habitable roof</u>
4. <u>Habitable roof – Residential uses</u>	<u>No parking requirement</u>
5. <u>Pleasure boat harbors & marinas; Recreational dockage facilities</u>	<u>1 space or adequate off-site parking for each vessel berth + other use requirements</u>
6. <u>Public boat landing or launching facilities</u>	<u>Adequate to handle the anticipated normal capacity for patron use, as determined by the Zoning Administrator, + 1 space for each employee</u>
7. <u>Riding academies and stables</u>	<u>1 space per 2 stalls + 1 per employee</u>
8. <u>Sexually oriented business</u>	<u>1 space per 4 seats</u>
9. <u>Short-term rental properties</u>	1 space per guest room; Maximum is 4 spaces

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

Schedule 5.5.06 Required Off-Street Parking Spaces	
<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> ^(a)

Notes to Schedule

(a) A minimum of five (5) spaces is required for each facility other than single-family or two-family dwellings except when Schedule 5.5.06 indicates No Parking Requirement.

(b) The Planning Commission shall apply the unit of measurement deemed to be most similar or appropriate for the proposed building or use based on requirements for similar uses, location of proposed use, surrounding land uses, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information.

(c) The Planning Commission may waive the requirement pursuant to Section 1.10, Waivers and Modifications.

Question to Consider: Most parking requirements have been reduced. Is this reduction appropriate?

5.5.07 PARKING REQUIREMENTS FOR THE TBD AND CBD.

In recognition of the distinctive, compact character of buildings in the Central Business District-Town Center, Central Business District-Midway, and the Traditional Business Districts, the Planning Commission may ~~modify or waive this~~ the requirements of Schedule 5.5.06, Required Off-Street Parking Spaces, for permitted uses within the Central Business District – Town Center, Central Business District - Midway, and Traditional Business ~~CBD or GC~~ Zoning Districts and Sub-Districts, in those circumstances where an owner is physically unable to provide additional off-street parking facilities due to limitations in lot area, building setback, accessibility and other pre-existing ~~hardship conditions~~ site constraints. When a waiver ~~or modification~~ to this requirement is requested, the owner or applicant must demonstrate that such waiver ~~or modification~~ will not materially or substantially affect other business uses within the same district.

- A. In making a determination for such a waiver, the Planning Commission shall consider the following criteria:
1. The character of the proposed use as well as the ability of the proposed use to reinforce the character of the Central Business and Traditional Business Zoning Districts;
 2. The availability and accessibility of public parking spaces, both on-street and within public parking lots;
 3. The availability of parking areas on adjacent sites, considering the hours of operation of the proposed use compared to adjacent uses; and,

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

4. **The potential negative impact to the character of the Central Business and Traditional Business Districts and sub-districts if the requisite number of parking spaces are or are not provided.**
- B. Any request for a waiver from the parking requirements shall require submission of a parking study pursuant to the provisions of sub-section 5.5.08 ~~Section 13.2 for “All Other Uses Not Listed Herein.”~~ Additionally, the Planning Commission shall make findings supporting a ~~hardship~~ **the waiver** and include those findings with final action of the submitted Development Plan. **In addition to the findings required by Section 1.10, Waivers and Modifications, the Planning Commission shall find that the waiver satisfies the parking demands of the use without burdening other available parking facilities in surrounding areas of the City.**

Question to Consider: Should any other factors be considered when deciding to waive parking requirements?

5.5.08 PARKING ASSESSMENT.

The Planning Commission may approve a development plan for a use with fewer parking spaces when the reduction is supported by a parking assessment, described below, submitted with the Development Plan application.

The parking assessment shall be prepared by a traffic consultant and shall include a description of the use and its anticipated relationship to, and impact on, the surrounding community. At a minimum, the assessment shall include the following:

- A. **The nature of the proposed uses, activities and events that will be accommodated.**
- B. **The maximum design capacity of the facility/establishment.**
- C. The anticipated pattern of use, including peak hours (inbound and outbound).
- D. **The estimated traffic generation and parking demand, including the estimated number of parking spaces required at peak capacity.**
- E. **The number of parking spaces required according to Schedule 5.5.06 compared to the number of spaces proposed.**
- F. **The current supply and utilization of parking spaces in the immediate area.**
- G. **How any available spaces meet the needs of the proposed use.**
- H. Estimated parking duration per vehicle trip (turn-over rates).
- I. Estimated number of employees ~~one (1) space to be provided for each two (2) employees based on shift of maximum employment.~~
- J. **Suggested parking management solutions to address any anticipated discrepancy between the number of parking spaces available and anticipated parking demand.**

Changes from existing provisions are noted: Substantive Additions and Deletions

- K. Required parking spaces, even if the required number of spaces is reduced pursuant to this Section, which may be provided in compliance with sub-section 5.5.11, Allowance for Shared Parking, and/or in compliance with Section 5.5.12, Allowance for Off-Site Parking.

5.5.09 MODIFICATION OF STANDARDS.

Off-street parking requirements may be reduced in areas of the City outside of the Central Business and Traditional Business Districts based on the provisions of this sub-section.

- A. Administrator Reduction. A reduction of up to ten percent (10%) of the number of required parking spaces may be permitted administratively by the Zoning Administrator when the applicant demonstrates that the reduction in parking will not impact adjacent uses.
- B. Shared Vehicle Modification. For each shared vehicle, carpool, or vanpool space provided, the minimum number of required off-street parking spaces may be reduced by four. Each shared vehicle, carpool, or vanpool space shall count toward the minimum number of required off-street parking spaces.
- C. Modification Permitted by Zoning District. Additional modifications to parking requirements are permitted in the Neighborhood Commercial/Office and the Alexandria Pike Mixed Use Districts. See Sections 3.5 and 3.6.
- D. Alternative Uses for Parking Facilities. An area equal to that needed to provide up to ten (10) percent of the parking spaces required for retail uses may be delineated from the balance of the parking lot with removable barriers and be used as open space, recreational facilities or outdoor sales/display area during the non-peak period (January 15th to November 15th or any other ten month non-peak period approved by the Planning Commission). This area shall be surfaced with grass or a semi-pervious or other paving system, excluding asphalt or concrete, approved by the Planning Commission. Parking areas existing at the time of adoption of this Section that are surfaced with hard and durable materials, including but not limited to asphalt and concrete, may comply with this modification without modifying the existing surfacing material(s) only if the area meets the screening requirements for vehicle use areas as required in Section 5.3, Landscaping and Screening, and Lighting Regulations, of this Ordinance.
- E. Modification for Increased Landscaping and Buffering. Change in the use of an existing structure or site shall require compliance with the minimum parking requirements applicable to the new use. However, if the new use also requires additional buffer or parking lot landscaping, the Planning Commission may permit a reduction of up to 20 percent (20%) in the required number of spaces to accommodate additional landscaping and buffering.
- F. On-Street Parking Consideration. Any on-street parking space, at least one-half the length of which is located immediately adjacent to the subject property, may be counted towards on-site parking requirements. Each on-street parking space

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

may only be counted once towards the parking requirements of the adjacent lot, regardless of the number of individual buildings or tenants on the lot. The use of this credit does not entitle the property owner to the continued availability of those on-street parking spaces over time; management of on-street parking spaces is subject to City parking management policies and practices. In cases where on-street parking is available but is not marked, the City shall determine the number of spaces available.

5.5.10 DEFERRED CONSTRUCTION OF REQUIRED SPACES.

If the number of parking spaces required by this Section for a non-residential use is substantially larger than the number anticipated by the applicant and the applicant submits a parking assessment that provides sufficient evidence to support the reduced parking needs, a Development Plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

- A. **The total number of parking spaces initially constructed shall not be less than 70 percent (70%) of the spaces required this Section.**
- B. **Suitable areas are reserved for the construction of the balance of the required spaces in the event such spaces become necessary, and such areas are shown on the Development Plan in locations and with landscaping in full compliance with this Ordinance.**
- C. **The Planning Commission, upon reevaluation of the project's parking needs, may determine that some or all of the required parking spaces be constructed, and shall notify the property owner of such determination.**
- D. **Additional parking, if determined to be necessary, shall be constructed according to the approved Development Plan.**

5.5.11 ALLOWANCE FOR SHARED PARKING FOR NON-RESIDENTIAL USES.

When any land or building is under the same ownership, or upon submission of documentation recorded in the Campbell County Clerk's Office of satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility, and proposed development is for two (2) or more land uses, excluding residential uses, **such two or more non-residential uses may share a parking facility without providing the minimum number of on-site required spaces for each use, when parking spaces are provided in compliance with all the requirements of this sub-section.**

~~the number of required off-street parking spaces shall be computed by multiplying the minimum number of parking spaces normally required for each landuse by the appropriate percentage, as shown in the following shared parking credit table, for each of the five (5) time periods. The number of required off-street parking spaces is then determined by adding the results in each column. The column total that generates the highest number of parking spaces becomes the minimum parking requirement.~~

This existing table is difficult to understand and use, so we propose the following text.

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

LAND USE TYPE	TIME OF OPERATION				
	WEEKDAY		WEEKEND		NIGHTTIME
	DAYTIME (6AM-6PM)	EVENING (6PM-12AM)	DAYTIME (6AM-6PM)	EVENING (6PM-12AM)	12AM-6AM
Office/Industrial	100%	100%	100%	5%	5%
Retail/Personal Service	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Theater/ Commercial Recreational Establishment	40%	100%	80%	100%	10%

- A. **The minimum required number of parking spaces for the combined uses may be reduced by 20% for shared parking when hours of operation overlap.**
- B. **When the hours of operation DO NOT overlap, the parking facility to be shared shall contain the largest number of minimum required spaces for the uses sharing the lot.**
- C. **The parking facility to be shared shall be owned by the owner of one of the uses, leased for a 20-year minimum term or through a permanent easement by the owners of the uses being served. A lease or easement shall be approved by the City Attorney and the Planning Commission.**
- D. No changes shall be made to the shared parking facility that would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without Zoning Administrator approval including a new Zoning Permit prior to any changes taking place.
- E. Parking spaces to be shared shall not be reserved on a twenty-four-hour basis for a specific person, individual, or use.
- F. It shall be determined at the time of parking facility plan approval that shared parking is possible and appropriate at the location proposed. Particular attention is needed to assure that sufficient and convenient short-term parking will be available to commercial establishments during the weekday daytime period. The short-term shared parking spaces must be located in the most convenient and visible area of the parking facility nearest the establishment being served.
- G. **Handicap parking spaces shall not be shared, unless the uses are adjacent to the handicap spaces and no inconvenience to the users of the spaces would result.**
- H. **Loading spaces shall not be shared.**

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- I. **A proposed change in the use of a structure that shares a parking facility requires approval by the Zoning Administrator after finding that adequate parking will be available.**
- J. **A shared parking facility shall be located on the same lot as the use for which parking is provided, unless the parking facility complies with all the requirements of subsection 5.5.12, Allowance for Off-site Parking.** ~~The shared parking facility must be located within five hundred (500) feet walking distance of the entrance of the establishment to be served. Said walkway access shall provide a safe means of pedestrian access to and from the establishment being served.~~
- K. The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the attorney for the City of Fort Thomas guaranteeing that the parking spaces shall be maintained so long as the use requiring such parking is in existence or unless the required parking is provided elsewhere in accordance with provisions of this chapter. Such instruments shall be recorded by the property owners in the Campbell County Clerk's Office and a copy shall be filed with the City of Fort Thomas Zoning Administrator.

Question to Consider: Are these new standards appropriate for shared parking?

5.5.12 ALLOWANCE FOR OFF-SITE PARKING.

All off-street parking spaces shall be located on the same lot as the structure or use unless parking spaces are provided in compliance with all the requirements of this Ordinance.

- A. **The use shall provide at least 50% of the required parking spaces on the site. The Planning Commission may grant a waiver to this requirement, pursuant to Section 1.10, Waivers and Modifications, considering the following criteria:**
 - 1. **Proximity of the proposed parking area to the use served;**
 - 2. **Ease and safety of access between the proposed parking area and the use served;**
 - 3. **The use to be served by the off-site parking; and,**
 - 4. **The hours of operation of the use to be served by the off-site parking.**
- B. **Off-site spaces shall be within 800 feet walking distance, measured along the pedestrian route to a building entrance or use. Safe and convenient pedestrian access, such as a sidewalk or path, shall exist or be provided from the structure or use to the parking lot. Appropriate safety measures shall be provided if the pedestrian must cross an arterial street.**
- C. **Contiguous lots providing off street parking for more than one use shall provide sufficient parking spaces to comply with the combined total parking requirements**

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- for all uses unless an allowance for shared parking is granted under sub-section 5.5.11.**
- D. **The off-site lot may be located in another zoning district than the structure or use it serves.**
 - E. **The lot used as an off-site parking facility shall be owned or leased for at least a 20-year term or acquired through a permanent easement by the owner of the use being served. The Zoning Administrator and the City Attorney shall approve the lease or easement. If the term of the use is limited by a conditional use permit, then the term of the lease agreement for parking may be limited accordingly. At the expiration of the term of a lease or extensions thereof, the owner shall provide other suitable parking with sufficient parking spaces or end the use that required the parking.**
 - F. **The number of the off-site parking spaces shall not be reduced, unless other sufficient parking spaces are provided by the owner of the use. The Zoning Administrator's approval is required prior to changing the approved parking plan.**
 - G. **All required handicapped parking spaces for a use shall be located on site.**
 - H. **All required loading spaces shall be located on site.**
 - I. **An existing nonconforming parking lot used under this sub-section as off-site parking shall be landscaped, paved and striped according to the standards of this Section and this Ordinance.**

Question to Consider: Any concerns about these new standards for off-site parking?

5.5.13 PARKING SPACES FOR PERSONS WITH DISABILITIES.

In compliance with the Americans with Disabilities Act (ADA) of 1990, all new construction and alterations to places of public accommodation and commercial facilities shall provide parking spaces that are designed and constructed to be readily accessible to persons with disabilities.

5.5.14 LOCATION OF REQUIRED PARKING SPACES.

Off-street parking facilities shall be located as follows:

- A. Single-Family **and Two-Family** Residential Zones **Zoning Districts:**
 1. Off-street parking may be permitted in driveways in the front, side, and rear yards of permitted uses in these zones, provided all requirements of this Ordinance are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of ten (10) feet from the rear lot line. Parking spaces shall not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1.

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2. Off-street parking may be permitted in the side and rear yards of conditional uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking, located in the rear yard, shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in the front approved by the Board of Adjustment.
- B. **All Other Zoning Districts. For all other zoning districts, parking shall be located as required by the regulations for the zoning districts or as required by the conditional use and restricted use regulations in Section 5.4.**

Multi-Family Residential Zones:

~~1. Off-street parking may be permitted in the side and rear yards of permitted uses in these zones, provided that off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in required front yards, only if approved according to an approved Development Plan.~~

~~2. Off-street parking may be permitted in the side and rear yards of conditional uses in these zones, provided all requirements of this ordinance are met. Additionally, off-street parking, located in the rear yard, shall be set back a minimum of ten (10) feet from the rear lot line. Off-street parking may be permitted in the front yard, only if approved by the Board of Adjustment.~~

~~c. Special Development Zones: Off-street parking shall be located as designated on the approved plan~~

d. Commercial (excluding CBD Zone), Professional Office, and Industrial Zones:

~~1. Except as herein provided, off-street parking may be permitted in minimum front, side and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way line.~~

~~2. Off-street parking may be permitted in the front yard area of permitted uses within the CBD zone only upon special approval by the Planning Commission. The owner or applicant must demonstrate, by submission of a site plan, that required off-street parking cannot be satisfied within rear and side yard areas and parking facilities in front yard areas will not materially or substantially affect adjacent properties and is consistent with other yard and landscaping conditions/standards within the same district.~~

~~3. IP Zone: Off-street parking may be permitted in the side and rear yards, provided that all off-street parking facilities shall be set back a minimum of ten (10) feet from the rear lot line, and shall not be permitted in the minimum required side yards. Off-street parking may be permitted in front yards, provided all minimum front and side yard requirements are maintained.~~

No substantive changes are proposed for these existing sections listed below except as noted above. The existing text will be imported during Phase 3.

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- 5.5.15 GENERAL REQUIREMENTS.**
- 5.5.16 DESIGN AND LAYOUT OF OFF-STREET PARKING AREAS.**
- 5.5.17 ACCESS CONTROL REGULATIONS.**
- 5.5.18 OFF-STREET LOADING AND/OR UNLOADING REGULATIONS.**

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