Memorandum

To: Matt Kremer, City Administrator
Fort Thomas, KY

From: Alisa Duffey Rogers, AICP
Principal Planner

Frank Twehues, P.E.
Market Share Manager

Subject: Discussion Points for May 14, 2024 Council Retreat &
the Adoption Process for the Unified Development Ordinance (UDO)

Date: May 2, 2024

On May 6, 2024, we will deliver the Phase 4 draft of the Unified Development Ordinance (UDO). This May 6, 2024 draft tracks changes from the Phase 3 draft with substantive additions in **bold** and **underlined** and significant deletions ~~lined out~~. These changes result from either discussions by the Planning Commission or the correction of errors noted during Phase 3.

At the Council Retreat on May 14, 2024, we will briefly review the significant changes from the existing Zoning and Subdivision Ordinances as outlined in the memo dated March 15, 2024, which is attached. It may be helpful to review the March 15, 2024 memo for context prior to the Council Retreat. We will also review and discuss the following topics in depth:

1. The Powers and Duties of Zoning Administrator, the Planning Commission, the Board of Adjustment, and the Design Review Board under the new UDO. We will specifically highlight any additional powers and duties for these officials, boards, and commissions established in the new UDO.

2. Variances, Waivers and Equivalency. We will:

    a. Define variances, waivers, and equivalency;

    b. Review the statutory basis for variances;

    c. Discuss the utility of variances, waivers, and the equivalency provision; and,

    d. Compare and contrast the waivers currently permitted under the existing Zoning Ordinance with those proposed in the new UDO.

3. Sign Regulations. Review the following policy topics discussed by the Planning Commission:

    a. Electronic Message Centers. Electronic Message Centers are also commonly referred to as digital signs. See Figure 1 for a photo of an Electronic Message Center.

i. Electronic Message Centers in Residential Districts. The current regulations for Electronic Message Centers in residential zoning districts for non-residential uses were adopted in 2017. These regulations permit public and parochial schools in residential districts to install digital signs subject to certain regulations. Please keep in mind that the public schools are exempt from zoning regulations per the Kentucky Revised Statutes.

Figure 1 - Electronic Message Center

After considerable debate, the Planning Commission decided to prohibit Electronic Message Centers in residential districts. Any existing Electronic Message Centers may remain and be maintained.

ii. Electronic Message Centers in Non-residential Districts. As currently drafted in the UDO, Electronic Message Centers are only permitted in the Neighborhood Commercial/Office District on large zoning lots or on lots adjacent to Interstate Highways.

b. Murals. The current Zoning Ordinance contains no provisions regulating murals. The Planning Commission discussed murals during both Phases 2 and 3 and chose to forego the regulation of murals at this time. The Planning Commission also directed that murals be defined and prohibited in the new UDO.

4. Single-Family & Two-Family Residential Districts. (R-1AA, R-1A, R-1B, R-1C, R-1D, R-1-TC1, R-1-TC2, and R-2).

a. Creation of the R-1-TC District with two sub-zoning districts entitled R-1-TC 1 and 2. The lot sizes and widths vary for the parcels located between Hagedorn Lane, Lumley Avenue, Miller Lane, and North

Figure 2 – Section of the Draft Zoning Map Depicting the New R-1-TC1 & R-1-TC2 Sub-Zoning Districts

Shaw Lane. The R-1-TC1 and R-1-TC2 sub-zoning districts address these varying lot sizes and characteristics with different Development Standards as shown in Schedule 3.1.03 B. below. This Schedule also indicates how the Development Standards for the R-1-TC1 and R-1-TC2 sub-zoning districts differ from the standards for the other Single-Family Residential Districts. Figure 2 depicts these two new sub-zoning districts.

Schedule 3.1.03 B.
Development Standards in the Single-Family and Two-Family Districts[(c)]

	R-1AA	R-1A	R-1B	R-1C	R-1D	R-1-TC1	R-1-TC2	R-2
1. **Minimum lot area (square feet)**	43,560	9,500	7,500	7,000	13,000	3,400	5,600	8,000
2. **Minimum lot width (feet)**	150	75	65	60	85	45	65	75
3. **Minimum principal building setback (feet)**								
a. **Minimum front**	40[(a)]	30[(a)]	30[(a)]	25[(a)]	30[(a)]	[(b)]	[(b)]	25[(a)]
b. **Minimum side**	12	10	5	5	10	3	5	8
c. **Combined minimum side setback for both sides**	38	NA	14	14	NA	9	14	NA
d. **Minimum rear**	40	40	30	25	40	20	20	30
4. **Minimum gross floor area per dwelling unit (square feet)**	1500	1000	800	800	1000	800	800	500
5. **Maximum height of principal building (feet)**	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories
6. **Maximum height of accessory building (feet)**	15	15	15	15	15	15	15	15

Notes to Schedule 3.1.03 B.

[(a)] See sub-section 3.1.03 C.

[(b)] See sub-section 3.1.03 C. 4.

[(c)] For nonconforming lots and structures, see Section 1.9 - Nonconforming Uses, Lots, Structures, & Site Conditions

NA = Not Applicable

b. Establishment of a Maximum Front Setback in the R-1B and R-1C Districts. The current Zoning Ordinance and the UDO require a Minimum Front Setback in the Residential Districts, which is either the Minimum Front Setback for the district as shown in Schedule 3.1.03 B., or it is derived from the average setback of the homes within 300 feet.

When a Minimum Front Setback is established for a zoning district, a building must be located at or anywhere behind the Minimum Front Setback. In other words, establishment of a Minimum Front Setback does not mean that a building must be placed in a precise location on the lot. Therefore, a home may be constructed a noticeable distance behind the Minimum Front Setback and such placement can disrupt the line of homes on that side of the street.

To better control the placement of homes, the UDO mandates a Maximum Front Setback in the R-1B and R-1C Districts, which will prevent homes from being located too far back on the lot. The Maximum Front Setback only applies in the R-1B and R-1C Districts because these Districts are the most compact Single-Family Districts, and therefore, a home out of line will be the most noticeable. With a both a Minimum and Maximum Front Setback required, a Single-family Detached Dwelling must be built between the Minimum and Maximum Front Setbacks, which strictly regulates the placement of the home on the lot. See Figure 3 for an illustration of home placement when both a Minimum and Maximum Front Setback are required.

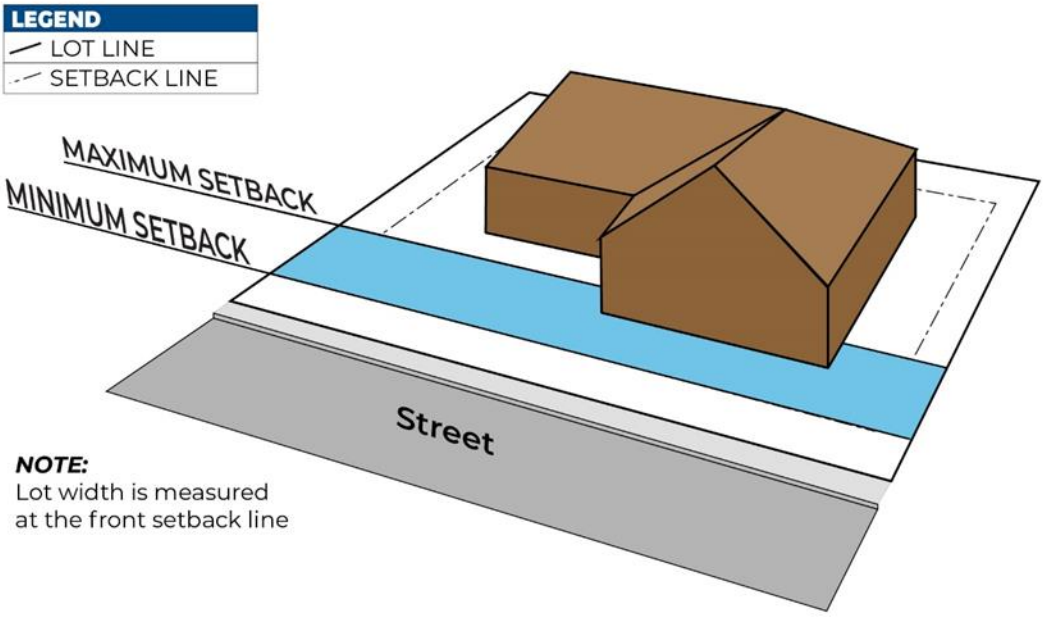

Figure 3 - Illustration of Home Placement with a Prescribed Minimum and Maximum Setback

c. Classification of Two-family Dwellings as Restricted Uses in the R-1B, R-1C, and R-1-TC 1 & 2 Districts. Today, there are numerous Two-Family Dwellings that are nonconforming uses in these Zoning Districts, which can negatively impact future improvements to these properties. By making Two-Family Dwellings Restricted Uses, these existing Two-Family

Dwellings may remain and be invested in, but no new Two-Family Dwellings may be constructed.

d. Short-Term Rental Properties. The City's existing regulations for short term rentals, such as Airbnb and VRBO, were adopted in 2021. At that time, Short Term Rental Properties were defined as listed below:

> SHORT-TERM RENTAL: The accessory use of any residential dwelling unit that is advertised for rent for transient occupancy by guests for less than 30-consecutive days. A Short-Term Rental shall be clearly incidental and subordinate to the use of a dwelling unit for residential purposes. This definition is specific to this section and other entities, such as "hotels," "motels," and "bed and breakfasts," are defined elsewhere in this code.

In addition, in 2021, Short-Term Rental Properties were added as a permitted accessory use in all Single-Family Residential and Two-Family Districts, and the following regulations were enacted:

(A) Rules and Regulations for Short-Term Rentals. The operation of short-term rental units is subject to all of the following standards and conditions:

(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, the Central Business District housing, condominiums, and landominiums. Owners of rental properties must consent to short term rental units. Condominium/Landominium owners must have written permission from the homeowners' association.

(6) Short-term rental guests shall not stay more than twenty-nine (29) consecutive days in duration.

(7) All short-term rental buildings and units shall be in compliance with applicable building codes.

(8) Bed and Breakfasts must be in compliance with their distinct building codes.

(9) Contact information for the owner(s) must 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 provide one off-street parking space per guest room of short-term rental contract.

(13) Number of Persons Allowed: No more than two adults per bedroom. Maximum of six 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 Chapter 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.

During Phase 3, the Planning Commission retained the above regulations, with minor changes, and added the following additional regulations in the R-1 and R-2 Districts:

- In the R-1 and R-2 Districts, whenever a dwelling unit includes a Short-Term Rental Property, the property owner or the operator of the short-term rental shall occupy the Single-family Detached Dwelling or one dwelling unit in a Two-Family Dwelling whenever transient guest(s) occupy the Short-Term Rental Property.

- Any change in ownership of the dwelling containing the accessory Short Term Rental Property shall void the current annual permit/license and shall require submission and approval of a new short-term annual permit/license.

- Users of the Short-Term Rental Property shall not park on the public street but shall park in the required off-street parking provided by the property owner or operator of the Short-Term Rental Property.

5. Multi-Family Residential Districts (R-3 and R-5 Districts). Very few changes are planned for these Districts, but the Planning Commission did decide to include additional regulations for those multi-family buildings, in the R-3 District, that have frontage on Fort Thomas Avenue. This change reflects the Planning Commission's desire to retain the character of Fort Thomas Avenue. Below are the proposed regulations:

   Additional Standards for R-3 Parcels with Frontage on Fort Thomas Avenue. In the R-3 District, all zoning lots with lot frontage on Fort Thomas Avenue shall comply with the following regulations unless a waiver is granted by the Design Review Board pursuant to Section 1.10 - Waivers, Modifications, & Equivalency:

   1. A minimum of one (1) ground/first floor entrance along the frontage facing Fort Thomas Avenue shall be provided.

   2. A direct pedestrian connection between ground/first floor entrance and the public sidewalk shall be provided.

   3. Transparency.

      a. For the ground/first floor, the front facade of every building shall have transparent areas, equal to a minimum of 25% of the front facade area (measured as the total area below the transition line).

      b. For all upper floors, each floor of the front facade of the building shall have glazed areas equal to a minimum of 15%.

   4. Front Setback. The front setback for the principal building shall be no more or no less than three (3) feet from the average established front setback of the developed lots within three hundred (300) feet on each side of the subject lot fronting on Fort Thomas Avenue.

6. Alexandria Pike Mixed-Use District (AP-MX). The Alexandria Pike Mixed- Use District is place based and specific to Alexandria Pike. It replaces the four non-residential zoning districts that are currently utilized along Alexandria Pike from the southern corporate boundary to I-471. The Alexandria Pike Mixed-Use District is split into two sub-zoning districts, AP-MX1 and AP-MX2, in order to respond to the variation in built environment and topography that exists along the corridor. See Figure 4 for a portion of the draft Zoning Map that depicts the AP-MX1 and AP-MX2 sub-zoning districts.

   a. Based on the discussions between the Planning Commission and the City Council in February of 2024, mixed-use development is permitted in both sub-zoning districts, and density restrictions are now included in the AP-MX1 and AP-MX2 sub-zoning districts. These density restrictions are based on the density requirements in the R-3 District, which are 8,000 square feet of lot area for the first four units and 4,000 square feet of lot area for each additional unit.

b. Under the existing Zoning Ordinance, the Maximum Height along much of Alexandria Pike is 50 feet. The Planning Commission decided to reduce the Maximum Height in the AP-MX1 and AP-MX2 sub-zoning districts to 40 feet.

c. Typical non-residential land uses are permitted in both the AP-MX1 and AP-MX2 sub-zoning districts, but the Planning Commission did remove hotels from the list of permitted uses in both sub-zoning districts, which prohibits hotels in the Alexandria Pike Mixed-Use District.

d. When the City adopted the regulations for Short-Term Rental Properties, Short-Term Rental Properties were added as a permitted accessory use in both the Central Business and General Commercial Districts. The additional regulations for Short-Term Rental Properties listed above did not adequately address how Short-Term Rentals should be treated in non-residential districts. Consequently, the Planning Commission discussed the advisability of permitting Short-Term Rental Properties in mixed-used developments such as those allowed in the Alexandria Pike Mixed-Use District. After careful consideration, the Planning Commission opted to prohibit Short-Term Rentals in both sub-zoning districts in the Alexandria Pike Mixed-Use District.

7. Neighborhood Commercial/Office District (NC/O). The Neighborhood Commercial/Office District is a use-based district. The City has numerous sites, some of which are small in size, that are currently zoned either Professional Office or General Commercial. The Neighborhood Commercial/Office District will be the zoning district applied to these scattered sites. Please review the DRAFT Zoning Map for the parcels proposed to be zoned Neighborhood Commercial/Office District.

   a. In terms of permitted uses, typical non-residential uses are permitted in the Neighborhood Commercial/Office District. However, in order to respond to the differing environments found in these varied locations, Restricted and Conditional Use regulations are used to preclude certain land uses in specific locations. For example, a hotel is a Restricted Use in the NC/O District, which is only permitted on site with a minimum lot area of 2.75 acres.

   b. Like in the Alexandria Pike Mixed-Use District, Short-Term Rentals are prohibited in the Neighborhood Commercial/Office District.

8. Traditional Business District. Under the new UDO, Inverness will be zoned Traditional Business District. At present, Inverness is zoned General Commercial. Short-Term Rentals will be permitted in mixed-use buildings in Inverness provided the gross floor area of all dwelling units used as Short-Term Rentals is less than 50% of the gross floor area of the building.

9. Central Business District (CBD). In the UDO, the Central Business District is broken into sub-zoning districts whose requirements are more prescriptive and better tailored to the existing built environment in Town Center and Midway.

a. In the Central Business District - Town Center, there are three sub-zoning districts as follows: (See Figure 5 for a section of the draft Zoning Map illustrating the sub-zoning districts in Town Center.)

Central Business District – Town Center Core (CBD-TCC)
Central Business District – Town Center Supporting (CBD-TCS)
Central Business District – Town Center Residential (CBD-TCR)

The Planning Commission considered the Development Standards and Permitted Uses in the CBD-Town Center sub-zoning districts in great detail during Phases 2 and 3. Several notable topics, which will be discussed at the Council Retreat, are listed below:

i. In the CBD-Town Center Core, the Maximum Height is 40 feet, but a maximum number of stories is not proscribed. The Planning Commission discussed limiting the number of stories to two, but the Commission was unable to reach a decision on this issue.

ii. As requested by the Planning Commission, the Maximum Building Width in the CBD-Town Center Core is 150 feet in the Phase 4 draft of the UDO. In previous drafts of the UDO, the Maximum Building Width was 185 feet.

iii. In the CBD-Town Center Core and the CBD-Town Center Supporting sub-zoning districts, the Phase 3 draft of the UDO included a provision permitting buildings to exceed the Maximum Height by 10 feet if the higher portion of the building was located a minimum of 100 feet from the back of the sidewalk. The Planning Commission and the Design Review Board had to approve this increased height. At the direction of the Planning Commission, this provision was removed from the Phase 4 draft of the UDO.

iv. In the CBD-Town Center Supporting sub-zoning district, the Phase 3 draft of the UDO mandated a Minimum Front Setback of 20 feet. In the Phase 4 draft of the UDO, the Minimum Front Setback has been increased to 25 feet.

v. There are two outstanding issues regarding Permitted Uses in the CBD-Town Center Supporting sub-zoning district as indicated below:

1) Should Bed and Breakfast Establishments be a permitted use in the Town Center Supporting sub-zoning district? Given the number of existing buildings built as single-family detached dwellings in this sub-zoning district, the Planning Commission considered the advisability of including this use.

2) The UDO classifies Single-family Detached Dwellings as Restricted Uses in the CBD-Town Center Supporting sub-zoning district with a restriction that the Single-family Detached Dwelling must exist at the time the UDO is adopted. This restriction precludes the construction of new Single-family Detached

Dwellings in this sub-zoning district. The Planning Commission examined the possibility of permitting Single-family Detached Dwellings by-right, which would permit the construction of new Single-family Detached Dwellings in this sub-zoning district.

b. In the Central Business District – Midway, there are five sub-zoning districts as follows: (See Figure 6 for a section of the draft Zoning Map illustrating the sub-zoning districts in Midway.)

Central Business District - Midway Core 1 (CBD-MC1)
Central Business District - Midway Core 2 (CBD-MC2)
Central Business District - Midway Core 3 (CBD-MC3)
Central Business District - Midway Residential 1 (CBD-MR1)
Central Business District - Midway Residential 2 (CBD-MR2)

The Planning Commission evaluated the Development Standards in the CBD-Midway Core sub-zoning districts during Phases 2 and 3. Several subjects for consideration are listed below:

i. The CBD-Midway Core 3 sub-zoning district includes only the site that is occupied by the Cincinnati Bell building. The Phase 3 draft of the UDO limited the Maximum Height in this sub-zoning district to 50 feet. As requested by the Planning Commission, the Maximum Height in the CBD-Midway Core 3 is now 40 feet, which makes the existing building a nonconforming structure.

ii. In the CBD-Midway Core sub-zoning districts, the Maximum Height is 40 feet, but a maximum number of stories is not proscribed. The Planning Commission discussed limiting the number of stories to two, but the Commission was unable to reach a decision on this issue. There are several three-story buildings in Midway and restricting the maximum number of stories to two will make all of these buildings nonconforming.

Nonconforming buildings may remain, may be maintained, and may be reconstructed, in most instances, if involuntarily destroyed.

iii. As requested by the Planning Commission, the Maximum Building Width in the CBD-Midway Core 1 and 2 sub-zoning districts is 150 feet in the Phase 4 draft of the UDO. In previous drafts of the UDO, the Maximum Building Width was 185 feet.

c. In mixed-use buildings in both the Central Business District-Town Center and Midway, Short-Term Rental Properties are permitted accessory uses if the gross floor area of all dwelling units used as Short-Term Rentals is less than 50% of the gross floor area for the building.

10. Tower Park Historic Overlay District (TP-O). The proposed Tower Park Historic Overlay District creates a local historic district for the historic houses in Tower Park. This Overlay District regulates exterior alterations if the alterations are visible from public or private rights-of-way. The Design Review Board will review these exterior changes. Homeowners on Greene Street have expressed opposition to being included in the proposed Tower Park Historic Overlay District. (See Figure 7 for a portion of the DRAFT Zoning Map depicting the Tower Park Historic Overlay District - TP-O).

Background on the Evaluation of Exterior Alternations to Historic Homes in Tower Park:

Today, exterior alterations to these historic homes are regulated differently depending upon the location of the historic home within Tower Park.

Homes on Greene and Pearson Streets

As we understand it, when the homes on Greene and Pearson Streets were originally conveyed to homeowners in 1992, the City of Fort Thomas created a Declaration of Codes, Covenants, and Restrictions, which is a deed restriction, requiring exterior renovations to be approved by the City, who is named as the developer in the Declaration, within 60 days of submittal. The original Declaration stated, "Owners shall repair, maintain, and use the units in a manner which will preserve and protect and be consistent with the historic and architectural features of the exterior of the buildings." In 1992, one Declaration covered both Pearson and Greene Streets, and the area comprising both streets was called the Military Commons Homeowners' Association.

In 2004, two separate homeowners' associations were created, one for Pearson Street and one for Greene Street. The Declaration for Pearson Street named the City of Fort Thomas as the Developer, and the Developer has 30 days to review and approve or disapprove any proposed exterior changes. This Declaration states, "In recognition of the historical value of the properties, members of the Association agree to maintain the exterior décor of each unit in accordance with the guidelines provided by the Kentucky Heritage Council and the National Park Service Historic Preservation Guidelines."

Homes on Cochran Avenue and Alexander Circle

When the City orchestrated the disposition of the homes on Cochran Avenue and Alexander Circle, the City amended Chapter 36 of the City's Code of Ordinances to include the following:

> In accordance with the "Fort Thomas VA Homes Architectural Guidelines" and the "Secretary of the Interior's Standards for the Rehabilitation of Historic Structures", regulating alterations of the exterior part of a structure that is visible to the public; regulating alterations of the interior part of a structure only to the extent that interior alterations may affect the integrity or appearance of the exterior; and regulating demolitions and new construction/additions involving designated property, abutting Alexander Circle and Cochran Avenue, which are owned by the Veteran's Administration as of July 2014. This includes both initial and subsequent

rehabilitation and construction, and shall apply at such time that the VA no longer owns the real estate.

Because of this amendment to Chapter 36, the Design Review Board reviews exterior alterations to the homes on Cochran Avenue and Alexander Circle and issues a Certificate of Appropriateness (COA) when the exterior alterations are approved.

11. Fort Thomas Avenue Overlay District (FTA-O). The Fort Thomas Avenue Overlay District is designed to protect the residential character of Fort Thomas Avenue. In phases 2 and 3, the Planning Commission discussed the boundaries for this Overlay District. The regulations in the FTA-O apply to Single-family Detached Dwellings and Two-family dwellings but do not apply to the multi-family dwellings along Fort Thomas Avenue. To address the multi-family dwellings, the Planning Commission imposed the additional regulations for multi-family dwellings on Fort Thomas Avenue discussed above. The Fort Thomas Avenue Overlay District will extend from Covert Run Pike to Alexandria Pike along Fort Thomas Avenue.

We will conclude the Council Retreat with a brief review of the adoption process for the UDO, which is outlined below with tentative dates.

Process	Dates
City Council sets public hearing on UDO for 8/12/2024	June 17, 2024
Planning Commission sets public hearing on UDO for 7/31/2024	June 19, 2024
Notices are mailed to all impacted property owners	July 1, 2024
Planning Commission Public Hearing & Recommendation	July 31, 2024
City Council Public Hearing	August 12, 2024
City Council 1st Reading	August 19, 2024
City Council 2nd Reading & Adoption	September 3, 2024

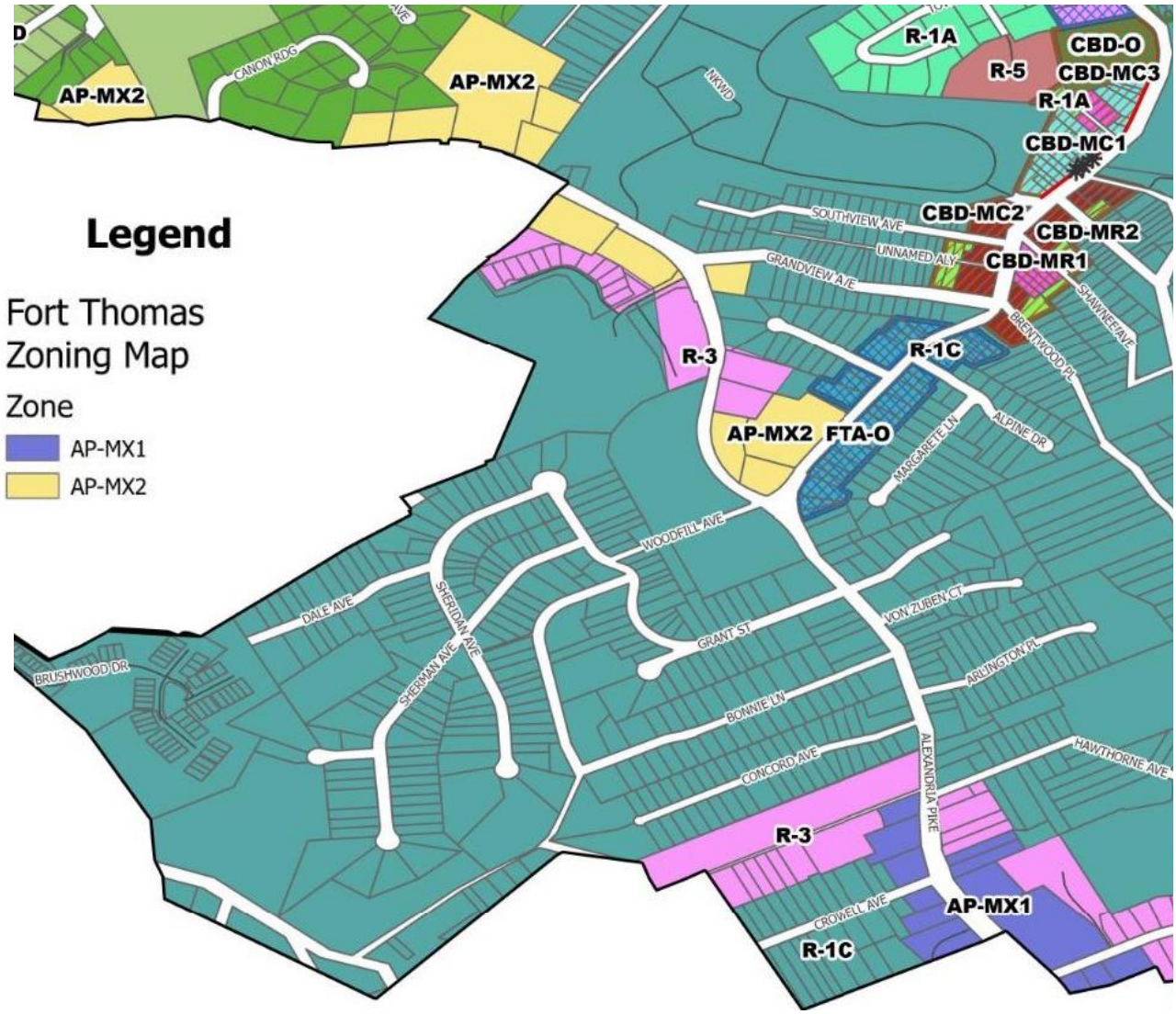

Figure 4 – Section of the DRAFT Zoning Map Illustrating the Alexandria Pike Mixed-Use District

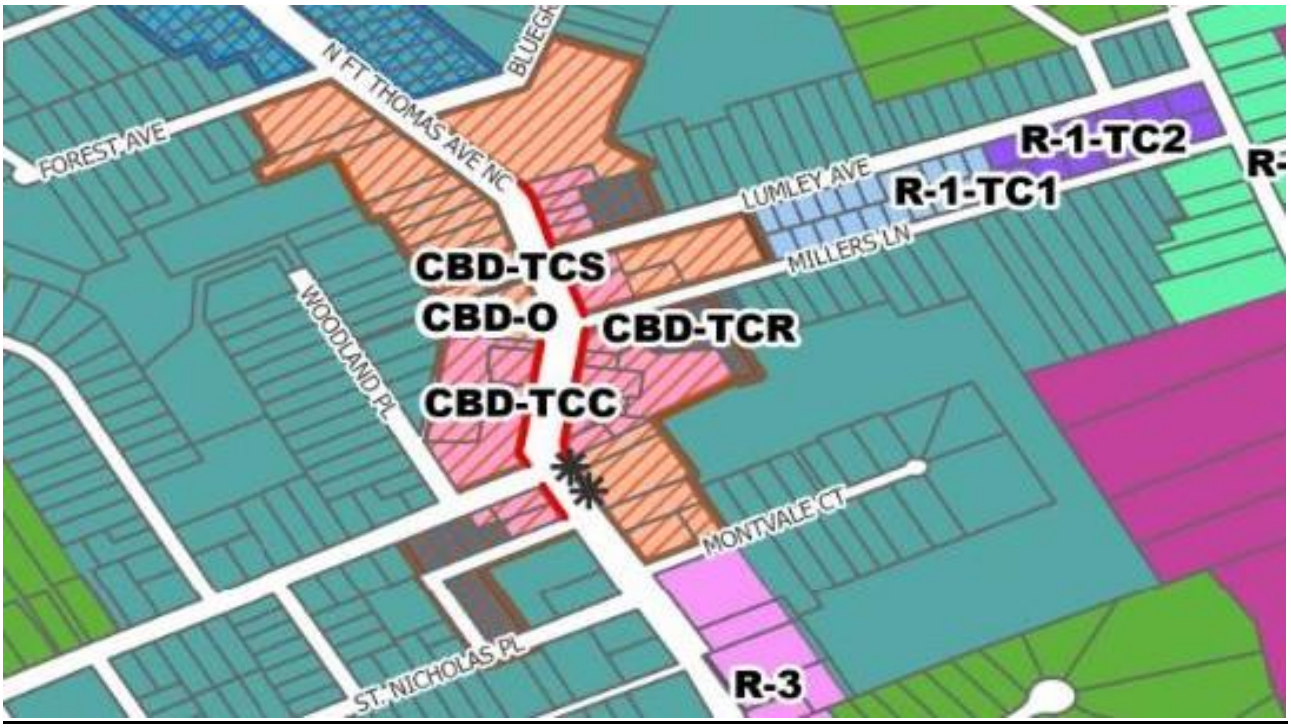

Figure 5 - Section of DRAFT Zoning Map Illustrating the Sub-Zoning Districts in Town Center

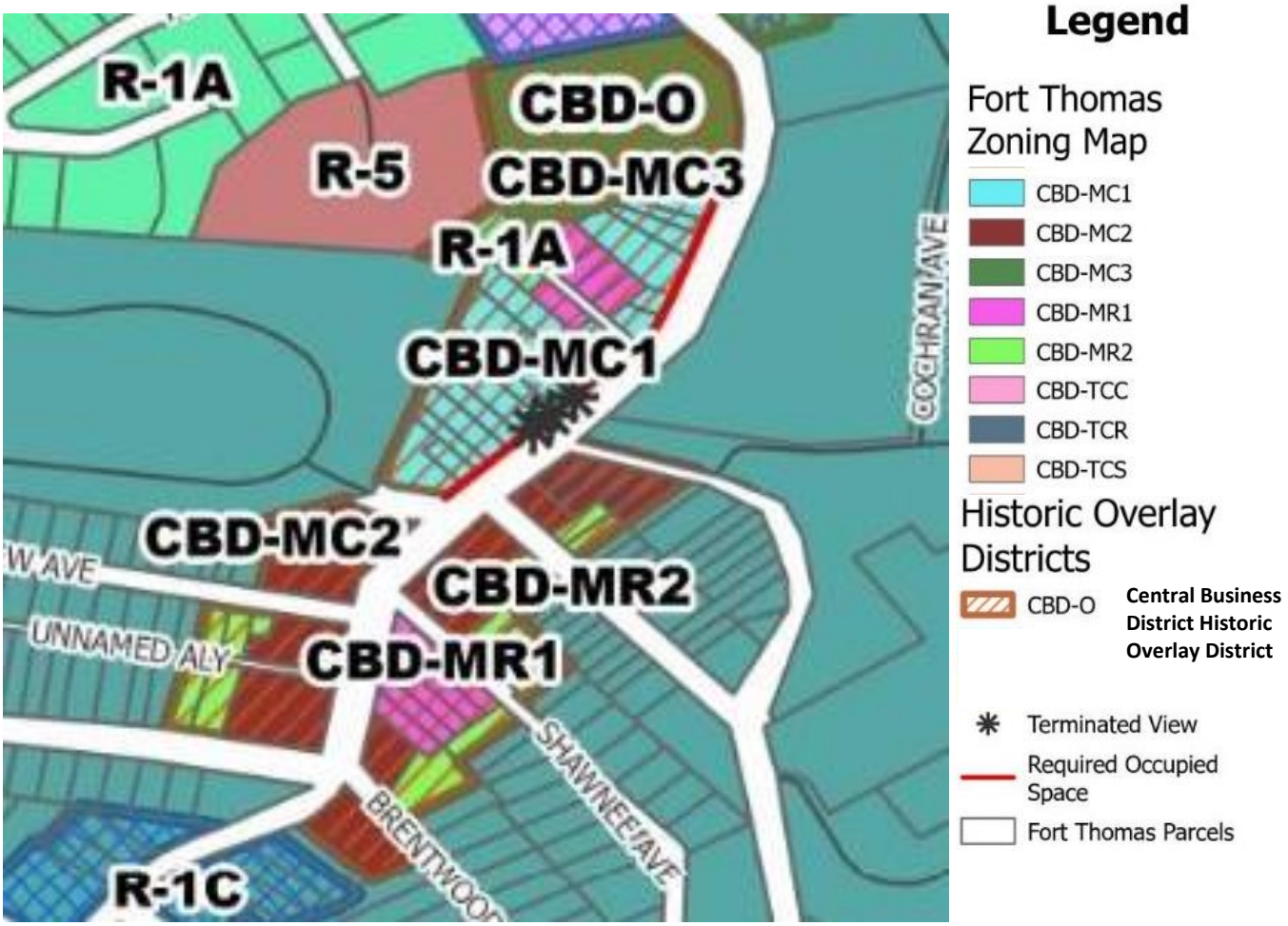

Figure 6 - Section of DRAFT Zoning Map Illustrating the Sub-Zoning Districts in Midway

Figure 7 - Section of the DRAFT Zoning Map Illustrating the Tower Park Historic Overlay District

Memorandum

To: Matt Kremer, City Administrator
Fort Thomas, KY

From: Alisa Duffey Rogers, AICP
Principal Planner

Frank Twehues, P.E.
Market Share Manager

Subject: Significant Changes from the Existing Zoning and Subdivision Ordinances in the Draft Unified Development Ordinance (UDO)

Date: March 15, 2024

Below is a synopsis of the more significant revisions from the existing Zoning and Subdivision Ordinances included in the Draft Unified Development Ordinance. As a part of this update process, the Zoning Ordinance and the Subdivision Ordinances are being combined into a single ordinance that is a United Development Ordinance (UDO). See page 15 for a chart illustrating the organization of the UDO.

On January 11, 2024, CT provided the City of Fort Thomas with a complete draft of the UDO, which is entitled *Fort Thomas, KY Unified Development Ordinance Phase 3 – Edition 2 (1/11/2024)*. This Phase 3 draft is available on the City's website, and all UDO references below are to the Phase 3 draft of the UDO dated 1/11/2024.

A. **Subdivision Ordinance**: The existing Subdivision Ordinance was adopted in 1990, and as a result, lacks appropriate engineering and land division standards. The proposed revisions incorporate modern engineering standards and designs and bring the City's requirements more in line with surrounding communities. In addition, the proposed revisions clarify the City's procedures for subdivisions.

B. **Zoning Map**: (We anticipate having a draft Zoning Map that incorporates the new zoning districts listed in the UDO by March 22, 2024.)

   1. Currently, there are parcels throughout the City that are split zoned, which more than likely resulted from bad digitizing of the paper version of the Zoning Map. Many of these split zoned parcels will be assigned the correct zoning district, which should aid property owners if they wish to make improvements to their property.

   2. Past Zoning Map amendments have not been recorded on the Official Zoning Map. These amendments will be shown on the updated Zoning Map.

C. **Zoning Ordinance:**

1. General Revisions:

   a. Aligns zoning provisions with requirements in KRS 100 and federal case law and rulings. For example, revisions to the Sign Regulations are required based upon *Reed v. Town of Gilbert*, 576 U.S. 155 (2015).

   b. Includes tables, photos, and graphics to improve usability and the administration of the UDO.

2. Article I - General Provisions and Administration. This Article includes the provisions necessary to administer the UDO.

   a. **Definitions and Measurements**. Updates and expands the Definitions Section. Many existing definitions are antiquated, and many terms in the Zoning Ordinance are undefined, which makes administration difficult.

   b. **Powers and Duties**. Defines the roles and responsibilities for all staff and boards/commissions charged with administering the UDO.

      i. Zoning Administrator – The current Zoning Ordinance lists, in Section 16.0, some of the duties of the Zoning Administrator. Other duties are spread throughout the current Zoning Ordinance. The duties listed in sub-section 1.3.02 of the UDO are a combination of the duties either routinely performed by the Zoning Administrator or currently listed in other sections of the existing Zoning Ordinance. There are two new responsibilities expressly listed in the UDO for the Zoning Administrator as follows:

         – The authority to determine Similar Uses, which is listed in sub-section 1.3.02 B. 17. This authority permits the Zoning Administrator to determine that a proposed use is similar to a use listed in the UDO, and sub-section 1.3.02 B. 17 provides criteria for the Zoning Administrator to make that decision. As provided in sub-section 1.2.02 A. 1., if the Zoning Administrator does not determine a use is similar to a use listed in the UDO, the use is prohibited unless the UDO is amended.

         – The authority to "review, hear, and decide on administrative modifications as provided for in Section 1.10 - Waivers, Modifications, & Equivalency." Administrative Modifications are discussed more fully in sub-section f. below.

      ii. City Engineer – The current Zoning and Subdivision Ordinances list tasks and responsibilities for the City Engineer, such as reviewing erosion and sediment control plans and evaluating sight distances, but the current Ordinances do not specifically list the powers and duties of the City Engineer. UDO sub-

section 1.3.03 lists the powers and duties of the City Engineer, but this list of powers and duties compiles the existing responsibilities of the City Engineer.

iii. Planning Commission – As listed in Chapter 36 of the City's Code of Ordinances, Ordinance O-3-67 established the Planning Commission, but Chapter 36 does not list the powers and duties of the Planning Commission. Instead, Section 36.040 refers to Kentucky Revised Statutes (KRS) 100.133. Sub-section 1.3.04, in the Phase 3 draft of the UDO, refers to both the City's Code of Ordinances and KRS Chapter 100. In addition, sub-section 1.3.04 B. assembles and lists all of the existing duties of the Planning Commission from the current Zoning and Subdivision Ordinances.

iv. Board of Adjustment (BOA) – The Board of Adjustment was created by City Ordinance as documented in Chapter 36 of the City's Code of Ordinances. The powers and duties of the Board of Adjustment are listed in the existing Zoning Ordinance in Section 18.2. Sub-section 1.3.05 of the Phase 3 draft of the UDO restates the duties listed in Section 18.2 and adds the following power, which is common for Boards of Adjustment:

> To issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The sheriff shall serve such subpoenas. The Circuit Court may, upon application by the board compel obedience to such court or such subpoena by proceedings of contempt.

As in the current Zoning Ordinance, the Board of Adjustment is empowered in the UDO to hear and decide upon:

- appeals of decisions made by administrative officials, such as the Zoning Administrator;
- applications for variances from specific regulations in the Zoning Ordinance;
- applications for conditional use permits; and,
- requests for interpretations of the Official Zoning Map.

Please see the Section below entitled, "Appeals and Variances," for more information concerning variances.

v. Design Review Board (DRB) – City Ordinance O-2-02 created the Board of Design Review, which is more commonly referred to as the Design Review Board, in 2002 as recorded in Chapter 36 of the City's Code of Ordinances. Chapter 36 lists the powers and duties of the Design Review Board and sub-section 1.03.06 of the Phase 3 draft of the UDO references Chapter 36 in the City's Code of Ordinances. In addition to the powers and duties listed in

Chapter 36, sub-section 1.3.06 lists additional powers and duties that result from the Design Review Board's expanded role under the new UDO.

Currently under the existing Zoning Ordinance, the DRB reviews exterior alterations on parcels located in the Central Business District (CBD), which covers parcels in both downtown and in Midway. The existing Zoning Ordinance also mandates that the DRB review certain signs outside of the CBD, such as those within 100 feet of a residential zoning district.

Under the draft UDO, the role of the DRB is being expanded to hear and decide on exterior alterations, which are visible from a public/private right-of-way, in the new Tower Park Historic Overlay District as well as to hear and decide on deviations and modifications to certain standards as listed below:

- Residential Contextual Standards, which are also discussed in the section below entitled, "Single-family and Two-family Districts."

- Required Design Standards in the Neighborhood Commercial/Office, Alexandria Pike Mixed-Use, and the Central Business Districts. These districts include Design Standards that regulate, for example, the amount of transparent windows that must be on the front of a building. Since the City has many existing buildings that may be renovated in the future which may have difficulty complying with the Required Design Standards, the DRB is given the authority to deviate from the Required Design Standards. The process to decide such deviations is discussed below in the section entitled, "Waivers, Modifications, & Equivalency." The Required Design Standards represent an ideal for the design of new buildings. However, the DRB is given the authority to deviate from these ideals, so that these Required Design Standards do not serve as a barrier to property owners investing in their property especially if property owners are renovating existing buildings that may be ill suited to comply with the Required Design Standards.

In the draft UDO, the DRB is also charged with evaluating all exterior building modifications in the Alexandria Pike Mixed-Use, Neighborhood Commercial/Office, and Central Business Districts. The DRB provides a recommendation to the Planning Commission if the Planning Commission is reviewing a Development Plan, but the DRB evaluates and decides upon the proposed exterior building modifications if the UDO does not require a Development Plan.

All of these expanded duties of the DRB are listed in sub-section 1.3.06 of the draft UDO.

vi. Tree Commission – Chapter 98, Trees, in the City's Code of Ordinances established the Tree Commission and lists the Tree Commission's powers and duties. Sub-section 1.3.07 of the Phase 3 draft of the UDO references Chapter 98 and restates the Tree Commission's existing role, as established in Chapter 98, of making recommendations to the Planning Commission.

vii. Board of Council – Section 16.0 in the existing Zoning Ordinance provides the City's Council's roles and responsibilities under the Zoning Ordinance. Sub-section 1.3.08 in the draft UDO lists these same roles and responsibilities with minor changes to update references.

c. **Development Plan Review Procedures**. Correlates development review procedures with current practice.

d. **Appeals and Variances.** Separates the procedures for appeals and variances to clarify the process and to bring the procedures in line with KRS 100.

KRS 100.241 provides the express authority for Boards of Adjustment "to hear and decide on applications for variances." In Kentucky, per KRS 100.111(24), a variance is a "departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241-247." This definition limits the authority of the BOA to grant variances only to those dimensional items listed in the definition, but this definition expressly gives the BOA the authority to grant variances for the height of structures and setbacks.

KRS 100.247 specifically prohibits the BOA from granting a variance "to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question."

Since 1959, a variance has been viewed as a "safety valve" in order to make the zoning ordinance workable as stated in *Kline v. Louisville & Jefferson County Bd. of Zoning Adjustment, 325 S.W.2d 324* (Ky. 1959). However, this "safety valve" may only be exercised by the BOA when the BOA is able to make the following findings that are found in KRS 100.243(1), which states:

(1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:

(a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;

(b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
(c) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

It is the applicant's burden to provide sufficient evidence to justify the required findings of fact.

Pursuant to KRS 100.241, the BOA is permitted to "impose any reasonable conditions or restrictions on any variance it decides to grant."

e. **Nonconforming Uses, Lots, Structures, & Site Conditions**. Revises criteria governing nonconforming uses, lots, structures, and site conditions to make investing in properties with nonconformities easier. Even with the proposed changes to zoning standards discussed below, many properties will still be constrained by nonconformities.

f. **Waivers, Modifications, & Equivalency**. Creates a formal process for the Planning Commission, the Design Review Board, and the Zoning Administrator to consider waivers and modifications to some zoning requirements. The existing Zoning Ordinance permits the Planning Commission to consider waivers for many different standards, such as the maximum height in the Professional Office District, but the current Zoning Ordinance lacks a process to consider these waivers. This new Section formalizes the procedures for granting waivers and lists the findings necessary to grant a waiver.

i. <u>Waivers and Modifications</u>

Waivers and modifications are used by communities in Kentucky because the definition of a variance in KRS 100.111(24) narrowly defines the types of regulations that may be varied by the BOA. Waivers are useful in "built-out communities," like Fort Thomas, where new development is likely to be redevelopment of existing sites These existing sites can be hampered by existing site conditions, such as the location of utilities; the location of access points from streets especially those under the jurisdiction of the Kentucky Transportation Cabinet; the location of utilities; the location of existing off-street parking; existing parcel configuration, and other constraints caused by constructing on sites that have previously been built upon. Waivers provide another "safety valve," so that property owners can invest in their parcels since redevelopment can be hampered or prevented if the UDO does not authorize waivers. The Planning Commission has been intentional about which standards may be waived or modified as well as which boards/commissions and staff are permitted to grant waivers or modifications.

The draft UDO grants the DRB the authority to waive/modify the Required Design Standards in the Alexandria Pike Mixed-Use, Neighborhood Commercial/Office, and Central Business Districts. The draft UDO also permits the DRB to grant waivers or

modifications to the Residential Contextual Standards as discussed in Section entitled, "Powers and Duties" above.

The draft UDO includes provisions granting the Zoning Administrator the authority to approve administrative modifications from measurable and quantifiable requirements in the UDO. The minor administrative modification may not deviate by more than 10% from any of the standards for which the modification is given. The Zoning Administrator does not currently have this authority, but the Zoning Administrator does have the authority under the existing Zoning Ordinance to approve Stage II Development Plans that deviate from the Development Plan approved by the Planning Commission provided the deviations are not considered major, which is defined as, for the most part, as changes that do not deviate by more than 10% from the approved Development Plan.

For context:

- The City of Covington permits Design Waivers to their Form-Based Zoning provisions, waivers to access control provisions, and Administrative Adjustments. The Administrator may grant Administrative Adjustments for numeral standards up to 10% of the numeral standard specified in the Ordinance.

- The City of Dayton permits waivers to its Residential Infill Development Regulations. These waivers are evaluated and decided upon by the Infill Development Review Board.

- The cities of Newport and Alexandria permit the Zoning Administrator to waive or modify the standards governing the placement of accessory structures, such as pools; porches; decks; and sheds on residential property. These Ordinances do not limit the amount of the waiver or modification.

- The City of Highland Heights permits waivers/modifications to various standards including Hillside Development Controls and the PUD Planned Unit Development Overlay Zone.

- The City of Erlanger permits Zoning Administrator to waive or modify measurable and quantifiable standards in the Zoning Ordinance by no more than 10%. Erlanger permits modifications related to access control provisions and permits "some flexibility [on concept plans concerning] the location of specific uses (e.g. mixed use or commercial) or flexibility in residential unit types, where that flexibility is clearly defined within the plan and meets the overall density and development standards of the zoning district."

The table below provides more detail on the types of waivers or modifications currently authorized by the existing Zoning Ordinance as well as those waivers/modifications included in the draft UDO. The table only includes those waivers or modifications that may be granted by the Planning Commission. Please keep in mind that some of the

requirements that may be waived under the DRAFT UDO are requirements that are not currently regulated in the existing Zoning Ordinance.

Example Waivers/Modifications that the Planning Commission May Consider

Waiver/Modification	Current Zoning Ordinance	DRAFT UDO
Landscaping & Screening Requirements	X	X
Required Number of Parking Spaces	X	X
Maximum Height in Non-residential District	X	
Lots Lacking frontage on Dedicated Right-of-Way	X	X
General Standards for Outdoor Lighting	X	X
Wireless Telecommunication Facilities	X	X
Number of Loading/Unloading Spaces	X	X
Size of Loading/Unloading Spaces	X	X
Access Control Requirements	X	X
Reduced rear setback in Central Business District	X	X
Development Plan Modifications for Some Public & Semipublic uses	X	X
Development Standards (Building & Parking Setbacks) in Non-residential Districts except Maximum Building Height		X
Location of Parking on a Non-residential Lot		X
Area of Non-residential Lot Devoted to Outdoor Display/Sales		X
Amount of on-site parking when some parking is provided off-site from the principal use		X

ii. Equivalency Provision

Section 1.10 also includes an Alternative Equivalency Provision. Alternative equivalency allows applicants to propose unique design options as an alternative to a development standard established in the UDO provided it meets or exceeds the intent of the provision. It is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a standard specified in this UDO. Alternative equivalency review shall apply only to the specific site

for which it is requested. The Alternative Equivalency procedure may be used for the following Sections:

- Section 5.2, Environmental Regulations (The Planning Commission added this Section during discussions in January of 2024.);
- Section 5.3, Landscaping, Screening, and Lighting Regulations;
- Section 5.4, Conditional Use and Restricted Use Regulations; and,
- Section 5.5, Off-Street Parking, Loading, and Access Regulations.

g. **Enforcement and Penalties**.

i. Clearly lists what constitutes a violation of the UDO, which is not the case in the current Zoning Ordinance.

ii. Supplements the enforcement actions currently listed in the Zoning Ordinance.

3. Article III – Zoning Districts. This Article includes all of the zoning districts and the regulations for each zoning district.

a. **General Revisions**:

i. Creates broad, generic categories of land uses, such as Retail Establishments, rather than listing specific uses like Antique Shop or Apparel Shop. Using appropriately defined "generic" land use categories eliminates the need for exhaustive lists of specific uses.

ii. Incorporates contemporary land uses, such as an Experiential Retail Establishment, which is an establishment where patrons participate in an activity rather than purchase goods.

iii. Includes Intent Statements for all Zoning Districts. Intent Statements provide justification for the regulations and explain the "why" behind the zoning districts.

iv. Establishes a process for the Zoning Administrator to declare a use a Similar Use to one specifically listed in the UDO.

v. Creates Restricted Uses in addition to Permitted and Conditional Uses.

A Restricted Use is a Permitted Use provided it complies with the additional specific-use regulations listed in the Ordinance. See the Figure 1 below. Including restrictions for specific uses helps to mitigate the impacts from these uses, tailors uses to zoning districts, and creates transparency because restrictions are listed in the UDO.

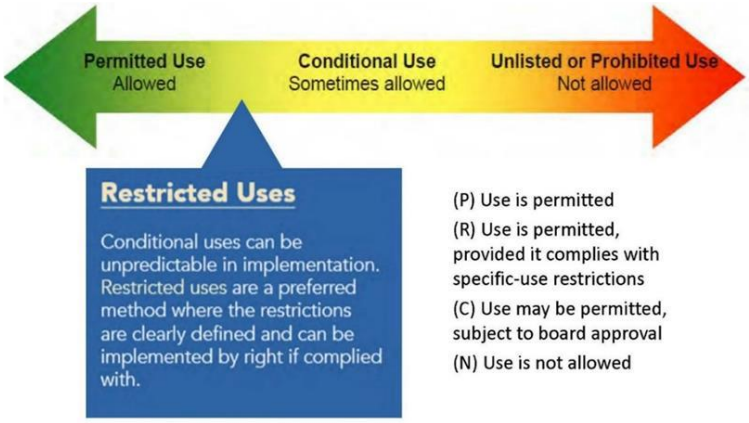

Figure 1 - Spectrum of Uses

vi. Eliminates the General Commercial, Highway Commercial, Professional Office, and Light Industrial Park-Research zoning districts. These districts are replaced with the Alexandria Pike Mixed-Use District and the Neighborhood Commercial/Office District, which are described below.

vii. Retains the River Preservation and Conservation zoning districts.

b. **Single-family and Two-family Districts**.

i. All of the existing R-1 Districts, which are the Single-family Residential Districts, are being retained in the UDO with the revisions noted below.

ii. Reduces minimum side and rear setbacks in the R-1 Districts. This change may assist homeowners who wish to invest in their properties since fewer homeowners will need a variance to construct an addition to their home.

iii. Makes existing Two-family Dwellings a Restricted Use in the R-1B, R-1C, and R-1-TC Districts.

This change makes these existing two-family dwellings conforming uses. Currently, two-family dwellings are nonconforming uses in the R-1 Districts. This change legitimizes these existing two-family dwellings but does not permit the construction of new two-family uses or the conversion of existing single-family homes into two-family dwellings.

iv. Creates the R-1-TC District that has two sub-zoning districts. This new zoning district includes Development Standards that recognize the unique characteristics of the lots located between Hagedorn Lane, Lumley Avenue, Miller Lane, and North Shaw Lane. (Development Standards are requirements such as Minimum Lot Area, Minimum Lot Width, Minimum Principal Building Setback from a lot line etc.)

v. Includes Residential Contextual Standards. These standards help to ensure that new housing is compatible with the character of established neighborhoods.

vi. The existing R-2 –Two-Family District is also being retained with no changes to the Development Standards.

c. **Multi-family Residential Districts (R-3 and R-5)**. The draft UDO incorporates the existing Multi-family Districts. The only major change is that parking located between the principal building and the street is expressly prohibited in the UDO since parking lots located in front yards along streets like Fort Thomas Avenue would greatly change the character of those areas and streets.

d. **Alexandria Pike Mixed Use District**. Creates a zoning district that is place based and specific to Alexandria Pike. This district replaces the four zoning districts currently in place from I-471 to the southern corporation boundary. This change lends some development continuity along the corridor. (The four zoning districts currently utilized along US-27 are General Commercial, Highway Commercial, Professional Office, and Light Industrial Park-Research.)

i. In the draft UDO, the Maximum Height along Alexandria Pike will be 50 feet, which is consistent with the Maximum Height in the existing Professional Office and General Commercial Districts. (From Blossom Lane to Holly Woods Drive, non-residential parcels are currently zoned Professional Office and General Commercial.)

ii. The Permitted Uses in the Alexandria Pike Mixed-Use District are similar to those in the four zoning districts that currently make up the zoning along this corridor from I-471 to the southern corporation boundary. As stated above, generic land uses are used in the UDO rather than specific uses.

e. **Central Business and Traditional Business Districts.**

i. For the Central Business District (CBD),

1) Revises the Central Business District to include associated sub-zoning districts whose requirements are more prescriptive and better tailored to the existing built environment in Downtown and Midway.

The current CBD District is a “one size fits all” district that applies equally to all parcels zoned CBD whether the parcel is located in the middle of Downtown or situated on the fringes of Midway. In addition, the existing regulations for the CBD do not specify any required development standards other than maximum building height, which leaves considerable ambiguity about future redevelopment in the Central Business District.

The CBD sub-zoning districts include both Development Standards, such as Maximum Building Height and Maximum Setbacks, and land uses that

recognize and reinforce the individual and distinct areas that comprise Downtown and Midway. For example, the CBD-Town Center Residential sub-zoning district permits single-family detached dwellings as a Restricted Use and includes Development Standards appropriate for these dwelling units. Currently, these homes are nonconforming uses with no defined Development Standards that indicate where a home should be placed on the lot.

2) Specifically prohibits some objectionable land uses such as pawn shops.

3) In the UDO, the Maximum Height is reduced throughout the Central Business District and the associated sub-zoning districts. In the current Zoning Ordinance, 50 feet is the Maximum Height on all parcels zoned Central Business District. In the draft UDO, the Maximum Height is tailored to the desired character of each sub-zoning district. For example, in the CBD-Town Center Core and the CBD-Midway Core 1 and 2 sub-zoning districts, the Maximum Height has been reduced from the current permitted height of 50 feet to 40 feet, and in the CBD-Town Center Supporting sub-zoning district, the Maximum Height has been reduced from 50 feet to 35 feet. See pages 16 and 17 for draft maps of the CBD sub-zoning districts.

ii. Creates the Traditional Business District for Inverness to replace the existing zoning of General Commercial. This new zoning district reinforces the character of Inverness by including Development Standards, such as a mandated front setback, that will enable underutilized parcels, such as the existing gas station, to redevelop in a manner more in keeping with the established character of Inverness.

f. **The Neighborhood Commercial/Office District (NC/O)**. Those commercial/office parcels located at Highland and Grand, 100 Alexandria Pike (Fort Thomas Plaza), 600 South Fort Thomas Avenue (former Heartland Bank), 2000 Memorial Parkway (Fort Thomas Veterinary Medical Center), and 1960 Memorial Parkway (Belladance) will be zoned Neighborhood Commercial/Office. This new zoning district is the only commercial/office district in the draft UDO that is use based. In order to respond to the differing environments found in these diverse locations, Restricted and Conditional Use regulations are used to preclude certain land uses in specific locations. For example, many Permitted Uses in the NC/O are prohibited at 600 South Fort Thomas Avenue since this site is surrounded by single-family residential uses.

g. **Historic Overlay Districts**.

i. Central Business District Historic Overlay District (CBD-O) – Establishes an overlay district that memorializes and references the local historic district for the Central Business District that was created in the Code of Ordinances in 2002.

By establishing this overlay district, the CBD local historic district is shown on the Zoning Map, which makes the district more visible to all stakeholders.

ii. Tower Park Historic Overlay District (TP-O) – Creates a local historic district for the historic houses in Tower Park. Creation of this Tower Park Overlay District formalizes the review and enforcement of exterior alterations to the historic homes in the Park.

h. Fort Thomas Avenue Overlay District (FTA-O). The Fort Thomas Avenue Overlay District (FTA-O) is a zoning overlay district dedicated to the protection of traditional development patterns and neighborhood character along Fort Thomas Avenue. The regulations promote and protect the character of the existing built environment for the existing single-family detached and two-family dwellings along Fort Thomas Avenue. The regulations in the FTA-O apply to Single-family Detached Dwellings and Two-family dwellings but do not apply to the multi-family dwellings along Fort Thomas Avenue.

The Planning Commission is still discussing the boundaries for this Overlay District, but it will more than likely extend along Fort Thomas Avenue from Rossford Avenue to US-27. The Planning Commission is also still considering the nature of the regulations for the FTA-O, but we anticipate that the following items will be included:

- Mandated Front Setback for the Principal Dwelling Unit
- Garage Orientation & Placement
- Freestanding Carport Placement
- Flat Roof Prohibition
- Principal Building Orientation
- Enclosed Porches Prohibited
- Façade Design (Transparency)
- Protective Maintenance Required

4. Article V – Regulations Applicable to All Districts. This Article includes a diverse set of regulations that apply across all zoning districts. Much of the City's existing regulations are included in this Article with significant revisions and additions noted below.

a. **Conditional Use and Restricted Use Regulations**.

i. This new Section includes individualized standards for every Conditional and Restricted Use, which will assist the Board of Adjustment when they consider Conditional Uses.

ii. Places all specific-use standards for a particular land use in one Section, not distributed throughout the Ordinance, which is the case in the current Zoning Ordinance.

b. **Off-Street Parking, Loading, and Access Regulations**. Reduces the parking requirements for most uses. These parking reductions "right-size" the existing parking requirements and reduce impervious surfaces, which assists with both storm water quantity and quality.

c. **Wireless Telecommunication Facilities**. Replaces the City's regulations for Cellular Telecommunications in order to comply with the Kentucky Revised Statutes and with the 2018 rulings from the Federal Communications Commission regarding small cell facilities.

d. **Sign Regulations**.

i. Aligns Sign Regulations with *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). This US Supreme Court case requires Sign Regulations to be content neutral.

ii. Prohibits ground signs in the R-3 - Multi-family District so that signs, like the one shown in this photo, will not be allowed in the future.

Unified Development Ordinance Organization of Unified Development Ordinance	
Article I – General Provisions and Administration	
1.0	Title, Purpose, and Application
1.1	Definitions and Measurements
1.2	Establishment of Districts and Map
1.3	Powers and Duties
1.4	Development Plan Review Procedures
1.5	Zoning Permits & Certificates of Zoning Compliance
1.6	Conditional Use Permits
1.7	Appeals & Variances
1.8	Amendments
1.9	Nonconforming Uses, Lots, Structures, & Site Conditions
1.10	Waivers, Modifications, & Equivalency
1.11	Enforcement and Penalties
Article III – Zoning Districts	
3.0	River Preservation and Conservation Districts
3.1	Single-Family & Two-Family Residential Districts
3.2	Reserved
3.3	Residential Cluster Development Overlay District
3.4	Multi-family Residential Districts
3.5	Alexandria Pike Mixed Use District
3.6	Neighborhood Commercial/Office District
3.7	Central Business and Traditional Business Districts
3.8	Fort Thomas Avenue Overlay District
3.9	Central Business District Historic Overlay District
3.10	Tower Park Historic Overlay District
Article V – Regulations Applicable to All Districts	
5.0	General Regulations
5.1	Temporary and Accessory Use/Structure Regulations
5.2	Environmental Regulations
5.3	Landscaping, Screening, and Lighting Regulations
5.4	Conditional Use and Restricted Use Regulations
5.5	Off-Street Parking, Loading, and Access Regulations
5.6	Wireless Telecommunication Facilities
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Article VII – Subdivision Regulations	
7.0	Application and Authority of Regulations
7.1	Subdivision Definitions
7.2	Subdivision Procedure
7.3	Preliminary Plat Requirements
7.4	Final Plat Requirements including Improvement Drawings & Specifications
7.5	Design Standards for the Layout of Subdivisions
7.6	Improvements
7.7	Administration and Enforcement
	Appendices

Figure 2 - Draft Map of the Central Business District - Town Center

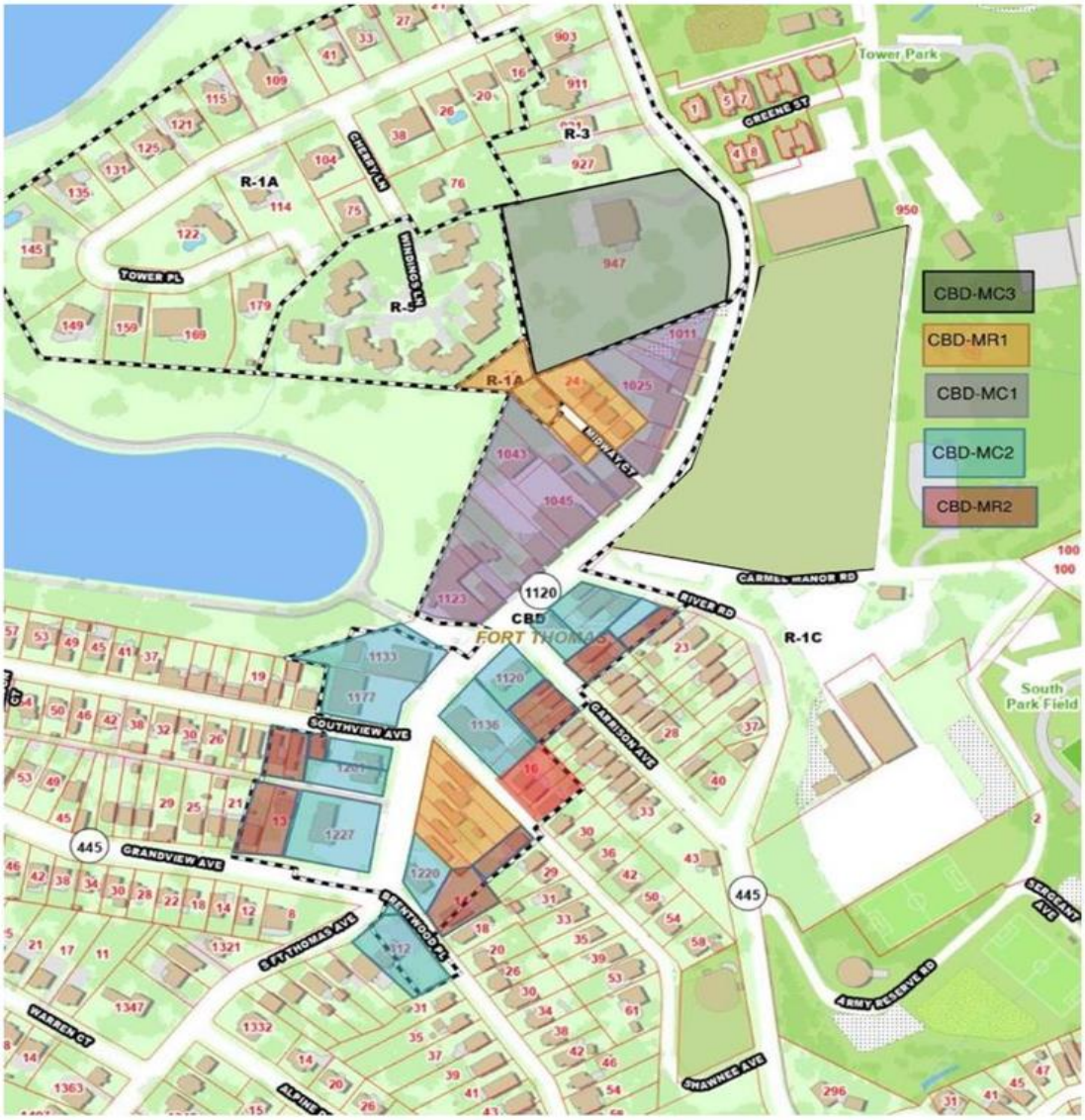

Figure 3 - Draft Map of the Central Business District - Midway