

**CITY OF ALEXANDRIA  
ZONING ORDINANCE  
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Appendix A – Big-Box Retail Design Standards

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Appendix C – Unacceptable Plant Materials

Appendix D – Residential Fence Requirements

## **ARTICLE 1 PURPOSE AND AUTHORITY**

### **SECTION 1.0 SHORT TITLE**

This ordinance shall be effective throughout the City of Alexandria, Kentucky and shall be known, referred to, and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF ALEXANDRIA, KENTUCKY".

### **SECTION 1.1 PURPOSE**

The zoning regulations and districts as herein set forth have been prepared in accordance with the adopted *Comprehensive Plan* for the City of Alexandria to promote the public health, safety, morals, and general welfare of the City, to facilitate orderly and harmonious development and the visual or historical character of the city, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this ordinance has been prepared to provide for vehicle off-street parking and loading and/or unloading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood or other dangers. The zoning regulations and districts as herein set forth are also employed to protect highways, and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas in the City of Alexandria which needs special protection by the City.

### **SECTION 1.2 AUTHORITY**

The Mayor and City Council of the City of Alexandria in pursuance of the authority of Kentucky Revised Statutes (KRS 100.111 - 100.991) hereby ordains and enacts into law the following articles and sections.

### **SECTION 1.3 MINIMUM REQUIREMENTS**

The provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare. Where this ordinance imposes a greater restriction upon the buildings, structures or premises, upon heights of buildings or structures or requires larger open spaces than are imposed or required by any other ordinances, the provisions of this ordinance shall govern.

### **SECTION 1.4 REPEAL OF CONFLICTING ORDINANCES OR ORDERS**

All ordinances and parts of ordinances of the City of Alexandria in conflict herewith are hereby repealed; providing, however, that such repeal shall not effect or prevent the prosecution or punishment of any person of any act done or committed in violation of any such ordinance and parts thereof hereby repealed prior to the effective date of this ordinance.

### **SECTION 1.5 SEVERABILITY CLAUSE**

That should any article, section, subsection, sentence, clause, or phrase of this ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions hereof. It being the intent of the City of Alexandria to

enact each section, and portion thereof, individually, and each such section shall alone, if necessary, and be in force notwithstanding the invalidity of any such section or provision.

**SECTION 1.6 PERMIT OR LICENSE IN VIOLATION**

Notwithstanding any other provisions of this ordinance or any other ordinances, rules, codes, permits or regulations of the City of Alexandria, if any permit or license is issued in violation of any provision of this ordinance or purports to authorize the doing of any act not permitted by any provision of the ordinance, said permit or license shall be void.

**SECTION 1.7 SCHEDULE OF FEES, CHARGES AND EXPENSES**

The schedule of fees, charges, and expenses shall be as adopted by the Planning Commission or when applicable, city ordinance.



## ARTICLE 2 DEFINITIONS

### SECTION 2.0 WORDS AND PHRASES

For the purpose of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.
2. Words used in the masculine include the feminine, and words used in the feminine include masculine.
3. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
4. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
5. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.
6. The word “lot” includes the words “plot” or “parcel”.

**AASHTO:** American Association of State Highway and Transportation Officials.

**ABANDONMENT:** Abandonment shall be deemed to have occurred when an activity or use ceases to operate and/or the premises are vacated so as to leave the property unoccupied for a period of at least six (6) consecutive months.

**ABUTTING OR ADJOINING:** Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

~~**ACCELERATION LANE:** A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merger with through traffic.~~

**ACCESSORY BUILDING OR USE, CUSTOMARY:** A "customary or accessory building or use" is one which:

1. Is subordinate to and serves the principal use;
2. Is subordinate in area, extent, or purpose to the principal building or principal use served;
3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
4. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are

permitted to locate elsewhere than on the same zoning lot with the building or use served.

**ACCESS POINT:** An access point is:

1. A driveway, a local street, or a collector street intersecting an arterial street;
2. A driveway or a local street intersecting a collector street; or
3. A driveway or a local street intersecting a local street.

**ADMINISTRATIVE OFFICIAL:** Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation. KRS 100.111(1).

**ADULT BOOKSTORES:** Any building or structure which contains or is used for the display or sale of books, magazines, movie films, motion pictures and any and all printed or written materials, newspapers, photographic materials, drawings, novelties, other pictorial representations, devices and related sundry items, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a segment or section devoted to the sale or display of such material. Any permitted, conditionally permitted or accessory uses allowed within any zone shall not be interpreted to include Adult Bookstores unless such use is specifically stated to include Adult Bookstores. No general descriptions set out elsewhere shall be deemed or construed to include such use.

**ADULT ENTERTAINMENT ESTABLISHMENT:** Any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or allow personal contact by employees, devices or equipment or by personnel provided by the establishment or views a series of dance routines, strip performances or other gyrational choreography provided by the establishment which appeals to the prurient interest of the patron, to include, but not be limited to bath houses, massage parlors, and related or similar activities. Any permitted, conditionally permitted or accessory uses allowed within any zone shall not be interpreted to include Adult Entertainment Establishments unless such use is specifically stated to include Adult Entertainment Establishments. No general use descriptions set out elsewhere shall be deemed or construed to include such use.

**ADULT THEATERS:** A building or structure which is used for the viewing of performances or activities by others, whether such performances are in the form of live shows, motion pictures, slide shows or other forms of photographic or visual display, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specific Anatomical Areas", as heretofore defined, or an establishment with a segment or section devoted to the sale or display of such material. Any permitted, conditionally permitted or accessory uses allowed within any zone shall not be interpreted to include Adult Theaters. No general use descriptions set out elsewhere shall be deemed or construed to include such use.

**AGRICULTURAL SALES AND SERVICE:** A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies.

**AGRICULTURAL USE:** The use of: KRS 100.111(2).

- A. A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.
- B. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
- C. A tract of land at least five contiguous acres used for the following activities involving horses:
  - 1. Riding lessons;
  - 2. Rides;
  - 3. Training;
  - 4. Projects for educational purposes;
  - 5. Boarding and related care; or
  - 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants shall be subject to local zoning regulations; or
- D. A tract of land used for the following activities involving horses:
  - 1. Riding lessons;
  - 2. Rides;
  - 3. Training;
  - 4. Projects for educational purposes;
  - 5. Boarding and related care; or
  - 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of

which are regulated by KRS Chapter 230, involving more than 70 participants shall be subject to local zoning regulations. This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

**AIR RIGHTS:** The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question) which is reasonably necessary or legally required for the full and free use of the ground surface.

**AIRPORT:** A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways passenger terminals, parking areas, aircraft maintenance and storage buildings, and open spaces.

**ALEXANDRIA CODE ENFORCEMENT BOARD:** An administrative body, created under KRS 65.8801 to 65.8839 and City of Alexandria Ordinances No. 5-99 and 20-99, with authority to issue remedial orders and impose civil fines for violation of the City of Alexandria Zoning Ordinance (as well as other city ordinances).

**ALLEY:** Public or private way which normally provides secondary access to the rear or side of abutting property.

**ALTERATIONS, STRUCTURAL:** A change or rearrangement in the supporting members of a building such as bearing walls, columns, beams, or girders.

**APARTMENT:** A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

**APARTMENT HOUSE:** See DWELLING, MULTI-FAMILY.

~~**APPROACH:** The portion of an intersection leg which is used by traffic approaching the intersection.~~

**ASSISTED LIVING FACILITY:** Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. In some instances services such as recreational activities, financial services, and transportation are also provided.

~~**AUTOMOBILE LAUNDRY:** See CAR WASH.~~

**AUTOMOTIVE REPAIR:** Major Automotive Repair - The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collisions services, painting, and steam cleaning of vehicles. Minor Automotive Repair - ~~See items 1-9 under Garage, Service Stations.~~ See items 1-10 under Gasoline Service Station.

**AUTOMOTIVE AND TRAILER SALES AREAS:** An open, partially open, or enclosed area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on or from the premises.

**AUTOMOTIVE WRECKING:** An open area where any waste, used or second hand materials or old dilapidated machinery are sold, bought, exchanged, stored, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles (glass), motor vehicles, mobile homes, trailers, machinery, appliances, and furniture. The presence of one (1) or more inoperative motor vehicles, equipment, mechanical

machinery and related parts and/or portions thereof on a lot for a period exceeding thirty (30) days shall constitute evidence regarding the establishment of a automotive wrecking yard. A junk yard is considered an automotive wrecking yard.

~~**AVERAGE DAILY TRAFFIC (ADT):** The total bi-directional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period.~~

**AWNING:** A covering that projects from and is supported by the wall of a building for the purpose of shielding a doorway or window from the elements.

**BASEMENT:** That portion of a building that lies wholly or partly underground.

**BED AND BREAKFAST INN:** An owner-occupied principle residential structure in which a room or rooms are rented to the public on a nightly basis for periods of less than a week. Breakfast may be provided for guests only.

**BED AND BREAKFAST UNITS:** A room or a group of rooms for hire, located within a principle residential structure, forming a single habitable unit used or intended to be used for sleeping, but not for cooking or eating purposes.

**BICYCLE LANE (BIKE LANE):** A portion of a roadway, or a lane adjacent to a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**BICYCLE ROUTE (BIKE ROUTE):** A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

**BIKEWAY:** Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

**BOARD OF ADJUSTMENT OR BOARD:** Board of Adjustment, City of Alexandria, Campbell County, Commonwealth of Kentucky.

**BOARDING HOUSE:** A residential building other than a hotel, motel, or tourist cabin where lodging and meals for four (4) or more persons are served for compensation, and by prearrangement for definite periods.

~~**BORROW PIT:** Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade or surrounding land, for any purpose other than mining operations such as gold, silver, coal, etc., and that which is necessary and incidental to grading or to construction on the premises.~~

**BUFFER AREA:** Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use, or operation.

**BUILDING:** A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind. At no time shall this definition be construed to include mobile homes.

**BUILDING, ACCESSORY:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**BUILDING, ALTERATION of:** Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one location to another.

**BUILDING AREA OR LOT COVERAGE BY BUILDING:** That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses excluding those portions of the lot or building site which shall be reserved for minimum required yard spaces.

**BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot or tract of land.

**BUILDING, ENLARGEMENT of:** Any increase in the cubic content of a building.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING INSPECTOR:** The official or officials appointed by the City of Alexandria, Commonwealth of Kentucky, or by a firm, organization, agency or company contracting with the City for building inspection services to administer and enforce the building codes.

**BUILDING LINE:** a line defining the minimum front, side, and rear yard requirements.

**BUILDING, MAIN:** See BUILDING, PRINCIPAL.

**BUILDING PERMIT:** A permit issued by the City of Alexandria's Building Inspector authorizing the construction or alteration of a specific building, structure, sign or fences on a specific tract.

**BUILDING, PRINCIPAL:** The building on a lot used to accommodate the primary use to which the premises is devoted.

**BUILDING OR HOUSING REGULATION:** Means the Kentucky Building Code, the Kentucky Plumbing Code and any other building or structural code promulgated by the Commonwealth or its political subdivisions. KRS 100.111(10).

**BUILDING SETBACK LINE:** A line parallel or radial to the front, side, and/or rear lot line and set back from the lot line a distance to provide the required minimum yard space as specified in this Ordinance.

**BUILDING SITE:** One contiguous piece of land that meets all of the provisions of the City of Alexandria's Ordinances, Regulations, and Codes for building on said site. For the purpose of this ordinance, the entire amount of the ground being called a building site shall be in one (1) specific zone category and this shall not be construed to mean merely a residential,

commercial, industrial, etc., but specifically: CO, R-RE, R-1A, R-1B, R-1C, R-1D, R-1EA, RMHP, R-2, R-3, NSC, CT, HC, PO, PF, PUD, IP and B-1.

**BUSINESS:** An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

**CALIPER:** Diameter of a tree trunk to be measured at a certain height as specified in the landscape regulation portion of this ordinance.

~~**CAMPING/VACATION MOBILE UNIT:** See RECREATIONAL VEHICLE~~

**CANOPY (MARQUEE):** A permanent roof-like shelter extending from a building face serving the purpose of protecting pedestrians from the elements. Such structure projects from a building and shall be open on three (3) or more sides and shall be supported either in part or wholly through supports and constructed of durable materials such as, but not limited to glass, metal or plastic.

**CAPACITY:** The maximum number of vehicles that have a reasonable expectation of passing over a given roadway or section of roadway in one direction during a given time period under prevailing roadway and traffic conditions.

**CAR WASH:** A building or portion thereof, containing facilities for washing one (1) or more automobiles, using production line methods. The use of personnel for one (1) or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self-service basis shall be construed to be the same.

**CARPORT:** See GARAGE, PRIVATE.

**CELLAR:** That portion of the building between the floor and ceiling which is wholly or partly below the average level of the adjoining grade and so located that the vertical distance from the average level of the adjoining grade to the floor below is equal to or greater than the vertical distance from the average level of the adjoining grade to the ceiling.

**CELLULAR TELECOMMUNICATION FACILITY (CTF):** The lot, tract, or parcel of land that contains the telecommunications tower, wireless telecommunications equipment shelter, telecommunications antenna and related equipment involved in the transmission and/or reception of telecommunications. The following definitions represent terminology associated with Cellular Telecommunications:

**ALTERNATIVE ANTENNA TOWER:** man made trees, clock towers, bell steeples, light poles, church spires, belfry, chimney flue, elevator bulkhead, air conditioning unit or other building equipment normally maintained above the roof line of a building.

~~**CELLULAR TELECOMMUNICATIONS ANTENNAS OR RELATED EQUIPMENT:** Transmitting, receiving or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers. Any structure or device used to collect or radiate electromagnetic~~

~~waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television, AM/FM radio stations or for citizens' band or amateur radio use.~~ Examples of cellular telecommunications or personal communications services include, but are not limited to, cellular telephone, paging, public safety and data transmission, Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

**CELLULAR ANTENNA TOWER:** Any structure that is designated and constructed, or an existing facility that has been adapted, for the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 15 feet constructed on the top of another building along with any separate building on the lot used to house any supporting electronic equipment.

**CELLULAR TELECOMMUNICATIONS EQUIPMENT SHELTER:** The structure, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for the processing of wireless telecommunications is housed together with necessary related equipment.

**CELLULAR TELECOMMUNICATIONS SERVICE:** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

**CO-LOCATION:** Locating two (2) or more cellular transmission antennas or related equipment on the same cellular antenna tower.

**HEIGHT, CELLULAR TELECOMMUNICATIONS TOWER:** The distance from the anchored base of the tower, whether on top of another building or at grade, to the highest point of the structure, even if the highest point is the top of the cellular telecommunications antenna.

**LATTICE TOWER:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**MONOPOLE:** A support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.

**PERSONAL COMMUNICATION SERVICE:** has the meaning as defined in 47 U.S.C. sec 332 (c).

**RELATED EQUIPMENT, CELLULAR TELECOMMUNICATIONS:** All equipment ancillary to the transmission of telecommunications. Such equipment may include, but not be limited to, cable, conduit, connectors, air conditioning and emergency generators.

**UNIFORM APPLICATION:** An application ~~to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.9895 and 100.987. for~~



~~a certificate of convenience and necessity issued under KRS 278.020 submitted by the utility to the Public Service Commission to construct an antenna for cellular telecommunications services or personal communications services in a jurisdiction that has adopted planning and zoning regulations in accordance with KRS Chapter 100 and has registered with the Public Service Commission to regulate such cellular telecommunications facilities.~~

**UTILITY:** has the meaning as defined in KRS 278.010 (3).

**CEMETERY:** A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for interment, burial ground consisting of one (1) or more parked or unmarked graves, and a burial mound or other burial facility.

**CHANNEL:** A natural or artificial water course, with bed and banks that transport continuous or intermittent water flow.

**CHURCH:** A building used principally for religious worship **including synagogues, mosques and temples.** The word "church" shall not include or mean an undertaker's chapel of a funeral building.

**CITIZEN MEMBER:** Any member of the Planning and Zoning Commission or Board of Adjustments who is not an elected or appointed official or employee of the city. KRS 100.111(4).

**CITY:** The City of Alexandria, Campbell County, Commonwealth of Kentucky.

**CITY ADMINISTRATOR:** The City Administrator of the City of Alexandria, Campbell County, Commonwealth of Kentucky.

**CITY CLERK also known as CLERK OF COUNCIL:** The City Clerk of the City of Alexandria, Campbell County, Commonwealth of Kentucky.

**CITY COUNCIL:** The City Council of the City of Alexandria, Campbell County, Commonwealth of Kentucky.

~~**CLEAR DISTANCE:** The open space between any structure, whether primary or accessory.~~

**CLEARING:** The act of removal of vegetation from a site either prior to or as part of excavation; includes but is not limited to removal of underbrush from a wooded area.

**CLINIC, ANIMAL:** A building used by an individual professional medical person and/or a group of professional medical persons for the healing arts and treatment of small animals on an out-patient or non-boarding basis only, without animal runs.

**CLINIC, ~~HUMAN CARE~~:** A building used by an individual professional medical person and/or a group of professional medical persons for the healing arts or treatment of persons on an out-patient or non-boarding basis.

**CLUB:** An association of persons for some common objective usually jointly supported and meeting periodically.

**CODE ENFORCEMENT OFFICER:** Person designated by city ordinance to enforce the zoning and subdivision regulations in addition to other various city ordinances.

**COMMERCIAL RECREATION:** A privately owned and operated facility that offers activities related to fitness, purposeful relaxation and/or games.

**COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION):** The Planning and Zoning Commission of the City of Alexandria, Campbell County, Commonwealth of Kentucky.

~~**COMPACTION:** The densification of earth materials when creating a fill by mechanical or any other approved means.~~

~~**COMPREHENSIVE (MASTER) PLAN:** The most recent comprehensive plan (as defined in KRS 100) that has been adopted by the Alexandria Planning Commission. A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. It shall contain, according to KRS Chapter 100, as a minimum, the following elements:~~

- ~~1. A statement of goals and objectives, principles, policies and standards;~~
- ~~2. A land use plan element;~~
- ~~3. A transportation plan element;~~
- ~~4. A community facilities plan element;~~
- ~~5. (a) Provisions for the accommodation of all military installations greater than or equal in area to 300 acres that are:
  - ~~— 1. Contained wholly or partially within the planning unit's boundaries;~~
  - ~~— 2. Abutting the planning unit's boundaries; or~~
  - ~~— 3. Contained within or abutting any county that contains a planning unit.~~(b) The goal of providing for the accommodation of these military installations shall be to minimize conflicts between the relevant military installations and the planning unit's residential population. These provisions shall be made after consultation with the relevant installation's command authorities to determine the needs of the relevant military installation. These consultations shall include but not be limited to questions of installation expansion, environmental impact, issues of installation safety, and issues relating to air space usage, to include noise pollution, air pollution, and air safety concerns; and~~
- ~~6. And may include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and regional impact, historic preservation, and other programs which in the judgment of the Planning Commission will further serve the purposes of the Comprehensive Plan.~~

~~**CONCEALED LIGHTING:** An artificial light source intended to illuminate the face of a sign or a building, the direct source of which is shielded from public view and surrounding properties.~~

**CONDITIONAL USE:** A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on locations, size, extent, and character of performance are imposed in addition to those imposed within this Ordinance. KRS 100.111(6).

**CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the Zoning Administrator, pursuant to authorization by the Board of Adjustment, consisting of two (2) parts:

1. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit; and
2. A statement of the specific conditions which must be met in order for the use to be permitted. KRS 100.111(7).

**CONFORMING USE:** Any lawful use of a building, structure, lot, sign, or fence, which complies with the provisions of this ordinance.

**CONVENIENT STORE:** A small retail store selling general merchandise usually located off arterial roads or highways.

**COUNCILPERSON:** Members of the City Council of the City of Alexandria, Campbell County, Commonwealth of Kentucky.

**COURT:** An open unoccupied space other than a yard, on the same lot with a building and which is bounded on two (2) or more sides by the building.

**CREEP:** The gradual downslope movement of overburden soils over a sloping bedrock or other dense soil surface (such as glacial till). Any overburden soil on steeply sloping terrain should be assumed to be prone to move creep.

**CREST:** The highest point of a slope.

~~**CRITICAL VOLUME:** A volume (or combination of volumes) for a given street which produces the greatest utilization of capacity for that street in terms of passenger cars of mixed vehicles per hour.~~

**CURB CUT:** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property. In the case of streets without curbs, curb cuts shall represent construction of access drives which intersect the street.

**CURB LEVEL:** The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this ordinance.

~~**DAY CARE CENTER:** See Section 3.33 for definitions related to day care centers. A day care center shall mean or include any home, center, agency or place, however styled, where adults or children not related to the operator are received for custodial care apart from their families whether for compensation, reward or otherwise, during part or all of the day or night and upon any number of successive day or nights. The term shall not include child care~~

~~facilities operated by religious organizations while religious services are being conducted, or preschool or nursery schools which have as their primary function educational instruction. See NURSERY SCHOOL-PRESCHOOL.~~

~~**DECELERATION LANE:** A speed change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to safe turning speed after it has left the main stream of faster moving traffic.~~

**DECIBEL:** A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

**DENSITY:** A unit of measurement involving a portion of an activity devoted to a specific use identified in acres or square footage in relation to a portion of an overall site.

~~**DESIGN HOUR VOLUME (DHV):** Hourly traffic volume used for street design and capacity analysis, usually one or more peak hours during a 24 hour period.~~

~~**DESIGN SPEED:** Five to ten miles per hour above the proposed or desired speed limit of the facility under design.~~

~~**DESIGN VEHICLE:** Developments intended for public use must be designed for the following types of vehicles:~~

~~— Residential (excluding single family or duplex) ————— SU30~~

**COMMERCIAL USES .....**

~~— Industrial Uses ————— WB50~~

~~For public streets, the following design vehicles must be used:~~

~~— Commercial/Multi-family Locals and minor Collectors ————— SU30~~

~~— Major Collectors ————— WB40~~

~~— Arterials ————— WB50~~

~~Definitions for the above vehicle types are found in AASHTO Geometric Highway Design Standards.~~

**DEVELOPMENT PLAN:** Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant. KRS 100.111(8). A development plan, less detailed than a site plan, is typically submitted in conjunction with an application for an amendment to the zoning map and may be required by the planning commission as a condition of approval for a zone change.

**DISTRICT:** For the purposes of this ordinance, synonymous with "Zone".

~~**DIVIDED HIGHWAY:** A highway with separate roadways for traffic in opposite directions, such separation being indicated by depressed divided strips, raised curbs, traffic islands, other physical separations, or by standard pavement markings and other traffic control devices.~~

**DORMITORY:** A building used to provide residences for individuals or a group of persons of whom all are exclusively associated.

~~**DRAINAGEWAY:** A water course, gully, dry stream, creek, or ditch which carries storm water runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek or ditch.~~

~~**DRIVE-IN EATING OR DRINKING PLACE:** See EATING ESTABLISHMENTS—RESTAURANTS.~~

**DROP-OFF CENTER:** A trailer or temporary structure used as a collection point for donated items for a specific non-profit organization.

**DWELLING:** Any building which is completely intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a ~~hotel-motel~~, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

**DWELLING, ATTACHED, SINGLE-FAMILY:** A dwelling unit which is sharing a common wall by one (1) or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of any other units.

**DWELLING, CONDOMINIUM:** A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association.

**DWELLING, DETACHED, SINGLE-FAMILY:** A dwelling standing by itself and containing only one (1) dwelling unit, having no wall in common with another dwelling unit, but shall not include mobile homes.

~~**DWELLING, DOUBLES:** See DWELLING, DUPLEX UNIT~~

**DWELLING, DUPLEX UNIT:** A single-family dwelling and accessory structures which may be either attached side by side or one (1) above the other to one (1) other dwelling unit and/or accessory structures. Each dwelling unit in a duplex structure may have separate entrance or may share a combined entrance residential building designed, arranged, and occupied exclusively by two (2) families living independent of each other.

~~**DWELLING, GROUP HOUSE:** A building that has not less than three (3) one-family housekeeping units erected in a row as a single building on one lot or on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being completely separate from any other building by space on all sides and such space shall be at least the required minimum yard setbacks as so specified in this ordinance.~~

~~**DWELLING, LANDOMINIUM:** A single family attached dwelling unit separately owned and valued for property tax purposes which includes land under the unit, with common areas under group ownership and property taxes paid by a home owners association.~~

**DWELLING, MULTI-FAMILY:** A residential building used and/or arranged for rental occupancy, or cooperatively owned by occupants, having three (3) or more dwelling units, living independent of each other. This type of dwelling shall be inclusive of apartment buildings. ~~and group house dwellings.~~

**DWELLING, TOWNHOUSE:** A single-family attached dwelling consisting of one (1) dwelling from ground to roof, and separate entrance and having more than one (1) floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three (3) or more dwelling units are so combined (attached).

**DWELLING, TRAILER:** See MOBILE HOME

**DWELLING, TWO-FAMILY:** See DWELLING, DUPLEX UNIT.

**DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one (1) person or one (1) family.

**EARTHWORK:** Operations involving the excavating or filling of land using earth materials.

**EARTH MATERIAL:** Soil sediment, rock, sand, gravel, and organic material or residue associated with or attached to the soil; any rock, natural soil, or combination thereof.

**EASEMENT:** A vested or acquired right, distinct from ownership of the land, to cross property with facilities such, but not limited to, sewer lines, water lines; and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

**EATING ESTABLISHMENTS -- RESTAURANT:** A restaurant is an establishment selling food items ordered from a menu and prepared on the premises and provided by a waiter/waitress and/or self-service:

1. **FAST SERVICE RESTAURANT:** Any structure where cooked food and beverages primarily intended for immediate consumption are available upon a short waiting time, and are packaged or presented in such a manner that they can be readily eaten outside the premises where they are sold; and where the facilities for non-premises consumption of the food and beverages are insufficient for the volume of food sold in the establishment.
  - a. **CARRY-OUT:** An establishment preparing and offering food and beverages which are sold only inside the building and are packaged to be carried and consumed off the premises.
  - b. **DRIVE-IN:** An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in or drive-through service, and for consumption on or off the premises.
2. **SIT-DOWN RESTAURANT:** An establishment that prepares and sells foods and beverages to the customer in a ready-to-consume state through one of the following methods of operation 1) customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at

the same table or counter at which said items are consumed; or 2) a cafeteria-type operation where foods and beverages are consumed within the structure.

3. **COMBINATION:** A restaurant which provides any combination of sit-down service, plus the capability of providing carry-out, drive-in, or both services.

~~**ELECTRO-MECHANICAL GAMES CENTER:** A business that provides electro-mechanical pinball machines and video games specifically designed, constructed, set up, and kept to be played for amusement only.~~

**EROSION:** The wearing away of earth materials, either surface or subsurface, by the actions of water, wind, ice, gravity, an earth disturbing activity, or a combination thereof.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare. This definition is not meant to include buildings.

**EXCAVATION:** Any mechanical act by which earth materials are removed, displaced, or relocated, including the conditions resulting therefrom.

~~**EXISTING TERRAIN:** The condition prior to any proposed land disturbance.~~

~~**EXPLORATORY EXCAVATION:** Temporary excavation for gathering of technical data, which is not made in connection with any permanent construction.~~

**EXISTING, OPERATIONAL ADULT BUSINESS:** Any adult bookstore or adult entertainment establishment or adult theater, as well as the structures housing the same, which are carrying on and doing business for gain or economic benefit, existing upon the passage of this ordinance, if any.

**FAMILY:** An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

**FARM IMPLEMENT AND MACHINERY SALES:** The sale or leasing of new and used farm implements and machinery displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

**FENCE:** A structure made of wire, wood, metal, masonry, or other material, including hedges, which is constructed or erected in a more or less permanent location in or on the ground and which constitutes an enclosure or barrier around or along a field, yard, lot, property, etc.

**FILL:** The deposit of earth material by mechanical means, including the conditions resulting therefrom; includes both uncontrolled and engineered fills, but does not include building backfill.

~~**FILLING STATION:** See **SERVICE STATION.**~~

**FINANCIAL INSTITUTION:** Commercial banks, savings and loan associations, brokerage offices and other similar financial institutions, but not including pawn shops.

**FISCAL COURT:** The chief body of the county with legislative power, whether it is fiscal court, county commissioners, or otherwise. KRS 100.111(9).

**FLOOD:** A general temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

**FLOOD - 100 YEAR FREQUENCY:** The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year).

**FLOOD PLAIN OR FLOOD PRONE AREA:** Any normally dry land area that is susceptible to being inundated by water from any source.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

~~**FLOODWAY ENCROACHMENT LINES:** The lines marking the limits of floodways on official federal, state, and local flood plain maps.~~

~~**FLOODWAY FRINGE:** That portion of the regulatory flood plain outside of the floodway.~~

**FLOOR AREA, GROSS:** The sum of the gross horizontal area of all floors of a dwelling unit or units measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating two (2) dwelling units. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but shall not include a basement or portion of a basement used for storage or the housing of mechanical or central heating equipment. In calculating floor area, the following shall not be included:

1. Attic space providing structural head room of less than seven (7) feet, six (6) inches.
2. Uncovered steps.
3. Terraces, breezeways, and open porches.
4. Automobile parking space in a basement or private garage.
5. Accessory off-street loading berths, but not to exceed twice the space required by the provisions of this ordinance.

**FLOOR AREA RATIO:** The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of the building or structure by the area of the lot on which the building or structure is located. When more than one (1) building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot. The floor area ratio requirements, as set forth



under each zoning district, shall determine the maximum floor area allowable for buildings or other structures, in direct ratio to the gross area of the lot.

~~**FLOWLINE:** The transition point between the gutter and the face of the curb. For a cross or valley pan, it is the center of the pan. Where no curb exists, the flowline will be considered the edge of the outside traveled lane.~~

~~**FOOTCANDLE:** The unit of illumination when the foot is the measurement of length.~~

**FRATERNITY OR SORORITY:** A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the said institution.

**FRATERNITY/SORORITY HOUSE:** A building used by a fraternity or sorority to provide living quarters for some or all members, as well as to provide study, meeting, recreational and other facilities.

**FREQUENCY:** The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

**FRONTAGE:** All the property abutting on one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable frontage.

**GARAGE, PRIVATE:** An accessory building or portion of a principal building used for the storage of motor-vehicles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one (1) space is rented for parking to persons not resident on the premises;
2. No more than one (1) commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two (2) tons capacity.

This definition shall not include a public garage.

**GARAGE, PUBLIC:** A facility designed and used for the temporary storage of operational automobiles. This definition shall not include a private garage.

**GARBAGE:** Garbage shall be interpreted to mean all putrescible wastes including vegetable, animal offal, and carcasses of small dead animals; but does not include human excreta, sewage, and other water-carried wastes.

**GAS FILLING STATION:** A facility that offers gasoline and similar fuels and automotive wash services. Gasoline filling stations include the following activities that are accessory and incidental to the principle operation:

1. Sale of cold drinks, packaged food, and similar convenience goods;
2. Sale of road maps, other travel information material and provision of restroom facilities.

**GASOLINE SERVICE STATION:** A facility that offers gasoline, oil, batteries, tires, various motor vehicle parts, and accessories. Gasoline service stations include the following activities:

1. Minor automotive repair;
2. Sales of cold drinks, packaged food, and similar convenience goods as accessory and incidental to principle operations;
3. Sales of road maps and other travel informational material and provision of restroom facilities;
4. Warranty maintenance and safety inspections, and automobile emissions testing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving the removal of the head, the crankcase or racing of motor. Uses permissible at a gasoline service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operable condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline stations. A gasoline service station is not a repair garage nor a body shop.

**GLARE:** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance in visibility.

**GRADE:** The average level of the finished surface or the ground adjacent to the exterior walls of the building or structure.

**GROSS DENSITY:** The population density of a particular area measured by the number of residents divided by the total number of acres, including street rights-of-way as well as residential land.

**GROUP HOUSING:** See ~~RESIDENTIAL CARE FACILITY—DWELLING, GROUP HOUSE.~~

**HEDGE:** A dense growth of shrubbery which may or may not be used for buffering and/or screening purposes.

**HOME OCCUPATION:** An accessory use customarily conducted entirely within a dwelling, that will not be detrimental to the residential character of the neighborhood. Specifically, the following criteria will be applied:

1. Home occupation shall occupy not more than twenty-five (25) percent of the floor area of the principal building.
2. No change shall be made to the exterior facade to indicate that the premises are used for anything other than a residence.
3. An unlighted or indirectly lighted sign of not over two (2) square feet will be permitted.
4. The use shall not cause noise, smoke, odor or other nuisances.
5. Not more than one person not a resident of the premises shall be employed.

**HOME IMPROVEMENT CENTER:** Any building(s) or structure(s) in which items used in the repair, replacement, remodeling or construction of buildings, homes and their component parts are warehoused and sold to both retail and wholesale buyers, such as, but not limited to, electrical and plumbing fixtures, pipe, wire and their related fittings, general hardware items, tools and building supplies.

**HOMEOWNERS ASSOCIATION:** A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

**HOSPITAL, ANIMAL:** A building used by professional medical persons for the healing arts or treatment of animals generally on an in-patient or boarding basis and may have outside runs.

**HOSPITAL, ~~HUMAN CARE (PERSONS):~~** A building used by professional medical persons for the healing arts or treatment of persons generally on an in-patient or boarding basis.

**HOTEL/MOTEL:** A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities. ~~A building, or group of buildings, comprised of individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities. Parking facilities are generally located adjacent to the living units or in an attached garage.~~

~~**HOTEL/MOTEL -- RESIDENCE:** A building, or group of buildings, comprised of individual sleeping or living units for the accommodation of transient guests, containing individual cooking or kitchen facilities. Parking facilities are generally located adjacent to the living units or in an attached garage.~~

~~**HOURLY VOLUME:** The number of (mixed) vehicles that pass over a given section of a lane of roadway during a time period of one hour.~~

~~**HOUSE TRAILER:** See MOBILE HOME.~~

**HOUSEHOLD PETS:** Small animals appropriately kept within a structure or upon the premises which are not raised for commercial purposes and can reasonably be confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property

owners. Household pet include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

**HOUSING OR BUILDING REGULATION:** The Kentucky Building Code, the Kentucky Plumbing Code, and any other building or structural code promulgated by the Commonwealth or its political subdivisions. KRS 100.111 (10).

**IMPERVIOUS SURFACE:** An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

**INDUSTRIAL PARK:** A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

**INFRASTRUCTURE:** The total composition of public, semipublic and private utilities, facilities and service which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health, general public administration and revenue.

**INSTABILITY:** A state of disturbed slope equilibrium, identified through observation, measurement, analysis, or experience, which is of probable immediate or long-term consequence.

**INSTITUTION:** An organization, for public use, having a social, educational, or religious purpose.

**JUNK:** Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys, and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, inoperative motor vehicles, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition or which are subject to being dismantled.

**JUNK YARD:** An open area where any waste, used or second hand materials or old dilapidated machinery are sold, bought, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles (glass), motor vehicles, mobile homes, trailers, machinery, appliances, and furniture. The presence of one (1) or more inoperative motor vehicles, equipment, mechanical machinery and related parts and/or portions thereof on a lot for a period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automotive wrecking yard is considered as a junk yard.

**KENNEL:** Any building, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of four (4) or more small domestic animals, at least four (4) months of age for commercial purposes. Commercial purposes include the grooming, breeding, boarding, training, raising, and selling of domesticated animals.

**KOPE:** Formation of native Upper Ordovician Age bedrock, shale, and thinly bedded limestone, which is present between the Cynthiana and Fairview formations. Characterized by relatively soft shale, which comprises seventy percent (70%) to ninety percent (90%) of the bedrock formation. The shale part of the Kope formation is particularly susceptible to weathering when exposed to moisture and air as in open cuts, resulting in degradation and potential slippage against the weathered bedrock surface. The Kope is considered to be considerably less resilient to environmental effects than either the Cynthiana formation below and the Fairview formation above.

**LABORATORY:** A building or a portion of a building devoted to the experimental study in science, or the testing and analysis of chemicals, drugs, explosives, minerals, etc.

**LABORATORY, DENTAL, MEDICAL OR OPTICAL:** A building or a portion of a building used to provide bacteriological, biological, medical, x-ray, pathological, optical or similar analytical or diagnostic services to doctors, optometrists/opticians or dentists and where no fabrication is conducted on the premises, except the custom fabrication of dentures, optical glasses, contact lenses or similar devices.

**LANDFILL:** A facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

**LANDSCAPING:** The preservation, addition, and maintenance of trees, bushes, plants, and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons.

**LANDSCAPE SCREEN OR BUFFER AREA:** A defined area composed of vegetation and/or structures located between conflicting types or intensities of land uses or activities. A landscape screen or buffer yard may include a combination of trees, bushes, earthen berms, and/or landscaping fences. The purpose of a landscape screen or buffer yard is to minimize the potential negative impacts of noise, light, dust, dirt, and differing visual effects of one use or activity upon another.

**LANDSLIDE:** The rapid downward and outward movement of large rock material and/or soil mass under the influence of gravity in which the movement of the soil mass occurs along an interior surface.

**LAUNDROMAT:** A business that provides washing, drying and/or ironing machines for hire to be used by customers on the premises.

**LEASABLE AREA, GROSS:** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**LEGISLATIVE BODY:** The City of Alexandria, Campbell County, Commonwealth of Kentucky, City Council.

**LEVEL OF SERVICE (LOS):** A measure of the mobility characteristics of an intersection as determined by vehicle delay and secondary factor, the volume/capacity ratio.

~~**LIGHT SOURCE:** The portion of the light fixture from which the illumination emanates (e.g., a light bulb or a flame).~~

**LIVESTOCK:** Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

**LOADING AND/OR UNLOADING SPACE:** A surface within the main building or on the same lot providing for the temporary standing, loading and/or unloading of vehicles. Said space shall be connected with an accepted deeded public right-of-way which affords ingress and egress for vehicles.

**LODGING HOUSE:** A building, other than an apartment, ~~hotel-motel~~, hotel, or motel ~~or tourist-court~~ where lodging for five (5) or more persons is provided for compensation.

**LOT:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open setbacks and other open spaces required under this ordinance. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records.

**LOT AREA:** The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, flood plains, the waters of any lake or river, creek or major drainage ditch, and shall be in one (1) zone only. For the purposes of this ordinance, all of the area of a given lot shall be in the same specific zoning category.

**LOT, COVERAGE:** That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting eaves.

**LOT, DEPTH OF:** The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot other than a corner lot that has frontage on more than one (1) street.

**LOT, FRONTAGE:** The lot frontage shall be the width of a lot measured at the building setback line.

**LOT LINES:**

1. **FRONT:** The common boundary line of an interior lot (other than a double frontage lot) and a street right-of-way line or the common boundary line of a corner lot (other than a double frontage lot) and that street right-of-way line toward which the principal or usual entrance to the main building situated on such lots most nearly faces, or the common boundary line of a through lot and any adjacent road or street right-of-way line.
2. **REAR:** The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement

purpose only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

3. **SIDE:** Any boundary line of a lot, other than a front lot line or rear lot line.

**LOT, MINIMUM AREA OF:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**LOT OF RECORD:** A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the Campbell County Clerk, Commonwealth of Kentucky.

**LOT TYPES:** Terminology used in reference to corner lots, flag lots, interior lots, non-buildable lots, through lots and zoning lots as follows:

1. **CORNER LOT:** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle not exceeding one hundred thirty-five (135) degrees.
2. **FLAG LOT:** A lot which abuts a deeded or accepted public right-of-way via a narrow strip of land which connects that portion of the lot containing the required lot width. A minimum width for one lot is twenty feet (20') or ten feet (10') for two contiguous lots, to the public right-of-way.
3. **INTERIOR LOT:** A lot with only one (1) frontage on a street.
4. **IRREGULAR LOT:** Irregular lots include corner lots, double frontage lots, flag lots, and lots that have irregular shapes and sizes because of topography or vegetation but which conform to the minimum requirements of the zoning ordinance and subdivision regulations.
5. **NON-BUILDABLE LOT:** A lot which cannot be built upon due to its inability to comply with the minimum zoning requirements.
6. **REVERSED FRONTAGE LOT:** A lot on which frontage is at a right angles to be the general pattern in the area. A reversed frontage lot may also be a corner lot.
7. **THROUGH LOT:** A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
8. **ZONING LOT:** A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its

owner or developers as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

**LOT WIDTH:** The width of the lot as measured along the building front setback line.

**MANUFACTURED HOME:** A manufactured home constructed after June 15, 1976 in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, U.S.C. Section 5401, et. seq., as amended, and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein. ~~A dwelling unit that: (1) is not constructed in accordance with the standards set forth in the Kentucky Building Code, and (2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (3) has a minimum living space of at least four hundred (400) square feet.~~ See also Mobile Home.

**MANUFACTURED HOME, CLASS A:** A manufactured home that was manufactured on or after July 15, 2002 and meets all of the following criteria: ~~A manufactured home constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:~~

- ~~1. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street; The minimum width of the main body of the home, as assembled on the site is not less than twenty four feet (24') as measured across sixty five percent (65%) of the total length;~~
2. Has a minimum total living area of at least nine hundred (900) ~~and sixty (60)~~ square feet;
3. The pitch of the home's roof has a minimum vertical rise of one foot (1') for each four feet (4') of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
4. The exterior siding consists of wood, hardboard, or aluminum 7m (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition and appearance, and durability to the exterior siding commonly used in standard residential construction;
5. A continuous permanent masonry foundation, solid except for required ventilation and access, is installed under the home in compliance with KRS 227.570.  ~~; and even if said wall is not structurally required by the manufacturer's installation specifications; and~~ A permanent foundation means a system of support that is:
  - a. Capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;



- b. Constructed of concrete, and
  - c. Placed at a depth below grade adequate to prevent frost damage.
6. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

**MANUFACTURED HOME, CLASS B:** A mobile home constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, U.S.C. Section 5401, et. seq., as amended, ~~that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction~~ but that does not satisfy the criteria necessary to qualify the house as a Class A Manufactured Home.

**MANUFACTURED HOME, CLASS C:** A mobile home, constructed prior to June 15, 1976, that does not meet the definitional criteria of a Class A or Class B manufactured home including any dilapidated unit.

**MAYOR:** The chief elected officer of the City of Alexandria with legislative power whether the official designation of his/her office is mayor or otherwise.

**MEZZANINE:** An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground floor and extending over only part of the main floor.

**MINIMUM BUILDING SETBACK LINE:** A line parallel to the front, side, and/or rear lot line and set back from the lot line a sufficient distance as specified in this Ordinance, to provide the required minimum yard space.

**MINIMUM FRONT YARD DEPTH:** The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the front lot line, as defined herein, and the front lot line.

**MINIMUM REAR YARD DEPTH:** The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the rear lot line, as defined herein and the rear lot line.

**MINIMUM SIDE YARD WIDTH:** The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the side lot line, as defined herein and the side lot line.

**MINI-WAREHOUSE:** A facility which provides self-storage units of varying sizes only within one (1) or more completely enclosed buildings.

**MOBILE HOME:** A dwelling unit, designed and used for the fixed residence of a person, family, or a household, composed of one (1) or more components substantially assembled in a manufacturing plant and designed to be transported to the building site on its own chassis for placement on a supporting structure. ~~A mobile home built after June 15, 1976 is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building code for manufactured housing.~~

A mobile home ~~or manufactured home~~ is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. The

removal of wheels and/or the attachment to a permanent foundation shall not change its classification. ~~Double width mobile homes, which are fabricated on individual chassis with wheels and are designed to be joined, shall be considered a mobile home for the purpose of this ordinance.~~ Mobile homes do not include modular homes, dwelling units with automotive capabilities, or recreational vehicles.

**MOBILE HOME or TRAVEL TRAILER SALES:** The sale or leasing of new and used mobile homes, ~~manufactured homes, modular homes~~ and travel trailers displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

**MOBILE HOME PARK:** Any lot, parcel or premises, subdivided, designed, maintained, intended or used for the purpose of supplying a location, or accommodation for mobile homes; or any lot parcel or premises on which is parked, standing or located two (2) or more mobile homes for a longer period than twenty-four (24) hours; or one (1) or more mobile homes connected to either electrical lines, or water or sewer pipes; or any mobile home being utilized on the premises on which it is located. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.

**MODEL HOME:** A residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots.

**MODULAR HOUSING:** A dwelling unit, constructed in accordance with the standards set forth in the Kentucky ~~Residential Building~~ Code, composed of two (2) or more components substantially assembled in a manufacturing plant off-site and designed so that sections are interchangeable and transported to a building site by truck for final assemble on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes (homes constructed on-site, not assembled from a substantial number of manufactured components produced off-site). For the purposes of this ordinance, this definition shall not include mobile homes or manufactured homes.

**MOTEL:** ~~An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. A group of attached or detached buildings (but not house trailers) containing individual sleeping or living units for travelers and transient guests, with garage attached or parking facilities conveniently located to each unit. The term includes tourist court when related to the context specified herein.~~

**MULTI-MODAL TRANSPORTATION:** Facilities, or a system of facilities, that accommodates more than one mode of transportation such as motor vehicles, bicycles, pedestrians, buses, light rail, etc. Such facilities may include but are not limited to, carpooling lots, bus stops, transit stations, bikeways or lanes, bike racks, pedestrian paths, etc.

**M.U.T.C.D.:** ~~Manual on Uniform Traffic Control Devices~~

**NATIONAL STANDARDS:** An acknowledged basis for comparing or measuring criterion of, relating to, or belonging to the nation as a whole.

~~**NIGHTCLUB:** An establishment that prepares and sells foods and beverages to the public in a ready-to-consume state. In such an establishment, the customer is provided an individual menu and is served food and beverage by a food service employee of the establishment. Food and beverages are to be consumed at tables. Live legitimate (not including "adult") entertainment and/or alcoholic beverages may be offered in such establishments when they are clearly incidental to the purchase and consumption of food.~~

**NON-CONFORMING LOT:** A lot which was lawfully created, but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

**NON-CONFORMING USE OR STRUCTURE:** An activity or a building, sign, structure or a portion thereof, which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located. KRS 100.111(13).

~~**NOXIOUS MATTER OR MATERIALS:** Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.~~

**NURSERY:** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

~~**NURSERY SCHOOL or DAYCARE:** Any facility or home that cares for more than three (3) unrelated (unrelated to the operator) children or adults on a regular basis for the purpose of child care or adult care.~~

~~**NURSING HOME:** A facility, institution or portion thereof which provides services, on a regular basis, including personal care and health related care for 24 or more consecutive hours to two or more individuals who require such services and care but who are not related to the governing authority or its members by marriage, blood or adoption. It does not include residential care facilities. A health care facility that provides care for and/or of invalids, pensioners, or elderly people under the direction of a Kentucky licensed physician.~~

**OCTAVE BAND:** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**OCTAVE BAND ANALYZER FILTER:** An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

**ODOROUS MATTER:** Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

**OFFICE PARK:** A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

**OPEN SPACE:** A parcel of land or an area designated for recreation, resource protection, and/or buffering purposes. Open space may include, but is not limited to lawns, decorative

plantings, walkways, trails, playgrounds, fountains, swimming pools, woods, natural drainage features, and any other passive or active recreational facilities that the Planning Commission deems appropriate.

Open space shall be substantially free of structures, or may contain such improvements as are approved as a part of the general development plan and are appropriate for the residents. Open space is not defined as existing or future road right-of-ways, streets, driveways, parking areas, or buildings.

**OVERBURDEN:** Any soil above bedrock.

**OWNER:** The person, persons, or other entity having legal title to particular real estate, or such other person, persons, or entity acting on behalf of and with the written permission and authority of the legal title holder, such as the holder of an option or contract to purchase the real estate or a lessee. In the context of this order, “owner” means the person, persons, or entity bearing responsibility for a development review application or proposal, and the term “owner” may be used interchangeably with terms such as applicant, developer, owner by option, etc.

**PARKING AREA, OFF-STREET:** An open, surface area other than the right-of-way of a street, road, highway, alley, or place, used for temporary parking of self-propelled motor vehicles and available for public use either free, for compensation or as an accommodation for clients or customers.

**PARKING BUILDING OR GARAGE:** A building or portion thereof designed, intended and used exclusively for the temporary parking of self-propelled motor vehicles and may be publicly or privately owned and/or operated and may be for remuneration, free or privately utilized.

**PARKING SPACE:** A surface area, enclosed in the main building or in an accessory building or in an unenclosed lot permanently reserved for the temporary parking of one (1) operative automobile. Said space shall be connected with a deeded and accepted public right-of-way by a surfaced driveway which affords ingress and egress for vehicles.

**PARTICULATE MATTER:** Any material, except uncombined water, which exists in a finely divided, suspended form as a liquid or solid at standard conditions.

**PARTY WALL:** A wall erected on a line between two (2) adjoining property owners and used in common. This can be an interior or exterior wall.

**PAWN SHOP:** An establishment in which individuals borrow money from a person licensed to loan money at a legally specified rate of interest. The lender accepts personal property as collateral to secure the loan. Pawn shops are not a permissible use under the definition of financial institution.

**PERFORMANCE BOND or SECURITY BOND:** An agreement by a sub-divider or developer with the City of Alexandria or Campbell County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's or developer's agreement.

**PERFORMANCE STANDARDS:** Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter,

gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

**PERSON:** A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

**PERSON WITH A DISABILITY:** A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. Person with a disability does not include persons with a current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 218A. (KRS 982.982)

**PLANNED UNIT DEVELOPMENT (PUD):** A large scale, unified development or an ordered series of developments where a mixture of land uses and clustering of residential uses of varying types and densities are permitted in return for innovative design, preservation of natural site features, and provision of common areas, active/passive recreational opportunities, or open space. Flexible regulations allow a property owner or developer to creatively address architectural design, location of structures, integration of differing land uses, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, and the preservation of natural topography, drainage, and vegetation.

**PLANNING COMMISSION (COMMISSION OR PLANNING AND ZONING COMMISSION):** The Planning and Zoning Commission of the City of Alexandria, Campbell County, Commonwealth of Kentucky is responsible for evaluating proposed land use changes and their conformance with any applicable plans or regulations, for preparation and adoption of the comprehensive plan, for preparation and adoption of the subdivision regulations, and for preparation and recommendation to the City Council of the statement of goals and objectives of the comprehensive plan and of any change to the map or text of the official zoning ordinance of the City of Alexandria.

**PLANNING OPERATIONS:** The formulation of plans for the physical development and social and economic well-being of a planning-unit, and the formulating of proposals for means of implementing the plans. KRS 100.111(14).

**PLANNING UNIT:** Any city or county, or any combination of cities, counties or parts of counties engaged in planning operations. KRS 100.111(15).

**PLAT:** The map of a subdivision. KRS 100.111(16).

**POLITICAL SUBDIVISION:** Any city or county, or consolidated local government. KRS 100.111(17).

**PRESCHOOL:** See ~~NURSERY SCHOOL~~.

**PRINCIPAL PRINCIPLE USE or STRUCTURE:** The principal principle use or structure located on a lot as distinguished from an accessory use. The principal principle use or structure is the predominant purpose for which a lot is occupied or used.

**PROFESSIONAL OFFICE:** Any building or structure, the use of which is limited to providing professional services such as those provided by doctors, lawyers, accountants, architects, engineers, photographers, and similar professions.

**PUBLIC BUILDING:** Any building open to general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a City, County, State, or Federal Government or by a public utility corporation or municipal district or authority.

**PUBLIC FACILITY:** Any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries. KRS 100.111(19).

**PUBLIC WAY:** A publicly dedicated area in which a public entity of the general public have the legal right-of passage regardless of improvements to the dedicated area. Public ways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walking and bicycle path.

**RECREATION, COMMERCIAL:** Recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

**RECREATION, PRIVATE, NON-COMMERCIAL:** Clubs or recreation facilities, operated by a non-profit organization and open to bona fide members of such non-profit organization and their guests.

**RECREATIONAL VEHICLE:**

1. **TRAVEL TRAILER:** A travel trailer, which is a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer;
2. **PICK-UP CAMPER:** A pick-up camper, which is a structure designed primarily to be mounted on a pick-up chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses;
3. **MOTORIZED HOME:** A motorized home, which is a portable dwelling designed and constructed as an integral part of a self-mounted vehicle on wheels and designed for travel and vacation use;
4. **BOATS AND BOAT TRAILERS:** Boats and boat trailers, including boats, floats, rafts, plus the normal equipment to transport the same on the highway;
5. **FOLD-OUT TENT TRAILERS;**
6. **UTILITY TRAILERS;** and/or
7. Any combination of the above.

Any coach, cabin, house trailer, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle.

**RECYCLING CENTER:** A completely enclosed facility that collects, sorts, and processes for shipment to a recycling plant recoverable resources such as newspapers, glassware, plastics, and aluminum cans.

**RECYCLING COLLECTION POINT:** A neighborhood collection point for the temporary storage or recoverable resources. Does not include the processing of recoverable resources for shipment to a recycling plant.

**RECYCLING PLANT:** A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed, and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

**REFUSE:** Refuse shall mean combustible and noncombustible waste materials.

**RESIDENTIAL CARE FACILITY:** A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. See KRS 982.982 and definitions for “person with a disability” and “services”. Per KRS 100.984 residential care facilities for persons with disabilities are permitted in any residential zone subject to the same limitations as any other residential building in such zone. ~~Residences usually occupied by the frail elderly that provide rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse. This type of facility may provide other services related to recreation, social interaction, cultural activities, financial services and transportation. Residential Care Facilities may be independent operations but are most often developed in conjunction with long term bed care facilities.~~

**RESIDENTIAL CONSERVATION DEVELOPMENT (RCD):** A form of residential development or subdivision that permits a reduction in lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, with the remaining land area being devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

~~**RESOURCE AND MINERAL EXTRACTION:** Any mining, quarrying, excavating process, storing, separating, cleaning or marketing of any mineral natural resource.~~

~~**REST HOME:** A rest home or convalescent home for the aged or mentally or physically infirm is any place of abode, building, institution, residence or home used for the reception and care, for a consideration of three (3) or more persons, who by reason of age, mental, or physical infirmities are not capable of properly caring for themselves.~~

**RIGHT-OF-WAY:** An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**RIGHT-OF-WAY, RAILROAD:** A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**ROADSIDE STAND:** A temporary structure designed or used for the display or sale of agricultural and related products.

**RUNOFF:** Water which moves over the ground surface.

~~**SATELLITE RECEIVING STATION:** A Satellite Receiving Station is hereby defined as an accessory structure whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources, and which consist of three (3) main components: 1.) the station itself (often called a dish); 2.) a low noise amplifier (LNA); and 3.) a receiver. The station and the LNA are located outdoors and are connected by coaxial cable to the receiver, which is placed indoors. The height of the station shall be measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the station.~~

**SCHOOLS, BUSINESS:** An institution or place for instruction or education, specifically in courses of bookkeeping, business administration, operation of business machines and computers, shorthand and typing, and related courses, operated for an intended profit. For the purpose of this ordinance business colleges shall be included in this definition.

**SCHOOLS, PAROCHIAL:** An institution or a place for instruction or education belonging to and maintained by a religious organization.

**SCHOOLS, PRIVATE:** An institution or a place for instruction or education belonging to and maintained by a private organization other than those types defined in this ordinance.

**SCHOOLS, PUBLIC:** An institution or place for instruction or education belonging to the public and established and conducted under public authority in the various districts, counties or cities and maintained at the public expense by taxation, and open with or without charge to the public for their attendance. This does not include schools owned and/or conducted by private parties through said schools may be open to the public generally and though tuition may be free. Schools in the aforementioned category of public schools shall include all pre-school or kindergarten, elementary, junior high, high schools, alternative/vocational, junior colleges, colleges and universities, but no others.

**SCHOOLS, TRADE:** An institution or place for instruction or education, specifically in one or more of the general trades such as: welding, carpentry, electrical, etc.

**SCREENING AREA:** An area set aside to remain vacant of buildings and to be planted and landscaped to reduce the blighting effect of certain land uses on adjacent property.

**SEDIMENT:** Solid material, both mineral and organic, that is in suspension and is being transported or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface above or below sea level.

**SEDIMENT BASIN:** A barrier, dam, or other suitable detention facility built across an area or waterflow to settle and retain sediment carried by the runoff waters.

**SEDIMENT CONTROL PLAN:** A plan of actions and regulations, acceptable to the Planning Commission or its designated representative, for controlling sediment pollution



from accelerated erosion or from erosion caused by accelerated runoff from a development area.

**SEDIMENTATION:** The sinking of earth materials (soil or mineral grains) to the bottom of the water which contains them; usually an action resulting from erosion.

~~**SEMI-TRAILER:** A non-motorized vehicle designed or used for carrying property with another and separate motor vehicle so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.~~

**SERVICE FACILITIES, PUBLIC UTILITIES:** Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, ~~except as specified in KRS 100.987, or the Department of Vehicle Registration Motor Transportation, or Federal Regulatory Energy Power Commission, any municipally owned electric system~~ and common carriers by rail, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such space is incidental to a service facility. (See KRS 100.324)

**SERVICE STATION:** Any building, structure, or land used for the dispensing, sale, or offering for sale at retail, of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work and as distinguished from automotive repairs.

~~**SERVICES:** In relation to residential care facilities and nursing homes, means, but is not limited to, supervision, shelter, protection, rehabilitation, personal development and attendant care. KRS 982.982.~~

**SEVERAL:** Means two (2) or more. KRS 100.111 (18).

**SEWERS, CENTRAL or GROUP:** A central sewage treatment facility for a single development, community, or region with an accompanying collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate health and sanitation officials.

**SEWERS, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage. Must be designed to properly provide for the safe disposal of the generated raw sewage. Subject to approval by the appropriate health and sanitation officials.

**SHOPPING CENTER:** A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.

**SIDEWALK:** A portion of the road right-of-way outside the roadway, which is improved for pedestrian traffic.

**SIGHT DISTANCE:** The length of roadway ahead visible to the driver. The minimum sight distance available should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

~~**SIGN:** See Section 9.2 for definitions relating to signs.—Any work, lettering, figures, numbers, phrases, sentences, emblems, devices, (including loud speakers), designs, pictures, trade names or trademarks by which is affixed to, or represented directly or indirectly upon a building, structure, vehicle (including portable type vehicles) or piece of land and which~~

~~directs attention to an object, place, activity, person, firm, corporation, institution, business, service, commodity or a product, which are visible from the right-of-way of any street, road, highway, or pedestrian area and designed to attract attention. The term "sign" shall not include the flag, pennant, or insignia of any nation, state, county, city or other political unit of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, monument, event or any type of traffic or warning sign or signal or the usual house or building number, or a sign posted on a service or delivery type vehicle.~~

~~**SIGN, ADVERTISING:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered:~~

- ~~1. Only elsewhere than upon the premises where such sign is located or to which it is affixed; or~~
- ~~2. As a minor and incidental activity upon the premises where the sign is located.~~

~~**SIGN, ANIMATED:** Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.~~

~~**SIGN, AWNING:** Any sign affixed directly to an awning.~~

~~**SIGN, BANNER:** A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured, mounted, or so as to allow movement of the sign caused by movement of the atmosphere.~~

~~**SIGN, BILLBOARD:** A sign that identifies a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.~~

~~**SIGN, BUILDING MOUNTED:** Any sign painted on the outside of a building, or attached directly to in a rigid manner and parallel to the face of a building and supported throughout its length by such a building. If the sign is externally illuminated, the reflectors shall project not more than two (2) feet beyond the face of the sign. Such sign or signs shall not extend beyond the top or ends of the wall.~~

~~**SIGN, BUSINESS:** A sign which directs attention to a business, profession or industry located upon the premises where such sign is displayed or to which it is affixed, to type of products sold, manufactures or assembled and/or to service or entertainment offered upon said premises, but not pertaining to an advertising sign if such activity in only a minor and incidental to the principal use of the premises.~~

~~**SIGN, CANOPY:** Any sign affixed directly to any canopy.~~

~~**SIGN, ELECTRONIC:** Any sign that uses changing lights to form a message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic process.~~

~~**SIGN, FLASHING:** Any sign having a conspicuous and intermittent variation in the illumination of the sign.~~

~~**SIGN, FREESTANDING:** A sign which is attached to a self supporting structure that is placed on, or anchored in the ground and that is independent of any building. For the purposes of this ordinance, any sign affixed to a freestanding supporting pole or poles,~~

~~embedded in, and extending upward from the ground with a ground clearance exceeding three (3) feet.~~

~~**SIGN, GROSS AREA OF:** The entire area within a single continuous perimeter enclosing the limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.~~

~~**SIGN, HANDBILL:** Any sign that is a printed sheet or pamphlet distributed by hand.~~

~~**SIGN, IDENTIFICATION:** A sign used to identify: the name of the individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.~~

~~**SIGN, MOBILE:** A sign that is permanently attached to a structure on wheels, skids, or other form of mounting by which the structure is not permanently affixed in or to the ground.~~

~~**SIGN, MONUMENT:** A Freestanding sign that is composed of a solid structure between the finished grade and top of the sign. In no case shall the solid base of the sign be less than 75% of the lineal width of the copy area of the sign.~~

~~**SIGN, NEON:** Any sign which emanates neon light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.~~

~~**SIGN, OFF-PREMISES:** A sign advertising an attraction, facility, or product and the location of said attraction, facility, or product. The sign may or may not be located on the same property as the advertised item.~~

~~**SIGN, PAINTED:** A sign painted directly on the exterior surface of a structure or building.~~

~~**SIGN, PROJECTING:** Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or to posts, poles, or angle irons attached directly to the building.~~

~~**SIGN, REAL ESTATE:** A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.~~

~~**SIGN, ROOF:** Any sign erected upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.~~

~~**SIGN, WINDOW:** Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of the window. For the purpose of Article 9, SIGN REGULATIONS, the word "window" shall be construed to mean any glass which comprises part of the surface of the wall regardless of its movability.~~

~~**SILTATION:** The process of soil removed by erosion being deposited and accumulated at another site on land or in a body of water.~~

~~**SITE PLAN:** A plan prepared to scale showing accurately and with complete dimensions, the location of all proposed uses and all site development features for a specific site. A site plan addresses physical design, location of structures, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, provision of all~~

required improvements, and the interrelationship of the various site plan components. A site plan is typically reviewed and approved prior to the issuance of a permit for construction.

**SLOPE:** An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Slope may also be expressed in percent, degrees, or both, from the horizontal.

~~**SLOUGHING:** A slipping or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of humans.~~

**SMALL PRINTING ESTABLISHMENTS:** Business facilities that are involved in the preparation and/or reproduction of material in a printed form. Such facilities are intended to be limited to activities serving the general public and not intended to include industrial type printing establishments.

~~**SOIL LOSS:** Soil removed from a given site by the force of erosion. Soil loss results in the redeposit of the soil at another site on land or in a body of water.~~

**SOUND LEVEL METER:** An instrument standardized by the American Standards Association for measurement of intensity of sound.

**SPECIFIED ANATOMICAL AREAS:**

1. Less than completely and opaquely covered: (A) human genitals, pubic region; B) buttock; (C) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

1. Acts of human masturbation, sexual intercourse, or sodomy or any acts of bestiality.
2. Fondling or other erotic touching of human genitals, pubic region, buttock or breast of either male or female.
3. Human genitals in a state of sexual stimulation or arousal.

~~**SPEED CHANGE LANE:** A separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase (acceleration lane) or decrease (deceleration lane) its speed to a rate at which it can more safely merge or diverge with through traffic.~~

**STABILITY:** A state of slope equilibrium, identified through observation, measurement, analysis, and experience, which affords an acceptable margin of safety against immediate or long-term development of instability.

~~**STOPPING SIGHT DISTANCE:** The distance traveled by the vehicle from the instant the driver of a vehicle sights an object necessitating a stop, to the instant the brakes are applied, and the distance required to stop the vehicle from the instant brake application begins.~~

~~**STORAGE LANE:** Additional land frontage added to a deceleration lane to store the maximum number of vehicles likely to accumulate during a critical period without interfering with the through lanes.~~

**STABLE, PRIVATE:** A separate accessory building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such

stable is located and where such horses or ponies are owned by the owners or occupants of the premises and not kept for compensation, hire or sale.

**STABLE, PUBLIC:** A main building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises and are kept for compensation, hire or sale.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling immediately above. For purposes of this ordinance, a basement shall not be counted as a story, unless more than one-half (1/2) of its height is above the average level of the adjoining grade.

**STORY, HALF:** A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

**STREET:** ~~Any vehicular way. KRS 100.111 (20). A public thoroughfare, either public or private, and constructed either within the boundaries of an officially deeded and accepted public right of way, or constructed within private property laid out for access purposes, which affords principal means of access to abutting property.~~

**STREET, ARTERIAL:** Public thoroughfare which serves the major movements of traffic within and through the community as identified in the adopted Comprehensive Plan for the City.

**STREET, COLLECTOR:** A thoroughfare, whether within a residential, employment, commercial, or other type of development, which carries traffic primarily from local to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

**STREET, CUL-DE-SAC:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

**STREET, EXPRESSWAY:** A limited access multi-lane highway designed exclusively for unrestricted vehicular traffic having no private access with only interchanges at select arterial or major streets.

**STREET, FREEWAY:** A limited access multi-lane highway designed exclusively for unrestricted vehicular traffic with all crossroads

**STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD):** A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

**STREET, LOCAL:** A street designed to provide vehicular access to abutting property and to discourage through traffic.

**STREET, MAJOR:** Any public thoroughfare classified as either an "arterial", "freeway", or "expressway".

**STREET, PRIVATE:** A private thoroughfare, not dedicated to the city, which affords access to abutting property for private users of such property. For the purposes of density

calculations, a private street shall constitute the areas of its surface and sidewalks or the private right-of-way if designated on the recorded plat.

**STREET, PUBLIC:** A public thoroughfare, constructed within the boundaries of an officially deeded or dedicated and accepted public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

**STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings, mobile homes, walls, signs, fences, ~~satellite dishes~~ and billboards, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, driveways, or curbs.

**SUBDIVISION:** ~~The division of a parcel of land into two or more lots or parcels; for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or the land subdivided; any division or redivision of land into parcels of less than one acre occurring within twelve months following a division of the same land shall be deemed a subdivision (KRS 100.111 (22)).~~

- ~~1. The division of any parcel of land shown as a unit or as continuous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one (1) of which is less than five (5) acres for the purpose whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or~~
- ~~2. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.~~

~~**SURFACE PROTECTION:** Application of natural or mechanical measures which control erosion while allowing surface water to flow.~~

**SWALE:** A low, flat depression, either dug or natural, for the purpose of drainage of storm water or irrigation with intermittent flow.

**SWIMMING POOL, OUTDOORS:** Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection therewith; which structure or device is intended to cause, or would cause if completely filled, the retaining of water to a greater

depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term "structure" as used in this ordinance.

Outdoor swimming pools shall be deemed to consist of the following classes: Private, semi-public, public and commercial, as follows:

1. **PRIVATE:** When consisting of any accessory structure appurtenant to a one-family or two-family dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged or received for such use.
2. **SEMI-PUBLIC:** When consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school or private club, or country club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such church, club, country club or regular attendants at such school and by individual guests (as distinguished from groups of any kind) of the foregoing with no payment of any kind or in any form being charged or being received for such use.
3. **PUBLIC:** A swimming pool maintained and operated by a municipality or other unit of government for the general public, whether or not an admission fee is charged.
4. **COMMERCIAL:** A swimming pool operated for profit open to the public upon payment of an hourly, a daily, weekly, monthly, annual, or other fee.

**TAVERN:** Any establishment selling, by the drink for consumption on the premises, fermented malt beverages or malt, vinous or spirituous liquors, and non-alcoholic beverages.

**TENT:** Any structure or enclosure, the roof of which and/or one-half (1/2) or more of the sides constructed of silk, cotton canvas, fabric, or a similar light material.

**TOE:** The lowest point of a slope.

~~**TOPSOIL:** Surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.~~

~~**TOURIST COURT:** See MOTELS~~

~~**TRASH CONTAINERS, CAN-TYPE TRASH AND REFUSE RECEPTACLES:** That type of refuse container not exceeding forty (40) gallon capacity which can be manually lifted and dumped.~~

~~**TRASH CONTAINERS, METAL DUMPSTER:** That type of trash and refuse containers which exceed forty (40) gallon capacity, and are self-dumping by means of a specially designed front, side or rear loading vehicle.~~

**TRAILER:** Any vehicle or structure (including automobile trailer and trailer coach) constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

**TRAILER, TEMPORARY:** A trailer located on a lot or tract of land for a period of not more than thirty (30) days and for which a Temporary Zoning Certificate and Temporary Occupancy Permit has been secured.

**TRIPS:** Generated trips referred to in this ordinance are one-way trip ends and not two-way round trips.

~~**TRUCK TERMINAL:** Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two (2) or more trucks.~~

**UNIT:** Means planning unit. KRS 100.111(23).

**USE:** The specific purpose for which a lot or structure is designated, arranged, intended, or for which it is or may be occupied or maintained; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a building, structure or on a tract of land.

**USE, PERMITTED:** A use which may be lawfully established, if permitted, in a particular zone provided it conforms with all requirements of such zone.

**USE, PRINCIPAL:** The main use of land or buildings as distinguished from a subordinate or accessory use.

~~**USED CAR LOT:** A permanently surfaced parking area on which are displayed operative automobiles each of which is capable of being started and driven off the lot under its own power.~~

**UTILITY BUILDING:** A detached accessory building used for the purpose of storing equipment and materials and/or housing parts of electrical, plumbing and heating systems for the main building.

**VARIANCE:** 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 and requirements of KRS 100.241 to 100.247. KRS 100.111(24).

~~**VARIANCE, DIMENSIONAL:** A departure from the terms of this Zoning Ordinance pertaining to height, length or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape of topography, and not as a result of the actions on the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.~~

**VEHICULAR USE AREA (VUA):** All outside paved areas within the perimeter of the site that serve as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, and ingress/egress lanes. VUAs are used to determine certain landscaping requirements as specified in this ordinance.

**VICINITY MAP:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

~~**VIDEO ARCADE:** See ELECTRO-MECHANICAL GAMES CENTER~~



**WALL:** A boundary enclosure or separating barrier which is usually opaque.

**WAREHOUSE:** Any building or structure which use is limited to the storage of equipment or material.

**WEEDS:** All grasses and uncultivated vegetation above 10” in height, excluding wooded areas, pasture or trees, shrubs, cultivated flowers, and gardens specifically provided to enhance the landscaping of a property.

**WHOLESALE ESTABLISHMENT:** An establishment that engages in the sale of goods, merchandise and commodities for resale by the purchaser.

**WORK AREA:** A specifically indicated area of land on which earthwork operations are under permit; may be a portion of a site or the entire site, depending on the topography.

**YARD:** A required open space unoccupied and unobstructed by any structure or portion of a structure from the final grade upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **FRONT YARD:** An area extending the full width of the lot or building site measured between a line parallel to the street right-of-way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.
2. **REAR YARD:** An area extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rearmost point of any building excluding steps and unenclosed porches and the rear lot line.
3. **SIDE YARD:** An area between any building and the side lot line, as defined herein, extending from the front to the rear yard or on through lots or building sites from one front lot line to the other front lot line.

**ZONING DISTRICT:** A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity or density of such uses, and the maximum height and minimum setbacks for any proposed structure within the City of Alexandria. The words "DISTRICT" and "ZONE" shall also be synonymous with "ZONING DISTRICT".

**ZONING ADMINISTRATOR:** The individual appointed by the City of Alexandria or by a firm, organization, agency or company contracting with the City to provide zoning administration services, to administer and enforce the provisions of the zoning regulations.

**ZONING ENFORCEMENT OFFICER:** An individual appointed and/or designated by the City of Alexandria Planning Commission, or by an agency, firm, organization or company contracted by the Planning Commission to provide zoning enforcement services, to issue citations for violations of the zoning regulations and the subdivision regulations pursuant to KRS 100.991(4) and (5).

**ZONING MAP AMENDMENT:** A change to the existing zoning district boundaries.

**ZONING PERMIT:** A permit issued by the Planning Commission or its designee authorizing the permitted use or lot and/or a structure and its accompanying characteristics.

**ZONING REGULATIONS:** The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.

## **ARTICLE 3 GENERAL REGULATIONS**

### **SECTION 3.0 PURPOSE**

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

### **SECTION 3.1 REDUCTION IN BUILDING SITE AREA**

Notwithstanding other provisions of this ordinance, no lot, in any zone, may be reduced in area below the minimum lot area as specified herein for the zone within which said lot is located except where such reduction has been brought about by the expansion or acquiring of right-of-way for a street. 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, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all 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 15.6 of this ordinance.

### **SECTION 3.2 INTERFERENCE WITH TRAFFIC SIGNALS**

Notwithstanding other provisions of this ordinance, in any zone, 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 signals of any kind.

### **SECTION 3.3 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS**

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 create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

### **SECTION 3.4 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS**

On lots having frontage on more than one street, in any zone, the minimum front yard depth shall be provided for each street, road, or highway in accordance with the provisions of this ordinance.

### **SECTION 3.5 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 subject to the approval of the Board of Adjustment, as set forth in SECTION 3.1~~45~~ of this ordinance. The location of such facilities shall be in accordance with Kentucky law, and all other pertinent regulations, and the following requirements shall be complied with:

- A. Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the above 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 as regulated by ARTICLE 8.
- D. Open spaces on the premises shall be suitably landscaped and maintained and a screening area according to SECTION 3.18 of this ordinance 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 may specify.

### **SECTION 3.6 RAILROAD RIGHT-OF-WAY LOCATION**

Railroad right-of-way, exclusive of such uses as marshaling yards, spur lines, passenger and freight terminals, maintenance shops, fueling facilities and round houses, may be located in any zone of this ordinance providing said railroad right-of-way meet the requirements of those sections of the Kentucky State Statute which regulates such uses.

### **SECTION 3.7 EXCAVATION, MOVEMENT OF SOIL, TREE REMOVAL, AND EROSION AND SEDIMENTATION CONTROL**

No use, building, or structure shall be conducted or constructed in such a way to cause hazard to the occupants or users of any facility or to other wise create hazards or degradation of the natural environment in areas of steep slopes and susceptibility to erosion. On no property shall anyone strip vegetation, grade land, or erect a building or a structure for other than agricultural purposes.

On no property shall anyone, entity or governmental entity strip, excavate, fill, or otherwise move soil, trees or other vegetation for sale, or any other purpose, except for minor changes such as the filling of small pockets in lots, removal of vegetation which is diseased or endangering the public safety, flower beds and other similar operations, in any zone set forth in this ordinance without first insuring that all requirements of Article 10 (Landscaping Requirements) and the Subdivision Regulations of the City of Alexandria, if applicable, have been fulfilled and then obtaining a permit from the Building Inspector for such stripping, excavation, filling, or other means of soil movement including wholesale removal of trees and other vegetation.

The developer for a proposed development shall be required to submit to the Planning Commission a detailed plan for erosion and/or sedimentation control. The plan shall contain proposed methods for slope stabilization, erosion control and water pollution abatement and shall be reviewed by the Planning Commission. The Commission shall require that such a plan or part thereof be submitted with or prior thereto the Site Plan.

- A. Prior Grading or Disturbed Site: No Site Plan may be approved where the site has been graded, stripped, excavated, de-vegetated or otherwise disturbed so that slipping, erosion and/or water pollution has or may reasonably be expected to occur until such conditions are corrected to the satisfaction of the Building Inspector;
- B. Soil Survey: The current "Soil Survey of Boone, Campbell and Kenton Counties, Kentucky" issued by the United States Department of Agriculture, Soil Conservation Service in cooperation with the Kentucky Agricultural Experimental Station is hereby made a part of these regulations and will be used for informational and reference purposes;
- C. The Building Inspector may issue the required permit only after being informed by letter from the City of Alexandria's Engineer that the resulting change of grade or removal of trees and other vegetation 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.
- D. Until street, sewers, utilities and appurtenances thereto, and other public improvements are one hundred percent (100%) complete and fifty-one percent (51%) of the lots in a subdivision have been sold, the Subdivider shall take such measures as are necessary to prevent erosion of graded surfaces, and to prevent the deposit of soil and debris from graded surfaces onto public streets, into drainage channels or sewers, or onto adjoining land.
- E. Failure to comply with regulations of this section shall result in a written and/or oral notification by the Building Inspector to the Subdivider. The Subdivider shall then be responsible for the clean up of all ground occupied or affected by noncompliance, as distinguished by the Building Inspector, within twenty-four (24) hours or be subject to a fine and/or the costs incurred for clean up by the City.
- F. Erosion Control Measures: Commonly accepted good practice for erosion and sediment control include but are not limited to the following:
  - 1. All slopes and graded areas are to be seeded as soon as practical after the grading operation has been completed and/or building development has been finished;
  - 2. The smallest practical area of land should be exposed at any one time during development, consistent with the developer's capability to complete restoration work;
  - 3. Where necessary, temporary vegetation and/or mulching shall be used to protect critical areas exposed during development and areas that cannot be restored to final condition;
  - 4. Sediment basins (debris basins or silt traps) shall be installed and maintained until ground cover has been completed to remove sediment from run-off waters from land undergoing development;

5. On-site provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainage swales, silt checks, temporary retention dams, etc., are to be used during the grading operation;
6. Permanent final vegetation and structures shall be installed as soon as practical in the development and/or according to development schedule;
7. The Site Plan shall be compatible with the topography and soils so as to create the least erosion potential;
8. Wherever feasible, natural vegetation shall be retained and protected; and
9. Maintain existing drainage in the pre-development condition and allow storm water drainage from areas upstream to flow around or through the development by protected channels or pipes.

G. The owner of lots, and any builder of homes thereon, are to adhere to the requirements of SECTION 3.7 relating to erosion and sedimentation control.

### **SECTION 3.8 DEFERRED EXTERIOR MAINTENANCE**

No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open and weeds shall not be allowed to go uncut within any zones when the same may be construed to be a menace to the public health and safety by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the Zoning Administrator. Grass and weeds above ten inches (10") in height shall be considered a nuisance under this regulation. In no case shall the use of inoperable vehicles, buses, mobile homes, trailers, etc. constitute enclosure of refuse materials as defined in Article 2 of this ordinance. All exterior dumpsters and garbage or rubbish containers shall be screened by an opaque fence, landscaping, earthen berm, or other suitable opaque enclosure. The average height of the enclosure shall be two (2) feet more than the height of the container but shall not be required to exceed eight (8) feet in height.

### **SECTION 3.9 AUTOMOBILE WRECKING, SALVAGE, AND JUNKYARD LOCATIONS**

In consideration of the environmental consequences and potential impacts upon adjacent properties, automotive wrecking, salvage, and junkyards shall only be permitted as a conditional use (in districts as specified in this ordinance) and where authorization is obtained (when appropriate) from the Kentucky ~~Highway of~~ Transportation Cabinet, ~~Bureau of~~ Department of Highways, in accordance with KRS 177.905 to and 177.950. Any salvage materials in open storage or junkyards existing at the time of adoption of this ordinance shall comply fully with these regulations. Failure to do so will constitute a violation punishable as prescribed by this ordinance. Any permitted automobile wrecking, salvage, or junkyard operation shall adhere to the following guidelines:

- A. No person shall operate any junkyard which is situated closer than two thousand (2,000) feet from the centerline of any county, state, federal or limited access

- highway or turnpike, including bridges and bridge approaches unless a permit for such operation shall have been obtained from the Kentucky ~~Department of~~ Transportation ~~Cabinet, Bureau~~ Department of Highways, in accordance with KRS 177.905 to 177.950. In addition, such uses shall not be located any closer than 2,000 feet to any residential use, church, school, historic structure or district or public park.
- B. All salvage materials and activities involving the same other than loading and unloading shall be within fully enclosed buildings. Enclosed buildings must be permanent structures specifically constructed for the purpose of storage. In no case shall salvage materials be stored in inoperable automobiles, buses, mobile homes, trailers, truck or rail freight cars or containers, or dilapidated structures. No rubbish, junk, salvage, or miscellaneous material, because it is discarded and incapable of being re-used in some form, shall be placed in open storage.
  - C. The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration.
  - D. All salvage materials and junkyards shall be adequately enclosed with screening structures, a solid fence or wall, as regulated by ARTICLE ~~138~~ and an approved permanent planting screen may be required as regulated in SECTION 3.18 and ARTICLE 10 of this ordinance. All exterior dumpsters and garbage or rubbish containers shall be screened by an opaque fence, landscaping, earthen berm, or other suitable opaque enclosure. The average height of the enclosure shall be two (2) feet more than the height of the container but shall not be required to exceed eight (8) feet in height.
    - 1. Installed screening shall completely hide all junked, wrecked, or inoperable vehicles, machinery and materials from the view of the travelling public on all roads and neighboring properties.
    - 2. Materials for screening shall present an attractive appearance. No wrinkled or bent metal will be accepted.
    - 3. Piecing out of metal or wood panels or patchwork type screening will not be acceptable.
    - 4. Unless a continuous overall neat design is created, all metal and wood panels must be erected vertically.
    - 5. Fencing/Screening shall be uniform in height and alignment while blending with the surrounding area as much as possible.
    - 6. A bufferyard which is suitably landscaped and maintained shall be required.

### **SECTION 3.10 HOME AUTO SALES**

The sale of automobiles at a place of residence shall be restricted to no more than one licensed and fully operational vehicle at a time by the occupant of the dwelling or dwelling unit. In no case shall vehicles not owned by the occupant of the residence be sold on any residential property.

## SECTION 3.11 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, ~~except as specified in KRS 100.987, —or the Department of Motor Transportation Vehicle Regulation or Federal Power Energy Regulatory Commission, any municipally owned electrical system,~~ and common carries by rail (KRS 100.324), shall be erected, reconstructed, or structurally altered, nor shall any public or private ~~structures of~~ land, except the service facilities ~~specified in KRS 100.324 of public utilities operating under the jurisdiction of the Public Service Commission or the Department of Motor Transportation or Federal Power Commission and common carries by rail,~~ be used for any purpose other than that permitted in the zone in which such structures or land is to be located or is located. All of the required lot area shall be in one (1) zone.
- B. Except as hereinafter provided, no public or private structures except the service facilities ~~specified in KRS 100.324 of 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 to exceed the height of bulk limit herein established for the zone 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 or other open spaces shall be smaller than described by this ordinance and no building shall be occupied by more families than prescribed for such building, structure, or premises for the zone in which it is located.
- D. Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other 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 shall there be more than one (1) principal building and permitted accessory structures on one (1) lot, except as hereinafter provided, nor shall any building be erected on any lot which does not abut at least twenty-five (25) feet on a deeded and accepted public right-of-way.
- F. Permitted Obstructions in Minimum Required Yards or Courts: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards or courts specified:
1. In all Minimum Required Yards or Courts - Awnings and canopies; driveways, providing they are not closer than two (2) feet to the property line to which they run approximately parallel; except that a common driveway may be permitted where adjoining property owners agree to such an arrangement; steps four (4) feet or less above grade projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes and chimneys projecting not more than eighteen (18) inches into the



minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubs; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements in ARTICLE 8; and off-street parking as provided for in ARTICLE 6 of this ordinance.

2. In Minimum Front Yard Depths - Bay windows projecting three (3) feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; air conditioning equipment; and awnings and canopies extending not more than four (4) feet into the minimum required front yard.
  3. In Minimum Rear Yard Depths - Bay windows, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three (3) feet into the minimum required rear yard; awnings and canopies provided they are not more than ten (10) feet into the minimum required rear yards.
  4. In Minimum Side Yard Width - Air conditioning equipment, excluding compressor for central air conditioning unit; and overhanging eaves and gutters, awning and canopies projecting not more than eighteen (18) inches into the minimum required side yard; awnings and canopies providing that they extend not more than two (2) feet into the minimum required side yard.
- G. Awnings shall be supported without posts by an iron bracket, or by an iron framework attached firmly to the building. The frames and supports for all such awnings shall be securely attached to the walls of the building upon which such awning shall be placed, and no such awning shall project more than ten (10) feet beyond the building lines. The lowermost point of the frame of such awning shall not be less than eight (8) feet above the sidewalk and the lowest part of the curtain scallop or valance shall be at least seven (7) feet above the sidewalk when in use. The bracket or other device, frames and supports for the purpose used in the method of attaching same to the building shall be such as to clear the heads of pedestrians at the building line. The sidewalk and walkway must be left wholly unobstructed to insure the safety of pedestrians and shall be subject to the approval of the Zoning Administrator.

### **SECTION 3.12 SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS**

Occupations of personal services, professional office or studios which are maintained or conducted solely within a dwelling will be permitted only if they meet all of the following requirements herein:

- A. The use is clearly incidental to the principal residential use;
- B. The use is conducted entirely within a dwelling and not in any accessory buildings. Not more than twenty-five (25) percent of the gross floor area of only one (1) floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation;
- C. Only members of the household residing on the premises may be the primary owners/operators of such operation, in addition, no more than one (1) person, other

than members of the household residing on the premises, shall be engaged in such operations;

- D. No commodity shall be sold on the premises in connection with such home occupation;
- E. There shall be no change in the exterior appearance of the building or premises, to evidence that such property is used for a non-residential use;
- F. No traffic shall be generated by such home occupation in greater volumes than would be expected in the residential neighborhood;
- G. No home occupation shall result in exterior evidence of such use being conducted by reason of atmospheric pollution, light flashes, glare, odors, noise, or vibration discernible from abutting properties. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.
- H. Any home occupation conducted under this section shall not be a nuisance to any abutting properties or to the general neighborhood. In no case shall there be outdoor storage of any material related to the home occupation.

**SECTION 3.13 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE AND NONCONFORMING SIGNS**

**A. NONCONFORMING LOTS OF RECORD**

- 1. Any lot of record which does not meet the requirements of this ordinance shall be considered a nonconforming lot of record.
- 2. If two (2) or more lots with continuous frontage are in single ownership and are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width or area as established by this ordinance, the nonconforming lots of record may be developed, provided: the lot is located on an existing and improved public street; a minimum of fifty-one percent (51%) of the lots located on the same side of the street within the same block front are developed; and the development proposed on the lot is in conformance with all other requirements of this ordinance. Where a minimum of fifty-one percent (51%) of the lots located on the same side of the street within the same block front are not developed, the lands involved shall be considered to be an undivided parcel for purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet the lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.
- 3. Where a single nonconforming lot of record exists having a lot area less than required by the particular zone wherein said lot is located, development may be permitted on the lot, provided: the lot is located on an existing and improved

public street; the lot is of separate ownership from all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street right of way precluding acquisition of additional are to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this ordinance. Where a dimensional variance from any minimum yard, setback, etc. is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the Board of Adjustment in accordance with ARTICLE 15 of this ordinance.

## B. NONCONFORMING USES

1. CONTINUANCE: Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance; however, it shall become a legal nonconforming use. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this ordinance.
2. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER: As regulated by ARTICLE 15, SECTION 15.6, D. of this ordinance.
3. TERMINATION: In all cases, the Board of Adjustment shall hold a public hearing in accordance with the applicable requirements of SECTION 15.2 of this ordinance. Following their hearing, the Board may terminate the right to operate a nonconforming use based on any of the following conditions, and if the decision is to do so, the Board shall state its bases, in writing, for such determination.
  - a. Changing to a conforming use;
  - b. Abandonment. Abandonment shall be deemed to have occurred when the nonconforming activity ceases to operate and/or the premises are vacated so as to leave the property unoccupied for a period of at least twelve (12) consecutive calendar months.
  - c. Nonoperative or nonuse for a period of twelve (12) or more consecutive calendar months;
  - d. Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds fifty percent (50%) of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustments that this structure should not be reconstructed;
  - e. Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance with the applicable

ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance;

- f. Whenever said nonconforming use becomes illegal, a nuisance, or a hazard to the public's health, safety, or general welfare;
- g. Whenever said nonconforming use becomes the property of the City of Alexandria, Commonwealth of Kentucky, or any other governmental entity.

#### C. NONCONFORMING STRUCTURES

1. CONTINUANCE: Except as herein provided, any public or private nonconforming structure existing at the time of adoption of this ordinance may be occupied, operated and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, made in compliance with all of the provisions of this ordinance.
2. TERMINATION: Any one of the following acts or conditions shall terminate, immediately, the right to operate a public or private nonconforming structure:
  - a. Changing to a conforming use;
  - b. Abandonment. Abandonment shall be deemed to have occurred when the nonconforming activity ceases to operate and/or the premises are vacated so as to leave the property unoccupied for a period of at least twelve (12) consecutive calendar months;
  - c. Whenever the nonconforming structure is damaged in any manner whatsoever the cost of repairing such damage exceeds fifty percent (50%) of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustment that this structure should not be reconstructed;
  - d. Whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty percent (50%) of the market value of such structure as of the date of the official order under the applicable ordinance;
  - e. Whenever said nonconforming structure becomes a nuisance, or a hazard to the public's health, safety, or general welfare;
  - f. Whenever the City of Alexandria, Commonwealth of Kentucky, or any other governmental entity, acquires title to said nonconforming structure or the land upon which it is located.
3. ZONE CHANGE: The foregoing provisions shall apply to structures which become legally nonconforming due to zone changes which take place thereafter.

#### D. REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of this ordinance which rendered it nonconforming, shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in SECTION 3.1~~23~~, B., 3., c., or 3.1~~23~~, C., 2., b.

#### E. NONCONFORMING SIGNS

1. CONTINUANCE: Except as herein provided, any lawful nonconforming sign existing at the time of adoption of this ordinance, may be continued provided, however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this ordinance.
2. TERMINATION: In all cases the Board of Adjustment shall hold a public hearing in accordance with the applicable requirements of SECTION 15.2 of this ordinance. Following that hearing, the Board may terminate the right to operate a nonconforming sign based on any of the following conditions and, if the decision is to do so, the Board shall state its bases in writing, for such determination.
  - a. Not meeting the time compliance requirement for sign regulations, as regulated in ARTICLE 9 of this ordinance.
  - b. Nonuse or abandonment of said nonconforming sign for a period of twelve (12) consecutive months.
3. ZONE CHANGE: The foregoing provisions shall also apply to signs which become legally nonconforming due to zone changes which take place thereafter.

### SECTION 3.14 EXCEPTIONS AND MODIFICATIONS

A. EXCEPTIONS TO HEIGHT LIMITS: 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, radio and television towers, conveyers, flag poles, masts and aerials, penthouses, scenery lofts, standpipes, parapet walls, outdoor theater screens, other related structures and necessary mechanical appurtenances, etc. provided their construction is in accordance with existing or hereafter adopted ordinances of the City of Alexandria, Commonwealth of Kentucky, and is acceptable to the Federal Aviation Agency (FAA) and the Federal Communication Commission (FCC).

~~B. OTHER EXCEPTIONS: Service stations shall be so constructed that the centerlines of the pumps shall be at least twenty-five (25) feet from any street right-of-way line.~~

C. FRONT YARD VARIANCE:

1. Where the average depth of existing front yards within three hundred (300) feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards except where such provision would deny the property owner a reasonable use of his/her property.
2. In any residential zone, no front yards shall be required to exceed the average depth of existing front yards on lots abutting on each side of the street, or the average depth of existing front yards on the same side of the street within the same block and within two hundred (200) feet when fifty-one (51) percent or more of said lots are improved with residential buildings, whichever is greater; provided that in no case shall a front yard depth be less than twelve (12) feet.

**D. EXCEPTION TO AREA AND YARD REGULATIONS:**

1. Where existing or proposed development within any multi-family (R-2 and R-3) and commercial (e.g. NSC, PF, HC and PO) zone is to be subdivided, the minimum area and yard requirements may be less than required by this ordinance provided that:
  - a. The maximum density of the zone for new development is not exceeded and/or the minimum site for the total development must not be less than that required by the respective zone. In the case of existing development, the existing density may not be increased unless the permitted density of the zone is greater than that of the existing development;
  - 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 plan required by Item C of this section) including such items as open space, recreational facilities, access drives, parking areas, pedestrian walkways, etc., and all facilities constructed thereon.
  - c. A site plan, as regulated by the applicable requirements of SECTION 3.21 of this ordinance, including the proposed area and yard 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 accessway by the association to a dedicated right-of-way in accordance with Subsection 3.14, D., paragraph 1., b., above of this ordinance.

**E. Request for Variances for Subdivisions - An applicant for approval of a subdivision plat may elect to have the Planning Commission hear any requests for variances proposed in the development. The request for the planning commission to consider**

the variance and the application for the variance shall be submitted at the time of filing the preliminary subdivision plat. In such cases, the Planning Commission is hereby empowered to hear and finally decide applications for variances pursuant to KRS 100.281 (6). The planning commission in such circumstances shall assume all powers and duties otherwise exercised by the board of adjustment pursuant to KRS 100.281 (7) and Article 15 of the Alexandria Zoning Ordinance. The application for a variance shall be considered at the same public hearing set for the subdivision.

### **SECTION 3.15 CONDITIONAL USES**

- A. DETERMINATION: Subject to the requirements of SECTION 15.7, the Board of Adjustment may authorize a conditional use to be located within any zone in which the particular conditional use is permitted by the use regulations of this Ordinance, if the evidence presented by the applicant is such as to establish by clear and convincing evidence:
1. That the proposed building and use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
  2. That such building and use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
  3. That the proposed building and use will comply with any regulations and conditions specified in this ordinance for such building and use.
- B. CONDITIONAL USE PERMITS: In accordance with KRS 100.237 the Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met:
1. The Board of Adjustment may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board of Adjustment's minutes and on the conditional use permit, along with a reference to the specific Section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the County Clerk and one (1) copy of said permit attached to the deed for the property for which it is issued. The Board of Adjustment shall have the power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the Board of Adjustment shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance, the Building Code, Housing Code and other regulations of the City of Alexandria.
3. In any case where a conditional use permit has not been exercised within the time limit set by the Board of Adjustment or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development or completed. When construction is not a part of the use, exercised shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
4. The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit.

If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the Chairperson of the Board of Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairperson of the Board of Adjustment.

The Board of Adjustment shall hold a hearing on the report within a reasonable period of time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the Board of Adjustment finds that the facts alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Zoning Administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

5. Once the Board of Adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Zoning Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.344237. Thereafter said use, if it



continues to meet the other requirements of this ordinance, will be treated as a permitted use.

6. When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, and owners of every parcel of property adjoining the property to which the application applies. Written notice shall be by first class mail with certification by the Board of Adjustment's Secretary that the notice was mailed. It shall be the duty of the applicant to furnish to the Board of Adjustment the name and address of an owner of each parcel of property as described in this Subsection. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

### **SECTION 3.16 BUILDING REGULATIONS AND PUBLIC WATER AND SANITARY SEWER SERVICE**

- A. **BUILDING REGULATIONS:** All structures shall be designed, erected or altered in accordance with the City of Alexandria's housing and building codes and the following regulations:
  1. **APPROVAL REQUIRED FOR COMBINING STRUCTURES:**
    - a. Where two (2) or more structures share a common wall said common wall shall not be altered in any manner which would provide access through said common wall from one structure to another. This shall include any type of opening through said common wall until all requirements of the Subdivision Regulations of the City of Alexandria, Commonwealth of Kentucky, have been met and approval has been granted by the Planning Commission and the Board of Adjustments.
    - b. Where two (2) structures are separate and remote said structures shall not be joined or combined until all requirements of the Subdivision Regulations of the City of Alexandria, Commonwealth of Kentucky, have been met and approval has been granted by the Planning Commission and Board of Adjustments.
- B. **WATER AND SANITARY SEWER SERVICE:** No building may be constructed in any zone except the R-RE Zone unless such building is connected to a public water and central sanitary sewer system of adequate capacity and design, and approved by the proper authorities.

In the case of the R-RE Zone, existing final platted lots in already approved subdivisions in all R-1 Zones, private sewage treatment facilities which provide a minimum of secondary treatment, and have a subsurface discharge of effluent may be permitted, provided they are approved in accordance with the requirements of the Northern Kentucky District ~~Independent Health Department Board of Health~~. Private sewage treatment facilities may be permitted if the Planning Commission determines that there are unique circumstances which make it unreasonable to tie into a centralized sewer system.

Where existing buildings are presently unserved by a public sanitary sewer system and are located within a reasonable distance of an existing or newly extended sanitary sewer line, as determined by ~~the Sanitation District No. 1 of Northern Kentucky the Campbell County and/or Northern Kentucky District Board of Health~~, said building shall be required to connect with the public sanitary sewer system and the private sewage disposal system shall be prohibited.

### **SECTION 3.17 MOVE AND SET**

- A. REQUIREMENTS: 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 Alexandria, until and unless both a building permit to move and set, and a transport permit has been obtained therefore, and said building, structure, or improvement complies with the provisions of this section.
- B. COMPLIANCE: All buildings, structures and improvements shall comply with the City of Alexandria's housing and building code, and all other applicable codes and regulations.
- C. PROCEDURE-PERMITS: The applicant shall submit to the building inspector, the following:
  - 1. An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;
  - 2. A plot plan, footing and foundation plan, and construction plans for any new construction;
  - 3. A statement from the City of Alexandria insuring that all past and current taxes have been paid.
  - 4. Upon receipt of the foregoing items, the Building Inspector shall inspect said building, structure or improvements, and the proposed location where same will be set within the City of Alexandria and determine that the proposed development will comply with all the applicable codes and regulations.
  - 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 building permit to move and set shall be issued. The City of Alexandria's Engineer shall

then be notified of same and shall issue a transport permit. The City of Alexandria's Engineer or his/her agent will designate the route to be traveled. The transport permit will not be issued if ninety (90) consecutive calendar days or more have lapsed from the date of inspection by the Building Inspector. The transport permit provided for in this section shall not be in lieu of any building permit which may be required by the City of Alexandria.

7. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies and the Kentucky ~~State Department of Transportation Cabinet Bureau of Highways~~ and the Campbell County Road Supervisor, unless it can be shown by the applicant that these agencies are not interested in the matter.

#### D. FEES

1. There will be a building inspection fee as established by the City of Alexandria, to cover the costs of inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided herein. This fee is not returnable. If any alterations or improvements to be made are found to be in compliance with the ~~City of Alexandria's~~ Building Code and this ordinance, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.
2. No person, corporation, or company shall transport, move or set any building, structure, or improvement in the City of Alexandria, until and unless such person, corporation, or company shall post with the Building Inspector a good and sufficient indemnity bond in favor of the City of Alexandria, which indemnity bond shall be set in an amount which shall cover the cost of any damage or claim to damage to public improvements (e.g., street pavement, curb and gutter, catch basins, sewers, etc.) and other damage to private property resulting from the move and set which indemnity bond shall be in the minimum amount of twenty-five thousand dollars (\$25,000). Such bond shall be made by certified check, cash or equivalent, or 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.

### **SECTION 3.18 SCREENING AREA**

Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development. All screening areas shall be approved and inspected by the Zoning Administrator (or Planning Commission, where required by this ordinances) for compliance with a submitted development or site plan as regulated by the applicable requirements of SECTIONS 3.20 and 3.21 of this ordinance.

- A. Screening areas shall be designed, provided, and maintained according to the following:
  - 1. Where natural vegetation and/or topographical conditions exist prior to development, every effort shall be made to retain said condition, particularly where it provides a natural screening or buffer from adjacent properties. In such cases, additional screening may not be required, provided that provision is made for maintenance of such condition to the satisfaction of the City of Alexandria.
  - 2. Wherever vegetative screening is required, the specific requirements contained in Article 10 shall be followed.
  - 3. Whenever structural screening is required, the specific requirements contained in Article 8 shall be followed.
- B. Sufficient bond, adequate to cover the required improvements as determined by the Planning Commission or its duly authorized representative, may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

### **SECTION 3.19 OUTDOOR SWIMMING POOLS**

- A. PRIVATE SWIMMING POOLS: All private swimming pools shall be regulated according to the following requirements:
  - 1. Swimming pools shall be permitted to be located only to the rear of the principal permitted dwelling or dwellings, unless unique circumstances or physical features of the property suggest that the swimming pool would be better suited in a different location.
  - 2. Except as herein provided, no swimming pool, including the apparatus and associated equipment pertaining to the operation of the swimming pool shall be permitted within the limits of any public utility right-of-way easement.
  - 3. Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. Such fence or wall shall be at least four (4) feet in height, but not exceeding seven (7) feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated in ARTICLE 8 of this ordinance); such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any property without scaling a fence or wall or opening a gate or door.
  - 4. Swimming pools which are located above-ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or property on which the pool is located, of at least four (4) feet in height, but not more than seven (7) feet in height (only classes 1, 3, 4, or 5 fences are permitted as regulated by ARTICLE 8 of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the

street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least four (4) feet in height above the surrounding ground level.

In addition, any access to above ground pools by means of a ladder, filter, stairway, apparatus or paraphernalia, said ladder, filter stairway, apparatus, or paraphernalia shall be provided with a self-closing or self-locking door or gate, or fence or wall that would prevent a small child from gaining access to the pool by means of a ladder, stairway, apparatus or paraphernalia.

5. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
6. All swimming pools including the apparatus and associated 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 Alexandria. Any water used in the operation of a swimming pool, other than from a public source, shall be approved by the Northern Kentucky District Health Department.
7. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence, or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this section within sixty (60) days after its adoption.

**B. PUBLIC, SEMI-PUBLIC AND COMMERCIAL SWIMMING POOLS:** All public, semi-public and commercial swimming pools shall be regulated according to the following requirements:

1. Except as herein provided, no swimming pool, including the apparatus and associated equipment pertaining to the operation of the swimming pool, shall be permitted within any required yards of the lot, nor within the limits of any public utility right-of-way easement.
2. The swimming pool or the property on which the pool is located shall be required to have a fence or wall, including a self-closing and self-locking door or gate around the pool or property on which the pool is located, of at least five (5) feet in height, but not exceeding the height as permitted herein (only classes 1, 3, 4, or 5 fences are permitted as regulated by ARTICLE 8 of this ordinance). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door.
3. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
4. All swimming pools, including the apparatus and associated 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 Alexandria. Any water used in the operation of a swimming pool, other than from a public source, shall be approved by the Northern Kentucky **Independent** District Health Department.

5. 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 which is loud enough to cause complaints from said adjacent residential properties.

## **SECTION 3.20 DEVELOPMENT PLAN REQUIREMENTS**

All applications for zoning map amendments shall require the submission of a development plan. In accordance with the applicable provisions of KRS 100, the development plan shall be followed. ~~and be binding as a requirement of the zone change or map amendment request.~~ The planning commission, at its discretion, may waive the requirement for the submission of a development plan, if the commission finds that the proposed development poses a minimal impact to the subject property and adjacent properties.

- A. **Request for Variances or Conditional Use Permits-** An applicant for a zoning map amendment who is required to submit a development plan to the Planning Commission may elect to have the Planning Commission hear any requests for variances or conditional use permits proposed in the development plan. The request for the Planning Commission to consider the variance or conditional use and the application for the variance or conditional use permit shall be submitted at the time of filing of the application for the map amendment. In such cases, the Planning Commission is hereby empowered to hear and finally decide applications for variances or conditional use permits pursuant to KRS 100.203(5). The Planning Commission in such circumstances shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS 100.203(6) and Section 3.15 and Article 15 of the Alexandria Zoning Ordinance. The application for variances or conditional use permits shall be considered at the same public hearing set for the zone change.
- B. Where a development plan is required under these regulations, and where such zoning change has been approved by the City of Alexandria, the property owner or any other appropriate person, shall sign a written agreement providing that the development plan is a condition to the zoning change and such agreement shall be filed with the Campbell County Clerk's Office in the form of a Certificate of Land Use Restriction as defined in Section 13.16 of this ordinance.
- C. Minimum Requirements of a Development Plan include the following:
  1. A title block containing:
    - a. the plan name,
    - b. development plan type,

- c. name and address of the owner, developer, and plan preparer, and written scale.
2. A vicinity sketch and area map (oriented in the same direction as the design scheme) showing adjacent property owners and existing land uses within 200 feet of the parcel.
3. General Site Characteristics:
  - a. ownership (deed references),
  - b. site area and current zoning classification
  - c. topography (with contour intervals as shown on the available USGS sheets),
  - d. soils,
  - e. drainage, erosion and other physical characteristics. If the site has unusual or unique natural features, demonstrate how proposed development preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns. If necessary, geotechnical studies should be submitted to indicate soil types, depth of bedrock, and slope stability.
4. Transportation Patterns: Location, arrangement, and approximate dimensions of existing and proposed streets, driveways, walkways, parking areas, and arrangement of spaces, points or ingress and egress, and other vehicular and pedestrian rights-of-way.
5. Land Use Characteristics:
  - a. Existing and proposed land uses, and adjacent land uses (within 200 feet of the parcel),
  - b. Approximate size, location, height, floor area, area arrangement and use of existing and proposed buildings.
  - c. Screening, landscaping, buffering, recreational, and other open space areas (include maintenance plans for these areas)
6. Utilities and Infrastructure: general location of water, sanitary sewer, telephone, electrical and storm water lines including the location of easements
7. Relationship of Proposed Zone Change with the City of Alexandria Comprehensive Plan: the plan should state how specifically the proposed zone change would conflict, conform, or otherwise affect the Comprehensive Plan.
8. A 8 1/2" by 11" or an 8 1/2" by 14" reduction of the plan that can be copied on a standard photocopier.

For projects involving more intensive developments or proposals that significantly impact adjacent properties, the planning commission may require the applicant to submit information in addition to #1-7 listed above. The following lists additional information that may be required.

- a. General description of the availability of community facilities such as schools, fire protection services, and the size and capacity of other types of facilities (water, sanitary and storm sewer) that would serve the development and how these facilities are affected by this proposal.
- b. Approximate location and size of storm water detention and/or retention areas.
- c. Information describing proposed signage (types, sizes, materials and locations on site).
- d. The construction schedule of a project. For multi-phased projects, submit a phasing plan that describes the anticipated timing and geographical extent of each phase.
- e. Submission of a detailed traffic study if the proposed development is large-scaled or if the project would significantly alter existing traffic patterns or volume (see Article 7).
- f. A sketch or drawing of the proposed buildings to demonstrate the visual appearance or a type of architecture.

### **SECTION 3.21 SITE PLAN REQUIREMENTS**

No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this Section and an approved site plan as hereinafter required. Before a permit is issued for construction, one (1) copy of the site plan of the area at a scale no smaller than one (1) inch to one hundred (100) feet shall be filed ~~with the Northern Kentucky Area Planning Commission, one (1) copy~~ with the Building Inspector, and two (2) copies with the Zoning Administrator. The site plan shall identify and locate, where applicable, the following:

- A. Total area in development project including legal description.
- B. Present zoning of property in question and adjacent properties.
- C. All public and private rights-of-way and easement lines located on and adjacent to the property which are proposed to be continued, created, relocated or abandoned.
- D. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet and/or supplemented by spot elevations, may be required by the Planning Commission.
- E. All housing units on the subject property:



1. Detached housing - location, arrangement and number of all lots, including exact dimensions and setbacks, and maximum height of buildings;
  2. Attached housing - Location, height, and arrangement of all buildings indicating the number of units in each building, and where applicable, location and arrangement of all lots with exact lot dimensions.
- F. Location, height, arrangement and identification of all non-residential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.
- G. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.
- H. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.

Landscape Plan Required: A landscaping plan, in accordance with Article 10, shall be required and the property owner or developer shall prepare a landscape plan for approval. The landscape plan shall be drawn to an easily readable scale, showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas (including parking stalls, curbs, wheel stops, driveways, service areas, square footage, etc.) water outlets, planting areas and landscape material (Including, botanical name or common name, location, orientation, height, caliper, and type of vegetation to be used), location of garbage containers, existing trees and typical elevations and/or cross sections as may be required.

- I. Location of signs indicating their orientation, size and height.
- J. All utility lines and easements:
1. Water distribution systems, including line sizes, width of easements, gradients, types of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  2. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  3. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

4. Other Utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- K. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
- L. Circulation System:
  1. Pedestrian walkways, including alignment, grades, type of surfacing and width;
  2. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
- M. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;
- N. Lighting plan when applicable, although this shall not be a required element of the proposed site plan.
- O. Dumpster and/or refuse storage locations when applicable, including provisions for screening.
- P. Name, address, and telephone number of applicant/builder and/or developer/engineer/architect.
- Q. The date of preparation of such plan and notation of revision dates when applicable.
- R. A schedule of development including the staging and phasing of:
  1. Residential areas, in order of priority, by type of dwelling unit;
  2. Streets, utilities, and other facility improvements in order or priority
  3. Sedimentation and Erosion Control Plan, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of development.
  4. Dedication of land to public use or set aside for common ownership with a preliminary statement indicating how maintenance of the latter will be handled; and
  5. The construction of nonresidential buildings, in order of priority.
- S. Exterior elevations of all proposed buildings including exterior facade materials and color schemes, and other details as deemed necessary which may affect the exterior appearance of the proposed building, although this shall not be a required element of the proposed site plan.

The information required in items "A" through "S", may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

All such site plans shall be reviewed by the Planning Commission or its duly authorized representative, and the factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of this ordinance, and the Comprehensive Plan for the City of Alexandria.

All site plans approved shall be binding upon the applicants, their successors and assigns and shall limit the development to all conditions and limitations established in such plans.

Amendments to plans may be made in accordance with the procedures required by this ordinance subject to the same limitations and requirements as those under which such plans were originally approved.

After final approval, the subject area may be developed in phases, provided all of the required procedures by the Planning Commission, or its duly authorized representative, have been complied with.

### **SECTION 3.22 REGULATIONS CONCERNING AIR RIGHTS**

Any proposed use of air rights, as defined herein, shall be in the form of a site plan (as regulated in SECTION 3.4921 of this ordinance) submitted to the Planning Commission, or its duly authorized representative, for its review.

### **SECTION 3.23 REGULATIONS CONCERNING DESIGN AND CONSTRUCTION OF IMPROVEMENTS**

Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and storm), water lines or other improvements, which does not constitute a subdivision, as herein defined, shall be required to be designed and reconstructed in accordance with the applicable Articles and Sections of the *Alexandria Subdivision Regulations*.

### **SECTION 3.24 REGULATIONS PERTAINING TO PARKING OR STORING OF RECREATIONAL VEHICLES, TRAILERS, MOBILE HOMES, MOTOR HOMES, CAMPERS, TRUCKS, BOATS, CONSTRUCTION MACHINERY, INOPERABLE VEHICLES, AND OTHER SIMILAR TYPES OF EQUIPMENT**

- A. No motor vehicle, which is inoperable, shall be stored on any lot in any zone or parcel of ground 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.
- B. It shall be unlawful for any person or persons to live in any trailer or mobile home (except house trailers or mobile homes in residential mobile home parks), motor home, camper, boat, automobile or truck within the limits of the City of Alexandria.
- C. The outside storage of any trailer, mobile home, motor home, recreational vehicle, camper boat, construction machinery, (but not in residential areas, where the storage of construction machinery is prohibited), or similar type equipment shall be restricted to the rear and side yard of all lots within the City, except in cases herein provided and cases where, due to unique conditions, topographical or other, which do not allow use of the rear or side yard, the Zoning Administrator may permit such storage on

another part of the lot. Such permission shall be granted in writing on a form supplied by the Zoning Administrator to the property owner, completed by the property owner and approved and issued by the Zoning Administrator. There shall be a one-time fee ~~of Five Dollars (\$5.00)~~ for the issuance of such permits, and a record of the permit shall be kept in the Office of the Zoning Administrator.

- D. It shall be unlawful for any person or persons to keep or park any truck (of more than one ton capacity), trailer, boat, motor home, or camper in any residential zone on any street or public way in Alexandria, Kentucky. It shall be unlawful to park or to keep any truck or commercial vehicle of more than one (1) ton capacity, (i.e. Ford model F-350, Chevrolet model C-30 or their equivalent) at any place or location on any private property in any residential zone except in a completely enclosed garage building. ~~It shall be unlawful to park, store, or keep any camper, trailer, motor home, recreational vehicle, or boat in excess of eight feet (8') tall at any place or location in any residential zone or on any residential property.~~
- E. REAR YARD, for the purpose of this Section of the Ordinance, shall be defined as follows: The area of the lot or parcel of ground bounded by the rear building line on the main residence on the subject property, the projections of this building line to the side property lines, and extending back along the side property lines to the rear property line.
- F. SIDE YARD, for the purpose of this Section of the Ordinance, shall be defined as follows: The area of a lot or parcel of ground bounded by the front and rear building lines of the main residence on the subject property, and the projections of these building lines to the two (2) side property lines.
- G. Front and side yard parking shall be on an approved surface as defined herein. Approved surfaces shall be blacktop (asphalt) with a minimum thickness of four inches (4"), or poured concrete with a minimum of four inches (4"). The approved surface shall be equal in size to the outside dimensions of the subject vehicle or larger. Front yard parking may be permitted only by permit from the Zoning Administrator pursuant to Paragraph "C" above.
- H. For additional parking regulations see SECTION 5 ~~6-0.C.1.a.~~ of the Zoning Ordinance.

### **SECTION 3.25 GENERAL MANUFACTURED (MOBILE) HOME REGULATIONS**

Class A and B Manufactured Homes as defined in Article 2 (mobile homes) shall be permitted in mobile home parks in the RMHP Zone, as provided for in this ordinance. In addition, all mobile home park installations shall comply with the following regulations:

- A. The mobile home shall, at a minimum, be equipped with a flush toilet, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
- B. All health, sanitation (including sewers and/or private secondary sewage treatment plants approved by the Northern Kentucky ~~Independent~~ District Health Department and the Sanitation District No. 1 of ~~Campbell and Kenton Counties~~ Northern

- | Kentucky) and safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.
- C. The mobile home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the Kentucky Mobile Home and Recreational Vehicle Park regulations, and the open space between the ground and the floor of the mobile home shall be completely enclosed with materials such as concrete block, corrugated metal, or other durable and suitable material.
  - D. Any person, firm, or corporation desiring to locate a mobile home in the City of Alexandria shall apply for a zoning/building permit, and an occupancy permit from the City. Said permits must be approved prior to the installation and occupancy of any mobile home. Mobile home parks shall be developed in accordance with the Alexandria Subdivision Regulations and all other pertinent regulations of this ordinance. Each mobile home must display the proper building/occupancy permit decal, signifying that all permits have been approved by the Building Inspector and Zoning Administrator.

### **SECTION 3.26 PHASED ZONING REGULATIONS:**

- ~~A. Phased zoning is an overlay type regulation 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 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 temporary 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.~~
- ~~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 all 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.~~
- ~~C. 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) as indicated on the 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.~~

### **SECTION 3.27 LAND USED FOR AGRICULTURAL PURPOSES**

Pursuant to KRS 100, any land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes (exclusive of land and building used for residences, except as herein provided), shall have no regulations imposed as to building permits, certificates of occupancy, height, yard location, or courts' requirements for agricultural buildings, including and limited to one (1) mobile home used as a dwelling unit, except that:

- A. Setback lines shall be required for the protection of existing and proposed streets and highways, as required for the zone in which the use is located;
- B. That all buildings or structures in a designated floodway or flood plain or which tend to increase flood heights or obstruct the flow of flood waters shall be in accordance with this ordinance.

### **SECTION 3.28 REGULATIONS CONCERNING SATELLITE RECEIVING STATIONS**

~~A. DEFINITION: A Satellite Receiving Station is hereby defined as an accessory structure whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources, and which consist of three (3) main components: 1.) the station itself (often called a dish); 2.) a low noise amplifier (LNA); and 3.) a receiver. The station and the LNA are located outdoors and are connected by coaxial cable to the receiver, which is placed indoors. The height of the station shall be measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the station.~~

#### ~~B. SATELLITE RECEIVING STATION CONSTRUCTION:~~

- ~~1. Before proceeding with the construction or erection of a satellite receiving station in the City of Alexandria a permit for the same shall be first obtained by the owner or his/her agent from the City of Alexandria.~~
- ~~2. All satellite receiving stations shall comply with the BOCH and FCC requirements.~~
- ~~3. The construction and installation of all satellite receiving stations shall conform to applicable City of Alexandria Building Code and Electrical Code regulations and requirements.~~
- ~~4. Electromagnetic interference. Each satellite receiving station shall be filtered and/or shielded so as to prevent the emission of radio frequency energy that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to the granting of a building permit, the owner of the station shall promptly take steps to eliminate the harmful interference in accordance with all applicable regulations.~~

- ~~5. Each satellite receiving station shall serve only the building located upon the zoning lot on which said satellite receiving station is constructed pursuant to this Section.~~
  - ~~6. Satellite receiving stations shall be constructed of noncombustible and corrosion-resistant materials.~~
  - ~~7. Satellite receiving stations shall be constructed and erected in a secure and a wind-resistant manner. The station shall be wind-resistant enough to withstand eighty five (85) mile per hour winds normally and seventy (70) mile per hour winds when combined with ice, without sustaining damage.~~
  - ~~8. The satellite receiving station must be adequately grounded for protection against a direct strike of lightning.~~
  - ~~9. Roof-mounted satellites shall have a certification from a registered Structural Engineer regarding the location stating that the structure is capable of safely supporting the station and that said station does not provide any additional stress which the structure cannot bear.~~
  - ~~10. No advertising or signage of any type is permitted on a satellite dish other than the manufacture's name plate.~~
- ~~C. RESIDENTIAL ZONES: A satellite receiving station may be located in any Residential Zone provided that the same:~~
- ~~1. Shall be neutral in color and bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two (2) inches in height;~~
  - ~~2. Shall be compatible with the appearance of the neighborhood;~~
  - ~~3. Shall be limited to one (1) per lot;~~
  - ~~4. Shall not exceed ten (10) feet in diameter;~~
  - ~~5. Shall not be roof-mounted, except when the building permit application is accompanied by a registered Structural Engineer's certification per paragraph B-9 above.~~
  - ~~6. Shall be located only in a rear yard, a minimum of fifteen (15) feet from any lot line.~~
- ~~D. COMMERCIAL ZONES: A satellite receiving station may be located in any Commercial Zone provided that the same:~~
- ~~1. Shall be neutral in color and bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two (2) inches in height;~~

- ~~2. Shall be compatible with the appearance of the surrounding area;~~
- ~~3. Shall be limited to the lesser of one (1) per lot or per building;~~
- ~~4. Shall not exceed twelve (12) feet in diameter;~~
- ~~5. Shall not be roof mounted, except when the building permit application is accompanied by a registered Structural Engineer's certification per paragraph B-9 above.~~
- ~~6. If roof mounted, shall extend no more than thirty five (35) feet above ground level.~~
- ~~7. If ground mounted, shall be located only in a rear yard. The visual impact of the satellite receiving station shall be reduced by screening, if over ten (10) feet in height. If the subject parcel adjoins a Residential Zone, all stations shall be placed a minimum of fifteen (15) feet from any lot line and effectively screened by a fence, wall, or dense screening hedge to a minimum height of six (6) feet. Said fence, wall or hedge shall be located on or near the lot line bounding the Residential Zone and shall otherwise comply with the applicable zoning requirements governing its location, and shall be located a minimum of fifteen (15) feet from any lot line.~~

~~E. INDUSTRIAL ZONES: A satellite receiving station may be located in any Industrial Zone provided that the same:~~

- ~~1. Shall be neutral in color and bear no advertising emblem or information other than the name of the manufacturer in letters not to exceed two (2) inches in height;~~
- ~~2. Shall be compatible with the appearance of the surrounding area;~~
- ~~3. Shall be limited to the lesser of one (1) per lot or per building;~~
- ~~4. Shall not exceed twelve (12) feet in diameter;~~
- ~~5. Shall not be roof mounted, except when the building permit application is accompanied by a registered Structural Engineer's certification per paragraph B-9 above.~~
- ~~6. If roof mounted, shall extend no more than thirty five (35) feet above ground level.~~
- ~~7. If ground mounted, shall be located only in a rear yard. The visual impact of the satellite receiving station shall be reduced by screening, if over ten (10) feet in height. If the subject parcel adjoins a Residential Zone, all stations shall be placed a minimum of fifteen (15) feet from any lot line and effectively screened by a fence, wall, or dense screening hedge to a minimum height of six (6) feet. Said fence, wall or hedge shall be located on or near the lot line bounding the~~



~~Residential Zone and shall otherwise comply with the applicable zoning requirements governing its location, and shall be located a minimum of fifteen (15) feet from any lot line.~~

~~F. PRE-EXISTING INSTALLATIONS: Satellite receiving stations legally in existence at the time of the passage of this ordinance shall be considered to be exempt from compliance for a period of two (2) years from the effective date of this ordinance. At the end of the two (2) year period the station must be in compliance with the provisions of this ordinance.~~

~~G. PERMIT FEE: The permit fee shall be established from time to time by appropriate ordinances of the Alexandria City.~~

### **SECTION 3.29 REGULATIONS CONCERNING RECYCLING COLLECTION POINTS AND GARMENT/FURNITURE DROP-OFF CENTERS**

Recycling collection points and drop-off centers will be permitted in any Commercial Zone only if it meets all of the following performance standards:

- A. The recycling collection point of drop-off center shall only be placed in the side of rear yard of the principally Permitted Use, no closer than ten (10) feet to any property line.
- B. The area must be enclosed or otherwise screened to minimize its visual impact.
- C. Exceptions to these requirements may be made by the Zoning Administrator.

### **SECTION 3.30 HILLSIDE DEVELOPMENT CONTROLS**

A. PURPOSE: This section is designed to ensure, when development is proposed in those areas in the City of Alexandria which have distinctive and special environmental characteristics which are of significant value to the public and which make these properties susceptible to damage through improper development. It is the purpose of these regulations to encourage and guide development that will preserve existing hillsides and their character through:

1. Innovative approaches to the development of housing units and other projects in hillside areas, encouraging the use of community unit planning concepts;
2. Prevention of damage or destruction of trees, shrubbery, and other ground cover, where possible, to prevent loss of their stabilizing influence in areas where soils are, or likely to become, unstable and prone to landslides;
3. Prevention of land from becoming unstable or prone to landslides through improper development;
4. Prevention of the loss or damage to mature trees and other vegetation, significant scenic views, and other similar natural features which are necessary to preserve the aesthetic and visual integrity of the hillsides;
5. Prevention of soil erosion and stream siltation caused by improper development.

- B. **GENERAL REQUIREMENTS:** Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements, notwithstanding any other section of this of any other ordinance adopted by the City of Alexandria.
1. Those properties or areas of land which lie totally or partially within land areas identified in the Comprehensive Plan for Alexandria, Commonwealth of Kentucky, as "Physically Restrictive Development Areas";
  2. Any other areas which have slopes equal to twenty percent (20%) or greater;
  3. Certain soil and bedrock conditions which exhibit characteristics of moderate environmental concern of construction activity such as, but not limited to, exposures of the Kope geological formation;
  4. Hillsides which support a substantial natural wooded cover; or
  5. Land area that has known experience of landslides.
- C. **DEVELOPMENT STANDARDS:** It shall be unlawful to locate, extend, convert, or structurally alter any structure, or otherwise develop any land, including, but not limited, the excavation, removal or placement of any soil within those areas defined in SECTION 3.30 (B), unless such development meets the applicable standards set forth in this SECTION 3.30.

The registered professional engineer or landscape architect, in developing the design of any proposed development, shall do so with consideration of the following standards and guidelines. These standards and guidelines shall be considered as minimum standards, and the professional engineer or landscape architect may enact greater standards in order to comply with the intent of this SECTION 3.30. When restrictions of land development occur within these standards appear to conflict with other associated standards, the most strict standard shall apply.

1. **IDENTIFICATION OF LANDSLIDE PRONE AREAS:** All on-site areas which are vulnerable to landslide damage shall be identified. The risk to off-site property shall then be minimized by locating development away from areas which are vulnerable to sliding.
2. **CLEARANCE ACTIVITIES STANDARDS:**
  - a. In all areas, trees and natural vegetation shall be retained, where feasible, in order to minimize erosion, sedimentation, and the disruption of views to and from hillsides.
  - b. The natural redevelopment condition of the crest of the slope shall be maintained by tree planting and other landscape measures.

- c. The natural slope line of the hill as seen in profile shall be retained, except in areas of approved excavation. Vegetation lines which convey this slope line shall be maintained, restored, and supplemented.
  - d. Earth disturbing activities shall be limited to only those areas involved in the construction activities. Any grading performed shall be in keeping with generally accepted engineering and soil conservation practices to avoid erosion and land sliding, and to minimize the effect on the environment. The smallest practical areas of land should be exposed at any one time during development, and length of exposure should be kept to the shortest practice amount of time.
  - e. Trees around the perimeter of the construction shall be protected to prevent root, trunk, and branch injury or dismemberment.
  - f. No tree larger than eight (8) inches in diameter, measured twenty-four (24) inches above the ground, may be destroyed or removed unless specifically approved during the permit process.
  - g. All areas of land exposed during construction shall be temporarily revegetated and restored as soon as possible to blend with the surrounding terrain. All excavations shall have stable side slopes and be constructed so that revegetation can occur readily.
3. DEVELOPMENT RESTRICTIONS ON DRAINAGE AREAS: No more than fifty percent (50%) of any area of a proposed development may be developed when such area conveys storm water runoff from surrounding land, either as a natural flow or as a result of existing land alterations, to a water course.
4. BUILDING CONSTRUCTION STANDARDS
- a. Any building shall be designed and located so as to relate to the natural slope and contours of the land and to minimize grading, excavation, and placement of fill.
  - b. No building constructed between the toe and crest of a slope within the areas defined in SECTION 3.30 (B), should be higher than two (2) stories or thirty-five feet, whichever is less, as measured from the highest point where the building meets the natural slope.
  - c. Any building located within the areas defined in SECTION 3.30 (B), shall be required to have geotechnically and structurally engineered foundations, as evidenced by certifications on the building plans by a registered professional engineer and a registered professional geotechnical engineer.
  - d. Buildings placed on columns or stilts for structural reasons shall have space below the buildings screened from view by earth mounding or vegetation. Supports for decks shall be screened by vegetation.
5. PARKING AREA STANDARDS

Parking areas, whenever possible, shall be located within structures to limit the amount of paved land.

#### 6. PAVEMENT LIMITATIONS

Paved areas intended for vehicular use shall be designed to follow the natural contours of the land and provide the least disruption to the hillside environment.

#### 7. RETAINING WALL STANDARDS

- a. Retaining walls shall be no higher than six (6) feet high above the ground at the base of the wall. Walls may be built in a series of smaller walls to minimize the visual impact of a higher wall, provided that the series of walls can be built without excessive removal of vegetation during construction.
- b. All retaining walls shall be properly engineered, backfilled, and maintained
- c. Retaining walls shall be faced with stone, textured block, textured concrete, or other textured material that will blend with the hillside. Medium earth tone colors shall be encouraged. Highly reflective surface materials are prohibited.
- d. All retaining walls shall be covered with a minimum of fifty percent (50%) coverage by vegetation by:
  - (1) Planting at the base of the wall;
  - (2) Planting within the wall;
  - (3) Plants hanging from the top of the wall;
  - (4) Any combination of (a) through (c) above.

#### 8. SCREENING REQUIREMENTS

Visual prominence of a development shall be minimized by using tree clusters or depressions for view screens. Where total screening is impractical or undesirable, partial screening should be employed to at least lessen the full visual impact of the development by breaking up the horizontal lines of long structures and/or reducing the apparent height of buildings or walls. See Section 3.18 for screening standards.

#### 9. LIGHTING STANDARDS

Unobtrusive forms of lighting shall be employed for exterior areas (e.g., light where the light source itself is screened from direct view, or low garden type lighting). See Section 5.0, P.2. for lighting standards.

#### 10. EXCAVATION AND FILL STANDARDS

- a. The toes and crests of excavations and their slopes shall be set back from property boundaries and structures as far as necessary for the safety of adjacent properties and adequacy of foundation support and to prevent damage as a result of water runoff.
- b. Fill shall not be placed over stumps or other organic or unstable material, unless in compliance with recommendations from a geotechnical engineer. All fill should be compacted to provide stability of material and to prevent undesirable settlement or landsliding, and proper benching shall be provided, as required, in accordance with the recommendations of a geotechnical engineer.
- c. In any development with slopes greater than thirty percent (30%), a registered professional engineer shall design the structure, in cooperation with the project geotechnical engineer, so that there shall be adequate support against downhill creep acting upon each caisson or pier penetrating soil that is prone to creep.
- d. No soil from excavations of any kind shall be placed on slopes except as permitted by these regulations.
- e. Grading under tree drip lines, including trenching for utilities, shall be avoided. Drainage around existing trees shall remain undisturbed to ensure preservation of trees.
- f. All permitted excavation and fill operations shall be reviewed by a qualified soils technician under the direction of a registered professional geotechnical engineer; such review and inspection reports shall be the responsibility of the developer, and shall be submitted to the Zoning Inspector in a timely manner.

**D. ADMINISTRATION AND REVIEW PROCEDURES:**

- 1. Prior to any development of any lot or land which lies totally or partially within the areas defined in SECTION 3.30 (B), the following information shall be submitted in the form of a site plan as regulated by SECTION 3.21 of this ordinance and shall accompany each request and shall be considered as part of the required application for a Zoning Certificate for development within the City of Alexandria, in quadruplicate:
  - a. Identification of slopes eighteen percent (18%) and greater;
  - b. Identify exposures of the Kope geological information;
  - c. Hillsides which support a substantial natural wooded cover;
  - d. Identification of land area that has known experience of landslides;
  - e. A report shall be prepared by a professional geotechnical or soils engineer showing the following:

- (1) Results of surface and subsurface exploration, conditions of the land, the major soils types on the site and extent and patterns of the soils, and procedures for performing the operations;
  - (2) An evaluation of the effect on off-site slopes adjacent to the proposed development.
  - (3) Recommendations for foundation type, depth, and locations.
  - (4) Specifications for the borrow material or fill material, the method to be used for filling, and the requirements of its proposed construction.
  - (5) Proposed preparation of existing ground surface to receive fill.
  - (6) Proposed terraces and ditches where necessary to control surface drainage and debris.
  - (7) Proposed subsurface drainage if necessary for stability.
- f. Identify areas of excavation and fill, and estimated number of cubic yards displaced.
  - g. Identify existing drainage on the site, the proposed method and storage and disposal of water generated by development of the tract, and calculated surface water run-off from the site before and after construction, measured in cubic feet per second.
  - h. Provide a timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence; stripping or clearing; rough grading; construction; final grading; and vegetative establishment and maintenance. The schedule shall also indicate the time of exposure of each area prior to the completion of effective erosion and sediment control measures.
2. The Planning Commission, and/or its duly authorized representative may waive or modify the requirements of this regulation for plans, specifications, field supervision, and summary reports only if the application for a zoning certificate contains a written statement by a registered professional engineer or geotechnical engineer which states, to the satisfaction of the Planning Commission, and/or its duly authorized representative, that the proposed development, if his/her recommended procedures are followed, will not:
    - a. Obstruct, damage, or adversely affect existing sewerage or drainage, public or private;
    - b. Cause a stagnant pond of water to form;
    - c. Create slope stability problems on the subject and/or adjacent properties;

- d. Cause detrimental erosion or sedimentation; or
  - e. That the proposed excavation or fill is in an isolated, self-contained area and that there is no apparent danger or environmental damage to adjacent public or private property.
3. The site plan, cut and fill permit, and other information required in SECTION 3.30, B., 2 of this section of the ordinance shall be reviewed by the Alexandria City Engineer who will recommend to the Planning Commission, or its duly authorized representative, what effect the proposed development will have on hillside slippage and soil erosion.
  4. After consideration of the recommendations of the Planning Commission, and/or its duly authorized representative, may grant a permit for use of the site in accordance with the submitted plans.

If, after review of the plans required by this section of the ordinance, the Planning Commission, or its duly authorized representative, determines that said proposed plans will not minimize hillside slippage, the Planning Commission shall deny a permit for the development of said land and the site shall be limited to those open type uses, excluding structures, as permitted or conditionally permitted in the Conservation Zone (CO).

### **SECTION 3.31 PERMIT REQUIRED FOR SIDEWALK SALES AND DISPLAYS**

All Sidewalk Sales and displays shall require a permit to be issued by the Zoning Administrator, and only if the application indicates compliance with all of the following requirements:

- A. Sidewalk sales and displays shall be operated as a use which is at least incidental to the principal business of the applicant, and the merchandise offered for sale at the sidewalk sale shall be such that is ordinarily offered for sale at the business premises of the applicant;
- B. Sidewalk sales and displays shall be conducted only during normal business hours of the applicant.
- C. All sidewalk sales and displays shall be conducted on the sidewalk associated with the business applicant; no sidewalk sale or display shall be permitted on any parking lot, parking area, drive or roadway; and no displays, merchandise or equipment to be used in the sidewalk sale and display shall block access to doorways, walkways, ramps and driveways;
- D. Minimum ADA and Fire Department requirements for access, ingress, egress and walkways shall be maintained at all times;
- E. Each applicant for a sidewalk sales and displays permit shall complete an application provided by the Zoning Administrator at least one week in advance of the day the proposed sidewalk sale will begin. The Zoning Administrator may require the Applicant to prepare a plan to illustrate the location of the displays, merchandise and

equipment to be used in the sidewalk sale and display, and to demonstrate compliance with this ordinance.

- F. No merchandise, displays, equipment or other material used in conjunction with the sidewalk sales and displays shall be stacked up higher than the Zoning Administrator deems safe under all of the circumstances;
- G. Each business shall be entitled to participate in a maximum of Four (4) sidewalk sales and displays per calendar year;
- H. Each sidewalk sale and display permit shall be issued for a period not to exceed three (3) days. Each permit shall be issued for a period of up to three (3) consecutive days. However, if inclement weather interrupts one or more of those days, the Zoning Administrator may exercise his discretion and extend the permit for a period of time equal to the weather interruption;
- I. No merchandise, displays or other materials or equipment shall be left or stored on the sidewalk prior to the first day of the sidewalk sale and display permit period, nor after the expiration of the sidewalk sale and display permit;
- J. The permit fee shall be set by the ~~City of Alexandria Twenty-Five Dollars (\$25.00) per business per sidewalk sale and display.~~

### **SECTION 3.32 OUTDOOR MERCHANDISING AND DISPLAY**

Outdoor merchandising and display shall be limited to those zoning districts which specifically permit it, and shall be limited and regulated as follows:

- A. Outdoor merchandising and display shall be limited to those businesses regularly and ordinarily dealing with merchandise which is impossible, difficult or impractical to house and display inside a building, or which is necessarily or ordinarily expected to be displayed outdoors, such as nurseries, lawn and garden, farm implements, tools rental, agricultural products, utility buildings, equipment rental and other similar businesses and products as determined by the Zoning Administrator.
- B. Merchandise, displays and equipment used in conjunction with outdoor merchandising and display shall not block access to doorways, walkways, ramps or driveways. Minimum ADA and Fire Department requirements for access, ingress, egress and walkways shall be maintained at all times.
- C. The minimum number of parking spaces required by this Official Zoning Ordinance shall be maintained at all times.
- D. No merchandise, displays, equipment or other material used in conjunction with the outdoor merchandising and display shall be stacked up higher than the Zoning Administrator deems safe under all of the circumstances.

### **SECTION 3.33 DAY CARE FACILITIES**

A. Definitions-

- 1. ~~Child day care~~ Child-care center means any child-care center which provides full or part-time care, day or night, to at least seven (7) children who are not the



children, grandchildren, nieces, nephews, or children in legal custody of the operator. "Childcare center" shall not include any child-care facility operated by a religious organization while religious services are being conducted, or a youth development agency. For the purposes of this section, "youth development agency" means a program with tax-exempt status under 26 U.S.C. sec. 501(c) (3), which operates continuously throughout the year as an outside-school-hours center for youth who are six (6) years of age or older, and for which there are no fee or scheduled-care arrangements with the parent or guardian of the youth served (KRS 199.894 (3)) as licensed by the Cabinet for Health and Family Services. ~~means the provision of supplemental parental care and supervision: (1) for a non-related child or children; (2) on a regular basis; (3) for less than 24 hours a day; (4) under license or certification by the Kentucky Department of Human Resources.~~ As used in this regulation, the term is not intended to include baby-sitting services of a casual, nonrecurring nature of in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective domiciles.

2. ~~Adult day care~~ day-care center means any adult care facility which provides part-time care, day or night, but less than twenty-four (24) hours, to at least four (4) adults not related to the operator of the adult care facility by blood, marriage, or adoption (KRS 205.010 (15)) as certified by the Cabinet for Health and Family Services. ~~means the provision of care for adults: (1) not related to the operator of the facility by blood, marriage, or adoption; (2) on a regular basis; (3) for less than 24 hours a day, and (4) in conformance with the regulations of the Kentucky Department of Human Resources.~~
3. Day care center means a building or structure wherein an agency, person, or persons regularly provides care for a group of children or adults for periods of less than 24 hours a day. Day care facilities include family ~~day~~ child-care homes, child care centers, adult day-care centers, Type I day care facilities, and Type II day care facilities. ~~They do not include preschools, nursery schools, or nursing homes.~~ As used in this regulation, the term is not intended to include baby-sitting services of a casual, nonrecurring nature of in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective domiciles. It also does not include those providing part-time care, day or night, but less than 24 hours to less than four (4) adults.
4. Family ~~day~~ child-care home means a private home that provides full or part-time care day or night for six (6) or fewer children who are not the children siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider (KRS199.894) as certified by the Cabinet for Health and Family Services. ~~family abode of a person or persons who regularly provides direct care during part of the 24-hour day to six (6) or fewer children, under 12 years of age or three (3) or fewer adults, who are not related to the operator by blood, marriage or adoption.~~

5. Type II day care center means a licensed or certified home or dwelling unit that regularly provides for the care of seven (7) through twelve (12) children or four (4) through ten (10) adults **for less than 24 hours per day.**
  6. Type I day care center means a licensed or certified facility other than a dwelling unit that regularly received four (4) or more children or adults for day care, or any facility, including a dwelling unit, which regularly provides day care for thirteen (13) or more children or eleven (11) or more adults.
- B. Family **Day Child** Care Home: A family **day child** care home shall be permitted as a conditional use in all residential zones (except the RMHP District) provided that:
1. State regulations are met, including those pertaining to building, fire safety, and health codes.
  2. Lot size, building sizes, setbacks, and lot coverage conform to those applicable to the zoning district.
  3. One (1) off-street parking space is provided for each non-resident or non-family member employee in addition to the two (2) spaces per single family or duplex unit required. The residential driveway is acceptable for this purpose.
  4. If located on a major arterial street, an off-street drop-off/pick-up area must be provided.
  5. Signage, if any, conforms to the requirements for the zoning district.
  6. No structural or decorative alteration that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences is permitted.
- C. Type II Day Care Centers: A state licensed or certified Type II day care center is allowed in the designated zoning districts as follows:
1. A zoning permit (along with a copy of state license or certification) is obtained from the city.
  2. Type II Day Care Centers providing adult day care must meet handicapped accessibility standards for walkways, entrances, doorways, and bathrooms.
  3. Residential Zoning Districts (R-2, R-3, RMHP). A Type II day care center may be allowed only upon issuance of a conditional use permit, provided the conditions set forth in reference to Family Day Care Homes are met and that the Type II Day Care Center is located in an accessory building to the residential development. In no case shall a Type II Day Care Center be permitted in actual residences.

4. A Type II day care center is permitted by right in all other non-residential zoning districts (except CO and PF Districts) provided the conditions set forth in reference to family Day Care Homes are met.
- D. Type I Day Care Centers: A state certified or licensed Type I day care center may be allowed in the designated zoning districts as follows:
1. Residential Zoning Districts (R-2, R-3, RMHP). A Type II day care center may be allowed only upon issuance of a conditional use permit, provided the conditions set forth in reference to Family Day Care Homes are met and that the Type II Day Care Center is located in an accessory building to the residential development. In no case shall a Type II Day Care Center be permitted in actual residences. This type of day care is permitted subject to the following conditions:
    - a. State licensing or certification requirements are met, including those pertaining to building, fire safety, and health codes.
    - b. Lot size, building size, setbacks, and lot coverage conform to those applicable to the zoning district.
    - c. Type I Day Care Centers providing adult day care must meet handicapped accessibility standards for walkways, entrances, doorways, bathrooms.
    - d. Signage, if any, will conform to the requirements of the zoning district.
    - e. A zoning permit (with a copy of a state license) is obtained from the city.
    - f. At least one (1) on-site parking space must be provided for each on-duty staff person.
    - g. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be provided.
    - h. A solid fence at least six (6) feet high must be installed along each side and rear-yard lot line.
    - i. No structured area for active play or play structures may be located in a front yard or within ten (10) feet of a side or rear lot line.
    - j. The site must be landscaped in a manner compatible with adjacent residences.
    - k. No structural or decorative alteration that will alter the residential character of an existing residential structure used for day care is permitted. Any new or remodeled structured must also be designed to be compatible with the residential character of the surrounding neighborhood.
    - l. A Type I day care center shall not be located within three hundred feet (300') of another Type I or Type II day care center, excluding any day care center that is an accessory use in a community service facility.

2. All Other Zoning Districts: A Type I day care center is permitted by right in all other non-residential zoning districts (except CO and PF Districts) subject to the following conditions:
  - a. State licensing and that all certification standards and requirements are met.
  - b. Setbacks, screening, and landscaping shall conform to the pertinent portions of the zoning ordinance.
  - c. Structure shall meet building, sanitation, health, traffic safety, and fire safety code requirements including handicapped accessibility standards.
  - d. A minimum of one (1) off-street parking space shall be provided for each employee, plus an off-street drop off/pick-up area.
  - e. A zoning permit (along with a copy of a state license) is obtained from the city.

**SECTION 3.34 DESIGN GUIDELINES FOR “BIG-BOX” RETAIL ESTABLISHMENTS**

- A. It is in the best interest of the City of Alexandria to minimize the possible blighting effect that abandoned shopping centers and large retail establishments can have on the larger area or neighborhood in which they are located. By imposing additional standards in the form of design guidelines for such centers, these effects can be minimized and future redevelopment and reuse of vacant retail buildings encouraged through proper facility design, without expenditure of public funds. For this reason, the Planning Commission has adopted design guidelines for shopping centers containing a single “big-box” establishment larger than 50,000 square feet in size. These additional standards are listed in Big Box Design Standards located in Appendix A and are consistent with guidelines which have been established in other cities and counties across the United States for such facilities.
- B. The guidelines are to be met in the design of a planned shopping center containing a single “big-box” establishment larger than 50,000 square feet in size, unless waived by the Planning Commission through its approval of a final development plan. These design guidelines are intended to provide professional designers and the Planning Commission with direction for improved development plans which address the following issues:
  1. Variation in building heights and identifiable customer service entrances and pedestrian entryways;
  2. Uninterrupted facades, windows, allowance for smaller stores or departments having exterior entrances, and back or side facades;
  3. Landscaping and/or screening of outdoor display of building materials or other similar bulky products, and of trash collection and loading areas;

4. Pedestrian circulation in relation to vehicular movements and common open spaces for pedestrians;
5. Parking lot orientation adjacent to public streets.

## ARTICLE 4 ESTABLISHMENT OF ZONES & ZONE REGULATIONS

### SECTION 4.0 ZONES

For the purpose and intent of this ordinance, the City of Alexandria, Commonwealth of Kentucky, is hereby divided into the following zones:

CO	Conservation Zone
R-RE	Residential Rural Estate Zone
R-1A	Residential One - A Zone
R-1B	Residential One - B Zone
R-1C	Residential One - C Zone
R-1D	Residential One - D Zone
<b>R-1V</b>	<b>Residential One – V Zone</b>
RMHP	Residential Mobile Home Park Zone
R-2	Residential Two Zone
R-3	Residential Three Zone
R-1E,A	Residential One-E, Annexation Territory Only
NSC	Neighborhood Shopping Center Zone
HC	Highway Commercial Zone
IP	Industrial Park Zone
CT	Corridor Overlay Transition Zone
PO	Professional Office Building Zone
B-1	Old Town Business Zone
PF	Public Facilities Zone
<b>PUD</b>	<b>Planned Unit Development District</b>

### SECTION 4.1 OFFICIAL ZONING MAPS

The zones are bounded and defined as shown on the map entitled "OFFICIAL ZONING MAP OF THE CITY OF ALEXANDRIA, KENTUCKY" and shall so remain on file in the City Building of the City of Alexandria. ~~and the original mylar map at Northern Kentucky Area Planning Commission (NKAPC).~~

### SECTION 4.2 CHANGES ON ZONING MAP OR MAPS

If, in accordance with the provisions of this ordinance and Kentucky Revised Statutes, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map by the Zoning Administrator ~~and/or NKAPC~~ promptly after the amendment to this ordinance has been approved by the legislative body. ~~and the NKAPC has been officially notified by a certified copy of said amendment in~~

~~ordinance form.~~ No building, structure, sign or fence permit shall be approved or issued until the Official Zoning Map indicates the proper zoning for the use intended as indicated upon the application permit.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon which are not in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map, which shall be located in the office designated by law, shall be the final authority as to the current zoning status of land, buildings and other structures in the City of Alexandria, Commonwealth of Kentucky.

### **SECTION 4.3 REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or are deemed necessary to replace due to the age of the map or major corrections in location of right-of-way or subdivisions, the City of Alexandria shall have cause to have prepared a new Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereto.

### **SECTION 4.4 RULES FOR INTERPRETATION OF ZONE BOUNDARIES**

Rules for interpretation of zone boundaries shown on the Official Zoning Map are as follows:

- A. Boundaries indicated as approximately following the rights-of-way of a street, alley or other public way shall be construed to follow such right-of-way lines and when said right-of-way are officially vacated the zones bordering such right-of-way shall be extended out to the center line of said vacated rights-of-way;
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines;
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following the center lines of streets, streams, rivers, ditches, gullies, ravines or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map shall be construed as following such ground elevation lines;
- G. Boundaries indicated as approximately parallel to features indicated in Rules A through F, of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of features indicated in Rules A through F, of this section, shall be construed as being extensions of such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map, if an accurate legal description cannot be determined from the original zoning case.

## SECTION 4.5 AREAS NOT INCLUDED WITHIN ZONES

In any case where property has not been included within a zone, such property shall be considered to be in the CO zone (CONSERVATION ZONE) until otherwise classified.

## SECTION 4.6 (CO) CONSERVATION ZONE

### A. PERMITTED USES:

1. Open spaces or natural habitats;
2. Agricultural uses, but not including the feeding of garbage to animals;
3. Publicly owned and/or operated parks and/or recreation areas, including public swimming pools;
4. Recreational uses other than those publicly owned and/or operated such as golf courses, and country clubs, including commercial swimming pools.

### B. ACCESSORY USES:

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance
3. Signs, as regulated by ARTICLE 9 of this Ordinance.

### C. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved of by the Board of Adjustment, as set forth in SECTION 3.145 of this ordinance:

1. Golf driving ranges;
2. Riding academies and stables;
- ~~3. Cellular Telecommunications Facilities as regulated by Article 12;~~
4. The following uses are permitted in connection with streams, rivers, lakes or other bodies of water, providing that the development of all permitted facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, and the Department for Environmental Protection, Division of Water, ~~State Department for Natural Resources~~, and such statement of approval or denial shall be submitted to the Board of Adjustment at the time of submittal for a conditional zoning certificate:
  - a. Boat Harbors and Marinas – The following uses shall be permitted as accessory uses in connection with any boat harbor or marina and primarily intended to serve only persons using the boat harbor or marina. Advertising



of any included or accessory uses shall be within the building and shall not be visible from outside the building.

(1) boat fueling, service, and repairs;

(2) sale of boat supplies;

(3) grocery store;

(4) restaurant;

(5) club house and lockers.

b. Public boat landing, docking, and launching facilities;

c. Dockage facilities;

d. Off-street parking facilities and temporary parking of boat trailers – including spaces large enough to accommodate automobiles pulling boat trailers.

#### D. AREA AND HEIGHT REGULATIONS:

No building shall be erected or structurally altered hereafter except in accordance with a development plan as reviewed and approved by the Planning Commission.

#### E. OTHER DEVELOPMENT CONTROLS:

1. All "Uses Permitted" and "Conditional Uses", permitted in this zone shall require a certificate of approval from the Alexandria City Engineer, certifying his/her approval of the type of and manner of construction to be built (ensuring that such construction shall not cause flood hazard, soil erosion, adverse changes in natural drainage courses or unnecessary destruction of natural features), which completed certificate shall be submitted to the appropriate officer or board, as required herein, at the time of request.
2. Dwelling units are not permitted in this zone.
3. Off-street parking and loading or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
4. No outdoor storage of any material (useable or waste) shall be permitted in this zone, except within enclosed metal containers.
5. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone.
6. Where any yard of any use permitted abuts a residential zone, a minimum yard requirement of one hundred (100) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by SECTION 3.18 of this ordinance.

7. No use producing objectionable odors, noise, or dust, shall be permitted within five hundred (500) feet from the boundary of any residential zone.
8. A site plan, as regulated by SECTION 3.21, of this ordinance shall be required for any use in this zone.

## **SECTION 4.7 (R-RE) RESIDENTIAL RURAL ESTATE & AGRICULTURAL ZONE**

### **A. PERMITTED USES:**

(Agricultural buildings, uses and accessory uses cannot be regulated by zoning, except for setback requirements. The following regulations therefore, apply only to those non-agricultural buildings, uses and accessory uses, permitted herein – except item 4.7, D., 2. which applies to all uses).

1. Single-family residential dwellings (detached);
2. “Agricultural use” as defined by KRS 100.111.2;
3. Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within fifty (50) feet from any street, road, highway, or right-of-way line.;
4. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer the front of a street, road, highway, or right-of-way line than one hundred (100) feet, or not near a side lot line than fifty (50) feet from;
5. Stables and riding academies, both public and private.
6. Roller skating rinks in existence on the effective date of adoption of Section 4.7 (A) (6) shall be considered and treated as permitted uses. These uses may continue to exist and expand in conformance with the regulations contained in this ordinance. However, the owner, lessee, or other person or firm in possession of land containing an existing roller skating rink shall make an application and/or submit a site plan to the planning commission or its designated representative prior to any alterations to the use, building(s), or site.
7. Residential Conservation Development (RCD) of single family dwellings designed in accordance with Section 4.7 subsection D of this ordinance and Article 6 of the City of Alexandria Subdivision Regulations.

### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;

3. Home occupations subject to the restrictions and limitations established in SECTION 3.12 of this ordinance;
4. Signs, as regulated by ARTICLE 9 of this ordinance.

C. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.1~~4~~5 of this ordinance:

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Police and fire stations, provided they are located adjacent to an arterial street;
5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools and Family Day Care Homes;
7. Veterinarian offices, including large and small animal; clinics;
8. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;
  - d. Tennis courts/clubs;
  - e. Fishing lakes and clubs;
  - f. Gun clubs and ranges;

~~10. Cellular Telecommunications Facilities as regulated by Article 12.~~

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Three (3) acres.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Two hundred fifty (250) feet.
3. Minimum Front Yard Depth – Fifty (50) feet.
4. Minimum Side Yard Width on Each Side of Lot – Fifty (50) feet.
5. Minimum Rear Yard Depth – Twenty-five (25) feet.
6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories.
7. For Residential Conservation Developments (RCD) the minimum area and height regulations apply:
  - a. Minimum Lot Area – One (1) acre
  - b. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Two hundred (200) feet.
  - c. Minimum Front Yard Depth – Forty (40) feet
  - d. Minimum Side Yard Width on Each Side of Lot – Fifty (50) feet
  - e. Minimum Rear Yard Depth – Twenty five (25) feet
  - f. Maximum Building Height – Thirty five (35) feet or two and one half (2 ½) stories

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any residential zone.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or

similar type trailer used for storage; and heavy, industrial, and/or similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)

## **SECTION 4.8 (R-1A) RESIDENTIAL ONE-A ZONE**

### **A. PERMITTED USES:**

1. Single-family dwellings;
2. Residential Conservation Development (RCD) of single family dwellings designed in accordance with Section 4.8 subsection D of this ordinance and Article 6 of the *City of Alexandria Subdivision Regulations*.

### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;
3. Home occupations subject to the restrictions and limitations established in SECTION 3.12 of this ordinance;
4. Signs, as regulated by ARTICLE 9 of this ordinance.

### **C. CONDITIONAL USES:**

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.145 of this ordinance:

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;

5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools and Family Day Care Homes;
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
8. Fire and police stations, provided they are located adjacent to an arterial street.
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;
10. Funeral homes.

~~11. Cellular Telecommunications Facilities as regulated by Article 12.~~

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED AND CONDITIONAL USES:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – One (1) acre
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred forty (140) feet.
3. Minimum Front Yard Depth – Forty (40) feet.
4. Minimum Side Yard Width on Each Side of Lot – Twenty-five (25) feet.
5. Minimum Rear Yard Depth – Twenty-five (25) feet.
6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories.
7. For Residential Conservation Developments (RCD) the minimum area and height regulations apply:
  - a. Minimum Lot Area – 32,670 square feet or .75 acre
  - b. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred twenty (120) feet.
  - c. Minimum Front Yard Depth – Thirty (30) feet

d. Minimum Side Yard Width on Each Side of Lot – Twenty five (25) feet

e. Minimum Rear Yard Depth – Twenty five (25) feet

f. Maximum Building Height – Thirty five (35) feet or two and one half (2 ½) stories

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and any similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)
6. No heavy construction or industrial equipment or machinery, including but not limited to, bobcats, backhoes, bulldozers, track hoes, front end loaders, earthmovers, and the like, shall be stored in this zone, regardless of whether the equipment or machinery is operable or inoperable, regardless of whether it can be stored in an enclosed area, and regardless of whether it can be stored in an area in which its view is obstructed from neighbors or the public.

**SECTION 4.9 (R-1B) RESIDENTIAL ONE-B ZONE**

A. PERMITTED USES:

1. Single-family dwellings;

2. Residential Conservation Development (RCD) of single family dwellings designed in accordance with Section 4.9 subsection D of this ordinance and Article 6 of the City of Alexandria Subdivision Regulations.

B. ACCESSORY USES:

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;
3. Home occupations subject to the restrictions and limitations established in SECTION 3.12 of this ordinance;
4. Signs, as regulated by ARTICLE 9 of this ordinance.

C. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.145 of this ordinance:

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;
5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools and Family Day Care Homes;
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
8. Fire and police stations, provided they are located adjacent to an arterial street;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;



10. Funeral homes.

~~11. Cellular Telecommunications Facilities as regulated by Article 12.~~

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – One-half (1/2) acre.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred (100) feet.
3. Minimum Front Yard Depth – Forty (40) feet.
4. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet.
5. Minimum Rear Yard Depth – Twenty-five (25) feet.
6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories.
7. For Residential Conservation Developments (RCD) the minimum area and height regulations apply:
  - a. Minimum Lot Area – 21,780 square feet or .50 acre
  - b. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Eighty (80) feet.
  - c. Minimum Front Yard Depth – Twenty five (25) feet
  - d. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet
  - e. Minimum Rear Yard Depth – Twenty five (25) feet
  - f. Maximum Building Height – Thirty five (35) feet or two and one half (2 ½) stories

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – One-half (1/2) acre.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Eighty-five (85) feet.
3. Minimum Front Yard Depth – Fifty (50) feet.

4. Minimum Side (on each side of lot) and Rear Yard Depth – Twenty-five (25) feet.
5. Maximum Building Height – Thirty-five (35) feet.

**F. OTHER DEVELOPMENT CONTROLS**

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and any similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)
6. No heavy construction or industrial equipment or machinery, including but not limited to, bobcats, backhoes, bulldozers, track hoes, front end loaders, earthmovers, and the like, shall be stored in this zone, regardless of whether the equipment or machinery is operable or inoperable, regardless of whether it can be stored in an enclosed area, and regardless of whether it can be stored in an area in which its view is obstructed from neighbors or the public.

**SECTION 4.10 (R-1C) RESIDENTIAL ONE-C ZONE**

**A. PERMITTED USES**

1. Single-family dwellings;

2. Residential Conservation Development (RCD) of single family dwellings designed in accordance with Section 4.10, subsections D and E of this ordinance and Article 6 of the *City of Alexandria Subdivision Regulations*.

B. ACCESSORY USES:

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;
3. Home occupations subject to the restrictions and limitations established in SECTION 3.12 of this ordinance;
4. Signs, as regulated by ARTICLE 9 of this ordinance.

C. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.145 of this ordinance:

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;
5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools and Family Day Care Homes;
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
8. Fire and police stations, provided they are located adjacent to an arterial street;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;

10. Funeral homes.

~~11. Cellular Telecommunications Facilities as regulated by Article 12.~~

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twelve thousand five hundred (12,500) square feet.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) - Eighty (80) feet.
3. Minimum Front Yard Depth – Thirty-five (35) feet.
4. Minimum Side Yard Width on Each Side of Lot – Twelve (12) feet.
5. Minimum Rear Yard Depth – Twenty-five (25) feet.
6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories.
7. For Residential Conservation Developments (RCD) the minimum area and height regulations apply:
  - a. Minimum Lot Area – 10,890 square feet or .25 acre
  - b. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Sixty (60) feet.
  - c. Minimum Front Yard Depth – Twenty five (25) feet
  - d. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet total, five (5) minimum
  - e. Minimum Rear Yard Depth – Twenty five (25) feet
  - f. Maximum Building Height – Thirty five (35) feet or two and one half (2 ½) stories

E. DESIGN STANDARDS

All proposed Residential Conservation Developments (RCD) in this district shall be assessed in terms of the design standards contained in this section. These regulations are purposely general in order to facilitate innovative and quality housing design. Each applicant or developer is required to demonstrate how the proposed RCD fulfills the following design standards in a written or graphic manner.

1. Streetscape: The streetscape of a RCD within this district should be designed in detail specifying lighting, placement of street trees, sidewalks or alternate pedestrian ways, and street furniture (benches, wastebaskets, etc.). A row of

deciduous shade trees between the street and the sidewalk shall be installed in order to enclose the street and separate pedestrian traffic from vehicular traffic. Street trees shall be spaced 40 feet apart along both sides of the street. Street trees shall meet the landscaping requirements of Article 10 in the City of Alexandria Zoning Ordinance. Bricked or cobblestone sidewalks, street crossings, or streets are strongly encouraged as an alternative to concrete or asphalt but must be handicapped accessible and meet current ADA requirements.

2. Preliminary House Design or Architecture: Homes should be designed in the same architectural style (characteristic in form and detail of a particular architectural period or type). A consistent architectural style should encourage visual harmony and the concept of “unified diversity: while avoiding excessively similar or monotonous “cookie cutter” house designs. The unified architectural style of the house designs shall also apply to materials, colors, roof types, and entrances, and shall include traditional, regionally influenced architectural forms and elements, and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects. Front yards shall be consistent and are not recommended to exceed twenty-five feet (25’) in depth in order to facilitate a neighborhood connection and allow rear yards to accommodate private garages and garden areas. In order to achieve a neo-traditional style, it is suggested that all homes shall contain covered porches oriented to the street.
3. Focal Point: Any opportunity for a strong, central focus should be studied and developed. These central places are usually a key to establishing community identity. In addition, the development of unique entrances and community greens are strongly recommended.
4. Fences, Walls, and Landscaped Berms: Consideration should be given to brick walls, fences, and landscaped berms, which would produce a continuous cohesive wall of enclosure on a lot line (and are especially encouraged in front yards) or adjacent to a road. These fences and walls shall be designed and maintained in relationship with the character of the surrounding land uses and structures.
5. Landscaping: Consideration should be given to the predominance of a quality and quantity of landscaping and an emphasis shall be given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of the size of landscaped portions of the site. Landscaping details will be evaluated on the entire site and properties. A special attempt should be made to preserve the existing vegetation and scenic areas, if any and encourage additional open space for the public’s benefit. Existing topography, significant tree cover, and water courses/bodies shall be largely preserved and incorporated into the project design, where appropriate, and should be consistent with the remainder of these regulations. Plantings should be used to soften the impact of parking and loading areas. Plant material should be selected on the basis of texture and color and for its ultimate growth to provide a visual screen for the public in accordance with

Appendix B of the City of Alexandria Zoning Ordinance. The use of landscape design guidelines is required for multi-phased projects.

6. Utilities: All utility service lines to the building and possible main lines to or within the site shall be located and installed underground. Alternatives may be possible if this requirement is economically infeasible;
7. Detention/Retention Ponds or Lakes: Large detention/retention ponds or lakes should be discouraged in the front yard or in an area viewed from a public street if not used for both stormwater management and aesthetic purposes. Smaller detention/retention ponds or lakes appropriately designed and landscaped should be encouraged and distributed throughout the site and may appear in the front yard or in an area viewed from a public street. Surface drainage and floodwater retention shall be planned to not adversely impact the adjoining properties.

F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yard Depth – Fifty (50) feet.
4. Maximum Building Height – Thirty-five (35) feet.

G. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and any similar type equipment which is

motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)

6. No heavy construction or industrial equipment or machinery, including but not limited to, bobcats, backhoes, bulldozers, track hoes, front end loaders, earthmovers, and the like, shall be stored in this zone, regardless of whether the equipment or machinery is operable or inoperable, regardless of whether it can be stored in an enclosed area, and regardless of whether it can be stored in an area in which its view is obstructed from neighbors or the public.

#### **SECTION 4.11 (R-1D) RESIDENTIAL ONE-D ZONE:**

##### **A. PERMITTED USES:**

1. Single-family dwellings;
2. Existing single-family dwellings on lots of 9,000 square feet within the R-1D and R-1E Residential zones established prior to the adoption of Section 4.11 (A) (2).
3. Residential Conservation Development (RCD) of single family dwellings designed in accordance with Section 4.11, subsections D and E of these regulations and Article 6 of the *City of Alexandria Subdivision Regulations*.

##### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;
3. Home occupations subject to the restrictions and limitations established in SECTION 3.12 of this ordinance;
4. Signs, as regulated by Article 9 of this ordinance.

##### **C. CONDITIONAL USES:**

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.145 of this ordinance:

1. Cemeteries;

2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;
5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools and Family Day Care Homes;
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
8. Fire and police stations, provided they are located adjacent to an arterial street;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;
10. Funeral homes.

~~11. Cellular Telecommunications Facilities as regulated by Article 12.~~

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twelve Thousand (12,000) square feet unless permitted under R-1D and R-1E zone prior to adoption of Section 4.11 (A) (2).
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Eighty feet (80) unless permitted as seventy (70) feet under R-1D and R-1E prior to January 1999.
3. Minimum Front Yard Depth – Thirty (30) feet.
4. Minimum Side Yard Width on Each Side of Lot – Ten (10) feet.
5. Minimum Rear Yard Depth – Twenty-five (25) feet.
6. Maximum Building Height – Thirty-five (35) feet or two and one-half (2-1/2) stories.



7. For Residential Conservation Developments (RCD) the minimum area and height regulations apply:

a. Minimum Lot Area – 6,534 square feet or .15 acre

b. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Sixty (60) feet

c. Minimum Front Yard Depth – Twenty five (25) feet

d. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet total, five (5) feet minimum

e. Minimum Rear Yard Depth – Twenty five (25) feet

f. Maximum Building Height – Thirty five (35) feet or two and one half (2 ½) stories

#### E. DESIGN STANDARDS

All proposed Residential Conservation Developments (RCD) in this district shall be assessed in terms of the design standards contained in this section. These regulations are purposely general in order to facilitate innovative and quality housing design. Each applicant or developer is required to demonstrate how the proposed RCD fulfills the following design standards in a written or graphic manner.

1. Streetscape: The streetscape of a RCD within this district should be designed in detail specifying lighting, placement of street trees, sidewalks or alternate pedestrian ways, and street furniture (benches, wastebaskets, etc.). A row of deciduous shade trees between the street and the sidewalk shall be installed in order to enclose the street and separate pedestrian traffic from vehicular traffic. Street trees shall be spaced 40 feet apart along both sides of the street. Street trees shall meet the landscaping requirements of Article 10 in the *City of Alexandria Zoning Ordinance*. Bricked or cobblestone sidewalks, street crossings, or streets are strongly encouraged as an alternative to concrete or asphalt but must be handicapped accessible and meet current ADA requirements.

2. Preliminary House Design or Architecture: Homes should be designed in the same architectural style (characteristic in form and detail of a particular architectural period or type). A consistent architectural style should encourage visual harmony and the concept of “unified diversity: while avoiding excessively similar or monotonous “cookie cutter” house designs. The unified architectural style of the house designs shall also apply to materials, colors, roof types, and entrances, and shall include traditional, regionally influenced architectural forms and elements, and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects. Front yards shall be consistent and are not recommended to exceed twenty-five feet (25’) in depth in order to facilitate a neighborhood connection and allow rear yards to accommodate private garages

and garden areas. In order to achieve a neo-traditional style, it is suggested that all homes shall contain covered porches oriented to the street.

3. Focal Point: Any opportunity for a strong, central focus should be studied and developed. These central places are usually a key to establishing community identity. In addition, the development of unique entrances and community greens are strongly recommended.
4. Fences, Walls, and Landscaped Berms: Consideration should be given to brick walls, fences, and landscaped berms, which would produce a continuous cohesive wall of enclosure on a lot line (and are especially encouraged in front yards) or adjacent to a road. These fences and walls shall be designed and maintained in relationship with the character of the surrounding land uses and structures.
5. Landscaping: Consideration should be given to the predominance of a quality and quantity of landscaping and an emphasis shall be given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of the size of landscaped portions of the site. Landscaping details will be evaluated on the entire site and properties. A special attempt should be made to preserve the existing vegetation and scenic areas, if any and encourage additional open space for the public's benefit. Existing topography, significant tree cover, and water courses/bodies shall be largely preserved and incorporated into the project design, where appropriate, and should be consistent with the remainder of these regulations. Plantings should be used to soften the impact of parking and loading areas. Plant material should be selected on the basis of texture and color and for its ultimate growth to provide a visual screen for the public in accordance with Appendix B of the *City of Alexandria Zoning Ordinance*. The use of landscape design guidelines is required for multi-phased projects.
6. Utilities: All utility service lines to the building and possible main lines to or within the site shall be located and installed underground. Alternatives may be possible if this requirement is economically infeasible;
7. Detention/Retention Ponds or Lakes: Large detention/retention ponds or lakes should be discouraged in the front yard or in an area viewed from a public street if not used for both stormwater management and aesthetic purposes. Smaller detention/retention ponds or lakes appropriately designed and landscaped should be encouraged and distributed throughout the site and may appear in the front yard or in an area viewed from a public street. Surface drainage and floodwater retention shall be planned to not adversely impact the adjoining properties.

**F. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:**

No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet.

2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yard Depth – Fifty (50) feet.
4. Maximum Building Height – Thirty-five (35) feet.

**G. OTHER DEVELOPMENT CONTROLS:**

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and any similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)
6. No heavy construction or industrial equipment or machinery, including but not limited to, bobcats, backhoes, bulldozers, track hoes, front end loaders, earthmovers, and the like, shall be stored in this zone, regardless of whether the equipment or machinery is operable or inoperable, regardless of whether it can be stored in an enclosed area, and regardless of whether it can be stored in an area in which its view is obstructed from neighbors or the public.

**SECTION 4.12 (R-1V) RESIDENTIAL ONE-V ZONE:**

NOTE: The R-1V Zone was repealed by Ordinance 2007-11 approved July 5, 2007 therefore no new properties can be zone R-1V. The following R1-V regulations apply only to those properties zoned R-1V by Ordinance 2007-06.

This single family residential zoning classification allows for the existence of residential building lots with an allowable minimum lot size of Seventy feet (70') width at the minimum building setback line, and a minimum size of Nine Thousand (9,000) square feet.

**A. PERMITTED USES:**

1. Single-family dwellings;
2. Roller skating rinks and veterinarian's offices in existence on the effective date of adoption of this Ordinance (June 21, 2007) shall be considered and treated as permitted uses. These uses may continue to exist and expand in conformance with the regulations contained in this ordinance. However, the owner, lessee, or other person or firm in possession of land containing an existing roller skating rink or veterinarian's office shall make an application and/or submit a site plan to the planning commission or its designated representative prior to any alterations to the use, building(s), or site.

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;
3. Home occupations subject to the restrictions and limitations established in SECTION 3.12 of this ordinance;
4. Signs, as regulated by Article 9 of this ordinance.

**C. CONDITIONAL USES:**

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustments, as set forth in SECTION 3.15 of this ordinance:

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Institutions for human medical care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;

5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools and Family Day Care Homes;
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
8. Fire and police stations, provided they are located adjacent to an arterial street;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf Courses;
  - b. Country Clubs;
  - c. Semi-public swimming pools;

#### D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Nine Thousand (9,000) square feet.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Seventy feet (70').
3. Minimum Front Yard Depth - Thirty (30) feet.
4. Minimum Side Yard Width on Each Side of Lot - Ten (10) feet.
5. Minimum Rear Yard Depth - Twenty-five (25) feet.
6. Maximum Building Height - Thirty-five (35) feet or two and one-half (2-1/2) stories.

#### E. AREA AND HEIGHT REGULATIONS OR CONDITIONALLY PERMITTED USES:

No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - Twenty-two thousand five hundred (22,500) square feet.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) - One hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yard Depth - Fifty (50) feet.
4. Maximum Building Height - Thirty-five (35) feet.

#### F. OTHER DEVELOPMENT CONTROLS

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and heavy, industrial, and/or similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)

#### **SECTION 4.13 (RMHP) RESIDENTIAL MOBILE HOME PARK ZONE**

##### **A. PERMITTED USES:**

1. Class A and Class B Manufactured (Mobile) Homes;

##### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses;
2. Structures and uses related to and for the exclusive use of residents of the mobile home park as follows but excluding any commercial operations;
  - a. Recreational facilities and areas;
  - b. Rental or sales offices for lots in the mobile home park;
  - c. Community center;
  - d. Laundry facilities.
  - e. Type II Day Care Centers in accessory structures.

3. Fences and walls, as regulated by ARTICLE 8 of this ordinance.
4. Signs, as regulated by ARTICLE 9 of this ordinance.

**C. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:**

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Site for a Mobile Home Park – Ten (10) acres. The width of said park shall have a minimum distance of one hundred (100) feet, as measured along a deeded right-of-way. The park shall be a platted subdivision with lots and streets in accordance with the provisions of this section and the Alexandria Subdivision Regulations, approved by the Planning Commission. The park may be phased to achieve completion of the ten (10) acre minimum area through review of the phasing process by the Planning Commission.
2. Minimum Lot Area – Six thousand (6,000) square feet provided, however, that the density of the total RMHP development area not exceed the densities indicated on the adopted Land Use Plan for the area in question. In case of this (RMHP) zone, only one principal building (mobile home) as defined here may be permitted on one lot.
3. Minimum Lot Width at Building Setback Line (excluding flag lots) – Fifty (50) feet and shall abut a deeded right-of-way.
4. Minimum Front Yard Depth – Twenty (20) feet.
5. Minimum Side Yard Width on Each Side of the Lot – Fifteen (15) feet.
6. Minimum Rear Yard Depth – Twenty (20) feet.
7. Maximum Building Height – Twenty-five (25) feet.

**D. OTHER DEVELOPMENT CONTROLS:**

1. Minimum Setback of all Buildings and Structures within Mobile Home Parks at all Park Boundary Lines – Twenty-five (25) feet.
2. Patio – A patio slab of at least one hundred eighty (180) square feet shall be provided on each mobile home lot and conveniently located at the entrance of each mobile home. The patio may extend five (5) feet into the side yard.
3. Streets – All streets within the mobile home park shall be within deeded and accepted public rights-of-way and constructed according to the appropriate subdivision regulations.
4. Streets shall be provided and placed on the site where necessary to furnish principal traffic ways for convenient access to each mobile home and other important facilities in the area.

5. Ingress and egress to the individual lots shall be only over an interior road developed as part of the mobile home park.
6. Recreation Area – There shall be required that not less than ten (10) percent of the gross area of the mobile home park be set aside, designed, constructed, and equipped as recreational area. A minimum of one (1) acre per recreation site shall be provided. A recreation plan (showing the location, acreage, and equipment to be provided) must be submitted as part of the Development Plan and Site Plan Review Process. All recreation improvements and equipment must be installed or bonded prior to the rental of mobile home lots.
7. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
8. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; and similar type of equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)
9. No heavy construction or industrial equipment or machinery, including but not limited to, bobcats, backhoes, bulldozers, track hoes, front end loaders, earthmovers, and the like, shall be stored in this zone, regardless of whether the equipment or machinery is operable or inoperable, regardless of whether it can be stored in an enclosed area, and regardless of whether it can be stored in an area in which its view is obstructed from neighbors or the public.
10. Personal goods and articles, other than cars, fuel tanks, boats, lawn furniture and similar items, too large to reasonably enclose, shall be stored on the mobile home lot only in a completely enclosed structure.
11. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.
12. Where any yard of any use permitted in this zone abuts property in a single-family residential zone, a ten (10) foot wide screening area, as regulated by SECTION 3.18 of this ordinance, shall be required.



13. A site plan, as regulated by SECTION 3.21 of this ordinance, shall be required for any use permitted in this zone.

14. Mobile home installations shall comply with all requirements of SECTION 3.25 of this ordinance.

~~15. Cellular Telecommunications Facilities, as regulated by Article 12, shall be permitted as a conditional use in the RMHP District.~~

#### **SECTION 4.14 (R-2) RESIDENTIAL TWO ZONE:**

##### **A. PERMITTED USES:**

1. Multi-family dwellings;

##### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses (includes facilities for Type II Day Care Centers in accessory structures only);

2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;

3. Signs, as regulated by ARTICLE 9 of this ordinance.

##### **C. CONDITIONAL USES:**

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.145 of this ordinance:

1. Cemeteries;

2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;

3. Institutions for higher education, provided they are located adjacent to an arterial street;

4. Institutions for human medical care (including Assisted Living Facilities)-hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;

5. Public and private schools, provided they are located adjacent to an arterial street;

6. Nursery schools;

7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;

8. Fire and police stations, provided they are located adjacent to an arterial street;

9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;
10. Funeral homes, provided they are located adjacent to an arterial street.

~~11. Cellular Telecommunications Facilities as regulated by Article 12.~~

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty thousand (20,000) square feet and a maximum density of 8 dwelling units per net acre. In case of this zone (Residential Two), more than one principal building, as defined herein, may be permitted on one lot.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred (100) feet.
3. Minimum Front Yard Depth – Forty (40) feet.
4. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet.
5. Minimum Rear Yard Depth – Thirty (30) feet.
6. Maximum Building Height - Forty (40) feet.

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yard Depth – Fifty (50) feet.
4. Maximum Building Height – Forty (40) feet.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.

2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone, except within enclosed containers, and all dumpsters, etc. shall be screened from adjacent property.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. A site plan, as required by SECTION 3.21 of this ordinance, shall be required of any use permitted in this zone.
6. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and any similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)
7. No heavy construction or industrial equipment or machinery, including but not limited to, bobcats, backhoes, bulldozers, track hoes, front end loaders, earthmovers, and the like, shall be stored in this zone, regardless of whether the equipment or machinery is operable or inoperable, regardless of whether it can be stored in an enclosed area, and regardless of whether it can be stored in an area in which its view is obstructed from neighbors or the public.

#### **SECTION 4.15 (R-3) RESIDENTIAL THREE ZONE:**

##### **A. PERMITTED USES:**

1. Multi-family dwellings;

##### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses (including Type II Day Care Centers in accessory structures only);
2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;

3. Signs, as regulated by ARTICLE 9 of this ordinance.

#### C. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.1~~4~~5 of this ordinance:

1. Cemeteries;
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Institutions for human medical care (including Assisted Living Facilities), hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;
5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools;
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
8. Fire and police stations, provided they are located adjacent to an arterial street;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;

~~10. Cellular Telecommunications Facilities as regulated by Article 12.~~

#### D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty thousand (20,000) square feet and a maximum density of 14 dwelling units per net acre. In case of this zone, more than one principal building, as defined herein, may be permitted on one lot.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred (100) feet.

3. Minimum Front Yard Depth – Forty (40) feet
4. Minimum Side Yard Width on Each Side of Lot – Fifteen (15) feet.
5. Minimum Rear Yard Depth – Thirty (30) feet.
6. Maximum Building Height – Forty (40) feet.

E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:

No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet.
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yard Depth – Fifty (50) feet.
4. Maximum Building Height – Forty (40) feet.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone, except within enclosed containers, and all dumpsters, etc. shall be screened from adjacent property.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. A site plan, as required by SECTION 3.21 of this ordinance, shall be required of any use permitted in this zone.
6. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and any similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is

abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)

7. No heavy construction or industrial equipment or machinery, including but not limited to, bobcats, backhoes, bulldozers, track hoes, front end loaders, earthmovers, and the like, shall be stored in this zone, regardless of whether the equipment or machinery is operable or inoperable, regardless of whether it can be stored in an enclosed area, and regardless of whether it can be stored in an area in which its view is obstructed from neighbors or the public.

#### **SECTION 4.16 (R-1E, A) RESIDENTIAL ONE-E, ANNEXATION TERRITORY ONLY ZONE**

This single family residential zoning classification allows for the development of residential building lots with an allowable minimum lot size of Seventy feet (70') width at the minimum building setback line, and a minimum size of Nine Thousand (9,000) square feet, but is available ONLY for property being annexed into the City Limits pursuant to KRS 100.209. This zoning classification is similar to the RESIDENTIAL ONE-D ZONE (R-1D) that is currently available in the unincorporated part of Campbell County, and in similar zones in other cities. The new zoning classification may ONLY be applied to property annexed into the City of Alexandria pursuant to KRS 100.209, and ONLY after it is deemed reasonable under all the circumstances, and only if Council determines that the zoning and other land use regulations contained herein are those that should be effective for the annexation property upon its annexation.

##### **A. PERMITTED USES:**

1. Single-family dwellings;

##### **B. ACCESSORY USES:**

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by Article 8 of this ordinance;
3. Home occupations subject to the restrictions and limitations established in Section 3.12 of this ordinance
4. Signs, as regulated by Article 9 of this ordinance.

##### **C. CONDITIONAL USES:**

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved by the Board of Adjustment, as set forth in SECTION 3.145 of this ordinance.

1. Cemeteries
2. Churches and other buildings for the purpose of religious worship, provided they are located adjacent to an arterial street;
3. Institutions for higher education, provided they are located adjacent to an arterial street;
4. Institutions for human medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged, provided they are located adjacent to an arterial street;
5. Public and private schools, provided they are located adjacent to an arterial street;
6. Nursery schools and Family Day Care Homes;
7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries;
8. Fire and police stations, provided they are located adjacent to an arterial street;
9. Recreational uses, other than those publicly owned and/or operated as follows:
  - a. Golf courses;
  - b. Country clubs;
  - c. Semi-public swimming pools;
10. Funeral homes
11. Cellular Telecommunications Facilities as regulated by Article 12.

**D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES:**

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Nine thousand (9,000) square feet
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – Seventy (70) feet.
3. Minimum Front Yard Depth – Thirty (30) feet
4. Minimum Side Yard Width on Each Side of Lot – Ten (10) feet.
5. Minimum Rear Yard Depth – Twenty-five (25) feet.
6. Maximum Building Height – Thirty-five (35) feet or two and one half (2 ½) stories.

**E. AREA AND HEIGHT REGULATIONS FOR CONDITIONALLY PERMITTED USES:**

No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet
2. Minimum Lot Width at Minimum Setback Line (excluding flag lots) – One hundred fifty (150) feet.
3. Minimum Front, Side (on each side of lot) and Rear Yard Depth – Fifty (50) feet.
4. Maximum Building Height – Thirty-five (35) feet

**F. OTHER DEVELOPMENT CONTROLS:**

1. Off-street parking and loading and/o unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone on any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/ or similar type trailer used for storage; and heavy, industrial, and/or similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type of equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot of parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers mobile homes, campers, inoperable vehicles and other similar types of equipment.)

**SECTION 4.17 (NSC) NEIGHBORHOOD SHOPPING CENTER ZONE:**



#### A. PURPOSE:

The purpose of the Neighborhood Shopping Center (NSC) Zone is to regulate the location of, and encourage the development of well-planned shopping centers by:

1. Minimizing any adverse effects of a shopping center on adjacent property values while providing for a safe and efficient use of the center itself, and
2. Providing a functional efficient and aesthetically pleasing area in which to shop for the complete range of retail sales and for personal, professional, and business related services required to meet the demands of the community and larger region.
3. Assuring that the area is designed and located so as to minimize traffic congestion on public highways and streets and to best fit the general land use patterns of the area to be served.

#### B. PERMITTED USES:

The following retail sales or service businesses supply commodities and performing services for the residents of the surrounding neighborhood:

1. Art Gallery – studio and supply
2. Automobile, Motorcycles and Truck Sales, new and used
3. Automobile and Truck Rental
4. Automotive and Truck Service and Repair
5. Bakery and Bakery Goods Stores
6. Banks and Other Financial Institutions, including savings and loans, finance companies and drive-through windows
7. Barber and Beauty Shop
8. Boat and Marine Sales and Service
9. Building Supplies (including plumbing and electric)
10. Bus Terminals
11. Business and Professional Colleges
12. Candy and Ice Cream Store
13. Car Washes (self-serve and drive-through)
14. Carpet and Rug Stores
15. Cellular Telecommunications Facilities as regulated by Article 12.

16. Clothing Repair and Alteration
17. Churches and other places of religious assembly
18. Computer, Radio, Television and Appliance Sales and Service
19. Convenience Store
20. Copy/Printing Shop
21. Day Care Centers (Type I and Type II)
22. Department Store/Super Store
23. Dry Cleaning and Laundromat
24. Food and Grocery Store
25. Funeral Home and Mortuary
26. Furniture and Upholstery Repair
27. Games Center, indoor or outdoor, including but not limited to: bowling alleys, billiard halls and electronic gaming, miniature golf, driving ranges, etc.
28. Garden and Landscaping supplies
29. Gas /Service Stations
30. Governmental Offices
31. Hardware Stores
32. Health Care – Medical, Dental, and Emergency Care
33. Health and Physical Fitness Studios, including Karate, Dance, Gymnastics
34. Interior Decorating Supply and Services
35. Laboratories – medical and dental
36. Libraries
37. Locksmith
38. Motels and Hotels
39. Newspaper Publishing – office and printing
40. Off-Street Parking Garage or Lot

41. Office Equipment and Supplies
  42. Package Delivery Service Outlet
  43. Package Liquor and Wine Stores (but not within 500' of schools and churches)
  44. Paint and Wallpaper Stores
  45. Pet Shop/Grooming (excluding boarding)
  46. Pharmacies
  47. Photography Studio
  48. Police and Fire Stations
  49. Post Office
  50. Professional Offices
  51. Restaurant (drive-in, fast food, and full-service)
  52. Shoe store and repair
  53. Specialty Retail (Commercial activity selling specialized merchandise, and which employs fewer than 10 full time equivalents, or utilizes no more than 10,000 square feet (Example: Book, card, stationery, gift and/or stationery, and/or novelty stores, pet stores, clothing stores, consumer electronic store, hobby stores and/or antique stores, but not an Adult Entertainment establishment or book store, tattoo parlors, pawn shops or drug paraphernalia shops)
  54. Supermarkets
  55. Taverns and Bars (but not within 500' of a school or church)
  56. Taxi Terminal
  57. Theater
  58. Veterinarian Clinic
  59. Video Rental Store
- C. ACCESSORY USES:
1. Customary accessory buildings and uses;
  2. Fences and walls, as regulated by ARTICLE 8 of this ordinance;
  3. Signs, as regulated by ARTICLE 9 of this ordinance.

4. Swimming pools, indoor and outdoor in connection with a hotel or motel
5. Uses listed as below including within and entered from within, any motel or hotel building as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
  - a. Barber Shop
  - b. Beauty Shop
  - c. News and Confectionery Stand
6. Type I or II Day Care Centers for the use of employees of the business operating And who work at the business located within the NSC District. The operator of the Day Care center shall maintain a log book referencing the employee and employer and child's name.

#### D. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustment as set forth in SECTION 3.15 of this ordinance:

1. Agricultural equipment, supplies, sales and services

#### E. AREA AND HEIGHT REGULATIONS:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Building Site Area – Five (5) acres and shall abut a deeded right-of-way. In case of this zone (NSC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area.
2. Minimum Lot Area – Ten thousand (10,000) square feet.
3. Minimum Yard Requirements at Perimeter of Center – Fifty (50) feet for each front, side (on each side of the building) and rear yards except where the lot abuts a major arterial, as identified in the adopted *Alexandria Comprehensive Plan* then there shall be a minimum yard requirement of one hundred (100) feet.
4. ~~Canopies—set back 75 feet.—Gasoline/service station pumps and canopies shall be set back 25 feet from each front, side and rear property line.~~
5. Maximum Building Height – Forty (40) feet or three (3) stories;
6. Internal Lot Lines – The side yard shall be a minimum of thirty feet (30) or zero (0) if firewall construction is involved.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone, except within enclosed containers, and all dumpsters, etc. shall be screened from adjacent property.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts property in a single family zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles, commercial or industrial trailers used for storage, heavy equipment and/or industrial equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)
6. A site plan, as required by SECTION 3.21 of this ordinance, shall be required of any use permitted in this zone.
7. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
8. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of the following:
  - a. Off-street parking and loading and/or unloading areas,
  - b. Gasoline pumps
  - c. New and used car sales
  - d. Car washes
  - e. Sidewalk sales and displays as regulated by Section 3.31 of this Official Zoning Ordinance.

- f. Vending machines, which shall be prohibited from blocking access to doorways, ramps, and driveways; and minimum ADA and Fire Department requirements for access, ingress, egress, and walkways shall be maintained at all times, and
  - g. Outdoor merchandising and display and regulated by Section 3.32 of this Official Zoning Ordinance. Provided, however, that the outdoor merchandising and display area for any business (the area occupied by the merchandise, displays, or other materials or equipment used in conjunction with the outdoor merchandising and display) may occupy no more square feet of space than an area equal to five percent (5%) of the square feet of space of the interior, under-roof, enclosed section of the business premises, which square footage shall be determined by the Zoning Administrator by reference to the building permit for the business premises; but the five percent (5%) outdoor merchandising and display area limitation does not apply to an Agricultural Equipment, Supplies and Services business approved as a Conditional Use under foregoing Section 4.16 D 1. Further, the outdoor merchandising display area for any business (the area occupied by the merchandise, displays, or other materials or equipment used in conjunction with the outdoor merchandising and display) shall be located on a paved surface, and shall not be located in any yard or landscape area.
9. Where permitted, an adult bookstore, adult entertainment establishment and/or adult theater are subject to the following locational requirements:
- a. No adult bookstore, adult entertainment establishment, or adult theater, as defined herein, shall be located within three-hundred (300) feet of any other such use, or located three-hundred (300) feet of the boundaries of any residential zone, or three-hundred (300) feet from existing residential areas defined for the purpose of this section as a block frontage developed with fifty percent (50%) or more residential uses; or located within one-thousand (1,000) feet of any permanent structure used as a church or a place of religious worship, or located within two-thousand (2,000) feet of any public or private school.
  - b. All existing operational adult businesses which do not presently meet any or all of the locational requirements shall be deemed a non-conforming use.
  - c. Such restriction as to linear distance requirements as between or among adult bookstores, adult entertainment establishments, or as adult theaters, shall apply to compartmentalized buildings or structures, the same as if such compartmentalized buildings or structures were one (1) building structure. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, horizontal distance measurements are required, such restrictions shall likewise apply.

- d. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest point on the respective properties as referred to herein.
- e. No portion of any wall of any building which separates an adult bookstore, adult entertainment establishment or adult theater from any other business activity shall be remodeled or altered in any manner to permit access to or viewing of adult bookstores, adult entertainment establishments or adult theaters in an adjoining or adjacent building.

## **SECTION 4.18 (HC) HIGHWAY COMMERCIAL ZONE**

### **A. PURPOSE:**

The purpose of the (HC) Highway Commercial Zone is to provide areas for aesthetically pleasing commercial development not located within Old Town or in neighborhood shopping centers. Highway commercial development should be located along major highways and should be clustered with common highway access points wherever possible. Strip commercial development with numerous access points should be discouraged. Appropriate landscaping, minimal signage, and utilization of access management techniques should be integrated into the overall design of HC areas.

### **B. PERMITTED USES:**

The following retail sales and service businesses:

1. Art Gallery – studio and supply
2. Automobile, motorcycle, and truck sales, new or used
3. Automobile and Truck Rental
4. Automotive and Truck Service and Repair
5. Bakery and Bakery Goods Stores
6. Banks and other financial institutions including savings, loan and finance companies, with drive-in windows
7. Barber and Beauty Shops
8. Boat and other marine equipment sales and service, new and used
9. Building supplies
10. Business and Professional Colleges
11. Candy and Ice Cream Stores
12. Car Wash (self-serve and drive-through)

13. Carpet and Rug Store
14. Churches and other places of religious assembly
15. Clothing Repair and Alteration
16. Computer, Radio, Television, and Appliance Sales and Service
17. Convenience Store
18. Copy/Print Shops
19. Day Care Centers (Type I and Type II)
20. Dry Cleaners and Laundromats
21. Food and Grocery Stores
22. Funeral Homes and Mortuaries
23. Furniture and Upholstery Repair
24. Games Center, indoor and outdoor, including but not limited to bowling alleys, billiard halls and electronic gaming, miniature golf, driving ranges, etc.
25. Garden and Landscaping Supplies
26. Gas/Service Stations
27. Governmental Offices
28. Hardware Stores
29. Health Care – Medical, Dental, and Emergency Care
30. Health and Physical Fitness Studios, including karate, dance, gymnastics
31. Interior Decorating Supply and Services
32. Laboratories – medical and dental
33. Libraries
34. Locksmith
35. Manufactured (Mobile) Home, Trailer Sales, Rental, and Services – new and used with restrictions herein defined
36. Motels and Hotels



37. Newspaper Publishing – office and printing
  38. Off-Street Parking Garage or Lots
  39. Office Equipment and Supplies
  40. Package Delivery Service Outlet
  41. Package Liquor and Wine Stores (but not within 500' of schools and churches)
  42. Paint and Wallpaper Stores
  43. Pet Shop/Grooming (excluding boarding)
  44. Pharmacies
  45. Photography Studio
  46. Police and Fire Stations
  47. Post Office
  48. Professional Offices
  49. Restaurants
  50. Schools
  51. Shoe store and repair
  52. Specialty Retail (Commercial activity selling specialized merchandise, and which employs fewer than 10 full time equivalents, or utilizes no more than 10,000 square feet (Example: Book, card, stationery, gift and/or stationery, and/or novelty stores, pet stores, clothing stores, consumer electronic store, hobby stores and/or antique stores, but not an Adult Entertainment establishment or book store, tattoo parlors, pawn shops or drug paraphernalia shops).
  53. Taxi Terminal
  54. Tavern (but not within 500') of school or churches)
  55. Tool and Equipment Rental
  56. Veterinarian Clinic
  57. Video Rental Store
- C. ACCESSORY USES:
1. Customary accessory building uses.

2. Fences and walls as regulated by ARTICLE 8 of this ordinance.
3. Signs as regulated by ARTICLE 9 of this ordinance.
4. Swimming pools, indoor and outdoor in connection with motel or hotel.
5. Uses as listed below including within and entered from within, any motel or hotel building as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building.
  - a. Barber shop;
  - b. Beauty shop;
  - c. News and Confectionery stand.
6. Type I and Type II Day-Care Centers for the use of employees of the business operating and work at the business located within this (HC) zone. The operator of the Day-Care Center shall maintain a log book referencing the employee and employer and child's name.

D. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses be permitted until and unless the location of said use shall have been applied for and approved by the Board of Adjustment as set forth in SECTION 3.145 of this ordinance:

1. Dwelling units are not to exceed 50% of the total building area.
- ~~2. Cellular Telecommunications Facilities as regulated by Article 12.~~
3. Tools and equipment rental and sales
4. Lumber and building materials
5. Agricultural equipment, supplies, sales and services

E. AREA AND HEIGHT REGULATIONS:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Ten thousand (10,000) square feet.
2. Minimum Lot Width at Building Setback Line (excluding flag lots) – Seventy (70) feet.
3. Minimum Front Yard Depth – Fifty (50) feet.

4. Minimum Side Yard Width on Each Side of Lot – No restrictions except when adjacent to street, road, highway, or other right-of-way when required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the City's Building Code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.
5. Minimum Rear Yard Depth – Fifteen (15) feet.
6. Maximum Building Height – Forty (40) feet.
7. In case of this (HC) zone, more than one (1) principal building, as herein defined, may be constructed on one lot.
8. Gasoline/service station pumps and canopies shall be set back 25 feet from the property line in the front yard and 15 feet in each side and rear yard.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone, except within enclosed containers, and all dumpsters, etc. shall be screened from adjacent property.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and heavy, industrial, and/or similar type equipment which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and similar types of equipment.)
5. Where any yard of any use permitted in this zone abuts property in a residential zone, a minimum of at least a ten (10') foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.

6. A development and/or site plan, as required by SECTIONS 3.20 and 3.21 of this ordinance, shall be required of any use permitted in this (HC) zone.
7. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
8. Off-street parking and loading and/or unloading areas, located in front and side yard areas in this (HC) zone provided that no off-street parking areas shall be closer than fifteen (15) feet to the street, road, highway or right-of-way line or the boundary line of any adjacent district. This fifteen (15) foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this ordinance.
9. Where permitted, an adult bookstore, adult entertainment establishment and/or adult theater are subject to the following locational requirements:
  - a. No adult bookstore, adult entertainment establishment, or adult theater, as defined herein, shall be located within three-hundred (300) feet of any other such use, or located three-hundred (300) feet of the boundaries of any residential zone, or three-hundred (300) feet from existing residential areas defined for the purpose of this section as a block frontage developed with fifty percent (50%) or more residential uses; or located within one-thousand (1,000) feet of any permanent structure used as a church or a place of religious worship, or located within two-thousand (2,000) feet of any public or private school.
  - b. All existing operational adult businesses which do not presently meet any or all of the locational requirements shall be deemed a non-conforming use.
  - c. Such restriction as to linear distance requirements as between or among adult bookstores, adult entertainment establishments, or as adult theaters, shall apply to compartmentalized buildings or structures, the same as if such compartmentalized buildings or structures were one (1) building structure. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, horizontal distance measurements are required, such restrictions shall likewise apply.
  - d. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest point on the respective properties as referred to herein.
  - e. No portion of any wall of any building which separates an adult bookstore, adult entertainment establishment or adult theater from any other business activity shall be remodeled or altered in any manner to permit access to or viewing of adult bookstores, adult entertainment establishments or adult theaters in an adjoining or adjacent building.

10. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of the following:
- a. Off-Street parking and loading and/or unloading areas,
  - b. Gasoline pumps,
  - c. New and used car sales,
  - d. Car washes,
  - e. Sidewalk sales and displays as regulated by Section 3.31 of this Official Zoning Ordinance,
  - f. Vending machines, which shall be prohibited from blocking access to doorways, ramps, and driveways; and minimum ADA and Fire Department requirements for access, ingress, egress, and walkways shall be maintained at all times, and
  - g. Outdoor merchandising and display and regulated by Section 3.32 of this Official Zoning Ordinance. Provided, however, that the outdoor merchandising and display area for any business (the area occupied by the merchandise, displays, or other materials or equipment used in conjunction with the outdoor merchandising and display) may occupy no more square feet of space than an area equal to ten percent (10%) of the square feet of space of the interior, under-roof, enclosed section of the business premises, which square footage shall be determined by the Zoning Administrator by reference to the building permit for the business premises; but the ten percent (10%) outdoor merchandising and display area limitation does not apply to an Agricultural Equipment, Supplies and Services business approved as a Conditional Use under foregoing Section 4.17 D 4.

#### **SECTION 4.19 (I-P) INDUSTRIAL PARK ZONE:**

##### **A. PURPOSE:**

The purpose of this district is to permit the development of light industrial uses clustered within a park setting characterized by landscaped entrances, boulevard streets, greenspaces, a consistent architectural and signage theme, with integrated pedestrian and recreational facilities. Industrial parks shall be located on suitable lands adjacent to expressways or arterial routes and blend in visually with the overall character of the area. In no case shall any use permitted in this district create undesirable noises, odors, dust, smoke, hazardous materials or waste (as specified in Article 11) which are detrimental to the community or adjacent properties.

##### **B. PERMITTED USES:**

The following uses are permitted providing all permitted uses are in compliance with the performance standards set forth in ARTICLE 11 of this ordinance.

1. Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:
  - a. Candy and confectionery products, food and beverage products except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and dressing;
  - b. Cigars and cigarettes;
  - c. Cosmetics, pharmaceutical, and toiletries;
  - d. Animated and/or illumination billboards and other commercial advertising structures.
  - e. Electric appliances, television sets, phonographs, household appliances.
  - f. Electrical machinery, equipment and supplies;
  - g. Fountain and beverage dispensing equipment;
  - h. Furniture;
  - i. Instruments of professional, scientific photographic and optical;
  - j. Metal products and metal finishing, excluding the use of blast furnaces or drop forgers;
  - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps;
  - l. Office equipment;
  - m. Pottery and figurines, using only previously pulverized kilns fired only with gas or electricity;
  - n. Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semiprecious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco;
  - o. Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills rope and twine.
2. Bottling and canning works;
- ~~3. Cellular Telecommunications Facilities as regulated by Article 12.~~
4. Crating services;
5. Industrial engineering consultant offices;

6. Laboratories, offices, and other facilities of research both basic and applied, conducted by or for any industrial organization or concern whether public or private;
7. Machine shops;
8. Printing, engraving and related reproduction processes;
9. Publishing and distribution of books, newspapers, and other printed material;
10. Schools for industrial or business training;
11. Warehousing or wholesaling.
12. Veterinarian Office
13. Pet Boarding
14. Professional Office – all types
15. Self-storage facilities (mini-warehouses)
16. Auto Body Shops

C. ACCESSORY USES:

1. Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops;
2. Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from the outside of the building:
  - a. Cafeterias;
  - b. Coffee shops or refreshment stands;
  - c. Soda or dairy bars;
  - d. Convenience Store
3. Fences and walls as regulated by ARTICLE 8 of this ordinance.
4. Signs – Only business and identification signs pertaining to the identification, use or occupation of the building, structure or premises, as regulated by ARTICLE 9 of this ordinance, will be allowed in this zone. Advertising signs, as defined herein, are not permitted in this zone.

5. Type I and Type II Day-Care Centers for the use of employees of the business operating and work at the business located within this zone. The operator of the Day-Care Center shall maintain a log referencing the employee and employer and child's name.

D. AREA AND HEIGHT REGULATIONS:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – One (1) acre (forty-three thousand five hundred sixty (43,560) square feet).
2. Minimum Site for an Industrial Park Zone – Ten (10) acres.
3. Minimum Lot Width at Minimum Building Setback Line (excluding flag lots) – One hundred fifty (150) feet.
4. Minimum Front Yard Depth –
  - a. When abutting a major arterial (as defined in the City of Alexandria's adopted Comprehensive Plan) seventy-five (75) feet.
  - b. On internal roads - fifty (50) feet.
5. Minimum Side Yard Width –
  - a. In internal parts of the park – twenty-five (25) feet.
  - b. Where the side yard is adjacent to a major arterial (as defined in the City of Alexandria's adopted Comprehensive Plan) seventy-five (75) feet.
6. Minimum Rear Yard Depth – in internal parts of the park – fifty (50) feet; no rear yard shall be required where a rail spur line forms the rear property line.
7. Maximum Building Height – Forty (40) feet or three (3) stories.

E. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts property in a residential zone, a minimum of at least a ten (10') foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required.



5. A development plan and/or site plan as regulated by SECTIONS 3.20 and 3.21 of this ordinance shall be required for any use in this zone.
6. No use producing odors, noise, or dust as regulated by Article 11 shall be permitted.

## **SECTION 4.20 (PO) PROFESSIONAL OFFICE BUILDING ZONE**

### **A. PURPOSE:**

The purpose of the Professional Office Building Zone is to consolidate those types of professional, research, business, service, similar uses which are based in office structures. This district must be located on suitable land with convenient access from expressways, arterials or collectors. Plans for development in this district must encourage clustering of office structures and provide direct, central, convenient, and safe collection of vehicles and pedestrian circulation.

### **B. PERMITTED USES:**

1. Banks and other financial institutions, including loan, savings and finance companies
2. Clinics – medical, dental, optical, chiropractic, physical therapy and massage therapy
3. Contractor’s Offices (plumbing, electric, and general – no material sales or storage)
4. Offices
5. Off-street parking lots and/or garages
6. Police and Fire Stations or Other Governmental Offices
7. Post Offices
8. Libraries
9. Laboratories and other facilities for research
10. Schools for Industrial or Business Training.

### **C. ACCESSORY USES\*:**

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLE 8 or this ordinance;
3. Signs, as regulated by ARTICLE 9 of this ordinance.

4. Uses as listed below, included within and entered from within any office building as a convenience to the occupants thereof, their patients, clients or customers providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
  - a. Barber shops
  - b. Beauty shops
  - c. Coffee shops or refreshment stands
  - d. Drug stores
  - e. Medical or Dental Laboratories
  - f. News and confectionery stands
  - g. Restaurants (excluding drive-in)
    - \* With Restrictions
5. Type I/II Day-Care Centers for the use of employees of the business operating in this zone. The employee and child's or adult's name shall be maintained in a log.

#### D. CONDITIONAL USES:

No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in SECTION 3.145.

1. Free standing churches, synagogues, temples and other places of religious assembly, and other buildings for the purpose of religious worship, provided they are adjacent to an arterial street.

~~2. Cellular Telecommunications Facilities as regulated by Article 12.~~

#### E. AREA AND HEIGHT REGULATIONS:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – Twenty-two thousand five hundred (22,500) square feet.
2. Minimum Lot Width at Building Setback Line (excluding flag lots) – One hundred (100) feet.
3. Minimum Front Yard Depth – Thirty (30) feet.
4. Minimum Side Yard Width – Total both sides, twenty (20) feet; minimum one (1) side, seven (7) feet.

5. Minimum Rear Yard Depth – Twenty-five (25) feet.
6. Maximum Building Height – Forty (40) feet or three (3) stories.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this ordinance.
2. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any dedicated street or into any adjacent property.
4. Where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of thirty (30) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by SECTION 3.18 of this ordinance.
5. A development plan and/or site plan, as regulated by SECTIONS 3.20 and 3.21 of this ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
8. Any day care center or nursery school which may be permitted in this zone as an accessory use, or otherwise, shall otherwise be in conformity with the City of Alexandria Official Zoning Ordinance.
9. In no event shall a school use be permitted for grades kindergarten through twelfth (12) grade.
10. A day care center ~~A preschool program~~ may be permitted as an accessory use to the conditionally permitted use set forth in Subsection C above.
11. Where permitted, an adult bookstore, adult entertainment establishment and/or adult theater are subject to the following locational requirements:
  - a. No adult bookstore, adult entertainment establishment, or adult theater, as defined herein, shall be located within three-hundred (300) feet of any other such use, or located three-hundred (300) feet of the boundaries of any residential zone, or three-hundred (300) feet from existing residential areas defined for the purpose of this section as a block frontage developed with fifty percent (50%) or more residential uses; or located within one-thousand

(1,000) feet of any permanent structure used as a church or a place of religious worship, or located within two-thousand (2,000) feet of any public or private school.

- b. All existing operational adult businesses which do not presently meet any or all of the locational requirements shall be deemed a non-conforming use.
  - c. Such restriction as to linear distance requirements as between or among adult bookstores, adult entertainment establishments, or as adult theaters, shall apply to compartmentalized buildings or structures, the same as if such compartmentalized buildings or structures were one (1) building structure. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, horizontal distance measurements are required, such restrictions shall likewise apply.
  - d. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest point on the respective properties as referred to herein.
  - e. No portion of any wall of any building which separates as adult bookstore, adult entertainment establishment or adult theater from any other business activity shall be remodeled or altered in any manner to permit access to or viewing of adult bookstores, adult entertainment establishments or adult theaters in an adjoining or adjacent building.
12. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and heavy, industrial, and/or similar type equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.).
13. Any use that is lawfully in existence on the effective date of adoption of this Section 4.189 (E) (13), and the zoning classification of which was changed contemporaneously to PO (Professional Office), shall be considered and treated as a permitted use after such change. Any use qualifying under this paragraph may continue to exist, may expand, and shall be governed by the regulations applicable to the former zoning classification. The owner, lessee, or other person or firm in possession of any land seeking to qualify under this paragraph, shall make

application to the Alexandria Zoning Administrator within thirty (30) days after the zoning classification is changed to PO (Professional Office).

#### **SECTION 4.21 (CT) CORRIDOR TRANSITION OVERLAY ZONE:**

##### **A. PURPOSE:**

The purpose of the Corridor Transition (CT) Overlay Zone is to promote orderly and harmonious development in areas located along the U.S. 27 and “AA” Highway corridors. Specifically, the purpose of this district in conjunction with the underlying zoning classification is to:

1. Encourage clustering (while discouraging strip commercial development) and a mixture of land uses consistent with the development of a city center that provides an adequate transition in land use with minimal impact to adjacent land uses;
2. Facilitate development consistent with local and regional demographic/socioeconomic trends as well as the enhancement of the city’s economic and service capacity;
3. More effectively coordinate development and transportation planning in order to bring about a more concentrated, desirable urban form and to increase accessibility between development centers and the rest of the city;
4. Encourage more well-planned, innovative, and aesthetically pleasing design of structures, and signage while maximize landscaping opportunities in the entrance corridors to the Alexandria community;
5. Ensure agreement with the Goals and Objectives and Land Use Development Policies in the *City of Alexandria Comprehensive Plan*.

##### **B. GENERAL:**

A Corridor Transition (CT) Overlay Zone may be permitted only to be superimposed over areas bordering U.S. Highway 27 and those areas of the city adjacent to the “AA” Highway, provided that all other conditions and provisions of this Section of the ordinance, the applicable requirements of the Subdivision Regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the CT Overlay Zone and its proper integration with the surrounding development are met; and a public hearing is held in accordance with KRS Chapter 424.

##### **C. APPLICATION AND PROCESSING:**

Applications for Corridor Transition (CT) Overlay Zone shall be processed in two (2) stages as follows:

1. Stage I – Development Plan and Zoning Map Amendment – Application for amendment to CT Overlay Zone shall include a development plan in accordance with the requirements of Subsection D.

- ~~a.~~ The Planning Commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the CT Overlay Zone, the required elements of the Stage I Development Plan and other applicable requirements of this Section. Upon holding such hearing, the Planning Commission shall make one of the following recommendations to the City of Alexandria City Council: approval, ~~approval with conditions~~, or disapproval. ~~The Planning Commission shall submit along with their recommendations a copy of the Stage I Plan and the bases for their recommendation.~~
  - ~~b.~~ The City of Alexandria City Council shall, within thirty (30) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve, or disapprove said CT Overlay Zone application. ~~Such action may incorporate any conditions imposed by the City of Alexandria City Council. However, should the City of Alexandria City Council take action to impose different conditions than were reviewed and considered by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission for further review and recommendation in accordance with SECTION 4.20, C., 1., a., above.~~
  - ~~c.~~ ~~Approval of the CT Overlay Zone shall require that development be in conformance with the Stage I approved Development Plan.~~
  - ~~d.~~ ~~The City of Alexandria City Council shall forward one (1) copy of the approved Development Plan to the Planning and Commission for further processing in accordance with the requirements for Stage II Development Plan and Record Plat.~~
  - e. Zoning Map Amendment - Upon approval of the Corridor Transition Overlay Zone, the official zoning map shall be amended by adding the prefix "CT" to the existing zone which abuts U.S. Highway 27 for the area as shown on the Stage I approved Development Plan.
2. Stage II – Plan and Record Plat – A Stage II Plan and Record Plat shall be developed in conformity with the Stage I approved Development Plan and in accordance with the requirements of Subsection E, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Subsection E. shall be substituted therefore. Those requirements not specifically waived by the Planning Commission shall conform with the subdivision regulations.
- a. The Planning Commission shall review the submitted Stage II Plan with regard to its compliance with the required elements of Subsection E., 1, for a Development Plan, other applicable elements of this ordinance and other applicable regulations, and its conformity with the Stage I approved Development Plan. The Planning Commission, in approving Stage II Plan,

may authorize minor adjustments from the Stage I approved Development Plan, provided that the adjustments do not; affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

- b. Upon Planning Commission approval of Stage II Plan, one (1) copy of said plan shall be forwarded to the Zoning Administrator, who shall grant permits only in accordance with the Stage II approved Development Plan and other regulations as may be required by this ordinance.
- c. Upon approval of the Stage II Development Plan, the Planning Commission shall review the submitted Record Plat with regard to its compliance with the required elements of Subsection E, 2, for Record Plats, the applicable requirements of the Subdivision regulations, and its conformance with the Stage II approved Development Plan.
- d. Upon Planning Commission approval of the Record Plat, copies of said plat, certified by the Planning Commission, and suitable for recording, shall be forwarded by the Planning Commission to the office of the County Clerk to be recorded.

#### D. STAGE I – DEVELOPMENT PLAN REQUIREMENTS:

The Stage I Development Plan shall identify and provide the following information, where applicable:

1. Fifteen (15) copies of the plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
  - a. The total area in the project;
  - b. The present zoning of the subject property and all adjacent property;
  - c. All public and private right-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned;
  - d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet;
  - e. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property;
  - f. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas;

- g. Location of proposed pedestrian walkways, type of surface and identifying approximate dimensions;
- h. Location of proposed streets, identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades.
- i. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surface and approximate dimensions.
- j. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service.
- k. Certification from appropriate water and sewer agencies that services will be available.
- l. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls;
- m. Location of signs, indicating their orientation and approximate size and height;
- n. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
- o. A schedule of development, including the staging and phasing of:
  - (1) Structures in order of priority, by type;
  - (2) Streets, utilities, and other public facility improvements, in order of priority;
  - (3) Dedication of land to public use or set aside for common ownership.
- p. Estimated development project costs including estimates for all public and private improvements;
- q. Estimates of traffic volumes to be generated including the assignment of traffic to proposed entrances and exits;
- r. A concise statement by the applicant delineating the intended initial use of the development and the structures; and, a statement as to any anticipated adverse affects which the proposed development may have upon adjacent property, and the measures which the development plan provides which would mitigate against any adverse affects;
- s. Declaration as to any covenants or conditions running with the land, including deed restrictions of any and all types which would be imposed upon the



development, together with statements as to how said conditions or covenants would be maintained and controlled;

The information required in items "a" through "s", may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant. That any and all water drainage flow calculations, metes and bounds descriptions shall be certified to by Registered Land Surveyor or Civil Engineer.

**E. STAGE II – DEVELOPMENT PLAN & RECORD PLAT REQUIREMENTS:**

The Stage II Plan and record plan shall conform to the following requirements:

1. Stage II Development Plan: The applicant shall submit a Stage II Development Plan, in conformance with the Stage I approved Development Plan, at a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
  - a. The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission.
  - b. All structures on the subject property, including their location, arrangement, and number, including exact lot dimensions and setbacks and maximum height.
  - c. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.
  - d. Landscaping features, including identification of planting areas and location, type, and height of walls and fences.
  - e. Location of signs indicating their orientation, size and height.
  - f. All utility lines and easements:
    - (1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
    - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipe, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
    - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water

entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

- (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- g. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.
- h. Circulation System:
  - (1) Pedestrian walkways, including alignment, grades, type of surfacing and width;
  - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
- i. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, construction, and site cleanup;
- j. A schedule of development, including the staging and phasing in accordance with the requirement in Subsection D, 3, and as approved in the Stage I approved Development Plan.

The information required in Section E, items "a" through "j", may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

- 2. RECORD PLAT: The applicant shall submit a Record Plat, in conformance with the Stage II approved Development Plan, with a scale not less than one (1) inch equals fifty (50) feet. If the Record Plat is submitted in sections, an index shall be developed showing the entire CT. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning Commission and in addition thereto, the following:
  - a. All areas reserved for common ownership with an indication of the properties the owners will share in common;
  - b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development.

(Re-subdivision of large lots containing several buildings may be accomplished at a later date upon application and approval)

- c. Indication of areas to be developed for residential (by type of housing unit), commercial, public, and semi-public uses.

F. STANDARD FOR REVIEW AND APPROVAL OF CT ZONE:

1. The designation of, or development in, a CT Overlay Zone shall only be approved if all the requirements of the Stage I and Stage II Development Plans have been met in detail with specificity; that the payment of all necessary fees are met, including all reasonable costs incurred by the Planning Commission or the City of Alexandria City Council in reviewing and recommending the proposed application; and provided the following criteria are met:
  - a. The proposed development is not an adverse influence on any abutting or surrounding property that has not been properly mitigated by the proposed plan;
  - b. Furthers and conforms with the goals and objectives and land use development policies of the *City of Alexandria Comprehensive Plan*, and is compatible with the adjoining land uses;
  - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (based on topography, natural features, streets, relationship of adjacent uses, etc.).
  - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
  - e. Extent to which the proposed design, as indicated in the Stage I Plan, is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding area, including coordination of vehicular and pedestrian circulation, the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc. The development plan should promote innovative building design, minimize signage and maximize landscaping opportunities. In addition, pedestrian and bicycle facilities should be extended as identified in the *City of Alexandria Comprehensive Plan*.

- f. Amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies should be considered. Traffic studies and access management techniques should be utilized in accordance with Article 7 of this ordinance.
- g. Extent to which all necessary public utilities and facilities are available to service the development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies should be considered.

**G. OFF-STREET PARKING AND LOADING AND/OR UNLOADING:**

Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles ~~145~~ and ~~126~~ of this ordinance.

**H. AMENDMENTS:**

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

**I. EXPIRATION:**

Any amendment to CT Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extension thereto, the City of Alexandria City Council may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following conditions apply:

1. Stage II Plan has not been approved by the Planning Commission within a period of twenty-four (24) consecutive months from the date of the Stage I approved Development Plan and CT Overlay Zone amendment by the City of Alexandria City Council; provided that an extension may be permitted upon approval of the City of Alexandria City Council or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved Development Plan obsolete.
2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan by the Planning Commission; provided that an extension may be permitted upon approval of the City of Alexandria City Council or their duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved Development Plan obsolete.

## **SECTION 4.22 (B-1) OLD TOWN BUSINESS ZONE:**

### **A. PURPOSE:**

The purpose of this district is to preserve and protect the existing character of the businesses and residences found in an area which formerly constituted the Central Business District of the City of Alexandria and to promote their continued vitality. It is also the intent of this district to encourage the development of a mix of compatible land uses while preserving the unique character of the Old Town Business Zone. In addition, the purpose of this district is to provide a more unified direction for proposed alterations to existing buildings and new construction within this zone. The guidelines provided for this district are based on maintaining the unique character and remaining historic aspects of the area in terms of scale, setback, rhythm, and massing but are not intended to re-create a particular historical time period or architectural style. These guidelines are not intended to force a property owner to make unwanted changes, or require that new construction mimic historical design but are an effort to make Old Town a pleasant, accessible, and an identifiable community center for the City of Alexandria.

### **B. PERMITTED USES:**

1. Art Gallery – studio and supply
2. Automobile accessories, wholesale and retail
3. Bakery and Bakery Goods Stores
4. Banks and financial institutions, including savings and loans, finance companies with drive-through windows
5. Barber and Beauty Shops
6. Bed and Breakfast
7. Candy and Ice Cream Stores
8. Catering services
9. Churches and other places of religious assembly
10. Clothing repair and alterations
11. Community centers and public parks
12. Computer, Radio, Television, and Appliance Sales and Services
13. Convenience Stores
14. Day Care Centers (Type I and Type II)
15. Dry Cleaning and Laundromats

16. Extended Care Facilities
17. Funeral homes and mortuaries
18. Furniture and upholstery repair;
19. Governmental offices
20. Hardware stores;
21. Health Care – Medical and Dental
22. Health and physical fitness studios, including karate, dance, gymnastics
23. Interior decorating supply and services
24. Locksmith
25. Multi-family dwellings, only in accordance with the provisions of the R-2 and R-3 Zones;
26. Museums
27. Newspaper Publishing – Office and Printing
28. Off-street Parking Garage/Lot
29. Package Delivery Service
30. Paint and Wallpaper Stores
31. Pet Shop/Grooming (excluding boarding)
32. Pharmacy
33. Photography Studio
34. Police and Fire Departments
35. Professional Offices
36. Public Utilities and Service Offices
37. Restaurants (excluding drive-in)
38. Schools
39. Service Clubs, Lodges, and Fraternal Organizations
40. Single Family Homes

41. Shoe Store and Repair

42. Specialty Retail (Commercial activity selling specialized merchandise, and which employs fewer than 10 full time equivalents, or utilizes no more than 10,000 square feet (Example: Book, card, stationery, gift and/or stationery, and/or novelty stores, pet stores, clothing stores, consumer electronic store, hobby stores and/or antique stores).

43. Veterinarian Clinic

44. Video Rental Store

45. The following category of uses that are in existence on the date of adoption of this Ordinance 12-97, and further provided that no new uses in these categories may be instituted after the date of adoption of this Ordinance 12-97:

- a. Automotive Service and Repair;
- b. Building Supplies (including plumbing and electric) and Lumberyards;
- c. Copy/Printing Shops and Publication;
- d. Garden, landscaping, agricultural supplies and services
- e. Manufacturing, (light manufacturing, crafting, fabrication, and repair only); and
- f. Towing and impound (No sales of used parts or vehicles)

The foregoing established uses shall be considered Permitted Uses for all purposes, except that the established use may only expand within the boundaries of the property being used as such, but may not expand beyond those current boundaries.

#### C. CONDITIONAL USES:

1. Dwelling units above the first floor are not to exceed 50% of the total building area.
2. Gasoline filling and service stations
3. Assisted Living Facilities;
- ~~4. Cellular Telecommunications Facilities as regulated by Article 12.~~

#### D. ACCESSORY USES:

1. Customary accessory buildings and uses;
2. Fences and walls, as regulated by ARTICLES 8 of this ordinance;
3. Signs, as regulated by ARTICLE 9 of this ordinance.

E. AREA AND HEIGHT REGULATIONS:

No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area – None.
2. Minimum Lot Width at Building Setback Line – None
3. Minimum Front Yard Depth – Infill buildings may be built to the front property line or flush to adjacent buildings. Where the average depth of existing front yards within three hundred feet (300') of the lot in question and within the same block front are greater than the minimum front yard depth required by this ordinance, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards.
4. Minimum Side Yard Width – None.
5. Minimum Rear Yard Depth – None.
6. Maximum Building Height – Heights of new buildings should conform to the average height of buildings on the block street face. In no case shall the height of any building exceed forty (40) feet or three (3) stories.
7. Materials for infill development or façade improvements: All infill development and façade improvements should be consistent in design and composed of materials similar to original adjacent facades. New buildings or facades should not stand out against the others.

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and/or unloading shall be provided in accordance with ARTICLES 5 and 6 of this Ordinance. Where possible, parking within the Old Town District shall be placed in the rear or side yards, and appropriately landscaped in accordance with Article 10 of these regulations in order to preserve the streetscape of the downtown area.
2. No outdoor storage of any objectionable material (Useable or waste) shall be permitted in this zone, except within enclosed containers, and all dumpsters, etc. shall be screened from adjacent property.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles; any trailer with three (3) or more axles; any commercial, industrial, and/or similar type trailer used for storage; and heavy, industrial, and/or similar type



equipment which is motorized, abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. Any agricultural implement and/or similar type equipment or apparatus which is abandoned, nonfunctional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See SECTION 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, campers vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles, and other similar types of equipment.)

5. Where any yard of any use permitted in this zone abuts property in any residential zone, a ten (10) foot wide screening area as regulated by SECTION 3.18 of this ordinance shall be required if the Zoning Administrator or the Planning Commission determines that such screening areas will minimize the friction between incompatible land uses and will improve the aesthetic and functional quality of the new development.
6. A site and/or development plan, as required by SECTIONS 3.20 and 3.21 of this ordinance, shall be required of any new use permitted in this zone and for any substantial alterations that impact the setbacks, scale, or façade of an existing structure. Development and/or site plans must specifically address Section 4.1921 Area and Height Regulations. These regulations must be met prior to issuance of a building permit.
7. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
8. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of the following:
  - a. Off-street parking and loading and/or unloading areas,
  - b. Temporary seasonal businesses,
  - c. Tools and equipment rental and sales,
  - d. Gasoline pumps,
  - e. New and used car and boat sales
  - f. Car washes,
  - g. Lumber and building materials
  - h. Agricultural and landscaping supplies
  - i. Sidewalk sales and displays as regulated by Section 3.31 of this Official Zoning Ordinance,

- j. Vending machines, which shall be prohibited from blocking access to doorways, walkways, ramps and driveways; and minimum ADA and Fire Department requirements for access, ingress, egress and walkways shall be maintained at all times, and
  - k. Outdoor merchandising and display as regulated by Section 3.32 of this Official Zoning Ordinance.
9. Where permitted, an adult bookstore, adult entertainment establishment and/or adult theater are subject to the following locational requirements:
- a. No adult bookstore, adult entertainment establishment, or adult theater, as defined herein, shall be located within three-hundred (300) feet of any other such use, or located three-hundred (300) feet of the boundaries of any residential zone, or three-hundred (300) feet from existing residential areas defined for the purpose of this section as a block frontage developed with fifty percent (50%) or more residential uses; or located within one-thousand (1,000) feet of any permanent structure used as a church or a place of religious worship, or located within two-thousand (2,000) feet of any public or private school.
  - b. All existing operational adult businesses which do not presently meet any or all of the locational requirements shall be deemed a non-conforming use.
  - c. Such restriction as to linear distance requirements as between or among adult bookstores, adult entertainment establishments, or as adult theaters, shall apply to compartmentalized buildings or structures, the same as if such compartmentalized buildings or structures were one (1) building structure. Such restriction, as related to distance requirements, shall be enforced in any and all directions, including but not limited to, horizontal distance measurements are required, such restrictions shall likewise apply.
  - d. The measurement of distance as provided for herein shall be measured in a straight line from and to the nearest point on the respective properties as referred to herein.
  - e. No portion of any wall of any building which separates an adult bookstore, adult entertainment establishment or adult theater from any other business activity shall be remodeled or altered in any manner to permit access to or viewing of adult bookstores, adult entertainment establishments or adult theaters in an adjoining or adjacent building.

## **SECTION 4.23 (PF) PUBLIC FACILITIES**

### **A. PURPOSE:**

The purpose of this article is to provide a specific classification for a variety of public facilities to promote the proper location of these uses and ensure their long-term continuity and compatibility with adjacent land uses.

**B. PERMITTED USES:**

1. Libraries, Museums, Art and Craft galleries, Conservatories, and cultural exhibits.
2. Passive open space including general, leisure, ornamental, and other parks, spaces, trails, bikeways, and pedestrian walking systems.
3. Fairgrounds

**C. ACCESSORY USES:**

Accessory uses, building and structures customary incidental and subordinate to the purpose of the district including:

1. Recreation uses or spaces of integral relation to the district.
  - a. Botanical gardens, Arboretums, Nature preserves, Wildlife sanctuaries, and other natural exhibitions.
  - b. Historic sites, structures, monuments, and other exhibits available for public viewing.
  - c. Play lots or tot lots, playgrounds, play fields, recreating centers, gymnasiums, athletic uses and structures.
  - d. Camping, picnicking, hiking areas, trails and other recreational uses
  - e. Auditoriums, exhibition halls, and other public or assembly areas.
2. Dwelling unit(s) for the owner/operator or resident manager for the residential staff and employees when the primary use involves a work force on 24-hour shifts.
3. The administration, management, stenographic, reproduction, research, and any related or integral office or activity of the permitted use.

**D. AREA AND HEIGHT REGULATIONS:**

1. Minimum Lot Area – 15,000 square feet
2. Minimum Lot Width at Building Setback Line (excluding flag lots) – 100 feet
3. Minimum Front Yard Depth – Twenty (20) feet
4. Minimum Side Yard Depth – Ten (10) feet
5. Minimum Rear Yard Depth – Ten (10) feet
6. Maximum Building Height – Fifty (50) feet; Thirty-five (35) feet if within 70 feet of a residential structure.
7. Maximum Lot Coverage – 50% for structures.

E. OTHER DEVELOPMENT CONTROLS:

1. Off street parking and loading shall be provided in accordance with Articles 5 and 6.
2. For permitted uses, the following conditions apply:
  - a. The site is generally used for major events which only involve one or two days activities; and which require additional parking from that needed on a daily basis,
  - b. The facility sponsors or accommodates approximately 12 major events per year, plus other uses not considered as major events.
  - c. Daily and weekly uses of the facility is approximately one (1) meeting per week.
  - d. In order to maintain the agricultural and open space characteristic of the facility, areas designated for temporary parking shall not be paved or graveled. Areas requiring permanent parking shall be paved.
3. No outdoor storage of any objectionable material (useable or waste) shall be permitted in this zone, except within enclosed containers, and all permanent dumpsters, etc. shall be screened from adjacent property. Removal of objectionable material or waste is to be disposed of on at least a weekly basis.
4. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
5. No motor vehicle which is abandoned, nonfunctional, in a state of disrepair, or lacking in a valid license, shall be stored in excess of seventy-two (72) hours unless it is in a completely enclosed building. Vehicles with three (3) or more axles, commercial, or industrial trailers used for storage, heavy equipment and/or industrial equipment which is motorized, abandoned, non-functional, or in a state of disrepair shall not be permitted outside of a completely enclosed building on any lot or parcel of land. (See Section 3.24 of this ordinance for regulations pertaining to parking or storing of semi-tractors, tractors, panel trucks, buses, motor homes, camper vehicles with three (3) or more axles, trailers, mobile homes, campers, inoperable vehicles and other similar types of equipment.)
6. Landscape buffers, in accordance with Article 10 of this ordinance, shall be required as part of the site plan review in situations where new development or planned expansion abuts a residential zone.
7. A development and/or site plan, as required by SECTIONS 3.20 and 3.21 shall be required of any use permitted in this zone.
8. Cellular Telecommunications Facilities, as regulated by Article 12, may be permitted as a conditional use in this district.

9. Any prior conditions which may be described by the Northern Kentucky Health Department governing for, or operation of, the use of the building or structure and its environs.

## **SECTION 4.24 PLANNED UNIT DEVELOPMENT DISTRICT**

### **A. PURPOSE:**

The intent of this article is to provide a permissive, flexible and alternative zoning district for innovative, mixed use developments or physical design proposals only if they are designed properly and community impacts are addressed. This district allows for the combination of differing uses not normally located near each other under conventional zoning, but would permit these combinations of uses if design standards or controls are in place to make the uses compatible. In addition, it is the purpose of this district to eliminate sprawling strip commercial development by creating compatible clusters of commercial, office, and residential uses while also facilitating multi-modal transportation and convenience to those residing in the development.

Density, open space, infrastructure and other land use factors and impacts are significant in the review of any Planned Unit Development. Where building intensity is increased on a particular portion of a Planned Unit Development, then the amount of open space, retention of existing vegetation, buffer areas, and new landscape, public commons, community open space and parks shall be evaluated for proportionate increase for the remainder of the Planned Unit Development. In addition, a Planned Unit Development may vary in height, use, organization, design, intensity, size or other features of the proposed development.

### **B. PROVISIONS:**

Due to the unique characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this regulation and those of other articles, the provisions of this section of the regulations shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this regulation or be modified under the authority of the planning commission.

The Planned Unit Development (PUD) notation or zoning classification on a parcel of land does not prohibit all uses. The PUD designation is intended to allow some uses compatible to surrounding land uses, the intensity of such use or uses being subject to the review provisions of this section. PUD Districts shall originate from the Alexandria Planning Commission, City Council, or private property owner and shall be approved by the City Council. If the city or planning commission initiates the rezoning of a parcel to PUD, the property owner will be required to submit a concept plan for action before the planning commission and city council.

Upon approval by the City of Alexandria Planning Commission and the City Council, a PUD may be applied in lieu of any other existing district in this order. Upon approval of this request and the concept plan from the appropriate legislative body, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the annotation "PUD". The Planned Unit Development district shall be

approved by the planning commission and the city council in the manner prescribed in Article 14 of the *City of Alexandria Zoning Ordinance*.

**C. PERMITTED USES:**

In the PUD District, the number and type of permitted uses are flexible if they are compatible with adjoining land uses, the objectives of this district, and harmonious with the character of the overall project. Each developer or applicant is required to define in detail the type of residential and commercial uses proposed for the site. In a primarily residential development (where at least fifty-one percent (51%) of the total acreage is proposed for residential development), commercial, office, and indoor/outdoor recreational uses are permitted in the PUD District only if they appear on a neighborhood scale and are oriented toward the convenience of the commercial, office, and indoor/outdoor recreational needs of the residents. Commercial, office, and indoor recreational uses are allowed at a maximum of 80 square feet of commercial/office/recreational use per one (1) residential dwelling unit or lot. There is no maximum limit on the amount of land devoted to outdoor or passive recreation (open space). However, at least 20% of the total acreage must be retained for recreational use or open space. Conversely, in a primarily commercial development (where at least fifty-one percent (51%) of the total acreage is proposed for commercial development), residential uses are allowed in the Planned Unit Development District to the extent permitted in the following table:

Total Acreage of Site	Use cannot exceed**
1-100 acres	15%
100+ acres	25%

\*\* pertains to residential uses

The developer or applicant may use those uses listed in any of the zoning classifications of this order so as to describe the type of residential, commercial, or office use proposed as part of the Planned Unit Development (PUD).

**D. MINIMUM SIZE FOR PUD DISTRICT:**

No PUD District shall be permitted on less than ten (10) acres of land. However, development of a smaller tract adjacent to an existing PUD District may be permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

**E. MINIMAL STANDARDS AND AMENDMENTS TO THE DEVELOPMENT PLAN:**

The PUD district shall be subject to the supplemental performance and development standards of this section of the zoning ordinance, unless superseded by any special requirements, conditions, or other particulars imposed by the planning commission during the Development Plan application and hearing phases described in this section. Such special conditions may include but not be limited to provision governing parking, signage, common open space, lands or facilities, disposition of open land, infrastructure

provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Amendments to the approved Development Plan involving changes in the proposed uses, intensity, or other elements must be submitted to the Alexandria Planning Commission for review and approval. If the changes are determined by the planning commission to be minor in nature, the planning commission may approve the changes and the applicant/developer may proceed with site plan review or subdivision review. If the changes are deemed to be major or substantial, then the applicant or developer shall be required to file an application before the Alexandria Planning Commission for a change in a previously approved Development Plan and a new public hearing will be scheduled in accordance with the provisions of this section of the plan. **Final City Council approval will be required for major modifications.**

Changes requiring submittal of a new Development Plan and public hearing include but are not limited to:

1. Any increase in density or decrease of more than 25%;
2. Re-allocation of approved land uses, and major changes in lot arrangement or building lots;
3. Changes in the list of approved uses;
4. Modification of the location of approved uses.
5. Alterations in functional uses of open space, where such change conflicts with approval of the Development Plan
6. Alteration of site design requirements, such as the location and type of required landscaping, signage, building height, etc.
7. Modifications to proposed improvements that affect the local traffic patterns, the level of service of existing roadways, internal street system or parking area, drainage management structures, and provision of utilities.

#### F. MAXIMUM INTENSITY AND DENSITY:

Intensity is a unit of measurement defining the level of activity in acres or square footage of all uses in relation to the overall size of the entire site.

Density is defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres or square footage in relation to a portion of an overall site.

Generally, the maximum building intensity for PUD districts consists of the following:

Office uses	20,000 square feet/acre
Commercial uses	15,000 square feet/acre

Greater intensities than these can be permitted if multi-story buildings and multi-level parking are utilized and the amount of green space can be shown to increase. Necessary

infrastructure, including fire protection must be adequately provided.

Generally, the development intensity permitted in PUD districts shall be consistent with the Future Land Use Map contained in the *City of Alexandria Comprehensive Plan*. Proposed developments should be planned in clusters and provide innovative design as outlined in the criteria and design standards contained in this section of the ordinance. Greater overall development density may be granted if the development includes dedication of appropriate developable land for public facilities and/or public recreation uses in addition to preserving developmentally sensitive areas as open space. Any increase in intensity over that recommended by the Comprehensive Plan must be shown by the applicant to be appropriate in terms of infrastructure, adjacent land uses and zoning, and provision of public land.

#### G. PRE-APPLICATION AND PROCEDURE:

The developer shall meet with the City of Alexandria Planning Commission staff prior to the submission of a Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of the PUD District and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, and applicable zoning regulations.

After the initial meeting with staff, the planning commission requires that the Development Plan and an application form be submitted for property located in a proposed Planned Unit Development. The Development Plan may be filed with the planning commission by the owner (s), owner by contract (option) or lessee of property for which the Planned Unit Development is proposed. The contents of the Development Plan submittal and shall follow the process and include the items as listed in Section 4.19 C, D, and E.

~~The planning commission and city council may recommend or approve the proposed Planned Unit Development District subject to any conditions or qualifications found merited in the Development Plan or any other conditions on the site. The city council's approval in principle of the Development Plan shall constitute a commitment to the general layout of the project, the planned land use types and intensities, design treatments, and other particulars as shown on the Development Plan.~~ Approval in principle of the Development Plan shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of the *City of Alexandria Zoning Ordinance* or *Subdivision Regulations* unless an exception is specifically granted through the review and approval of the Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.

Upon receipt of an application for approval of the Planned Unit Development district or Development Plan, the Planning Commission shall hold at least one public hearing, within thirty (30) days of receipt of the application, after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, and as stated in Article 14 of this ordinance.

#### H. CRITERIA FOR APPROVAL:



No application or Development Plan shall be approved for a Planned Unit Development district under the provisions of these regulations unless each district and application fulfills the following standards:

1. The Planned Unit Development shall generally conform to the adopted Comprehensive Plan with respect to type, character, and intensity of use and impact on public facilities, services and road network. The intensity of the Planned Unit Development, in particular, should be generally consistent with the Future Land Use Map and Development Policies for the area. Deviation from the Comprehensive Plan is dependent upon whether the site is part of an urban service area for public infrastructure and upon the provision of public facilities, services, and roads by the applicant to mitigate the impact of the proposed development on these infrastructure systems;
2. The Planned Unit Development shall efficiently utilize the site, and shall protect and preserve the scenic assets and natural features by incorporating existing trees, streams, and topographic features into the site design. The development shall include the provision that designated natural areas, scenic areas (views/vistas), and developmentally sensitive areas as identified in the Comprehensive Plan will constitute permanent open space or be dedicated to public or semi-public organizations for recreational use. At least 20% of the total site acreage shall be dedicated as recreation or open space.
3. The Planned Unit Development provides interconnected open spaces, recreational areas, and opportunities for multi-modal transportation (i.e. sidewalks, walking trails, bicycle trails, etc.) as identified in the *City of Alexandria Comprehensive Plan*.
4. Each developer or applicant is required to define in detail the type of residential and commercial uses proposed for the site. Commercial, office, and indoor/outdoor recreational uses are permitted in the PUD District only if they appear on a neighborhood scale and are oriented toward conveniently serving the commercial, office, and indoor/outdoor recreational needs of the residents.
5. Although the PUD district encourages a variety of housing types and mixture of densities within one development, housing shall be clustered by density type. In no case should there be a mixing of densities within a residential cluster. For example, single family homes shall not be sited directly adjacent to duplexes, apartment complexes, etc. within the same cluster.
6. Where appropriate, the Planned Unit Development shall include developable land that is unbuilt and available for purchase or donation to public agencies for recreation or public facility building sites. This provision of land can constitute one reason for increased development densities on portions of the site or even increased overall development intensity in relation to the Comprehensive Plan, provided other public facilities and services are adequately provided.

7. The Planned Unit Development shall not hinder nor deter development or surrounding undeveloped properties in accordance with the adopted Comprehensive Plan. Where different land uses or development densities exist adjacent to *or within* the site, substantial buffers and transitions between the PUD and the adjacent use must be provided.
8. The Planned Unit Development shall be located in an area in which transportation, police, and fire protection, other public facilities and utilities, including sanitary sewerage are provided, or will be available and adequate for the uses proposed. The applicant shall make provision for such facilities or utilities which are not presently available or shall construct such facilities for the eventual connection into a public system.
9. The development will not have an adverse impact on the surrounding area and will be harmonious and compatible with adjacent uses. The term compatibility refers to, but is not limited to, size, scale, mass, architectural design, and landscaping.
10. The extent to which the proposed Planned Unit Development meets the requirements, standards, and stated purpose of the PUD regulations and design criteria.
11. The proposal fully complies with the minimum requirements contained in the *City of Alexandria Zoning Ordinance* and *Subdivision Regulations*.
12. The proposal must not adversely affect the public health, safety, and welfare.

This flexible approach to Planned Unit Development is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning. To be approved, the property owner or developer must demonstrate achievement of the above objectives and standards. In addition, a property owner or developer's request for a Planned Unit Development is assessed in terms of its impact on the existing conditions of the surrounding land uses, utility systems, road network and public facilities and services. The applicant must provide this information to the planning commission in written and/or graphic form as part of the Development Plan submittal. In summary, it is the burden of proof for the property owner or developer to present why the concept plan is unique and requires the special consideration that can only be fulfilled by the Planned Unit Development district. Equally important is that the property in question could be unique with certain qualities and/or amenities that warrant the special consideration of the Planned Unit Development district. Proposed developments that cannot be shown to meet these standards may be more appropriately developed under conventional zoning districts.

#### I. DESIGN STANDARDS:

The proposed uses and Development Plan in each Planned Unit Development district shall be assessed in terms of the design standards contained in this section. Each

applicant or developer is required to demonstrate how the proposed Development Plan fulfills the following design standards in a written or graphic manner.

1. **Height:** The height of any structure shall be compatible with the existing buildings in the area, and proposed structures within the project site;
2. **Placement or location of buildings:** Consideration should be given to the most appropriate location of buildings based upon access and direct visibility. The location of any building should not interrupt a continuous visual pattern from public view or a public street. Building location should be planned to accomplish a transition with the landscaped, pedestrian, and parking areas. Building setbacks can vary in order to allow appropriate building location. The setback on the perimeter of the Planned Unit Development district shall be large enough to protect the privacy and amenity of adjoining uses both existing and anticipated.
3. **Preliminary Building Design or Architecture:** Buildings should be designed in the same architectural style as if part of a large commercial, residential, or office center. Individual buildings not part of the larger development should be compatible with surrounding structures. All structures shall have consistent design treatment on all facades. The unified architectural style or building design shall also apply to materials, colors, roof types, and entrances, and shall include traditional, regionally influenced architectural forms and elements, and shall allow variations within it. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic. The use of architectural guidelines is required for multi-phased projects.
4. **Scale:** Consideration shall be given to the scale of each building and architectural detail; which relates to the size of an individual and the natural environment. In general, Planned Unit Developments shall have a pedestrian scale and orientation. In rendering this decision, emphasis shall be placed on mass and how it relates to open space.
5. **Elevation:** The elevation of any site or structure should be determined by the grade of any existing or proposed public road. Consideration should be given to the relationship between the width and height of the front, side, and rear elevations of any building from a public road. Exposed foundations from a public street should be minimized.
6. **Historic and Prehistoric Features:** Historic features on the project site shall be retained, utilized and incorporated into the overall project design if physically and economically feasible;
7. **Streetscape:** The streetscape of a PUD should be designed in detail specifying lighting, placement of street trees, and street furniture (benches, wastebaskets, etc.).

8. **Focal Point:** Any opportunity for a strong, central focus should be studied and developed. These central places are usually a key to establishing community identity.
9. **Paved Surfaces:** Emphasis should be placed on preserving at a reasonable rate the amount of open space. The interior road system, sidewalk system, and parking lot should be designed with this in mind. Paved surface refers to cement, brick pavement, asphalt, cobblestone, or other similar type surfaces. Parking areas should be treated with decorative elements, fence or wall extensions, plantings, and berms as other means to screen parking areas from public view or soften their visual impact. Although it is recommended that parking areas be dispersed throughout the site and located to the rear of structures, all large parking lots shall be designed with landscaped islands. Parking lots and driveway aisles should be either asphalt or concrete. Landscaped entrances with trees and bushes should be encouraged near the entrances of the development;
10. **Fences, Walls, and Landscaped Berms:** Consideration should be given to brick walls, fences, and landscaped berms, which would produce a continuous cohesive wall of enclosure on a lot line or adjacent to a road. These fences and walls shall be designed and maintained in relationship with the character of the surrounding land uses and structures;
11. **Landscaping:** Consideration should be given to the predominance of a quality and quantity of landscaping and an emphasis shall be given to streetscape areas, buffer zones, and the provision of significant landscaping (in terms of the size of landscaped areas, and quantity and quality of landscape materials) within the proposed developed portions of the site. Landscaping details will be evaluated on the entire site and surrounding any proposed structure and shall be reviewed in relation to adjacent properties. A special attempt should be made to preserve the existing vegetation and scenic areas, if any and encourage additional open space for the public's benefit. Existing topography, significant tree cover, and water courses/bodies shall be largely preserved and incorporated into the project design, where appropriate, and should be consistent with the remainder of these regulations. Plantings should be used to soften the impact of parking and loading areas. Plant material should be selected on the basis of texture and color and for its ultimate growth to provide a visual screen for the public. Scenic views and vistas as identified in the *City of Alexandria Comprehensive Plan* shall be remain unblocked or uninterrupted, particularly as seen from public thoroughfares. The use of landscape design guidelines is required for multi-phased projects.
12. **Grading.** All mature vegetation, prime agricultural soils, floodplains, wetlands, and steep slopes shall be protected from excessive clearing, grading, filling and construction activities. In addition, new construction on prominent hilltops or ridges is discouraged.
13. **Open Space and Recreational Uses.** Planned Unit Developments shall make a provision for preserving open space and devoting an appropriate portion of the

site to meet the recreational needs of the residential population. A minimum of 20% of the total site acreage shall be retained as a recreation area or common open space and dedicated to a public or private entity for operation and maintenance. Such open space shall be physically situated so as to be readily accessible, available to, and useable by all residents of the PUD. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts, or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. Recreation area and open space areas identified in the *City of Alexandria Comprehensive Plan* shall be utilized for recreational purposes or preserved to the greatest extent possible.

**14. Signage:** Signage should be designed to protect the visual order of any site and to minimize the impact of adjacent properties. Consideration should be given to the number, location, size, and height of any building mounted sign or freestanding sign. A consistent signage theme shall be provided within the Planned Unit Development. Building mounted signs shall be the predominant signage on the project site. Freestanding signs shall be monument style and limited in number, size, and height. The use of signage design guidelines is required for multi-phased projects.

**15. Utilities:** All utility service lines to the building and possible main lines to or within the site shall be located and installed underground. Alternatives may be possible if this requirement is economically infeasible;

**16. Detention/Retention Ponds or Lakes:** Large detention/retention ponds or lakes should be discouraged in the front yard or in an area viewed from a public street if not used for both stormwater management and aesthetic purposes. Smaller detention/retention ponds or lakes appropriately designed and landscaped should be encouraged and distributed throughout the site and may appear in the front yard or in an area viewed from a public street. Surface drainage and floodwater retention shall be planned to not adversely impact the adjoining properties;

**17. Transportation Design:** Principal vehicular access shall be from major streets and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Maximum separation of vehicular traffic on major roads from pedestrian and recreational areas shall occur. The provision of transportation connections (street connections, pedestrian paths and sidewalks, bicycle facilities) shall be provided in all Planned Unit Developments unless physically unfeasible or undesirable due to land use characteristics. Rural roadside character shall be preserved by avoiding development fronting directly into existing public roads. Buffer zones shall be established along scenic corridors and roadways.

**18. Multi-Modal Transportation System:** Planned Unit Developments shall incorporate multi-modal transportation elements in the development, depending on the foreseeable needs of future residents and users of the site, and the

relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. The proposed pedestrian circulation system should be designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the open space system. All roadside footpaths should connect with off road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable). Sidewalks, walking and bicycle trails identified in the *City of Alexandria Comprehensive Plan* must be incorporated into the overall design of the project.

**19. Location of Land Uses:** Land uses shall be located primarily for convenience to the area and compatibility with the adjoining land uses. If conflicting land uses are intended to be located near each other, measures shall be taken to mitigate the impact of the uses upon each other.

**J. FINDINGS NECESSARY FOR A ZONING MAP AMENDMENT OR DEVELOPMENT PLAN IN A PLANNED UNIT DEVELOPMENT DISTRICT:**

Each application shall conform to the criteria in Article 14 of the *City of Alexandria Zoning Ordinance* in presenting the basis for granting a Zoning Map Amendment or approval of a Development Plan in a Planned Unit Development district. In addition, each application shall be in conformance with the standards and requirements stated in this section of the ordinance.

**K. ACTION BY THE PLANNING COMMISSION AND CITY COUNCIL:**

Within ninety (90) days of receipt of an application for a Development Plan and after the public hearing required in this section has been conducted, the Planning Commission shall determine whether the Development Plan is consistent with the intent, purpose, requirements and standards or this regulation; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations as mentioned in the objectives section of this regulation. ~~The Planning Commission shall submit a recommendation to the City Council for either approval or denial of the Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source.~~

Final action for approval in principle, as described in Article 14, or denial of a Planned Unit Development zoning district ~~or Development Plan~~ shall be made by the Alexandria City Council. After recommendation of the Alexandria Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the City Council. Within ninety (90) days from the commission's recommendation, the City Council may take action to approve or deny the PUD zoning map designation ~~or Development Plan application~~. Approval shall be by ordinance. When a PUD zoning designation is approved, the subject property so zoned shall be respectively designated as "PUD" on the Official Zoning Map of the City of Alexandria.

Upon approval of a map amendment ~~Development Plan~~ to utilize either classification, the notation “CD” shall be placed on the Official Zoning Map as well. A Certificate of Land Use Restriction (CLUR) giving notice of the approval for ~~the Development Plan or~~ PUD zoning district designation shall be filed within thirty (30) days of final action as explained in Section 13.16 of the City of Alexandria Zoning Regulations. If disapproved, the City Council shall state the reasons for disapproval.

#### L. SUBSEQUENT REVIEW AFTER DEVELOPMENT PLAN APPROVAL:

After the Alexandria ~~Planning Commission City Council~~ has approved a Development Plan in a PUD district, the applicant or property owner may proceed through the subdivision review or site plan review approval process. Subdivision review requirements can be found in the *City of Alexandria Subdivision Regulations* and site plan review requirements are outlined in the *City of Alexandria Zoning Ordinance*.

#### M. OWNERSHIP AND MAINTENANCE OF OPEN SPACE:

Different ownership and management options apply to permanently protected open space created through the development process. The open space shall remain undivided and may be owned and managed by a homeowner’s association, the city, or a recognized land trust or conservancy. A public land dedication (not exceeding 10% of the total parcel size) may be required by the city in order to facilitate the connections of pedestrian ways or open or scenic views and vistas as identified in the *City of Alexandria Comprehensive Plan*. A narrative describing ownership, use, and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

#### N. OWNERSHIP STANDARDS:

Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and is subject to approval by the planning commission.

1. *Offer of Dedication.* The city shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of fee simple ownership. The city may, but not be required to accept undivided open space provided: (1) such land is accessible to the residents of the city; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (3) the city agrees to and has access to maintain such lands. Where the city accepts dedication of common space that contains improvements, the city may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
2. *Homeowner’s Association:* The undivided open space and associated facilities may be held in common ownership by a homeowner’s association. The association shall be formed and operated under the following provisions:

- a. The developer shall provide a description of the association including its bylaws and methods for maintaining the open space.
- b. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.
- c. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from the developer to homeowners shall be identified.
- d. The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the city on the association. The association may place liens on homes or houselots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
- e. The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
- f. In the event of the proposed transfer, within the methods permitted in these regulations, of undivided open space land by the homeowner's association, or of the assumption of maintenance or undivided open space land by the city, notice of such action shall be given to all property owners within the development.
- g. The association shall have or hire adequate staff to administer common facilities and properly (and continually) maintain the undivided open space.
- h. The homeowner's association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands, but such a lease agreement shall provide:
  - (1) that the residents of the development shall at all times have access to the open space lands contained therein (except croplands during the growing season);
  - (2) that the undivided open space to be leased shall be maintained for the purposes set forth in this ordinance; and
  - (3) that the operation of open space facilities may be for the benefit of the residents only, or may open to the residents of the city, at the election of the developer and/or homeowner's association, as the case may be.
- i. The lease shall be subject to the approval of the city and any transfer or assignment of the lease shall be further subject to the approval of the city. Lease agreements so entered upon shall be recorded in the Campbell County



Clerk's Office within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the city.

**O. TRANSFER OF EASEMENTS TO A PRIVATE CONSERVATION ORGANIZATION:**

With the permission of the city, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

1. The organization is acceptable to the city, and is a bona fide conservation organization with perpetual existence;
2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. A maintenance agreement acceptable to the city is entered into by the developer and the organization.

**P. MAINTENANCE STANDARDS:**

1. The ultimate owner of the open space (typically a homeowner's association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The homeowner's association shall be authorized under its bylaws to place liens on the property of the residents who fall delinquent in payment of such dues, assessments, etc.
2. In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the city may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in a reasonable condition.
3. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this regulation. The city is hereby authorized to give notice, by personal service or by U.S. mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within thirty (30) working days.
4. Should any bill or bills for maintenance of undivided open space by the city be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

## ARTICLE 5 OFF-STREET PARKING REGULATIONS

In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of 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. However, where a building permit has been issued prior to the date of adoption of this ordinance and provided that construction has not begun within ninety (90) consecutive days of such effective date, off-street parking facilities in the amounts required by this ordinance shall prevail.

### SECTION 5.0 GENERAL REQUIREMENTS

- A. Computation of Parking Spaces – In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.
- B. Addition to Buildings – Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, change of use, or other units of measurement specified herein - additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing parking space is inadequate to serve such increase in intensity of use.
- C. Location of Off-Street Parking Facilities –
  - 1. Off-street parking facilities (subject to additional restrictions according to screening requirements in SECTION 3.18, and other requirements of this ordinance) shall be located as follows:
    - a. Single-Family Residential Zones – (R-RE, R-1A, R-1B, R-1C, R-1 D AND R-1V); Off-street parking may be permitted in driveways in the front, side, and rear yards, 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.
    - b. No off-street parking area, located in the front yard in a single-family residential zone, may exceed four hundred (400) square feet (two parking spaces) except, however, the Zoning Administrator may allow additional off-street parking spaces to be located thereon provided that: (1) the additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front yard to be less than 3:1; and (2) a plan of the proposed parking area is submitted and approved by the Zoning Administrator and (3) all other requirements of this ordinance are met.
    - c. Multi-Family Residential Zones – (R-2 and R-3): Off-street parking may be permitted in side or 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.

- d. RMHP Zone – Off-street parking may be permitted on driveways on minimum required front and side yards, provided that all other requirements of this ordinance are met.
  - e. CT Zones – Off-street parking shall be permitted according to approval of a final Site Plan as regulated by Section 3.21 of this ordinance.
  - f. **HC**, B-1 and NSC Zones – Off-street parking and loading and unloading and unloading areas may be permitted in minimum required front, side and rear yards provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines. Parking within the B-1 zone shall be placed in the rear and side yards where possible in order to minimize the impact of new development in the Old town District.
  - g. PF Zone – Off-street parking, and loading and unloading areas may be permitted in minimum required front, side, and rear yards provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines.
2. All off-street facilities shall be located on the same lot or zoning lot as the building served, except for the following:
- a. Multi-family dwellings, where permitted in this Ordinance, and any use permitted in an industrial zone may supply off-street parking within three hundred (300) feet from such lot or zoning lot served, upon approval of the Zoning Administrator, providing that such off-street parking requirements of this ordinance are complied with at all times.
  - b. Further, the applicant must also show sufficient proof that such off-street parking facilities would be impossible to provide the required off-street parking space, as required herein, on the same lot or zoning lot contiguous to the same lot or zoning lot as the building being served.
  - c. Where two (2) single, two (2), or multi-family dwellings, which are permitted herein and are exist at the time of adoption of this ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot or zoning lot as the use being serve, said off-street parking may be permitted to locate within a distance not to exceed three hundred (300) feet from said dwelling or dwellings upon approval of the Zoning Administrator. In addition, said off-street parking lot shall be located in the same zone as the use being served and constructed in accordance with the requirements of this ordinance.
  - d. Off-street parking, as required for "conditional uses" permitted in the Residential (R) Zones, may be permitted to locate on another lot or zoning lot than the building or use being served is located, when approval by the Board of Adjustment, provided that said parking is located within reasonable walking distance of the use or building being served and available at all times without restrictions for said purposes.

D. Collective Parking Provision – Collective off-street parking facilities may be provided; however, such facilities shall not be less than the sum of such facilities as would otherwise be individually required, except as provided for below:

1. Collective Parking Provision: In granting collective parking approval, the following shall be considered:
  - a. The required parking for the highest use shall be located on the premises as the minimum requirement, additional parking, as determined by the planning commission, shall be a minimum of 50% on premises. The other percentage may be located off-premises based on written contracts to provide said off-street parking.
  - b. The actual need for parking spaces for each individual use or building in relation to the requirement provided under Section 5.1.
  - c. Times of actual need for parking of each individual use or building and the relationship of these times to one another.
  - d. The internal control plan of the applicant shall be submitted with the application for review.
  - e. The internal controls for scheduling the uses and said controls and/or schedule may be accepted or changed by the planning commission, but the internal control schedule shall be made a condition of approval.
  - f. The parking needed for scheduled uses on the premises shall not exceed the number of parking spaces established by the planning commission.
  - g. Collective off-street parking located on another lot must be located within five hundred (500) feet walking distance of the entrance to the use to be served. Said walking access shall provide a safe means of pedestrian access to and from the establishment being served.
  - h. Reserved spaces shall be counted in the minimum requirement but cannot exceed 10% of the total number of parking spaces.
  - i. Allowance by the planning commission for such collective parking facilities, on lots other than the lot upon which the building or use being served is located, should be situated so as to ensure that such locations will not result in added traffic problems, or traffic or pedestrian safety problems.

The Planning Commission is authorized after consideration to issue a permit for not less than the required parking for the highest use on the premises and any additional parking per use the Planning Commission determines is necessary based upon the evidence.

2. Shared Parking Provision: When any land or building is under the same ownership, or upon submission of satisfactory guarantees of the continued operation and proper maintenance of the shared parking facility, and the proposed development is for two (2) or more land uses excluding residential uses, the number of minimum required parking spaces shall be computed by multiplying

the number of parking spaces normally required for each land use by the appropriate percentage as shown in the following shared parking credit table for each of the five periods shown. The number of parking spaces required 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. See APPENDIX C for Shared Parking Credit Table.

LAND USE TYPE	Weekday		Weekend		Nighttime
	Daytime (6am-6pm)	Evening (6pm-midnight)	Daytime (6am-6pm)	Evening (6pm-midnight)	(Midnight - 6am)
Office/Industrial	100%	10%	10%	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 Establishments	40%	100%	80%	100%	10%

E. Driveway Provisions – Except for Residential (R-RE and R-1) Zones, parking lots or areas adjacent to streets, roads, highways, or deeded rights-of-way shall have driveways or openings not less than twelve (12) feet in width and no more than forty-eight (48) feet in width at the curb, excluding curve radius. These curb cuts shall be so located as to minimize traffic hazards and congestion. All each parking lot and said parking lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic.

In the case of R-RE and R-1 Residential Zones, no driveway width at the street right-of-way junction shall be less than nine (9) feet, nor more than twenty (20) feet, excluding curb radius, providing that this width may be increased if it can be determined, after review and approval of the Zoning Administrator, that said additional width will not impede the flow of traffic.

F. Approval of Modification of Curb Cuts required – Detailed plans shall be submitted to the Zoning Administrator in the form of a site plan, as regulated by SECTION 3.21 of this Ordinance, for approval of all curb cuts, driveway openings, including modifications thereto, before a permit may be obtained therefor. For the purpose of minimizing the interference of traffic and congestion on the major street system, as identified in the City's Comprehensive Plan, the Zoning Administrator shall limit the

number of curb cuts along said streets. The number of curb cut intersections with major streets shall be spaced at a distance of not less than eight hundred (800) feet apart. Access to abutting properties fronting on said major streets shall be provided by a frontage or service road connecting to the curb cut intersection. If the developer can show sufficient proof in the form of a site plan or development plan, that spacing of curb cuts less than eight hundred (800) feet apart will not impede the movement of traffic flow alongside major streets, then the Zoning Administrator may vary these requirements accordingly.

- G. Driveways Not Computed As Part Of Parking Lot – Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of the R-RE and R-1 Zones, where access driveways may be used for parking and designed in accordance with the requirements of this Ordinance.
- H. Off-Street Parking Space and Access Drives Defined – For the purposes of this Ordinance, each individual parking space shall be a minimum of one hundred sixty-two (162) square feet in area, exclusive of access drives of aisles, and shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. Such parking space shall have a vertical clearance of at least seven (7) feet. Each parking space shall be appropriately dimensioned for automobile parking. All parking lots shall be laid out with the following minimum aisle or access drive widths:
  - 1. Ninety (90) degree (perpendicular) parking – Twenty-four (24) feet (either one (1) or two (2) way circulation);
  - 2. Sixty (60) degree (angle) parking – Eighteen (18) feet (one-way circulation only);
  - 3. Forty-five (45) degree (angle) parking – Thirteen (13) feet (one-way circulation)
  - 4. Thirty (30) degree (angle) parking – Eleven (11) feet (one-way circulation only);
  - 5. Zero (0) degree (parallel) parking – Twelve (12) feet (one-way circulation).

When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall prevail.

- I. Parking and Passenger Loading Zones for the Disabled – In any commercial or employment district, or wherever any townhouse of multi-family housing is provided, parking spaces for disabled people shall be provided as indicated on the following table:

<u>Parking Spaces for the Disabled</u>	
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or over	2% of total

1. Parking spaces for disabled people shall be at least eight (8) feet wide and nineteen (19) feet (twenty (20) feet in commercial zones) long, and shall have an adjacent access aisle five (5) feet wide minimum. Two (2) parking spaces for the disabled may share a common access aisle.
  2. Access aisles for parking spaces for the disabled shall be part of an accessible route to the building or facility which the parking space serves. An acceptable designed curb ramp shall be provided. Specifications for curb ramps may be obtained from the Kentucky Building Code ~~1985, Section 2514.0~~. Access aisles and accessible routes shall be protected in such a manner that no part of any vehicle or any structure shall be allowed to interfere with access or use of the aisle or route in any way.
  3. The location of parking spaces should be as close as possible to the principal handicapped accessible entrance(s). In a multi-building development or shopping center, the spaces should be dispersed to ensure easy access and minimize the travel distance for the handicapped.
  4. Parking spaces for the disabled shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility. Such signs shall be above grade.
- J. Off-Street Parking Space To Be Used For Parking Only – Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any pavement for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this ordinance.
- K. No Building Shall Be Erected In Off-Street Parking Space – No building of any kind shall be erected in any off-street parking lot, except a parking garage containing parking spaces equal to the requirements set forth in this Section of the ordinance or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.
- L. Off-Street Parking Space Shall Not Be Reduced – The required parking area on any lot, as set forth and designated in this ordinance, shall not be reduced or encroached upon in any manner.

- M. Parking Plan Approval Required – Plans for all parking lot facilities, including parking garages, shall be submitted to the Zoning Administrator for review and for compliance with the provisions of this Ordinance and such other pertinent ordinances of the City of Alexandria. Such plans shall show the number of spaces and arrangements or 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 5, SECTION 5.0, ~~MN~~, of this ordinance, proposed grade of parking lot, storm drain-age facilities, location and type of lighting facilities and such other information or plans as the circumstances may warrant.
- N. Paving – All parking and loading spaces set forth in Article 5, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be paved with asphalt concrete or Portland Cement and shall be designed and constructed in accordance with ~~APPENDIX A the Alexandria Subdivision Regulations, except those permitted uses in the PF zone, which are regulated by 5.1 (HH)~~.
- O. Design and Maintenance:
1. Screening and Landscaping: All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone by a solid wall, fence or densely planted compact hedge a regulated by SECTION 3.18 of this ordinance. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances or exits.
  2. Lighting: Any parking area intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. During the Development or Site Planning Process, the Zoning Administrator has the authority to require plans specifying foot candle minimums and illumination patterns when lighting is an integral part of a developments use. Any lights used to illuminate any out-of-doors area shall be arranged to minimize direct illumination, reflection, or glare on any adjoining property or on any public street. Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.
  3. Ingress and egress to parking areas: Any parking area shall be designed in such a manner that any vehicle entering or leaving the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street. Where possible and appropriate, inter-connecting parking lots shall be provided for the purpose of reducing the number of local trips onto public streets. All access points shall be limited to driveway entrances and exits specified in parking area plans as approved by the Zoning Administrator. Each



required parking space shall be connected with a deeded public right-of-way (by means of adequate aisles as required in SECTION 5.0, H) which offers adequate ingress and egress for automobiles.

4. Parking lots, garages and storage areas shall be so designed and constructed so that all maneuvering into and out of each parking space takes place entirely within property lines of lots, garages and/or storage areas.
5. Striping and signage: All parking areas shall be striped to facilitate the movement into and out of the parking stalls. This includes the delineation of access isles and permitted turning movements. The entrances and exits to the parking area shall be clearly marked. All signage and striping will be adequately maintained to ensure safe and efficient movement of vehicles.
6. Drainage: All parking and loading areas shall provide for proper and approved drainage of surface water.
7. Wheel Blocks: Curbs, wheel blocks, or other suitable devices must be provided to prevent vehicles from extending beyond a property line, pedestrian walkway or drainage area. A minimum of 2.5 feet should be provided for overhang of a vehicle. When a sidewalk is used as the wheel stop and overhang for a parking stall, the width of the sidewalk shall be no less than 6 feet.

**SECTION 5.1 SPECIFIC OFF-STREET PARKING REQUIREMENTS**

The amount of off-street parking space required for uses, buildings, or additions thereto shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a zoning and building permit and 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 off-street parking requirements of this Section of the ordinance.

	TYPE OF USES	REQUIRED NUMBER OF PARKING SPACES
A.	Airport, railroad passenger stations and bus terminals	One (1) parking space per each four (4) seating accommodations for waiting passengers, plus one (1) parking space per two (2) employees on shift of largest employment.
B.	Automobile service	One (1) parking space for each gas pump island, plus two (2) parking station spaces for each working bay, plus one (1) parking space for each employee on shift of largest employment.
C.	Beauty parlors and/or barber shops	Two (1) parking spaces per barber and/or beauty shop operator. Five parking spaces for each land; plus one (1) parking space for each two (2) employees on shift of largest employment.
D.	Bowling establishments	Five (5) parking spaces for each lane; plus one (1) parking space for each two (2) employees on shift of largest employment.

E.	Car wash	One (1) parking space for each employee, plus one (1) space per owner or manager and reservoir space equal to five (5) times the capacity of the facility.
F.	City and/or county government offices	One (1) parking space for each two hundred (200) square feet of gross floor area.
G.	Commercial or trade schools	One (1) parking space for each two (2) students based on capacity of the school, plus one (1) parking space for each employee.
H.	Convalescent homes, nursing homes, <del>rest homes</del> , homes for the aged, and orphanages	One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, on the shift of largest employment, plus one (1) parking space per doctor.
I.	Dance halls, pool and floor billiard halls, and exhibition halls without fixed seats	One (1) parking space for each one hundred (100) square feet of area used for dancing and assembly, or one (1) parking space for each four (4) persons based on design capacity, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.
J.	Dormitories, Fraternities, Sorority Houses, and other group housing	One (1) parking space per each two (2) residents, plus one parking space per owner or operator, plus one (1) parking space per employee, or one (1) parking space for each two (2) seats for membership meetings, whichever is greater, based on design capacity.
K.	Dwellings: One-Family; Two Family	Two (2) parking spaces. Four (4) parking spaces for access for each dwelling unit, or a joint access in which no parking is permitted on the access drive.
L.	Dwellings: Multi-Family  Multi-Family each designed occupancy by elderly (defined as persons 62 years or over persons only	Two (2) parking spaces per each dwelling unit.  One parking space for two (2) dwelling units.
M.	Establishments for sale and consumption on the premises of alcoholic beverages, food, and refreshments, or for take home food services	One (1) parking space for each: <ol style="list-style-type: none"> <li>1. Thirty (30) square feet of gross floor area in a drive-in restaurant;</li> <li>2. One hundred forty (140) square feet of gross floor area in a carry-out resuarant;</li> <li>3. Forty (40) squre feet of gross floor area or two (2) seating capacity,</li> <li>4. Two (2) seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one (1) parking space per each two (2) employees on shift of largest employment in any type restaurant.</li> </ol>

N.	Fire stations	One (1) parking space for each person on duty on largest shift.
O.	Hospitals	One (1) parking space for each two (2) beds, plus one (1) parking space for each two (2) employees or staff members, including nurses, on shift of largest employment, plus one (1) parking space per doctor.
P.	Laundromats	One (1) parking space for each two (2) washing machines, plus one (1) parking space for each employee.
Q.	Libraries, museums	One (1) parking space per each four (4) seats in rooms for public and art galleries assembly or one (1) parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.
R.	Medical offices and/or clinics	Five (5) parking spaces per each practitioner plus one (1) parking clinic space per each two (2) employees or one (1) parking space per each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.
S.	Mortuaries or funeral homes	One (1) parking space for each four (4) seats in the main chapel or public assembly area based on the maximum seating capacity, plus one (1) parking space for each funeral vehicle and employee, or in the case of no fixed seats, 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 building, whichever is greater, plus one parking space for each funeral vehicle and employee.
T.	Offices for professional business and financial, real estate, and business purposes other than medical offices and/or clinics	One (1) parking space for each two hundred fifty (250) feet of gross leasable area.
U.	Post Offices	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 each vehicle operating from the premises.
V.	Private clubs, boarding	One (1) parking space for each guest sleeping room or house, and one (1) lodge halls parking space per each four (4) fixed seats in the main assembly area, whichever is greater, plus one (1) parking space for each two (2) employees, or in the case of no fixed

		seats, one (1) parking space for each two (2) employees.
W.	Retail and personal service stores	Five (5) spaces per 1,000 square feet of gross leasable area, (4) for each additional 1,000 feet.
X.	Schools – elementary, junior high and equivalent private or parochial schools	One (1) parking space per teacher and administrator or one (1) parking 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, whichever is greater.
Y.	Schools – senior high, trade and vocational , college & universities, and equivalent private or parochial schools	Six (6) parking spaces per each room to be used for class or administrative offices or one (1) parking 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, whichever is greater.
Z.	Shopping centers	Five (5) spaces per 1,000 square feet of gross leasable area, four (4) for each additional feet.
AA.	Stadium and sports arenas	One (1) parking space for each four (4) seats, based on maximum seating capacity, plus one, one (1) parking space for each two (2) employees on shift of largest employment.
BB.	Theaters, auditoriums, churches, and places of assembly with fixed seats	One (1) parking space for each (4) seats, based on the maximum seating capacity, plus one (1) parking space for each two (2) employees on shift of largest employment.
CC.	Theaters, auditoriums, churches, and places of assembly without fixed seats	One (1) parking space per four (4) people in designed capacity of building, or one (1) parking space per one hundred (100) square feet in main auditorium or assembly area, whichever is greater, plus one (1) parking space for each two (2) employees on shift of largest employment.
DD.	Tourist homes, cabins, motels or hotels	One parking space for each sleeping room or suite, plus one (1) space per each two (2) employees on shift of largest employment.
EE.	Industrial establishments, including manufacturing, research and testing laboratories	Two (2) parking spaces for each three (3) employees – the number of parking spaces being the total number of employees, based 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.
FF.	Wholesale establishments, warehouses, and storage buildings	One (1) parking space for each employee, plus one (1) parking space for each company vehicle operating from the premises.
GG.	All Other Uses Not Listed Herein	Based on study to be prepared by owner or operator; number of spaces to be required

		<p>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 (turnover rates); (c) Based on the estimated number of trips generated and average parking duration per trip, calculate number of spaces required; and (d) Estimated number of employees – one (1) space to be provided for each two (2) employees based on shift of maximum employment.</p>
HH.	<p>Fairgrounds, Passive Open Space including general leisure, ornamental and other park spaces, trails, bikeway, pedestrian walk systems</p>	<p>Required spaces are based on study to be prepared by owner or operator.</p> <ol style="list-style-type: none"> <li>1. Parking for the facility should be comprised of adequate permanent and temporary parking area so as to accommodate current and anticipated uses of the facility.</li> <li>2. Temporary, unpaved parking should be provided for all events.</li> <li>3. Paved areas should comprise only those areas where vehicles park on a regular basis to provide service to building and parking for meetings.</li> </ol>

# **ARTICLE 6 OFF-STREET LOADING AND/OR UNLOADING REGULATIONS**

## **SECTION 6.0 OFF-STREET LOADING AND/OR UNLOADING REGULATIONS**

For all buildings and structures erected, altered, or extended, and all uses of land established as specified herein, after the effective date of this ordinance, off-street loading and/or unloading facilities shall be provided as required by the regulations herein. However, where a building permit has been issued prior to the date of the adoption of this ordinance, and provided that construction has not begun within ninety (90) days of such effective date, off-street loading and/or unloading facilities in the amounts required by this ordinance shall prevail.

## **SECTION 6.1 OFF-STREET LOADING AND/OR UNLOADING - USE AND BULK REGULATIONS**

Off-street loading and/or unloading facilities shall be provided in accordance with the following regulations.

- A. Spaces Required – Every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary and other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise and having up to 5,000 square feet of gross floor area shall be provided with at least one (1) loading and/or unloading space. One (1) additional loading and/or unloading space shall be provided for every additional 10,000 square feet, or fraction thereof, of gross floor area in the building.

If sufficient proof can be shown that less than these requirements (only that part which has to do with over five thousand (5,000) square feet) will be satisfactory for the operation in question, the Zoning Administrator may reduce these requirements.

- B. Size of Off-Street Loading and/or Unloading Space – Each off-street loading and/or unloading space shall be at least twelve (12) feet in width and at least sixty (60) feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet; provided, however, that when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the Zoning Administrator may reduce the minimum length to not less than thirty-five (35) feet.
- C. Location – All required loading and/or unloading spaces shall be located on the same zoning lot as the use served. No loading and/or unloading space for vehicles over two-ton capacity shall be closer than fifty (50) feet to any property in a residential zone unless completely enclosed by a fence, wall or screen as regulated by ARTICLE 8 of this ordinance. No loading and/or unloading space shall be located in any required yards except as herein provided.
- D. Access – Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with

a width of at least twelve (12) feet for one-way circulation and at least twenty-four (24) feet for two-way circulation.

Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, highway or deeded rights-of-way.

- E. Enlargement of Buildings – The off-street loading and/or unloading requirements, as listed in this, ARTICLE 6, of the ordinance, shall apply at any time any building is enlarged or increased in capacity by adding floor area.
- F. Design and Maintenance
  - 1. Surfacing – All open off-street loading and/or unloading spaces shall be paved subject to the provisions in ARTICLE 5, SECTION 5.0, ~~MN~~, 3 of this ordinance.
  - 2. Lighting – Any lighting used to illuminate off-street loading and/or unloading areas shall be in conformance with Section 5.0, ~~OP~~, 2. of this ordinance and directed away from property in any residential zone in such a way as not to create a nuisance.
  - 3. Space Allocated to any Off-Street loading and/or Unloading Space – Shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.
- G. Off-Street Loading and/or Unloading Plan Approval Required – Plans for all loading and/or unloading facilities shall be submitted to the Zoning Administrator for review and for compliance with the provisions of this ordinance and such other pertinent Ordinances of the City. Such plans shall show the exact proposed layout of all loading and/or unloading areas, drives and accessories, entrances and exits, type of surface to be used, typical cross sections of pavement, base and subbase, location of lighting facilities, proposed grade off-street loading and/or unloading area, and such other information or plans as the circumstances may warrant.

## **ARTICLE 7 TRANSPORTATION MANAGEMENT REGULATIONS**

### **SECTION 7.0 INTENT**

To promote effective multi-modal transportation including safe and reasonable access between public roadways and adjacent land, transit service, bicycle, and pedestrian travel. Developments intended for public use must be planned for utilizing the appropriate design vehicle standards as defined in Article 2.

### **SECTION 7.1 PROVISION FOR BICYCLE FACILITIES**

The City of Alexandria Planning Commission and Kentucky Transportation Cabinet may provide for or require bike lanes, routes, or paths. Locations for potential bicycle facilities are planned for in the *Alexandria Comprehensive Plan*.

All bicycle facilities must be accompanied by appropriate pavement markings and signage and designed according to the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities. These multi-modal facilities must be incorporated into the design of circulation patterns of sites and in the location of access points. Such facilities should be considered in the design of public streets by both developers and applicable public works agency.

### **SECTION 7.2 PROVISION FOR PEDESTRIAN NETWORK**

Sidewalk connections or alternative pedestrian ways next to adjacent developments and/or public rights-of-way shall be provided along public roads. New developments or re-development of existing sites shall provide sidewalks (or alternative pedestrian ways) along public roads. Where adequate right-of-way does not exist, right-of-way or public sidewalk easements shall be granted. The width of the sidewalks shall be in conformance with the requirements of the *City of Alexandria Subdivision Regulations*.

### **SECTION 7.3 PROVISIONS FOR MAINTAINING THE LEVEL OF SERVICE OF THE ROADWAY**

The planning commission may required that all traffic requiring access to and from a development shall operate in such a manner as to not adversely affect the level of service of the roadway. Provisions for the present or future construction of a frontage road, restriction or channelization of turning movements, or other improvements may be required, as a condition of approval, in order to maintain the level of service on an adjacent roadway.

### **SECTION 7.4 EXISTING ACCESS**

Existing access points, even not in use, may not be relocated, altered, or developed without approval of the planning commission in accordance with Section 7.5 below.

### **SECTION 7.5 ACCESS CONTROL REGULATIONS**

In order to promote greater safety of passage between highway and land; improve the convenience and ease of movement of travelers on the highway; permit reasonable speeds and economy of travel; and increase and protect the capacity of the highway, the location and design of access points shall be in accordance with the following access control



requirements. These requirements shall apply to all arterial and collector type streets, as identified in the Adopted Comprehensive Plan:

- A. Provision of Reserved Turning Lanes – At those access points where vehicles turning from the arterial and collector streets will affect the roadway capacity, reserved turn lanes shall be constructed by the developer.
- B. Provision of Frontage Road – Where large commercial, office or industrial developments are proposed along arterial or collector roadways, the planning commission shall require the use of frontage roads to provide access to property adjacent to these roadways in order to alleviate numerous curb cuts and traffic congestion along these routes. In the case of smaller developments containing single uses or buildings, or in developments where continuous road frontage cannot be constructed due to adjacent land of separate ownership (not included as part of the proposed development), the landowner/developer shall be required reserve sufficient right-of-way to allow future construction of such road. As adjacent property develops, the landowner/developer shall be required to interconnect the individual portions of frontage roads as appropriate. Access to roadway via an intersecting street or a common driveway may be required if the use of a frontage road is not feasible, as may the interconnecting parking lots.
- C. Coordination of Access Points – Major access points on opposite side of the arterial and collector streets shall be located opposite each other, otherwise turning movement restrictions may be imposed by the Planning Commission or Zoning Administrator, whichever is applicable. In addition, in order to maximize the efficient utilization of access points, and make possible the coordination of access with and between adjacent properties developed (present or future) for similar uses. As a condition of approval for construction, use, or reuse of any access road, the Zoning Administrator may require the unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.
- D. Spacing Restrictions for Signalized Access Points – Access points will warrant signalization shall be spaced a minimum distance of one quarter (1/4) mile apart. The exact location of the signal light shall be determined by a traffic engineering study which shall at least account for the following variables:
  - 1. Speed;
  - 2. Traffic signal phasing;
  - 3. Traffic signal cycle length;
  - 4. Roadway geometries; and
  - 5. Accident experience.

Provision for all turning movements to maintain the design capacity of the roadway shall be required.

- E. Sight Distance – The location of access points shall comply with safe distance requirements as provided in Table 1 and 2. The centerline of all access points shall intersect as nearly at a ninety (90) degree angle as possible but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees, unless approved by the Planning Commission or Zoning Administrator, whichever is applicable, due to certain exceptional conditions.
- F. Location of Unsignalized Access Points –
1. Arterial Streets
    - a. Unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart. Turning restrictions and/or reserved turn lanes may be required.
    - b. One access point per existing tract will be permitted (except in R-RE District); however, if the spacing requirements for a direct access point onto an arterial street (as provided in F, 1, a, above) cannot be met, then an access point may be located on a frontage road or on an intersecting local street, or share a common driveway that meets the spacing requirements. In order for the intersecting local street or frontage road to function properly, access onto them should be controlled as follows:
      - (1) Access points onto local streets intersecting an arterial street shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street.
      - (2) In all areas zoned to permit commercial, industrial, or multi-family residential use, access points from adjacent properties onto frontage roads, shall be no less than one hundred (100) feet, measured from point of curb return to point of curb return from intersections of the frontage road with local or collector streets.
    - c. Where the frontage of a tract is greater than five hundred (500) feet an additional access point may be permitted; however, the type of access point will depend on the spacing requirements in F, 1, a. If the frontage of the tract is large enough, then at least one (1) of the access points may have direct access onto the arterial street, provided the spacing between the adjacent access points meet the requirements of SECTION 7.5 F, 1, a, and all other requirements of this Section of the Ordinance. In the case where the frontage allows only one (1) point of access due to spacing restrictions as provided herein, the second access point will be via a frontage road or an intersecting local street, or share a common driveway that meets the spacing restrictions as provided along the arterial street.
    - d. If a tract of land has no means of access that would meet the requirements of this Section of the Ordinance, one (1) access point shall be provided. However, all such access points shall be considered a temporary right-of-way

and may be terminated, reduced, limited to certain turning movements or caused to be relocated by the Zoning Administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via frontage road or an intersecting local street or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, as a condition to approval, in order to minimize the number of access points and congestion to the adjacent street. In all cases where said access points are classified as "temporary", such designation shall be duly noted on the plot plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

## 2. Collector Streets

- a. On two (2) lane roadways, one (1) access point per existing tract will be allowed; however, if the frontage is greater than five hundred (500) feet, an additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility shall be one hundred (100) feet, measured from point of curb return to point of curb return, except in the case where the street intersects another collector street or arterial street, then said access points shall be spaced a minimum of three hundred (300) feet from the intersection.
- b. On multi-lane roadways the spacing is dependent on whether or not a barrier median exists (prohibiting left turn movements). If a barrier median exists, access points may be spaced as close as three hundred (300) feet; however, certain turning movements will be prohibited. If a barrier median does not exist, then the minimum spacing of access points shall be six hundred (600) feet. In addition, some turning movements may be prohibited.
- c. One (1) access point per existing tract (except in R-RE District) will be allowed; however, if the spacing requirements for a direct access point, as provided in F, 2, a, cannot be met, than an access point may be located on a frontage road or on an intersecting street or share a common driveway that meets the spacing requirements.
- d. If a tract of land has no means of access that would meet the requirements of this Section of the ordinance, one (1) access point shall be provided. However, all such access points shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements or caused to be relocated by the Zoning Administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road or an intersecting local street of share a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements, may be required, a condition to approval, in order to minimize the number of access points and congestion to the adjacent street. In all cases where said access points are classified as "temporary", such designation shall be duly noted on the plot

plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

G. Width of Access Points –

1. In single-family residential zones, no access point width shall be less than nine (9) feet, nor more than twenty (20) feet. In all other zones, access points shall not be less than twelve (12) feet, nor more than forty-eight (48) feet in width. The width shall be as measured from the point of curb return to point of curb return (or edge of pavement if no curb exists) excluding the curb radius.
2. The Zoning Administrator may modify (enlarge or reduce) the width to provide for a more efficient and safe channelization and/or flow of traffic.

H. Exceptions to Access Points Requirements – Where situations develop that may require special treatment, the requirements as provided in SECTION 57.1, A-G, may be varied provided that a traffic engineering report is prepared by a qualified traffic engineer, establishing that the special treatment will have no adverse effects on the roadway safety and capacity.

I. Access Point Problem Areas – If after special study, it is determined that the type of use or activity, proposed would have an adverse effect on the safety and capacity of the adjacent roadway, the access point spacing requirements as contained in this Section, may have to be increased in order to adequately solve the traffic movement.

J. Approval of Access Points Required – Plans for all access points and modifications thereto, (including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, thus producing an adverse effect on the adjacent roadway) shall be submitted to the Zoning Administrator at a scale not less than 1 inch = 100 feet. Such plans shall show the location of all access points, and access points within six hundred (600) feet in either direction. The proposed access point shall include typical cross sections of pavement, the base and subbase, proposed grade and storm drainage and such other information or plans as the circumstances may warrant. If such access points are being located in conjunction with off-street parking and/or loading and unloading facilities, then said plans shall also include parking and off-street loading and/or unloading plans, in accordance with SECTION 5.0 and 6.0 of this ordinance.

All access to roadways for development purposes require Site Plan or Preliminary Plan and Improvement Plan (if applicable) approval from the planning commission. Access to collector and arterial roadways will only be permitted if no other reasonable access is possible. The planning commission (or Zoning Administrator where appropriate) will review development plans for compliance with these regulations at the earliest practical stage of plan review. These regulations shall be reviewed at the following stages unless otherwise designated by the planning commission or Zoning Administrator:

Type of Development	Review Procedure
Subdivisions	Preliminary Plat Review, and if applicable, Improvement Plan
Principally Permitted and Conditional uses in the Conservation, Highway Commercial, Old Town Business, Industrial, Corridor Transition Overlay, and Public Facilities Zones (where division of property does not occur).	Site Plan Review
Conveyance Plats and Single Family Residential applications	Zoning Permit Review with building permit

K. Approval of Access Points Along State-Maintained Routes by Kentucky ~~Department of~~ Transportation Cabinet – A copy of the plans for all access points to be constructed along a state-maintained route shall also be submitted to the Kentucky ~~Department of~~ Transportation Cabinet for review and approval during the same time as plans are submitted to the Zoning Administrator, as provided for in SECTION ~~5-47.5~~, J. No access point plans shall be approved or permits issued for construction by the Zoning Administrator, until said access point plans have been approved by the ~~Department of~~ Transportation Cabinet.

**SECTION 7.6 CHANGE IN PROPERTY USE**

Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The planning commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or re-authorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study.

**SECTION 7.7 TRAFFIC STUDIES**

Traffic studies may be required by the planning commission in order to adequately assess the impact of a development proposal on the existing and/or planned street system. The developer bears the primary responsibility for assessing the traffic impact associated with the proposed development while the planning commission serves in a review capacity.

The traffic study will be the responsibility of the applicant and must be prepared by a professional individual or firm with adequate experience in Transportation Engineering and Planning. Upon submission of a draft traffic study, the planning commission will review the study data sources, methods, and findings. Comments will be provided in a written form. The applicant/developer will then have an opportunity to incorporate necessary revisions

prior to submitting a final report. All studies must be approved by the planning commission before acceptance.

The applicant should be notified at the development plan stage whether a traffic study will be required, provided adequate information is available to the planning commission. If the proposed development appears to generate significant impact on the infrastructure, the applicant will be informed that a traffic study is required.

Transportation consultants are required to discuss projects with the planning commission prior to starting the study. Topics for discussion at these meetings will include trip generation, directional distribution of traffic, trip assignment, definition of the study area, intersections requiring critical lane analysis, methods for projecting build-out volume, and needs analysis of pedestrian/bicycle facilities. Specific requirements will vary dependent upon the specific site location being reviewed. No traffic study will be accepted unless the traffic study requirements of this regulation are met, and the applicant has a pre-application meeting with the planning commission.

### **Traffic Study Format**

In order to facilitate consistency in traffic study reports and assist staff in reviewing the traffic studies, the following format shall be followed in the preparation of such facilities transportation consultants. The analysis shall be presented in a logical sequence with footnotes where appropriate. A detailed description of what should be incorporated into a study is detailed in Traffic Access and Impact Studies for Site Development, published by the Institute of Transportation Engineers. The following outline, taken from that document, indicates the information that shall be included in a transportation study:

- I. Introduction and Summary
  - A. Purpose of Report and Study Objectives
  - B. Executive Summary
    1. Site location and study area
    2. Development description
    3. Principal findings
    4. Conclusions
    5. Recommendations
  - C. Qualifications and experience of firm or individual(s) who prepared the study.
- II. Proposed Development (Site and Nearby)
  - A. Off-site development
  - B. Description of on-site development
    1. Land use and intensity
    2. Location
    3. Site plan
    4. Zoning
    5. Phasing and timing
- III. Area Conditions
  - A. Study Area

1. Area of influence
2. Area of significant traffic impact (may also be a part of Chapter IV)
- B. Study Area Land Use
  1. Existing land uses
  2. Existing zoning
  3. Anticipated future development
- C. Site Accessibility
  1. Area roadway system (a. Existing; b. Future)
  2. Traffic volumes and conditions
  3. Transit service and Pedestrian/Bicycle facilities
  4. Existing relevant transportation system management programs
  5. Other as applicable
- IV. Projected Traffic
  - A. Site Traffic (each horizon year)
    1. Trip generation
    2. Trip distribution
    3. Modal split
    4. Trip assignment
  - B. Through Traffic (each horizon year)
    1. Method of projections
    2. Trip generation
    3. Trip distribution
    4. Modal split
    5. Trip Assignment
  - C. Total Traffic (each horizon year)
- V. Traffic Analysis
  - A. Site Access
  - B. Capacity and Level of Service
  - C. Critical Lane Analysis
  - D. Traffic Safety
  - E. Traffic Signals
  - F. Vehicle/Bicycle/Pedestrian Circulation and Parking
- VI. Improvement Analysis
  - A. Improvements to accommodate base traffic
  - B. Additional improvements to accommodate site traffic
  - C. Alternative improvements
  - D. Status of improvements already funded, programmed, or planned
  - E. Evaluation
- VII. Findings
  - A. Site accessibility

- B. Traffic impacts
  - C. Need for any improvements
  - D. Compliance with applicable local codes
- VIII. Recommendations
- A. Site access/circulation plan
  - B. Roadway improvements
    - 1. on-site
    - 2. off-site
    - 3. phasing, if appropriate
  - C. Transportation System Management Actions
    - 1. off-site
    - 2. on-site operational
    - 3. on-site
  - D. Other
- IX. Conclusions

The executive summary should be a one or two-page synopsis that concisely summarizes the study purpose, conclusions, and recommendations. Throughout the study, assumptions must be detailed and described. The study should also specify which transportation improvements will be the responsibility of the developer to complete.

## **SECTION 7.8 WAIVER OF REQUIREMENTS**

The planning commission may reasonably waive or modify, with conditions, the requirements of these regulations, if it is determined that such action will serve to preserve the purpose and intent of these regulations.



## **ARTICLE 8 FENCES, WALLS AND OBSTRUCTIONS TO VIEW REGULATIONS**

### **SECTION 8.0 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS**

No fence, wall hedge, or other structure, or other obstruction above a height of thirty-six (36) inches 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) feet from the intersection of the right-of-way line of two (2) streets 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.

### **SECTION 8.1 CLASSIFICATION OF FENCES AND WALLS**

- A. The following shall be the classification of fences and walls for this ordinance:
1. Masonry walls;
  2. Ornamental iron (eighty percent (80%) open);
  3. Woven wire (eighty percent (80%) open); and chain link;
  4. Wood or other materials (more than fifty percent (50%) open);
  5. Solid fences - wood or other materials (less than fifty percent (50%) open);
  6. Hedges;
  7. Barbed wire or sharp pointed fences;
  8. Earthen or concrete walls intended to contain or redirect flooding waters.

### **SECTION 8.2 CONSERVATION ZONE**

- A. Fences and/or walls within the conservation zone shall conform to the following requirements:
1. SECTION 8.0, except that in front yards class 2 or 3 fences may be erected up to a maximum height of ninety-six (96) inches.
  2. Side and rear yard, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of ninety-six (96) inches.
  3. Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or City Engineer, whichever is applicable.

### **SECTION 8.3 RESIDENTIAL ZONES**

A. Fences and/or walls within all Residential (R) Zones, including their applicable overlay zone, shall conform to the following requirements:

1. The requirements for the Residential (R) Zones, for residential uses only, are as set forth and depicted ~~on Figure 1 in Appendix D~~ of this ordinance, which is attached hereto and incorporated herein by reference. Provided, however, that Fence Type A (~~Figure 1 Appendix D~~) shall be limited to Fence Classes 2, 4 or 6; and Fence Types B and C shall be limited to Fence Classes 2, 4, 5 or 6.
2. The location, height, and type of all fences and/or walls within any area zoned with PUD, RCD, RMHP, or CT shall be as approved by the Planning and Zoning Commission.
3. For all non-residential uses conditionally permitted in any residential zone herein, the requirements are as follows:
  - a. Fences of Class 2, 4 or 6 only shall be permitted in front yards, including the front yard of corner lots as governed by SECTION 8.0. Said fences may be erected up to a maximum height of seventy-two (72) inches.
  - b. Classes 2, 4, 5 or 6 fences and/or walls may be erected in side or rear yards up to a maximum height of seventy-two (72) inches, provided, however, for the following exceptions.
    - (1) General purpose recreational areas may be enclosed with fences or walls of Classes 1, 2, 3, 4, 5, 6, or 7, up to a maximum height of ninety-six (96) inches.
    - (2) Class 3 fences (or a combination of 3 and 7) may be erected to enclose tennis courts or as back-stops for baseball and/or softball fields up to a maximum height of one hundred and forty-four (144) inches; and
    - (3) In the case of corner lots, as governed by SECTION 8.0, fences of Class 2, 4 or 6 only may be erected, as regulated by the applicable provisions of this section.

#### **SECTION 8.4 COMMERCIAL AND INDUSTRIAL ZONES**

Fences and/or walls within all Commercial and Industrial Zones, including those permitted with all conditionally permitted uses in these zones, shall conform to the following requirements:

- A. Except as provided for in SECTION 8.0, fences of Classes 1, 2, 3, 4, 5, or 6 may be erected in front, side, and rear yards of commercial zones up to a maximum height of seventy-two (72) inches.
- B. Corner lots, as governed by SECTION 8.0, fences of Classes 2 or 3 only, may be erected up to a maximum height of seventy-two (72) inches.

- C. In all commercial and industrial zones, except NSC, HC, and IP, a combination of Classes 3 and 7 fence (chain link with three strands of barb wire) may be erected, including corner lots as governed by SECTION 8.0, up to a maximum height of eighty-four (84) inches.

**SECTION 8.5 MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS**

- A. All fences and/or wall heights shall be measured along the fence or wall locations.
- B. All locations for distance measurements shall be measured from lot lines.

**SECTION 8.6 HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCES**

In all zones, except R-RE Zones, barbed wire or sharp pointed fences, where permitted, shall not be less than a height of sixty (60) inches above ground level.

**SECTION 8.7 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. Said measurement shall be made at and along the location of the fence and retaining wall.

## **ARTICLE 9 SIGN REGULATIONS**

### **SECTION 9.0 INTENT**

The purpose of this Article is to coordinate the type, placement, and physical dimensions of signs within the different zones, while protecting property values, creating a more attractive economic and business climate, and enhancing and protecting the physical appearance of the community. In addition, the purpose of this Article is to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and generally enhance community development. The regulations set forth herein apply and govern signs in all zones except as otherwise specifically provided within this ordinance.

### **SECTION 9.1 SCOPE**

The provisions of this Article shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the City of Alexandria, and it shall be unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with provisions of this Article. Furthermore, it shall be unlawful to alter, maintain, enlarge, use, or display any sign erected or constructed prior to the enactment of this Article except in conformance with this Article.

Except as specifically provided, the following shall be exempt from the provisions of this Article:

- A. Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way.
- B. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger. Identification or bulletin board signs accessory to governmental buildings or other facilities shall not be exempt from the provisions of this Article.
- C. The flag, pennant, or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational institution; except when such are used in connection with a commercial promotion or as an advertising device.
- D. Works of fine art, which in no way depict, identify, or advertise a product or business.
- E. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday or celebration.
- F. Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.
- G. Merchandise, pictures, or models of products or services which are incorporated as an integral part of a window display.

- H. Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business. Such signs shall be magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and shall not break the silhouette of the vehicle. Such signs may indicate the name of the owner or business and be affixed or painted onto moving vans, delivery trucks, contractors' vehicles and equipment, rental trucks and trailers, and the like; provided that such signs are clearly incidental to the use of the vehicle in conjunction with a bona fide business and are not for the purpose of display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles, and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible. Any sign on an inoperable or unlicensed vehicle shall be covered so it is not visible from any street or right of way.

## **SECTION 9.2 DEFINITIONS**

The following definitions unique to this Article are listed below. The terms to be defined have been grouped according to the specific aspects of sign control to which they pertain in order to provide a clearer understanding of the regulations contained later in this Article.

- A. **SIGN** - Any writing, pictorial representation, form, emblem, trademark, flag, banner, decoration (including material used to differentiate the sign copy from the background) or any figure which is written, printed, projected, painted, constructed, or otherwise displayed upon or designed into a building, board, plate, canopy, awning, window, vehicle, or upon any object or device which by reason of its form, color, wording, symbol, design, illumination, motion or other characteristic is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, announcement, or of illustrating products.

### **B. BASIC SIGN TYPES BY FUNCTION**

The following categories of signs are hereby defined based upon the nature of the information they are intended to provide:

1. **ADVERTISING SIGN** - A sign which directs attention to a business, product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located.
2. **ATTRACTION BOARD** - A sign which contains no permanent copy, either letters or emblems, on which copy is changed manually with changeable letters and which announces special activities on the property.
3. **BULLETIN BOARD** - A sign which allows the manual changing of the copy material and is used to notify the public of non-commercial events or occurrences such as church services, political rallies, civic meetings or similar events.
4. **BUSINESS SIGN** - A sign which directs attention to a business, profession, product, activity, or entertainment, sold or offered upon the premises where such sign is located, and may include information as for an identification sign.

5. **CONSTRUCTION SIGN** - A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.
6. **DIRECTIONAL SIGN** - A non-commercial sign of an instructional nature, such as "parking," "exit" or "entrance," displayed solely for the convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.
7. **GOVERNMENT SIGN** - A temporary or permanent sign erected by any government body for traffic direction, or for designation or direction to any school, hospital, park, historic site or other service, property or facility, provided that such signs not contain business advertising of any kind.
8. **HISTORIC MARKER** - A sign or emblem which commemorates or identifies an event, past ownership of property, or age of a building.
9. **INCIDENTAL SIGN** - A small sign, not exceeding two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this Article. Such signs shall not include information found on a business sign such as the name of the business, business logo, products or services offered etc. Examples of incidental signs would include "no smoking," "restroom," "no solicitors," "no trespassing," "self service," "vacancy," credit card acceptance signs, signs indicating hours of business, and similar information.
10. **IDENTIFICATION SIGN** - A sign which establishes the identity of a building or building complex by name or symbol or combines name, street address, and/or management and has no direct advertising value.
11. **MENU BOARD** - A free standing or wall mounted sign primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through service.
12. **NAMEPLATE** - A wall sign which gives only the name, address, and/or occupation of the occupant(s) of the building on which it is located.
13. **POLITICAL SIGN** - A temporary sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.
14. **REAL ESTATE SIGN** - A temporary sign indicating only sale or rental of property or buildings on which the sign is erected.

15. TRACT SIGN - A temporary sign advertising the original sale of property in a subdivision.
16. TEMPORARY SIGN - Any sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light materials, with or without frames, and/or intended to be displayed for a limited period of time only.
17. A-FRAME or SANDWICH BOARD - A free standing, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. A-frame signs shall not include trailer signs with or without wheels affixed.

### C. SIGN TYPES BY MEANS OF MOUNTING OR ERECTING

The following categories of signs are hereby defined primarily by the means of mounting or erecting and locational placement upon a building or premises:

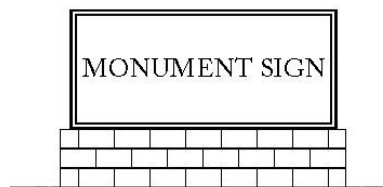
1. AWNING SIGN - A sign painted on or printed on, or attached flat against, the surface of an awning. As used in this Article, awning shall be defined as a shelter supported entirely from an exterior wall of a building consisting of cloth or other similar non-rigid material supported by a frame.



2. UNDER AWNING OR UNDER CANOPY SIGNS - A small sign, limited to four (4) square feet, attached to and suspended from the underside of a canopy or awning and having a clearance of not less than eight (8) feet.
3. CANOPY SIGN - A sign painted, printed or attached flat against a surface of a canopy. As used in this Article, canopy shall be defined as a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.



4. FREE STANDING SIGN - A sign, not attached to any building, and attached to the ground by poles, braces, or other means.
5. MARQUEE - A sign used in conjunction with a theater which is attached to, and supported by, the building and generally projects from the building; and, which in addition to permanent copy, may allow for changeable letters.
6. MOBILE SIGN - A mobile sign is a sign that is affixed to a frame having wheels or is capable of being carried, or otherwise portable; does not have a permanent foundation; cannot withstand the stress and wind loads of the Building Code; and is designed to stand free from a building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed free standing signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition.
7. MONUMENT SIGN – A sign which is permanently attached to or supported by the ground and where the base of said sign is no higher than two feet above grade. A monument sign is not attached or incidentally attached to any structure or building. A monument sign shall include a supporting base composed of stone, brick, concrete textured to look like stone or brick, architecturally treated wood or other similar materials. Monument signs shall be accented with landscaping.

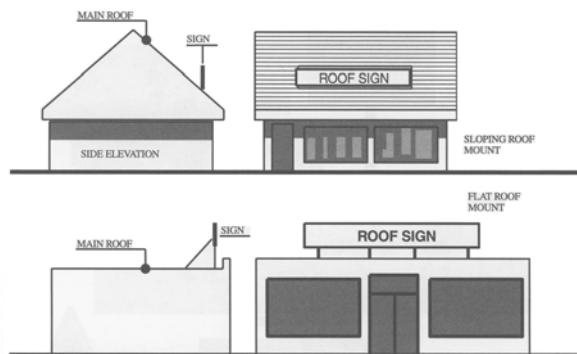


8. PROJECTING SIGN - A sign which is attached directly to a canopy, marquee, or wall of a building and which extends horizontally outward from such canopy, marquee or wall more than twenty-four (24) inches.

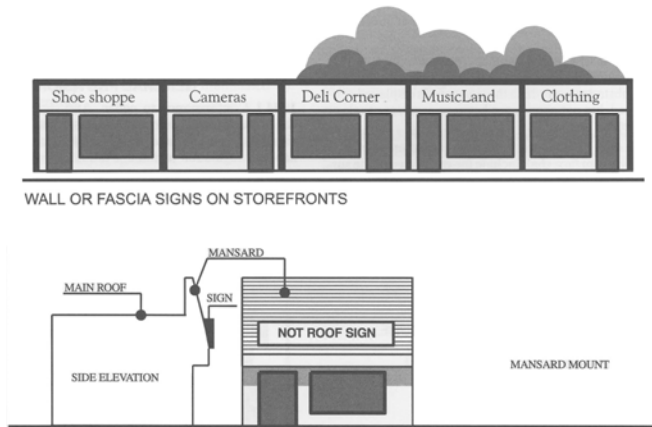




9. ROOF SIGN - A sign which projects above the cornice of a flat roof, or above the top edge of any roof, including the ridge line of a gabled or hipped roof. Such top edge shall not include any cupolas, pylons, chimneys or other minor projections above the roof line.



10. WALL MOUNTED SIGN - A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of the building; and includes painted, individual letter and cabinet signs, signs on a mansard, or on a parapet not exceeding three (3) feet in height and provided the parapet extends on at least three sides of a building and signs erected on or against the side of a roof but not projecting above the roof line. No copy shall be permitted to be displayed on the sides of the sign which are perpendicular to the wall face.



11. **PAINTED SIGN** - Any sign which is applied with paint or similar substance directly to a wall or other surface. Any painted sign shall be subject to the regulations of the zone in which it is located.
12. **WINDOW SIGN** - A sign which is painted on, applied or attached to, the interior of a window or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure. Merchandise which is included in a window display shall not be included as a part of a window sign.

#### D. SIGN TYPES BY DESIGN FEATURES

The following categories of signs are hereby defined primarily by certain design features of the sign itself:

1. **NON-ILLUMINATED SIGN** - A sign which does not emit or reflect artificial light from any source, either directly or indirectly.
2. **ILLUMINATED SIGN** - A sign which emits or reflects, either directly or indirectly, artificial light from any source:

- a. **DIRECTLY ILLUMINATED SIGN** - A sign which is lighted by means of an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
  - b. **INDIRECTLY ILLUMINATED SIGN** - A sign whose light source is so situated as to project light onto the exterior or front of the sign surface, or to project light onto the building facade where the sign is located.
  - c. **INTERNALLY ILLUMINATED SIGN** - A sign whose light source is within the sign, with the sign having a transparent or translucent background or cover which silhouettes opaque or translucent letters or designs.
3. **ROTATING OR MOVING SIGN** - A sign, any portion of which moves by mechanical means, motion of the wind or other means. Such motion does not refer to methods of changing copy used on an electronic message display system.
  4. **FLASHING OR BLINKING SIGN** - A sign, the illumination of which is not kept constant and which contains an intermittent or sequential flashing light source for the purpose of either attracting attention to the sign or as a method of changing copy.
  5. **ELECTRONIC MESSAGE DISPLAY SYSTEM** – A sign with copy or images which includes, but is not limited to reflective disc, direct illumination, rotating veils, light emitting diodes (L.E.D.'s), or liquid crystal diodes (L.C.D.'s), and is controlled by means of a central computer or video control system and which has no audible sound. Signs using an electronic message display system must meet the following requirements:
    - a. The display system must display text with white or yellow alphabetic or numeric characters only on a plain background. The text may change only at a minimum of eight second intervals. A maximum of three lines of text is allowed. No motion, flashing, blinking, shimmering, graphics, photographic images or animation is allowed.
    - b. The area occupied by the message on an electronic message display board may comprise no more than 50 percent of the allowable sign area.
    - c. No more than one changeable sign (electronic message system or attraction board with manually changed text) is allowed per lot of record.
    - d. When the display message changes it must change as rapidly as technologically practicable without any phasing, rolling, scrolling, flashing or blending.

#### E. OTHER SIGN TYPES AND DEFINITIONS

The following phrases are hereby defined for the purposes of this Article:

1. **ABANDONED SIGN** - A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; any advertising sign which no longer directs attention to a bona fide business conducted, product

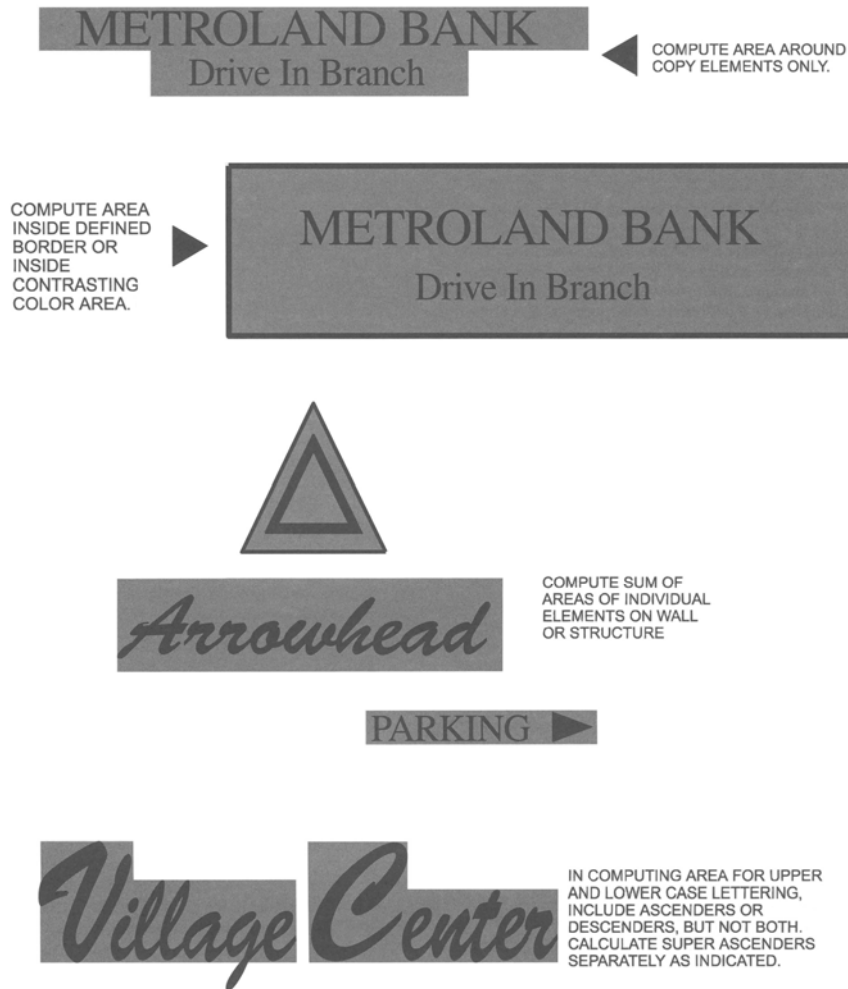
sold, or activity or campaign being conducted or for which no legal owner can be found. A sign shall be deemed as abandoned when the conditions described above have been in evidence for a period exceeding one hundred eighty (180) days. For the purposes of this definition, an advertising sign shall not be deemed abandoned solely because the sign has contained no copy for a period exceeding one hundred eighty (180) days.

2. AREA OF A SIGN - Shall be defined and computed as follows:

a. FREE STANDING OR PROJECTING SIGNS:

- (1) Any double-faced sign shall have only one side, the largest, counted in calculating the area.
- (2) Any sign with three or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two.
- (3) If the sign is composed of one or two individual cabinets, the area around and enclosing the perimeter of each cabinet or module shall be summed and totaled to determine the area. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such embellishments and their total surface area (excluding pole covers provided such covers do not extend more than six (6) inches at any point from any structural member) does not exceed twenty-five percent (25%) of the otherwise permitted sign area.
- (4) If the sign is composed of more than two sign cabinets, or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single continuous geometric figure shall be the area of the sign. The measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided there is no written copy on such embellishments and their total surface area (excluding pole covers provided such covers do not extend more than six (6) inches at any point from any structural member) does not exceed twenty-five percent (25%) of the otherwise permitted sign area.

b. WALL MOUNTED SIGNS - The area shall be within a single-continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the copy including vertical and horizontal spacing between individual letters, logos, etc.



3. BANNER SIGN, PENNANT OR STREAMER – An identification sign, a temporary sign or a business sign made of durable fabric only, and not made of wood, metal or soft or hard plastic, having no enclosing framework. Such banner sign, pennant or streamer may be non-illuminated or indirectly illuminated only.
4. CLEARANCE OF A SIGN - The least vertical distance between the lowest point of any sign, including the framework, and the established grade at the sign.
5. HEIGHT OF A SIGN - The vertical distance measured from the highest point of the sign including the frame and any embellishments and the established grade at the adjacent street.
6. FACE OF A SIGN - The vertical area of the sign on which the copy is placed.
7. COPY - Any word, letter, number, or emblem affixed to the sign surface either permanently or in removable form.

8. **DOUBLE-FACED SIGN** - A sign with two faces either set parallel or up to a forty-five degree (45°) angle. Any two sign faces set at an angle greater than forty-five degrees (45°) shall be considered two separate signs.
9. **ILLEGAL SIGN** - A sign which does not meet the requirements of this Zoning Ordinance and which is not non-conforming.
10. **NON-CONFORMING SIGN** - A sign which was legally erected but which does not comply with the adopted sign regulations of this Zoning Ordinance for the zone in which it is located.
11. **SETBACK OF A SIGN** - The horizontal distance between any street right-of-way and a free standing sign and/or its supporting structure. The measurement shall be taken at the closest point proximity between the right-of-way and any part of the sign or structure.
12. **BUILDING FRONTAGE** - The horizontal, linear dimension of that side of a building which abuts a street, parking area, or other unenclosed circulation area open to the general public. Where more than one use occupies a building, the building frontage shall be the front width of the portion of the building occupied by that use.
13. **STREET FRONTAGE** - The linear distance between the lot lines measured along the abutting public or private street.

### **SECTION 9.3 PERMIT REQUIREMENTS**

- A. No sign, except as specifically exempted herein, shall be displayed, erected, relocated or altered unless and until a permit has been issued by the Zoning Administrator Official. Application materials shall be as required by the Zoning Administrator and shall include, but shall not be limited to the following:
  1. A completed application form.
  2. A site plan and/or building elevation drawing, showing the location of the proposed sign(s) on the lot and/or building, including setbacks.
  3. Detailed sign information, including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting and other similar information.
  4. The written consent of the owner of the underlying real property or authorized agent.
  5. A permit fee in an amount determined by the City of Alexandria.

Signs may be erected or constructed only in compliance with the approved permit.

### **SECTION 9.4 GENERAL REQUIREMENTS**

- A. ENFORCEMENT – No sign shall be erected, maintained or continued unless it is in full compliance with the regulations of the zone in which it is located, all applicable provisions and regulations of this ordinance or any other applicable laws, codes or ordinances of the City of Alexandria. The Zoning Administrator shall have the duty and authority to remove or cause to have removed any sign not in full compliance with all applicable provisions and regulations of this Ordinance or any other applicable laws, codes, or ordinances of the City of Alexandria when the owner or agent has failed to comply within the time specified by the Zoning Administrator to make said sign comply. Said owner or agent shall bear the full costs of such removal and shall be billed accordingly.
- B. LOCATION OF SIGNS – Permitted signs may only be located on the property for which the permit is granted.
- C. REMOVAL OF REAL ESTATE SIGNS - All real estate and tract signs shall be removed within ten (10) days after completion of sales activities in connection with the property or tract to which they pertain.
- D. ILLUMINATED SIGNS NEAR RESIDENTIAL ZONES - Illuminated signs shall be located in a fashion which minimizes, to the greatest feasible extent, the direct rays of such illumination penetrating into any residential zone or property used for residential purposes.
- E. IMITATION OF OFFICIAL SIGNAGE - No light, sign or other advertising device shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal or device or use any words, phrases, symbols or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
- F. SIGNS ON TREES, UTILITY POLES OR OTHER STRUCTURES - No sign shall be attached to or painted on the surface of any tree, utility pole, street light standard, or dilapidated structure.
- G. NEON SIGNS - Neon lighting and tubing and other exposed light sources not exceeding one hundred (100) watts per bulb may be used on signs where signs are permitted to be directly illuminated as defined in this Article. However, no such lighting may be used to outline buildings, structures, or ornamental features.
- H. SIGNS WITHIN SIGHT TRIANGLES OR RIGHT-OF-WAY - No sign (except for government signs), may be located within the required sight triangle of any intersection, nor within or projecting into the public or private street right-of-way, except as specifically permitted herein.
- I. SIGNS FOR NON-CONFORMING USES – Signs accessory to legal non-conforming uses shall be permitted and shall be subject to the regulations of the zone in which the use is located.
- J. LOCATION OF ALLOWABLE SIGNAGE BASED ON STREET FRONTAGE - Where signs are permitted on a lot on a per frontage basis under this Article, such signs shall be located and oriented to the distinct street frontage by which the sign is permitted. In addition, for free standing signs permitted on a lot on a per frontage basis, the signs on that lot may not be closer than seventy-five (75) feet from each other as measured in a straight line.

- K. **SIGNS AS A PERCENTAGE OF WALL AREA-** Where wall signs are permitted as a percentage of the wall area to which they are attached, such wall area shall include all windows, doors, and wall area of the building in one plane of elevation. Where the building or wall face is broken or irregular in relation to a single vertical plane perpendicular to the ground (by such architectural features as dormers, pitched roofs, awnings, etc.), the requirements may be applied in one of two ways:
1. The total building face may be considered as one, two-dimensional wall, and number of signs permitted and maximum area requirements applied on that basis.
  2. Where each individual plane created by the architectural feature projects or is recessed by twelve (12) inches or more, each plane may be considered as a separate wall, and number of signs permitted and maximum area requirements applied on that basis. However, the total square footage of the permitted signs shall not exceed the square footage permitted above, and no sign shall be oriented in a direction other than that of the building face under consideration.
- L. **INCIDENTAL SIGNS** - No incidental sign shall be attached to a free standing or monument advertising sign, business sign, identification sign or directional sign.
- M. **CANOPY SIGNS AS PART OF ALLOWABLE WALL SIGNAGE** - Canopy signs shall be counted as a part of and limited to the percentage allowable for wall signs. The height of canopy signs shall not exceed twenty (20) feet. For any case where the vertical dimension of the canopy face exceeds three (3) feet, only three (3) feet of the vertical dimension shall be used for computing the area of such facing, and any sign or sign cabinet permitted shall have a maximum vertical dimension of three (3) feet.
- N. **SIGNAGE FOR MULTIPLE USES** - Where more than one use occupies a building, the permitted sign area shall be based on the building frontage of that use.
- O. **PERMITTED SIGN AREA BASED ON FRONTAGE** - Street or building frontage used as a basis of determining permitted sign area for a building or use shall not be used as the basis for determining the permitted sign area for another building or use.
- P. No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highways, limited access highway, or turnpike except as provided for in KRS 177.830 -177.890 and approved by the Kentucky Department of Transportation, Bureau of Highways, District Office No. 6, as amended.

## **SECTION 9.5 SIGNS EXEMPT FROM PERMIT REQUIREMENTS**

The following signs shall not require a permit. However, such signs are subject to applicable restrictions contained within this Article, and the Zoning Administrator shall take enforcement action against any such sign which does not conform to the specified requirements.

- A. Political Signs;
- B. Nameplates;
- C. Government Signs;



- D. Real Estate Signs;
- E. Incidental Signs;
- F. Window Signs; and
- G. The changing of copy on a billboard, attraction board, marquee, informational sign, or electronic message display system.

## **SECTION 9.6 PROHIBITED SIGNS IN ALL ZONES**

The following signs and/or sign features shall be prohibited in all zones.

- A. Mobile Signs.
- B. Any sign attached to, or placed on a vehicle or trailer parked on public or private property. A vehicle may not be used as a support device for a temporary sign.
- C. Vehicles whose primary purpose is the display of signs shall be considered a mobile sign and are prohibited.
- D. Advertising Signs
- E. Projecting Signs (except as permitted in the Old Towne Business Zone (B-1)).
- F. Roof Signs.
- G. Flashing Signs, Blinking Signs or signs with motion, shimmering, graphics, photographic images or animation.
- H. Rotating or Moving Signs.
- I. Abandoned Signs.
- J. Streamers, pennants and tag signs or similar signs or devices made of wood, plastic, metal, or similar material, other than cloth, except when attached to a permitted temporary sign.
- K. Any sign which emits any noise, odor or visible matter for the purpose of attracting attention to the sign. No device which emits noise may be used for advertising purposes in any zone.
- L. Any free standing sign, any portion of which overhangs any part of a building.
- M. Signs constituting a nuisance, because of light, glare, focus, noise, animation, flashing, intensity of illumination as to unduly disturb the use of surrounding properties as determined by the Zoning Administrator, or causing a traffic hazard.
- N. Any sign which is misleading, fraudulent, obscene, immoral, indecent, or unsightly in character as determined by the Zoning Administrator.

## **SECTION 9.7 PERMITTED SIGNS IN ALL ZONES**

The following signs shall be permitted within all zones, subject to the restrictions specified:

- A. Government signs with no restrictions on size, number or location.
- B. Political signs, not exceeding eight (8) square feet in area and removed within ten (10) days after the election they pertain to.

- C. Real estate signs, limited to one (1) sign per street frontage; non-illuminated; not exceeding eight (8) square feet in area; and removed within ten (10) days after completion of the sale or lease of the property to which they pertain.
- D. Construction signs, not exceeding sixty-four (64) square feet, limited to one per street frontage in multi-family residential, office, business, and industrial zones; or where one sign is to be utilized, the permitted sign area may be totaled by summing the square footage permitted on each street frontage. In single family residential zones, construction signs shall not exceed thirty-two (32) square feet and shall be limited to one per street frontage. All construction signs shall be non-illuminated or indirectly illuminated and shall be removed prior to issuance of an occupancy permit for the structure to which they pertain.
- E. Tract signs, set back from any street as required for a principal structure within the zone; non-illuminated, and further regulated as follows:
  - 1. Where the subdivision contains twenty-five (25) lots or less, the sign area shall not exceed sixty-four (64) square feet.
  - 2. Where the subdivision contains more than twenty-five (25) lots, the sign area shall not exceed one hundred (100) square feet.
  - 3. Each subdivision shall be permitted one (1) tract sign per arterial or collector street frontage; provided the total number of signs shall not exceed four (4) signs.
- F. Incidental Signs.
- G. Temporary signs and temporary advertising displays, not specifically otherwise regulated, in accordance with the following conditions:
  - 1. A temporary advertising permit shall be obtained prior to the placement, out of doors, of any combination of banners, posters, signs, pennants, flags, as well as strings of lights or spotlights. The procedure for obtaining a temporary advertising display permit shall be the same as the procedure for obtaining a Sign Permit except for that the permits issued must contain the dates the advertising devices will be utilized. Any temporary advertising display shall meet all other safety and setback requirements.
  - 2. Temporary signs, except those utilized by non-profit agencies and otherwise provided for herein, shall be permitted, for not more than fourteen (14) consecutive calendar days or not more than two (2) weeks of any calendar year. Non-profit agencies may display temporary signs for a period not to exceed thirty (30) consecutive calendar days. A period of ninety (90) days must elapse before another such permit is issued for the same business or to the same agency. Any establishment shall be allowed up to three (3) temporary advertising display permits in any one calendar year.
  - 3. ~~Such signs shall be limited to window or wall signs only;~~ Temporary signs shall not exceed one hundred (100) square feet in surface area per use where non-rigid materials are used; and shall not exceed thirty-two (32) square feet per use where

rigid materials such as wallboard or plywood are utilized; and shall comply with the applicable regulations for the zone in which they are located.

~~4. Such signs shall not remain in place for a period of more than thirty (30) days, except that the Zoning Administrator may, for good cause, extend the time period for an additional 30 days upon application therefore. In addition, no use shall be permitted to display a temporary sign for more than a total of one hundred fifty (150) days during any calendar year.~~

H. Historic markers not exceeding six (6) square feet in area, limited to one sign per street frontage.

## **SECTION 9.8 PERMITTED SIGNS BY ZONE**

The following sign regulations shall be applicable within the zoning categories indicated. Any sign not specifically permitted shall be deemed as prohibited.

### **A. CONSERVATION (C-O), RESIDENTIAL RURAL ESTATE & AGRICULTURAL ZONE (R-RE)**

Permitted signs within these zones may be monument or wall mounted unless otherwise specified. Signs shall be either non-illuminated or internally illuminated unless otherwise specified. No monument sign shall exceed ten (10) feet in height.

1. One nameplate per residence or other permitted use, not exceeding one (1) square foot in area.
2. One identification sign for a permitted home occupation, not exceeding two (2) square feet in area.
3. One identification sign, for a farm or estate exceeding five (5) acres in size, monument or wall mounted; not exceeding ten (10) square feet in area.
4. One identification sign for a permitted kindergarten, nursery school, day care center, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
5. One identification sign for a permitted church or school for academic instruction, monument, or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if monument; in addition, one bulletin board, free standing or wall mounted, not exceeding twelve (12) square feet in area and eight (8) feet in height.
6. One identification sign for any permitted use not otherwise specifically provided for, monument, or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if monument.
7. One non-illuminated business sign advertising agricultural products grown or raised on the premises, free standing, monument or wall mounted; not exceeding thirty-two (32) square feet in area.

8. Subdivision entrance identification signs of permanent construction, monument or wall mounted; one sign not exceeding fifty (50) square feet in area or two signs not exceeding twenty-five (25) square feet in area; not exceeding six (6) feet in height if monument; no more than two per entrance; not more than two entrances to be identified.

#### B. LOW DENSITY RESIDENTIAL ZONES (R-1A, R-1B, R-1C R1-D, R1-V)

Permitted signs within these zones shall be wall signs unless otherwise specified; signs shall be either non-illuminated or internally illuminated. Minimum setback for any free standing sign or monument sign permitted under this section shall be one-half (½) the minimum front yard requirement for the zone in which the sign is to be located; and no less than ten (10) feet in any case.

1. One nameplate per residence or other permitted use, not exceeding one (1) square foot in area.
2. One identification sign for a permitted home occupation, not exceeding two (2) square feet in area.
3. One identification sign for a permitted kindergarten, nursery school, day nursery, or child care center, wall mounted not more than seven (7) feet above ground level; not exceeding two (2) square feet in area.
4. One identification sign for a permitted church or school for academic instruction, monument, or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if monument; in addition, one bulletin board, free standing, monument or wall mounted, not exceeding twelve (12) square feet in area and eight (8) feet in height.
5. One identification sign for any permitted use not otherwise specifically provided for, monument, or wall mounted; not exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if monument.
6. Subdivision entrance identification signs of permanent construction, monument or wall mounted; one sign not exceeding fifty (50) square feet in area or two signs not exceeding twenty-five (25) square feet in area; not exceeding six (6) feet in height if monument; no more than two per entrance; not more than two entrances to be identified.

#### C. HIGH DENSITY RESIDENTIAL ZONES (RMHP, R-2, R-3)

Permitted signs within these zones shall be monument or wall mounted signs unless otherwise specified; signs shall be either non-illuminated or internally illuminated.

1. Signs as permitted and regulated under Section B (Low Density Residential Zones) above.
2. One identification sign for a multi-family residential building or mobile home park containing four (4) or more dwelling units, monument or wall mounted; not

exceeding thirty-two (32) square feet in area; not exceeding eight (8) feet in height if monument. A minimum setback of at least fifteen (15) feet from any street.

D. PROFESSIONAL OFFICE BUILDING ZONE (PO), PUBLIC FACILITIES (PF), Permitted signs may be monument or wall mounted as specified; signs shall be non-illuminated or internally illuminated unless specified otherwise. No monument sign shall exceed ten (10) feet in height.

1. Business signs shall be permitted as follows:
  - a. For individual businesses not in a shopping center or business cluster, one monument business sign shall be permitted per street frontage, with a maximum of two (2) monument signs; not exceeding sixty-four (64) square feet per sign.
  - b. For clustered uses (three or more businesses in a development or shopping center including outlots), one monument business sign per street frontage with a maximum of two (2) monument signs; not exceeding one (1) square foot per linear foot of street frontage sign addresses up to a maximum of 150 square feet. Individual businesses are not permitted a separate monument sign or free standing sign.
  - c. Wall mounted business signs. The surface area of wall mounted business signs shall not exceed two square feet per linear foot of wall area. Wall mounted signs are only permitted on one building elevation directly on, or with high visibility from any arterial, collector, access street or area of major traffic circulation within the development. Businesses located on a corner lot at the intersection of two arterial roads may have wall mounted signs on the two elevations facing the arterial roads. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.
  - d. One wall mounted or monument sign permitted above may have an attraction board or electronic message display system which covers up to 50% of the permitted sign area.
  - e. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.
  - f. Canopy or awning signs shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.
2. Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing not to exceed two (2) signs per entrance.

3. One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.

E. NEIGHBORHOOD SHOPPING ZONE CENTER ZONE (NSC), HIGHWAY COMMERCIAL ZONE (HC), INDUSTRIAL PARK ZONE (IP),

Permitted signs may be monument, free standing or wall mounted as specified; signs shall be non-illuminated or internally illuminated unless specified otherwise. No free standing sign shall exceed twenty (20) feet in height. No monument sign shall exceed ten (10) feet in height.

1. Business signs shall be permitted as follows:
  - a. For individual businesses not in a shopping center or business cluster, one monument business sign shall be permitted per street frontage, with a maximum of two (2) monument signs; not exceeding sixty-four (64) square feet per sign. Free standing signs are not permitted.
  - b. For clustered uses (three or more businesses in a development or shopping center including outlots), one monument or free standing business sign per street frontage with a maximum of two signs; both signs shall be of the same type (monument or free standing). Monument signs shall be not exceeding one (1) square foot per linear foot of street frontage where sign is to be located up to a maximum of one-hundred fifty (150) square feet. Free standing signs shall not exceed one-half (½) square foot per linear foot of street frontage where sign is to be located up to a maximum of one-hundred (100) square feet. Individual businesses are not permitted a separate monument sign or free standing sign.
  - c. Wall mounted business signs. The surface area of wall mounted business signs shall not exceed two square feet per linear foot of wall area. Wall mounted signs are only permitted on one building elevation directly on, or with high visibility from any arterial, collector, access street or area of major traffic circulation within the development. Businesses located on a corner lot at the intersection of two arterial roads may have wall mounted signs on the two elevations facing the arterial roads. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.
  - d. One wall mounted, free standing or monument sign permitted above may have an attraction board or electronic message display system which covers up to 50% of the permitted sign area.
  - e. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.
  - f. Canopy or awning signs shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for

wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.

2. In conjunction with an indoor theater, one marquee, not to exceed twenty-four (24) square feet per theater; such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board or electronic display system attached to one free standing business sign, not to exceed twenty-four (24) square feet per theater. The area of the marquee and attraction board shall be included in the computation of the maximum permitted sign area
3. Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing not to exceed two (2) signs per entrance.
4. One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
5. One menu board per restaurant use. All copy (including any logos, restaurant name, etc.) shall have a maximum letter height and width of six (6) inches, containing no direct illumination; not exceeding thirty (30) square feet in area; maximum height of eight (8) feet if free standing; and not located so as to have the copy visible to vehicular traffic on any adjacent street.

#### F. OLD TOWN BUSINESS ZONE (B-1)

Permitted signs may be monument or wall mounted as specified; signs shall be non-illuminated or internally illuminated unless specified otherwise. No monument sign shall exceed ten (10) feet in height.

1. Business signs shall be permitted as follows:
  - a. For individual businesses not in a shopping center or business cluster, one monument business sign shall be permitted per street frontage, with a maximum of two (2) monument signs; not exceeding sixty-four (64) square feet per sign.
  - b. For clustered uses (three or more businesses in a development or shopping center including outlots), one monument business sign per street frontage with a maximum of two (2) monument signs; not exceeding one (1) square foot per linear foot of street frontage sign addresses up to a maximum of 150 square feet. Individual businesses are not permitted a separate monument sign or free standing sign.
  - c. Wall mounted business signs. The surface area of wall mounted business signs shall not exceed two square feet per linear foot of wall area. Wall mounted signs are only permitted on one building elevation directly on, or with high visibility from any arterial, collector, access street or area of major traffic circulation within the development. Only one business sign shall be permitted per wall. In the case of a building containing two or more separate

business uses, these requirements shall be applied separately to the wall area of the building space leased, rented or owned by the individual business tenant.

- d. Window signs shall be permitted, limited to no more than twenty-five percent (25%) of the total window area, and direct illumination shall be permitted.
  - e. Canopy or awning signs shall be permitted and included in the computation of the maximum permitted sign area and limited to the percentage allowable for wall signs. Under canopy or under awning signs shall be permitted and limited to identification signs.
  - f. One projecting sign in place of the wall mounted, canopy or awning signs above which does not project further than four feet from the face of the building and has a clearance of ten (10) feet. The project sign shall not exceed one-half  $\frac{1}{2}$  a square foot for each linear foot of building width up to a maximum of thirty-two (32) square feet.
2. Directional signs not exceeding three (3) square feet in area, not exceeding three (3) feet in height; if free standing not to exceed two (2) signs per entrance.
  3. One nameplate per tenant or lessee, not exceeding two (2) square feet in area; non-illuminated or indirectly illuminated.
  4. One a-frame or sandwich board up to eight square feet per panel. A maximum height of 48 inches and a maximum width of 24 inches and non-illuminated. Placement of sign shall allow for four clear feet of sidewalk width. Sign shall only be in place when the business is open. Placement of sign not to restrict egress from parked cars or businesses and not cover the curb line.

## **SECTION 9.9 NON-CONFORMING SIGNS**

A legal non-conforming sign may continue in existence and shall be properly maintained in good condition. These sign regulations shall not be construed to prevent the strengthening, repair, or restoring to a safe condition any sign; but a non-conforming sign shall not be:

- A. Changed to another non-conforming sign; except where only the faces or the messages are changed, or where the sign is reduced in height, size or area;
- B. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
- C. Altered so as to increase the degree of non-conformity of the sign;
- D. Expanded or enlarged;
- E. Re-established after its discontinuance for ninety (90) days;
- F. Moved to a new location on the building or lot.

## **SECTION 9.10 DISCONTINUANCE OF ILLEGAL SIGNS**



If any sign is installed, erected, constructed, or maintained in violation of any of the terms of this Article, the Zoning Administrator shall notify the owner or lessee thereof in writing to alter such sign so as to comply with this ordinance. The order to comply shall specify those sections of the ordinance that the individual is deemed to be in violation of and shall state a time limit for compliance. Mobile signs prohibited under 9.6 (A) are illegal signs and are subject to immediate enforcement action. Any decision by the Zoning Administrator may be appealed to the City of Alexandria Board of Adjustment or Alexandria Code Enforcement Board in accordance with Section 13.14.

### **SECTION 9.11 MAINTENANCE STANDARDS**

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

- A. Any painted wall sign shall be repainted at least once every three (3) years.
- B. All signs which contain painted parts shall be kept neatly painted, including metal parts which are not galvanized or of rust resistant materials.
- C. The Zoning Administrator shall have the authority to order the repair, repainting, alteration or removal of any sign which constitutes a hazard to the health, safety or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation or obsolescence.

### **SECTION 9.12 PENALTIES FOR VIOLATION**

Violation of the provisions of these sign regulations shall constitute a misdemeanor, which shall be subject to the fines and penalties as set forth in Article 13.15 for violation of this Zoning Ordinance.

# ARTICLE 10 LANDSCAPING REGULATIONS

## SECTION 10.0 INTENT

The intent of this ordinance is to improve the appearance of vehicular use areas and property adjoining public rights-of-way, to promote the aesthetic character of the community, and to protect the health, safety, and welfare of the community through reduction of noise, air and visual pollution, air temperature, and headlight glare and to set forth responsibilities of enforcement of said ordinance.

## SECTION 10.1 SITES AFFECTED

Landscaping shall be required as follows:

- A. All new building development and construction except within R-1 zones, but including any conditional uses within such zones.
- B. Existing sites:
  - 1. All new parking lot construction, including the expansion, moving, or relocation of existing parking.
  - 2. Substantial additions to an existing building. Substantial building will be defined per the criteria established below:

WHEN AN EXISTING STRUCTURE IS ...	A SUBSTANTIAL INCREASE IS AN ADDITION OF ...
0 – 1,000 square feet	50% or greater
1,001 – 10,000 square feet	40% or greater
10,001 – 25,000 square feet	30% or greater
25,001 – 50,000 square feet	20% or greater
50,000 + square feet	10% or greater

- 3. When a land use changes to a different land use requiring the construction of additional parking.
    - 4. Perimeter landscaping is the landscape application surrounding a land use or vehicular use area. Perimeter landscaping will be required where the addition of building or parking affects adjoining properties of a more restrictive zone.
- C. Permitted land uses in R-1 zones shall comply with any applicable landscaping requirements in the Subdivision Regulations.

## SECTION 10.2 VEHICULAR USE AREA (VUA)

Any outdoor (open or enclosed) area used by vehicles for parking, loading/unloading, sales and/or service areas, or driving, in any zone other than the R-1 zones but including any conditional uses within such zones.

### **SECTION 10.3 RESPONSIBILITY FOR INSTALLATION OF LANDSCAPE MATERIALS**

Landscaping required to fulfill this ordinance shall be provided by the property owner. If an adjacent property has landscaping that fulfills the requirements for parking lot perimeter screening, and/or zone to zone, or land use to land use screening requirements, the requirement for perimeter landscaping along the common boundary may be waived if deemed appropriate by the Planning and Zoning Commission. All required landscaping shall be maintained by the property owner.

### **SECTION 10.4 CONFLICT IN REQUIREMENTS**

When an activity or land use falls under more than one of the categories listed, the most stringent of the requirements, or a combination of the requirements may be applied, subject to the approval of the Planning Commission.

### **SECTION 10.5 EASEMENTS, RIGHTS-OF-WAY, AND SETBACKS**

Landscaping must be placed in the required area between the property line and the front, rear, and side yard setbacks.

### **SECTION 10.6 SUBMISSION**

- A. A landscape plan illustrating fulfillment of these requirements shall be submitted to and approved by the Alexandria Planning Commission prior to the issuance of any building permits. Whenever issuance of a building permit requires prior approval of a development plan by the Alexandria Planning and Zoning Commission, the requirements of this ordinance shall be included on such development plan.
- B. The contents of the plan shall include the following:
  1. Plot plan, drawn to an easily readable scale no smaller than one inch equals fifty feet, showing and labeling by name and dimensions all existing and proposed:
    - a. property lines and easements,
    - b. buildings and other structures (including square footage),
    - c. vehicular use areas including parking stalls, driveways, service areas, square footage, etc.
    - d. locations of structures on adjoining parcels (where deemed necessary by the Planning Commission),
    - e. water outlets,

- f. landscape materials including the botanical name and common name, installation size, mature size, and on center planting dimensions (where applicable),
  - g. quantities for all plants used, and
  - h. all existing trees and vegetation.
2. Title block with pertinent names and addresses, property owner, person or firm drawing the plan, scale, date, north arrow, and zoning district.

## **SECTION 10.7 WHERE LANDSCAPE MATERIALS ARE REQUIRED**

This section describes the minimum requirements that shall be met in regard to interior and perimeter landscaping for vehicular use areas, perimeter landscaping for incompatible land use areas, and landscaping for service areas.

### **A. Perimeter Landscaping Requirements:**

1. Where vegetative and or topographic conditions that provide a natural screening or buffer effect surrounding development, every effort shall be made to retain such conditions, provided that provision is made for maintenance of such condition to the satisfaction of the Planning Commission.
2. Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above the finished grade level to the top of the required planting, hedge, fence, wall, or earthen mound, within four (4) years after installation.
3. Screening of all common boundaries is required except on street frontage. Landscape screening in these areas shall be a minimum of eight (8) feet in height for evergreen trees and a two inch (2") caliper for deciduous trees. Evergreen trees shall have a maximum spacing of fifteen feet (15') on center. If deciduous trees are used, they must be in conjunction with evergreen hedges that are no less than three feet (3') in height. The deciduous trees shall be planted a maximum of forty feet (40') on center and the evergreen hedges shall be planted no more than three feet (3') centers. All screening areas shall be no smaller than ten feet (10') in width.
4. In perimeter areas that are adjacent to streets, one tree shall be provided for every forty feet (40') of lineal boundary. Note the following requirements to this section (see diagram in Appendix B).

### **B. Vehicular Use Area (VUA):**

1. A minimum landscape easement of four feet (4') is required to all trees from the edge of paving where vehicles overhang and a three feet (3') strip that prohibits any vehicular overhang for other areas. This area shall contain at least one tree

per forty feet (40') of boundary of vehicular area plus a three feet (3') average height continuous planting, hedge, fence, wall, or earthen mound.

2. Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.
3. For vehicular sales displays, the vehicles in the display area shall be located behind a twelve inch (12") height planting and all vehicles shall be parked at grade. Screening requirements for the remaining vehicular use areas that adjoin street frontage shall be similar to those for other uses with two exceptions: the size of trees at installation is increased; and the spacing between trees is reduced. These requirements are intended to help mitigate the glare from artificial light.

C. Interior Landscape Areas:

1. Preservation of existing landscape materials: All trees having a trunk diameter of six inches (6") or greater as measured twenty-four inches (24") from ground level shall be preserved unless such trees are exempt as follows:
  - a. Trees within public rights-of-way or utility easements.
  - b. Trees within the ground coverage of proposed structures or within twelve feet (12') from the perimeter of such structures.
  - c. Trees within the driveway access to parking or service areas or proposed areas to service.
  - d. Trees that in the judgment of a qualified forester, horticulturist, etc., are damaged, overmature, diseased, or interfere with utility lines or are inappropriate or undesirable species for the particular location.
2. Any trees removed under the provisions of 1.d. or 1.e. above shall be replaced with new tree plantings on a one-to-one basis.
3. Landscaping of parking lots for more than twenty (20) vehicles shall include landscaping equal to 10% of the parking lot areas. The landscaping areas shall have a minimum dimension of six feet (6') and be distributed throughout the parking lot.
4. Trees shall have a clear trunk of at least five feet (5') above the ground and the remaining area shall be landscaped with shrubs, groundcover, or grass, not exceeding two feet (2') in height.
5. Trees in this area shall be a minimum of two inches (2") in caliper.
6. Any service structure or accessory use shall be screened whenever abutting any residential zone, professional office zone, or when located on property that abuts public rights-of-way. Structures may be grouped together, however, screening height requirements shall be based upon the tallest structure. A continuous

planting, hedge, fence, wall or earthen mound, which would enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be equal to the height of the tallest structure.

## **SECTION 10.8 LANDSCAPE MATERIALS**

- A. Plants: All plants are to be living and be acceptable to the Hardiness Zones applicable to the Alexandria, Kentucky area.
- B. Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Association of Nurserymen. Bare root plants, with the exception of vines, shall be prohibited.
- C. Deciduous Trees: Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen feet (15') in Northern Kentucky and having trunks which can be maintained with over five feet (5') of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight feet (8') clear wood requirements shall control. A minimum of ten feet (10') overall height or a minimum caliper (measured six inches (6'') above ground for trees up to four inches (4'') caliper) of at least two inches (2'') immediately after installation shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen feet (15') to such public works, unless the tree root system is completely contained within a barrier. The barrier should have a minimum interior being five feet (5') square and five feet (5') deep and for which the construction requirements shall be four inches (4'') thick reinforced concrete. (A listing of acceptable deciduous trees can be found in Appendix B. **Unacceptable plant materials are listed in Appendix C**).
- D. Evergreen Trees: Shall be a minimum of six feet (6') high with a minimum caliper of two inches (2'') immediately after planting, unless otherwise noted herein.
- E. Shrubs and Hedges: Shall be at least two feet (2') in average height when planted, unless otherwise noted herein.
- F. Vines: Shall be at least 12 to 15 inches in length at the time of planting.
- G. Grass: Grass of the fescue or Bluegrass family shall be planted in species normally grown as permanent lawns in Northern Kentucky. They may be sodded or seeded, except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used.

## **SECTION 10.9 MAINTENANCE AND INSTALLATION**

- A. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced

within one year or by the next planting period, whichever comes first, while other defective landscape material shall be replaced or repaired within three (3) months.

- B. In instances where conditions do not permit immediate planting, and a conditional Certificate of Occupancy is requested to be issued, the owner or developer may furnish to the City a bond in the equal to 150% of the estimated cost of all materials and labor of all required planting, regardless of how much planting remains to be done. The required bond must be in the form of cash, cashier's check, certified check, or irrevocable letter of credit from an acceptable banking institution, all payable to the City of Alexandria Planning and Zoning Commission. The cost estimated is to be prepared by the Zoning Administrator using prevailing material and labor costs. Upon receipt of the bond, a temporary Certificate of Occupancy shall be issued, provided all other applicable codes are met. All planting must be installed and approved within three (3) months from the date the temporary Certificate of Occupancy is issued, or the bond will be forfeited to the City, and the Certificate of Occupancy shall be revoked.

## **ARTICLE 11 PERFORMANCE STANDARDS FOR ALL ZONES**

### **SECTION 11.0 APPLICATION OF PERFORMANCE STANDARDS**

After the effective date of this ordinance, any use established or changed to, and any building, structure or tract of land developed, constructed or used for, any permitted or permissible principal or accessory uses in all zones shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged or reconstructed portion or portions of such use or building or other structure.

### **SECTION 11.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS**

Except as otherwise specified herein, compliance with the provisions of this ARTICLE 11 of the ordinance shall be according to the following time schedule:

- A. All new installations shall comply as of going into operation.
- B. All existing installations not in compliance as of the effective date of the ordinance shall be in compliance within one (1) calendar year of the effective date of the ordinance unless the owner or person responsible for the operation of the installation shall have submitted to the Planning Commission in a form and manner satisfactory to the Planning Commission, a program and schedule for achieving compliance, such program and schedule to contain a date on or before which full compliance will be attained and such other information as the Planning Commission may require. If approved by the Planning Commission, such date will be the date on which the person shall comply.

The Planning Commission may require person(s) submitting such program to submit subsequent periodic reports on progress in achieving compliance.

### **SECTION 11.2 EFFECTS OF CONCURRENT OPERATIONS**

The sum total of the effects of concurrent operations on two (2) or more lots should not be greater or more offensive to the senses than the standards contained herein. Compliance with the provision of these performance standards by single or mutual changes in operational levels, scheduling of operations, and other adjustments is permitted.

- A. **BUILDING ENCLOSURES:** Every use permitted in all zones shall be operated in its entirety within a completely enclosed building.
- B. **LANDSCAPING:** All required yards shall either be open landscaped and grassed areas or be left in a natural state if acceptable to the Planning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use and in accordance with Article 10 of this ordinance.



In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as permitted use. Any landscaped areas shall be properly maintained thereafter in a slightly and well-kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well kept condition.

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound-level meter and an octave-band analyzer shall be employed that conforms to specifications published by the American Standards Association (American Standard South-Level Meter for Measurement of Noise and other Sounds Z24.3 - 1944, and American Standard Specifications for an Octave Band-Filter Set for the Analysis of Noise and Other Sounds, Z24.10 - 1953, American Standards Association, Inc., New York, New York, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. The sound pressure of noise radiated from any activity shall not exceed the value given in Tables 4 and 5 of this section, in any octave band frequency at any point on or beyond any lot line. If the noise is not smooth and continuous, one or more of the corrections in Table 5 of this section shall be added or subtracted from each of the decibel levels given in Table 4 of this ordinance.

Any use that adjoins a residential district, the maximum sound pressure shall be reduced by six (6) decibels from the maximum listed in Table 6.

Noises shall be muffled so as not to become objectionable due to intermittence, beat, frequency or shrillness.

**TABLE 4  
MAXIMUM PERMISSIBLE SOUND-PRESSURE LEVEL AT  
SPECIFIED POINTS OF MEASUREMENT FOR NOISE  
RADIATED CONTINUOUSLY FROM A FACILITY**

<b>OCTAVE BAND (CYCLES PER SECOND)</b>	<b>SOUND PRESSURE LEVEL (DECIBELS*)</b>
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

10,000 - 20,000	26**
20,000 - 30,000	25**
30,000 - 40,000	24**
40,000 - 50,000	23**

\* According to the following formula, Sound Pressure Level in Decibels equals  $10 \log$  where P2 equals 0.0002 dynes/cm<sup>2</sup> (P1+P2)

\*\* To avoid possible interference with animal experiments

**TABLE 5  
CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE  
LEVEL IN DECIBELS TO BE APPLIED TO TABLE 3**

<b>TYPE OF OPERATION OF CHARACTER OF NOISE</b>	<b>CORRECTION IN DECIBELS</b>
Noise source operates less than 20% of any one (1) hour period	plus 5*
Noise source operates less than 5% of any one (1) hour period	plus 10*
Noise source operates less than 1% of any one (1) hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise or period character (hum, screech, etc.)	minus 5

\* Apply one of these corrections only.

**TABLE 6  
MAXIMUM PERMITTED SOUND PRESSURE  
LEVEL IN DECIBELS**

<b>OCTAVE BANDSOUND (CYCLES PER SECOND)</b>	<b>PRESSURE LEVEL (DECIBELS*)</b>
0 - 74	70
75 - 149	74
150 - 299	66
300 - 599	59

600 - 1,199	53
1,200 - 2,399	47
2,400 - 4,799	41
4,800 and over	39

\* According to the following formula, Sound Pressure Level in Decibels equals  $10 \log$  where P2 equals 0.0002 dynes/cm<sup>2</sup> (P1+P2)

- D. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Northern Kentucky Department of Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- E. HUMIDITY, HEAT OR GLARE: Any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.
- F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones. See Article 5, Section 5.0, ~~OP~~. (2).
- G. VIBRATION: Vibrations shall be measured at the lot line. No vibration is permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. Vibration shall not produce, at any time, an acceleration so more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin, No. 442, "Seismic Effects of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the elimination of vibrations may be required before the issuance of any building permit.
- H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur compound, carbon monoxide, hydro-carbon, nitrogen oxide, and open burning shall be allowed in excess of regulations adopted by the Kentucky Department for ~~Natural Resources and~~ Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.
- I. RADIATION: All sources of ionizing radiation shall be registered or licensed by the Kentucky Department of Health and operated in accordance with their regulations.
- J. ELECTRICAL RADIATION: Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical by appropriate single or mutual scheduling of operations is permitted.
- K. STORAGE: No material, products or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon.

- L. FIRE AND EXPLOSIVE HAZARDS: Storage, utilization or manufacture of solid materials or products including free burning and intense burning is not permitted. The storage, utilization of flammable liquids, or materials which produce flammable or explosive vapors or gases shall be permitted, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association", Pamphlet No. 30, June, 1959, or any subsequent revision or amendment thereto.
- M. WASTE: No waste material or refuse shall be dumped upon or permitted to remain upon any part of the part of the property outside of the buildings constructed thereon. All sewage and waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit.
- N. MINING AND RECLAMATION: All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources ~~and Environmental Protection~~, Division of ~~Mine~~ Reclamation ~~and Enforcement~~. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.
- O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the ~~Department of Mines and Minerals~~ Office of Mine Safety and Licensing, Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.37540 and 351.990) and in accordance with the Standards of Safety for Explosives, for the Commonwealth of Kentucky, prepared by the ~~Department of Public Safety~~ Office of Housing, Buildings, and Construction, Division of Fire Prevention (pursuant to the authority of KRS 227.300).

## ARTICLE 12 CELLULAR TELECOMMUNICATIONS FACILITIES

### SECTION 12.0 PURPOSE

It is the general purpose of these regulations to provide for integration of wireless telecommunications facilities for cellular telecommunications services or personal communications services within the community while providing for such facilities in coordination with the recommendations of the comprehensive plan. Furthermore, it is the purpose and intent of the City of Alexandria to provide for the integration of cellular telecommunications facilities in a manner that will retain the integrity and character of neighborhoods, property values and aesthetic value of the community at large. The City of Alexandria, while recognizing the need to provide essential utilities to citizens of Alexandria, furthermore states that the purpose of this regulation is as follows:

- A. To establish an administrative process for the approval/disapproval of cellular telecommunications facilities.
- B. Protect the public health, safety and welfare by requiring that the cellular telecommunications facilities are adequately secured and encouraging the timely maintenance of the structures.
- C. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- D. Ensure that cellular telecommunications facilities are situated in appropriate locations while minimizing the negative visual impact of wireless facilities on neighborhoods, community landmarks, historic sites and buildings and natural scenic areas.
- E. Minimize the number of cellular telecommunications facilities by requiring the use of existing structures and co-location where feasible.
- F. Provide for adequate information about plans for cellular telecommunications facilities in order to permit the community to effectively plan for the location of such facilities.

### SECTION 12.1 GENERAL PROVISIONS

Cellular telecommunications facilities for cellular telecommunications services or personal communications services may be allowed in any zone after a planning commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the *City of Alexandria Zoning Ordinance*, ~~and after being granted a Certificate of Necessity and Convenience by the Public Service Commission.~~

### SECTION 12.2 APPLICABILITY

Every utility or company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct a ~~cellular antenna tower~~ ~~a wireless telecommunications facility~~ for cellular communications or personal communications services ~~within the jurisdiction of the Alexandria Planning Commission~~ shall submit a copy

of the utility's complete uniform application, as specified below, to the Alexandria Planning Commission. ~~within five (5) consecutive days of applying to the Public Service Commission for a Certificate of Necessity and Convenience.~~

### SECTION 12.3 APPLICATION REQUIREMENTS

Applications for the construction of a ~~cellular antenna tower wireless telecommunications facilities~~ for cellular telecommunications services or personal communications services shall be submitted in two parts. Five (5) copies of the application entitled, "For the Public Record" and one (1) original (including attachments) of the application entitled "Uniform Application: Confidential and Proprietary" shall be submitted to the Alexandria Planning Commission. ~~The Uniform Application shall contain the following information: The Planning Commission shall furnish these forms to the applicant upon request. The uniform application shall be submitted in accordance with the Public Service Commission Administrative Regulations (807 KAR 5:063) and include the following:~~

- ~~A. All information and items specified in KRS 100.9865 – Contents of uniform application. that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application.~~
- ~~B. A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from a FCC license holder to locate at least one antenna on the applicant's tower.~~
- C. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes all of the planning unit's jurisdiction and a one-half mile area outside of the boundaries of the planning unit's jurisdiction if that area contains either existing or proposed construction sites for cellular antenna towers.
- ~~D. Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two (2) mile radius of the proposed tower's location, a description of each existing site, and a discussion of the ability or inability to co-locate on each existing site, according to the following:~~

~~The applicant shall make a reasonable attempt to co-locate additional transmitting or related equipment if the planning commission determines such co-location is feasible. If so, the planning commission will provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the planning commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:~~

- ~~1. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities,~~

and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

2. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
    - a. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
    - b. Lists the reasons why the co-location was unsuccessful in each instance.
      - ~~1. No existing towers or cellular telecommunications facilities (CTF) are located within a two (2) mile radius of the proposed CTF location.~~
      - ~~2. Existing towers or CTF are not of sufficient height to meet the applicant's engineering requirements.~~
      - ~~3. Existing towers or CTF do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.~~
      - ~~4. The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or CTF or vice-versa and this interference cannot be reasonably prevented.~~
      - ~~5. Unwillingness of the owner of the existing tower or CTF to entertain a co-location proposal.~~
      - ~~6. Existing towers and facilities do not provide an acceptable location for coverage for the applicant's Communications Network.~~
- ~~E. Unless co-locating, certification must be provided (supported by evidence) that the proposed CTF site is the only appropriate site for the location of the facility. The applicant's certification shall include a listing of all potential sites within a two (2) mile radius of the proposed CTF location, descriptions of each site, and a discussion of the ability or inability of the site to host such a facility, according to the following:~~
- ~~1. Unwillingness of the site owner(s) to entertain such a facility.~~
  - ~~2. Topographic limitations of the site.~~
  - ~~3. Adjacent impediments that would obstruct adequate transmission.~~
  - ~~4. Physical site constraints that would preclude the construction of such a facility.~~
- F. A statement demonstrating that the proposal is in agreement with the adopted comprehensive plan and is in conformity with these regulations, subject to the limitations imposed by 47 U.S.C. 332 (c), KRS 278.030, 278.040, and 278.280.

~~G. A development plan, drawn to a scale not smaller than one inch (1") equals two hundred feet (200') showing:~~

- ~~1. The total area of the site in question;~~
- ~~2. All public and private rights of way and easement lines location on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;~~
- ~~3. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet (5');~~
- ~~4. Location, height, arrangement, and identification of all nonresidential buildings, structures and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;~~
- ~~5. Location and arrangement of all common open space areas, and methods of ownership and operation and maintenance of such land shall be identified;~~
- ~~6. Landscaping features, including identification of planting areas and the location, type and height of walls and fences;~~
- ~~7. Location of signs, indicating their orientation, size and height;~~
- ~~8. A pictorial representation, such as a architectural drawing, photograph, etc. of the proposed telecommunications facility from the direction of two (2) of the closest property lines showing the relationship of the tower and/or facilities to the surrounding vegetation, roads, and/or structures.~~
- ~~9. All utility lines and easements:~~
  - a. Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves and other appurtenances;
  - b. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  - c. Storm sewer and natural drainage systems, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins;
  - d. Other utilities (e.g. electric, telephone, gas, cable, etc.) including the type of service and the width of easements;
- ~~10. Location of all off street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the~~



~~number and arrangement of off-street parking and loading and/or unloading spaces.~~

~~11. Location and type of lighting used for area illumination.~~

~~12. Circulation System:~~

- a. Pedestrian walkways, including alignment, grades, types of surfacing, and width;
  - b. Streets, including alignment, grades, type of surfacing, width of pavement and rights-of-way, geometric details, and typical cross sections;
  - c. Provisions for control of erosion and storm drainage, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction;
- H. Any contract with an owner of property upon which a cellular antenna tower is to be constructed **shall include** a provision that specifies, in the case of discontinuance or abandonment, the method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal in accordance with Section 12.9, "Discontinuance". **The portion of the agreement demonstrating compliance with this section shall be included in the Uniform Application.**
- I. **The submission of application materials in addition to those required by KRS 100.9865 and 100.987 shall not be required unless agreed upon by the Planning Commission and the applicant.**

## **SECTION 12.4 PROCESSING OF APPLICATION**

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

A. New Cellular Antenna Towers:

1. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two (2) or more times, in a newspaper of general circulation in the county, provided that (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
2. Notice of the hearing shall be posted conspicuously on the property in question, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of at least two signs; (1) posted in a visible location on the proposed site and (2) on the nearest road. The sign shall be constructed of durable material, and clearly depict the following information:

“(Name of utility) proposes to construct a cellular telecommunications facility on this site (four inch (4”) high lettering). A Public Hearing will be held on (date, place, and time of public hearing in one inch (1”) high lettering). For further information, contact the Alexandria Planning Commission at ~~400~~ 8236 West Main Street, Alexandria, KY at (~~606~~ 859) 635-4125.”

3. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, with certification by the commission secretary, or other officer of the planning commission, that the notice was mailed to an owner of every parcel of property within five hundred (500) feet of the base of the proposed tower or monopole. It shall be the duty of the person(s) proposing the facility to furnish to the planning commission the names and addresses of said property owners. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by a condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator’s records as having the same address.
4. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decision to approve or disapprove the uniform application **and advise the applicant in writing of such decision. ~~The planning commission shall submit to the Public Service Commission, along with their action, the basis for their decision.~~** If the planning commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision, **~~it is presumed that the planning commission has approved the utility’s~~ the uniform application shall be deemed approved.** If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion better accomplish the objectives of the comprehensive plan or zoning regulations.
5. **No permit for construction of a cellular or personal communications services antenna tower shall be issued until the planning commission approves the uniform application or the sixty day time period has expired, whichever comes first.**

**~~Previously Approved Cellular Antenna Towers. Previously approved sites can be reviewed and approved under the following conditions if (1) the proposed augmentation of the structure does not increase the height of the structure by more than fifty percent (50%), and (2) the proposed augmentation of the structure does not alter the lighting requirements for a structure on which lighting is currently not required. A list of previously approved or preferred sites~~**

~~(which include existing utility structures, towers, CTFs, etc.) can be obtained from the Alexandria Planning Commission upon request from the utility.~~

- ~~6. For facilities located on previously approved sites, the planning commission's duly authorized representative shall review the application for its conformity with these regulations and the regulations contained within the applicable local zoning ordinance. The latitude and longitude of the structure shall be submitted along with a detailed description of the plan to co-locate or augment a structure.~~
- ~~7. If the planning commission's duly authorized representative determines that the application is in conformity with these regulations and the regulations contained within the *City of Alexandria Zoning Ordinance*, an administrative approval may be granted.~~
- ~~8. If the planning commission's duly authorized representative determines that the application is not in conformity with these regulations and the regulations contained within the *Alexandria Zoning Ordinance*, a public hearing, pursuant to Section F., 1. of these regulations, shall be scheduled and the application shall be processed according to the requirements therein.~~

## **SECTION 12.5 UNIFORM APPLICATION CONFIDENTIAL**

~~Commencing from the time that a utility files a uniform application with the Public Service Commission,~~ All information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility, shall be deemed confidential and proprietary within the meaning of KRS 61.878. ~~The Public Service Commission and~~ The Alexandria Planning Commission shall deny any of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of misconduct in the second degree as provided under KRS 522.030.

## **SECTION 12.6 DESIGN STANDARDS**

At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission, or its duly authorized representative, finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit justification for each requested modification or waiver.

- A. All structures, except fences, shall be located at least ten (10) feet from all property lines or lease lines. The cellular telecommunications facilities shall be set back at least twice the height of the proposed tower when the site abuts a residence or

residentially zoned property and must setback the height of the facility when the site abuts a street.

- ~~B. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review and planning commission finding that the applicant's justification for the additional height meets the criteria identified in SECTION 12.7, Criteria.~~
- ~~C. When any cellular antenna tower, or alternative antenna tower structure, is taller than the distance from its base to the nearest property line or lease line, the applicant shall furnish the planning commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of seventy (70) miles per hour, in accordance with current ANSI/EIA/TIA standards.~~
- ~~D. Any monopole, guyed, lattice or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.~~
- ~~E. Cellular antenna towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) and other state or federal regulations. However, where required to be illuminated, the utility provider shall request dual lighting from the FAA. Strobe lighting is not permitted unless deemed absolutely necessary and shall only be permitted during daylight hours and switched to red lighting after dark.~~
- ~~F. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.~~
- G. A minimum of one (1) off-street parking space, per provider, shall be provided on the site. In no case shall there be more than three (3) parking spaces per site.
- ~~H. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall not be less than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited.~~
- I. Screening shall be required where the site in question abuts residentially zoned property. Screening shall be provided by evergreen trees planted in a staggered pattern at a maximum distance of fifteen (15) feet on center per row. The screening shall be placed in the area between the structure and property line or lease line per Section 3.18.

- J. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall comply with the minimum lot size requirements of the zone in which the facility is to be located.
- K. Surfacing of all driveways and off-street parking areas shall comply with the requirements of Article 5.
- L. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state or local agency. Such signs shall not exceed five (5) square feet in area.
- ~~M. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.~~
- ~~N. All option and site lease agreements shall contain non-exclusive co-location clauses.~~

## **SECTION 12.7 CRITERIA:**

The planning commission shall evaluate the CTF proposal based upon the following criteria:

- A. Agreement with the various elements of the adopted comprehensive plan and zoning regulations.
- B. The extent to which the applicant willingly attempted to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- C. Extent to which the proposal is consistent with the purposes of these regulations.
- D. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with established design standards as specified in SECTION 12.6, Design Standards, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- E. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses and values, especially in terms of visual impact.
- F. Extent to which the proposed facility is integrated with existing structures (i.e. buildings, signs).

## **SECTION 12.8 AMENDMENTS**

Any amendments to plans, except for minor adjustments as determined by the planning commission or its duly authorized representative, shall be made in accordance with the procedure required by SECTION 12.4, Application Requirements, subject to the same limitations and requirements as those under which such plans were originally approved.

## **SECTION 12.9 DISCONTINUANCE**

If the use of any cellular antenna or cellular antenna tower or alternative tower structure is discontinued, the owner shall provide the planning commission with a copy of the notice to the FCC of intent to cease operations within thirty (30) days of such notice to the FCC. If the CTF will not be reused, the owner shall have six (6) months from submittal of the FCC

notice to the planning commission to obtain a demolition permit and remove the antenna or tower that will not be used. If the CTF is to be reused, the owner shall have no more than six (6) months from submittal of the FCC notice to the planning commission in which to commence new operation. Upon failure to commence new operation of the CTF within six (6) months, the CTF shall be presumed to be abandoned, and the owner shall obtain a demolition permit and remove the CTF within 60 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the planning commission may, on grounds of public safety, cause the demolition and removal of the CTF and recover all costs in accordance with the guarantee.

## **SECTION 12.10 NON-CONFORMING CELLULAR TELECOMMUNICATIONS FACILITIES**

~~Cellular telecommunications facilities in existence on the date of the adoption of these regulations that do not comply with these regulations, are subject to the following provisions:~~

- ~~A. Existing CTFs may continue use for the purpose now used, but may not be expanded or replaced without complying with these regulations, except as further provided in this ordinance.~~
- ~~B. Existing CTFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining zoning approval but without otherwise complying with these regulations.~~
- ~~C. The owner of any existing CTF may replace, repair, rebuild and/or expand such CTF to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards by obtaining a zoning approval from the Zoning Administrator. These improvements can be made without having to conform to the public hearing provisions of the regulations so long as the Zoning Administrator makes the determination that such facilities (construction type, building setbacks and heights) do not negatively impact adjoining properties.~~
- ~~D. An abandoned CTF must be dismantled and removed in accordance with Section 12.9, "Discontinuance".~~

## **SECTION 12.11 GUARANTEE**

~~To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of submittal, deposit with the planning commission, and to the benefit of the planning commission, a letter of credit, a performance bond or other security acceptable to the planning commission in the amount equal to the cost of the demolition and removal of the facility. Any guarantee submitted shall be irrevocable and shall provide for the planning commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee or in the event that the CTF is not dismantled and removed within six (6) months of notifying the planning commission of the intent to cease operations in accordance with Section 12.9, "Discontinuance".~~

## **ARTICLE 13 ADMINISTRATION**

### **SECTION 13.0 ENFORCING OFFICER:**

A Zoning Administrator and/or his/her designee (official or officials appointed by the City of Alexandria, Commonwealth of Kentucky for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. He/She may be provided with assistance of such other persons as the City of Alexandria directs. Additionally, the Planning Commission may appoint Enforcement Officers pursuant to KRS 100.991(4) & (5) who shall have authority to issue citations for violations of this chapter which the officer has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons.

#### **A. VIOLATIONS:**

1. If the Zoning Administrator finds that any of the provisions of this ordinance are being violated, he shall take such action as is permitted by law.
2. In addition to foregoing, the Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences, or additions, alterations or structural changes thereto and; discontinuance of any illegal work being done.
3. All questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by the State Statutes, Commonwealth of Kentucky.
4. It shall be illegal for any persons or entity to interfere with the Zoning Administrator's performance of his/her duties as defined herein.
5. The procedure for citations issued by an Enforcement Officer appointed by the Planning Commission shall be as provided in KRS 431.015.

### **SECTION 13.1 ZONING PERMITS**

Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No public or private building or other structure shall be erected, moved, added to, structurally altered, or changed from one (1) permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the Zoning Administrator. No zoning permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustments.
- B. **APPLICATION FOR ZONING PERMITS:** All applications for zoning permits shall be accompanied by:
  1. A complete application form provided by the Zoning Administrator (in triplicate - see Appendix "A").

2. The required fee for a zoning permit ~~as provided for in SECTION 16.0 of this ordinance.~~
3. A site plan if required by this ordinance; or
4. A plot plan in triplicate drawn at a scale of not less than one (1) inch to one hundred (100) feet, showing the following information as required by this ordinance.
  - a. All property lines, shape, and exact dimensions of the lot(s) to be built upon.
  - b. Total lot area in square feet.
  - c. Lot width at minimum building set back line.
  - d. Minimum front and rear yard depths and side yard widths.
  - e. The location of every existing and proposed structure with:
    - (1) the number of floors and gross floor area,
    - (2) the use and/or uses to be contained therein,
    - (3) the number of structures including dimensions and maximum height,
    - (4) the number of units per dwelling, size, and type of dwelling units.
  - f. Existing topography with a maximum of five (5) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, either one (1) foot contours or spot elevations not more than fifty (50) feet apart shall be required.
  - g. The proposed finish grade of the development area shown by contours with intervals not larger than five (5) feet supplemented where necessary by spot elevations.
  - h. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.
  - i. Identification, location, type and height of all wall(s), fence(s) and planting areas.
  - j. Provisions for control of erosion, hillside slippage and sedimentation:
    - (1) Identifying the temporary control practices, location and measures which will be implemented during all phases of clearing, grading, construction, utilities installation and site clean up.



- (2) Identifying the permanent control practices, location and measures which will be implemented during all phases of clearing, grading, construction, utilities installation and site clean up.
- k. Location, size, height, class, and orientation of all signs.
- l. All utility lines and easements:
  - (1) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances.
  - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations capacity, and process of any necessary treatment facilities, and other appurtenances.
  - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water to be discharged at various points to areas outside the subject property.
  - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements.
- m. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and number and arrangement of off-street parking and loading and/or unloading spaces.
- n. Circulation system:
  - (1) Pedestrian walkways, including alignment, grades, type of surfacing and width.
  - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.
- o. A project development schedule, including the staging and phasing of:
  - (1) Residential areas, in order of priority, by type of dwelling unit;
  - (2) Streets, utilities, and other public facility improvements, in order of priority;

- (3) Dedication of land to public use or set aside for common ownership; and
- (4) Nonresidential buildings and uses, in order of priority.

p. Any such other information as may be required by the Zoning Administrator to determine conformance with and provide for enforcement of this ordinance and State Statutes of the Commonwealth of Kentucky.

The information required by SECTION 13.1, B, 4, items "a" through "m", may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

C. **ISSUANCE OF ZONING PERMIT:** The Zoning Administrator shall either approve or disapprove the application (when required by this ordinance (e.g., Development Plan required) the Planning Commission, or its duly authorized representative, approval or disapproval shall also be required). If disapproved, two (2) copies of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator.

If approved, two (2) copies of the submitted plans shall be returned to the applicant, marked "Approved". Such approval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under SECTION 13.9 of this ordinance.

E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of the zoning permit, said zoning permit shall expire and be canceled by the Zoning Administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

## **SECTION 13.2 BUILDING PERMITS**

Building permits shall be issued in accordance with the following provisions:

A. **BUILDING PERMITS REQUIRED:** No public or private building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the Board of Adjustment.

B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:

1. A complete application form provided by the Building Inspector;
2. An approved zoning permit;

3. The required fee for a building permit ~~as provided for in SECTION 16.0 of this ordinance.~~
  4. A site plan, if required by this ordinance; or
  5. Plans in duplicate approved by the Zoning Administrator and including any additional information required by the Building Code and/or Building Inspector, as may be necessary to determine conformance with and provide for the enforcement of the building code and the State Statutes of the Commonwealth of Kentucky.
- C. **ISSUANCE OF BUILDING PERMIT:** The Building Inspector shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Building Inspector's signature. The second copy, similarly marked, shall be retained by the Building Inspector.
- If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the Building Inspector's signature. The second copy, similarly marked, shall be retained by the Building Inspector. The Building Inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.
- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this ordinance.
- E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Building permits issued in conformance with the Building Code of the City of Alexandria prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of 180 consecutive calendar-days from the time of issuance of the permit. If construction in connection with such a permit has not been started within such a 180 consecutive calendar-day period, the permit shall be void and a new permit, consistent with all provisions of this ordinance and the Building Code, shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.
- F. **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within one-hundred-eighty (180) consecutive calendar days from the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector, and no construction shall be permitted until a new permit has been obtained.
- For the purposes of this section (SECTION 13.2), construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of eighteen (18) months, providing that a six (6) month extension may be permitted if sufficient proof can be demonstrated why the work described in the

building permit was not completed as herein specified.

- G. CONSTRUCTION AND USE: To be as provided in application, plans, permits, zoning permits and building permits issued on the basis of plans and applications approved by the Zoning Administrator and/or Building Inspector authorized only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided by SECTION 13.9 of this ordinance.

### **SECTION 13.3 CERTIFICATE OF OCCUPANCY**

It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. It shall be the duty of the Building Inspector to issue a certificate of occupancy provided that he has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this ordinance and the Building Code. No permit for excavation or construction shall be issued by the Building Inspector before he is satisfied that the plans, specifications, and intended use conform to the provisions of this ordinance.

### **SECTION 13.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING**

Upon written request from the fee owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this ordinance.

### **SECTION 13.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES**

A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance. A fee, ~~as provided for in SECTION 16.0 of this ordinance,~~ shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such nonconforming uses within six (6) consecutive calendar-months of the effective date of this ordinance. Failure to apply for such a certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this ordinance.

It shall be the duty of the Building Inspector to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the intent to which the nonconforming uses exist at the time of issuance of such certificate.

### **SECTION 13.6 DENIAL OF CERTIFICATE OF OCCUPANCY**

Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use

of a building or land conforms to the applicable provisions of this ordinance and to plans for which the building permit was issued.

### **SECTION 13.7 CERTIFICATE OF OCCUPANCY RECORDS**

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary building affected by such certificate of occupancy.

### **SECTION 13.8 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance and the State Statutes, Commonwealth of Kentucky.

### **SECTION 13.9 PENALTIES**

Any person or entity who violates any of the provisions of this ordinance shall, upon conviction, be fined in accordance with Section 13.15. Each day of violation shall constitute a separate offense.

### **SECTION 13.10 INTENT CONCERNING DETERMINATIONS INVOLVED IN ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS**

It is the intent of this ordinance that:

- A. Where investigation(s) can be made by the Zoning Administrator or other designated City of Alexandria employee(s), at the request of the Zoning Administrator, using equipment normally available to the City of Alexandria, such investigation shall be so made before notice of violation is issued.
- B. Where technical complexity, non-availability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the Zoning Administrator for the City of Alexandria to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:
  - 1. Causing corrections in apparent violations of performance standards;
  - 2. Protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations; and
  - 3. Protecting the general public from unnecessary costs for administration and enforcement.
- C. If the Zoning Administrator finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he/she shall take or cause to be taken lawful action to cause correction to, within limits set by such performance standards.

## **SECTION 13.11 DUTIES OF ZONING ADMINISTRATOR REGARDING PERFORMANCE STANDARDS**

If, in the judgment of the Zoning Administrator, there is probable violation of the performance standards as set forth in Article 11 or other such standards as specified throughout the zoning ordinance, the following procedures shall be followed:

- A. The Zoning administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within thirty (30) consecutive calendar days of receipt of such notification.

However, the following alleged violations shall require an answer or correction of the alleged violations to the satisfaction of the Zoning Administrator within five (5) consecutive calendar-days from the receipt of such notification by the Zoning Administrator:

1. Banners and temporary signs (SECTION 9.0).
2. Parking on off-street unpaved surfaces (SECTION 5.0).
3. Parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment, operable or inoperable (SECTION 5.0).
4. Erosion and sediment control (SECTION 3.7).

The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within thirty (30) consecutive calendar-days of receipt of said notice constitutes admission of violation of the terms of this ordinance.

- B. The notice shall further state that, upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that, if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but if it is determined that no violation exists, the cost of the investigation will be paid by the City of Alexandria.
- C. If there is no reply within thirty (30) consecutive calendar days (or five consecutive calendar days as applicable) of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he/she shall note "VIOLATION CORRECTED" on his/her copy of the notice, and shall retain it among his/her official records, taking such other action as may he/she warranted.
- D. If there is no reply within thirty (30) consecutive calendar days (or five consecutive calendar days as applicable) of receipt of said notice and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the established time limit, he/she shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease in accordance with KRS 100.337 or

may refer the case to the Alexandria Code Enforcement Board in accordance with Sections 13.14 and 13.15 of this ordinance.

- E. If there is no reply within thirty (30) consecutive calendar days (or five (5) consecutive calendar days as applicable) of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, but requesting additional time, the Zoning Administrator may grant a reasonable extension of time if he/she deems it warranted under the particular circumstances of the case and if the extension will not, in his/her opinion, cause imminent peril to life, health, or property.
- F. If there is no reply within thirty (30) consecutive calendar days (or five (5) consecutive calendar days as applicable) of receipt of said notice requesting a technical determination of the alleged violations, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to investigate and determine whether the violation exists or may advise the person or persons responsible for the alleged violation that they may retain qualified experts, at their own expense, to investigate and determine whether the violations exist.

The findings of the experts, if any, shall be submitted to the Zoning Administrator to determine, in his/her opinion, whether there are violations based upon the findings presented to him/her. If the findings indicate violations of the performance standards, the persons responsible for the violations shall be notified by the Zoning Administrator and may be subject to the penalties as may be appropriate under terms of SECTION 13.9 of this ordinance.

If the Zoning Administrator determines that no violation exists, the person or persons shall be promptly notified by the Zoning Administrator that no violations exist.

- G. If there is no reply within thirty (30) consecutive calendar days (or five (5) consecutive calendar days as applicable) of receipt of said notice requesting a technical determination of the alleged violations, and if the alleged violations continue, the Zoning Administrator may call in properly qualified expert to investigate and determine whether violations exist.

If expert findings indicate violations of the standards, the costs of the investigations shall be assessed against the properties or persons responsible for the violations in addition to such other penalties as may be appropriate under the terms of SECTION 13.9 of this ordinance.

If no violation is found, the costs of the investigations shall be paid by the City of Alexandria without assessment against the properties or persons involved.

## **SECTION 13.12 DUTIES OF THE ALEXANDRIA PLANNING COMMISSION**

For the purpose of this ordinance the Alexandria Planning Commission shall have the following duties:

- A. Initiate proposed amendments to this ordinance and make recommendations to the city council as specified in Article 14;
- B. Hold public hearings as required by this ordinance and KRS Chapter 100.
- C. Review and approve or deny development applications required by this ordinance;

- D. Administer the *City of Alexandria Subdivision Regulations* as they apply to this ordinance;
- E. Establish a schedule of fees, charges, and expense ~~as specified in Article 16;~~
- F. Delegate any tasks as specified in this ordinance relative to its administration;
- G. Perform any task and follow any procedure, including those pertaining to committees of the Planning Commission that is specified in or provided for through the Commission's adopted by-laws.

**SECTION 13.13 DUTIES OF THE ALEXANDRIA BOARD OF ADJUSTMENT AND ZONING APPEALS**

For the purpose of this ordinance the Alexandria Board of Adjustment shall have the following duties in accordance with Article 15 of this ordinance:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant, or refusal made by the Zoning Administrator.
- B. To authorize such variances from the terms of this ordinance as 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 nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
- C. To grant conditional use permits as specified in this zoning ordinance, with such additional safeguards as will uphold the intent of this order.
- D. To hear and decide applications to convert or change an existing non-conforming use to another non-conforming use.

**SECTION 13.14 DUTIES OF THE ALEXANDRIA CODE ENFORCEMENT BOARD**

- A. For the purpose of this ordinance the Alexandria Code Enforcement Board shall have the following duties:
- B. Conduct hearings to determine whether there has been a violation of the zoning ordinance.
- C. Subpoena and take testimony under oath from alleged violators, witnesses, and evidence to its hearings. Subpoenas issued may be served by any code enforcement officer.
- D. Issue remedial orders and impose civil fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the *City of Alexandria Zoning Ordinance*.

**SECTION 13.15 VIOLATIONS CLASSIFIED AS CIVIL OFFENSES**

Any violation of a provision of the *City of Alexandria Official Zoning Ordinance* is hereby classified as a civil offense pursuant to KRS 65.8808 and Alexandria Ordinances 5-99 and 20-99, and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the Official Zoning Ordinance, and



nothing contained herein, or in Ordinance 5-99, shall prohibit the enforcement of the Official Zoning Ordinance by any other means authorized by law, specifically, without limitation, the provisions of Section 13.9, 13.10, and 13.11 of *the City of Alexandria Official Zoning Ordinance* or KRS 100.991.

- A. If a citation for a violation of the City of Alexandria Official Zoning Ordinance is not contested by the person charged with the violation, the civil fine to be imposed for each offense shall be \$50.00 for the first offense, \$90.00 for the second offense, and \$210.00 for the third, and thereafter, offense.
- B. If a citation is contested and a hearing before the Code Enforcement Board is required, the maximum civil fine which may be imposed at the discretion of the board shall be from \$20.00 to \$200.00 for the first offense; from \$60.00 to \$600.00 for the second offense; and from \$180.00 to \$1,800.00 for the third, and thereafter, offense.
- C. Each section of the Zoning Ordinance violated shall be considered a separate fineable offense. If two or more sections of the Zoning Ordinance are violated, the fines shall be cumulative and be enforced under the same citation. Each day a violation exists shall be considered a separate offense without issuance of a separate citation.

### **SECTION 13.16 CERTIFICATE OF LAND USE RESTRICTION**

Land use restrictions adopted or imposed by the planning commission, board of adjustment, code enforcement board, legislative body or fiscal court upon property within the City of Alexandria shall be filed in the form of a Certificate of Land Use Restriction with the Campbell County Clerk's office as described in KRS 100.3681 through 100.3684.

Filing shall occur within 30 days of the date upon which the body takes final action to impose or adopt the restriction. The certificates shall be completed by the secretary of the planning commission and be in the form designated in KRS 100.3683. The county clerk shall index the certificates by property owner and, if applicable, name of subdivision or development. The City of Alexandria Planning Commission will maintain the files of conditions or restrictions that require certificates. When all conditions or restrictions have been complied with or a restriction reflected on the certificate is amended (which requires a new certificate) the previous certificate shall be released by the Administrative Official in the same manner as releases of encumbrances upon real estate. Certificates of Land Use Restrictions shall be filed in the Campbell County's Clerk's Office for the following reviews: Zoning Map Amendments, Development Plans, Unrecorded Subdivision Plats, Variances, Conditional Use Permits and Conditional Zoning Conditions.

### **SECTION 13.17 ANNEXATION BY THE CITY**

When a city has adopted zoning or other land regulations pursuant to KRS 100 and proposes to annex new territory, it may amend its comprehensive plan or official zoning map to incorporate and establish zoning or other land use regulations. If the City of Alexandria elects to follow this procedure, the planning commission shall hold a public hearing, after the adoption of the ordinance stating the city's intent to annex and prior to final action upon the ordinance or annexation, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the zoning or other land use regulations that will be effective for the property upon its annexation. Notice setting forth the time, date, location,

and purpose of the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation and to adjoining property owners in accordance with KRS 100.212 (2). The city legislative body shall take final action upon the planning commission's recommendation prior to the adoption of the ordinance of annexation and shall include in the ordinance of annexation a map showing the zoning or other land use regulations which will be effective for the annexed property. If the city elects not to follow the procedure provided for in this section prior to the adoption of the ordinance of annexation, the newly annexed territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation until those restrictions are changed by zoning map amendments.

## ARTICLE 14 AMENDMENT PROCEDURE

### SECTION 14.0 AMENDMENT PROCEDURE

- A. **FILING OF AMENDMENT APPLICATION:** All applications for amendments to this ordinance shall be filed, in writing (in triplicate), with the City of Alexandria. The Zoning Administrator shall, immediately transmit the application to the Planning Commission. A public hearing shall be scheduled to be held within forty-five (45) days of the date of receipt of the application by the Planning Commission. The fee required for applying for such amendment shall be as provided for by the Alexandria Planning Commission and/or Alexandria City Council ~~in SECTION 16.0 of this ordinance.~~
- B. **PLANNING COMMISSION REVIEW REQUIRED:** A proposal for an amendment to this ordinance may originate with the Planning Commission, the Alexandria City Council, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning Commission for its action before adoption.
- C. **PUBLIC HEARING REQUIRED, NOTICE GIVEN:**
1. The Planning Commission shall hold at least one (1) public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of time and place of such hearing shall be published at least once, but may be published two (2) or more times in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.
  2. In addition to the public notice requirements prescribed herein, when the Planning Commission or the Alexandria City Council originates a proposal to amend the zoning map, notice of the public hearing before the Planning Commission or the City Council shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.
- D. **OTHER HEARING REQUIREMENTS, ZONING MAP AMENDMENT:** In addition to the public hearing notice required in SECTION 14.0, C, above, the following notices shall also be given when a proposal is submitted by a property owner to amend the official zoning map:
1. Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed four fourteen (14) consecutive days immediately prior to the hearing. Said proposed shall consist of one (1) or more signs, constructed of durable material and clearly depicting the following information: the words "ZONING CHANGE" (three (3) inch high lettering); current zoning classification of property and proposed zoning classification (three (3) inch high lettering); legal description of proposed zone change area; date,

place, and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the Planning Commission where additional information regarding hearing may be obtained; and

2. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered mail to the owners of all property adjoining the property, the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street or alley shall be considered adjoining property. It shall be the duty of the person or persons proposing the amendment to furnish the Planning Commission with the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of the said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.
  3. All procedures for public notice and publication, as well as for adoption, shall be the same as for the original enactment of a zoning regulation, and the notice of publication shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than the two (2) streets on either side of the property.
- E. FINDINGS NECESSARY FOR MAP AMENDMENT: Before any map amendment is granted, the Planning Commission, or Alexandria City Council, must find that the amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one (1) or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning Commission or City Council of the City of Alexandria.
1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and
  2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.
- F. MINIMUM SIZE OF NEW ZONES: No amendment of this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning

map shall not be amended, changed or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted Comprehensive Plan by the Planning Commission.

For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way abutting the area being changed; and (3) the area of any land which is contiguous to the area being changed (including land located outside the jurisdiction of the Alexandria City Council but contiguous thereto and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or the City of Alexandria's corporation line.

#### G. PLANNING COMMISSION ACTION:

1. MAP AMENDMENT: Following the public hearing held by the Planning Commission on a proposed map amendment, the Planning Commission shall, within sixty (60) calendar days from the date of its receipt, make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the Alexandria City Council, including a statement setting forth explicitly the reasons and substantiation for such action and the submission of a written report as required in SECTION 14.0, E., above. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the Alexandria City Council without a recommendation of approval or disapproval.
2. TEXT AMENDMENT: Following the public hearing held by the Planning Commission of a proposed text amendment, the Planning Commission shall make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed text amendment originating with the Alexandria City Council, the Planning Commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed text amendment.

#### H. LEGISLATIVE BODY DISPOSITION:

1. MAP AMENDMENT: The Alexandria City Council shall take final action upon a proposed map amendment within ninety (90) days of the date upon which the Planning Commission takes its final action upon such proposal. It shall take a majority of the entire Alexandria City Council to override the recommendation of the Planning Commission and it shall take a majority of the entire City Council to adopt a zoning map amendment whenever the Planning Commission forwards the application to the City Council without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire Alexandria City Council votes to override the Planning Commission's recommendation, such

recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the City Council adopting the zoning map amendment shall be deemed to have passed by operation of law.

2. TEXT AMENDMENT: It shall take an affirmative vote of a majority of the Alexandria City Council to adopt a proposed text amendment.
- I. SUBMISSION OF DEVELOPMENT PLAN AS CONDITION TO COMMERCIAL, MULTI-FAMILY RESIDENTIAL, OR INDUSTRIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment, excluding those submitted by the Alexandria City Council (other than for a zone change for land under City ownership that the City intends to develop) and the Planning Commission, to any commercial (i.e., PF, HC, NSC, B-1, etc.) multi-family residential zone (i.e, R-2, R-3, etc.) or industrial park (I-P) zone shall be made in accordance with all applicable requirements of this ordinance, including the following:
1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall be processed ~~as follows in two (2) stages:~~
    - a. Application for a zoning amendment shall be filed with the Zoning Administrator as required by SECTION 14.0, A., and shall include a Development Plan in accordance with the applicable requirements of SECTION 3.20, A., of this ordinance. The zoning administrator may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.
    - b. Pursuant to KRS 100.203 (5), (6) and (7), at the time of filing an application for a zoning map amendment, an applicant may elect to have any variances or conditional use permits for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the map amendment, or by the Board of Adjustment as otherwise provided for in the Alexandria Zoning Ordinance and KRS Chapter 100. If the applicant elects to so have any variances or conditional use permits to be heard and finally decided by the Planning Commission, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. Any judicial proceeding to appeal the Planning Commission action authorized by this subsection in granting or denying any variance or conditional use permit shall be taken pursuant to KRS 100.347(2).
    - e. The Planning Commission shall hold a public hearing on the proposed ~~map amendment~~ application and review said application with regard to the required elements of the Development Plan, and other applicable requirements of this section. Upon holding such a hearing, the Planning Commission shall make one ~~(1)~~ of the following recommendations to the Alexandria City Council: approval, ~~approval with condition(s)~~, or disapproval in accordance with 14. G above. ~~The Planning Commission shall submit, along with their~~

~~recommendations, a copy of the Development Plan and the bases for their recommendation.~~

- ~~d. The Alexandria City Council shall, within forty five (45) consecutive days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve or disapprove the proposed Development Plan. Such approval may incorporate any conditions imposed by the City Council. However, should the City Council take action to impose different conditions than were reviewed and recommended by the Planning Commission, then said conditions shall be resubmitted to the Planning Commission for further review and recommendations in accordance with the process required for initial review.~~
  - ~~e. Approval of the zoning map amendment shall require that development be in accordance with the approved Development Plan. Additionally, upon approval of the zoning map amendment, the official zoning map shall be amended for the area as shown on the approved Development Plan.~~
  - ~~f. The Alexandria City Council shall forward a copy of the approved Development Plan to the Zoning Administrator or the City's duly authorized representative, for further processing, in accordance with the applicable requirements of this ordinance.~~
  - ~~g. The Zoning Administrator, in reviewing the Site Plan, may authorize minor adjustments from the approved Development Plan, provided that the adjustments do not: affect spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.~~
2. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the Zoning Administrator as noted above, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.
  3. **EXPIRATION:** The zoning map amendment shall be subject to the time constraints as noted below. Upon expiration of said time period and any extensions thereto, the Alexandria City Council may initiate a request for a public hearing by the Planning Commission, in accordance with the requirements of KRS Chapter 100 and 147, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the **Development Plan Map Amendment** by the City Council, provided that an extension may be permitted upon approval of the City Council or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have

not changed appreciably to render the approved Development Plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the Development Plan **by the Planning Commission.**

#### **SECTION 14.1 RESTRICTIONS ON RE-SUBMITTALS OF ZONING MAP AMENDMENTS**

After a request or application for an amendment to the zoning map has been denied as a final action by the City of Alexandria, the property owner, option holder, or other person having an interest in the property shall not be permitted to reapply for the same map amendment and/or submit the same development plan for one (1) year from the date of such denial. This one (1) year restriction shall also apply where the City of Alexandria takes no action and the last action taken is the recommendation from the Commission of denial for the zoning map amendment proposal and the person making the request has not asked the legislative body to take further action or denial of the application is by operation of law per KRS 100.211.



## **ARTICLE 15 BOARD OF ADJUSTMENTS**

### **SECTION 15.0 ESTABLISHMENT OF BOARD OF ADJUSTMENTS; MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; OATHS; COMPENSATION; REMOVAL; OFFICERS**

- A. A Board of Adjustments is hereby established for the City of Alexandria.
- B. The Board of Adjustments shall consist of five (5) members, all of whom must be citizen members and not more than two (2) of whom may be citizen members of the Planning Commission.
- C. The mayor shall be the appointing authority of the Board of Adjustments subject to the approval of the Alexandria City Council.
- D. The term of office for the Board of Adjustments shall be for four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3) and four (4) years, respectively.
- E. Vacancies on the Board of Adjustments shall be filled within sixty (60) calendar days by the appropriate authority. If the appropriate authority fails to act within that time, the Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
- F. All members of the Board of Adjustments shall, before entering upon their duties, qualify by taking the oath of office prescribed by SECTION 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of a court, or justice of the peace within the district or county in which he and/or she resides.
- G. Reimbursement for expenses, or compensation, or both, may be authorized for members of the Board of Adjustments.
- H. Any member of the Board of Adjustments may be removed by the mayor or fiscal court judge executive, subject to the approval by the Alexandria City Council, for inefficiency, neglect from duty, malfeasance, or conflict of interest. The mayor, exercising the power to remove a member of the Board of Adjustments, shall submit a written statement to the Planning Commission setting forth the reasons, and the statement shall be read at the next meeting of the Board of Adjustments which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he/she resides.
- I. The Board of Adjustments shall elect annually a chairman, vice-chairman, secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of his/her term.

### **SECTION 15.1 MEETING OF BOARD; QUORUM; MINUTES; BYLAWS; FINANCES; SUBPOENA POWER; ADMINISTRATION OF OATHS**

- A. The Board of Adjustments shall conduct meetings at the call of the chairman who shall give written or oral notice to all members of the Board at least seven (7) days

prior to the meeting, which notice shall contain the date, time and place for the meeting, and the subject or subjects which will be discussed.

- B. A simple majority of the total membership of the Board of Adjustments as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustments who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.
- C. The Board of Adjustments shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board of Adjustments. A transcript of the minutes of the Board of Adjustments shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- D. The Board of Adjustments shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government.
- E. The Board of Adjustments shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the question before it.
- F. The chairperson of the Board of Adjustments shall have the power to administer an oath to witnesses prior to their testifying before the board on any issue.

## **SECTION 15.2 PROCEDURE FOR ALL APPEALS TO BOARD**

Appeals to the Board of Adjustments may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) calendar days after the appellant or his agent receives notice of the action to be appealed by filing with said Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, ~~as required by SECTION 16.0 of this ordinance~~ shall also be given to the City Clerk at this time. Said Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board, an interested person may appear and enter his appearance, and shall be given an opportunity to be heard.

The Board of Adjustments shall fix a reasonable time from hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Administrator at least one (1) calendar week prior to the hearing, and shall decide on the appeal within sixty (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

## **SECTION 15.3 APPEALS FROM PLANNING COMMISSION OR BOARD OF ADJUSTMENTS**

Any appeals from the Planning Commission or Board of Adjustments action may be taken in the following manner:

- A. Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustments may appeal the action to the circuit court of the county in which the land lies. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the Planning Commission or Board of Adjustments. Final action shall not include the Planning Commission's recommendations made to other governmental bodies.
- B. All appeals shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision of the Planning Commission or Board of Adjustments, and all decisions, which have not been appealed within thirty (30) consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for service as in any other law action.

#### **SECTION 15.4 STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appeal from, unless the Zoning Administrator whom the appealed is taken, certifies to the Board of Adjustments, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a court of record on application, or on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

#### **SECTION 15.5 POWERS OF BOARD OF ADJUSTMENTS**

Upon appeals, the Board of Adjustments shall have the following powers:

- A. To hear and decide on applications for variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the requirements (height or width of building or size of yards, but not population density) of the zoning ordinance would deprive the applicant or reasonable capacity to make use of the land.
- B. To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant or refusal made by a Zoning Administrator in the enforcement of this ordinance. Such appeal shall be taken within thirty (30) consecutive calendar days.
- C. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met as specified in SECTION 3.145 of this ordinance.

- D. To hear and decide, in accordance with the provisions of this ordinance, requests for interpretation of the Official Zoning Map or for decisions upon other special questions upon which said Board is authorized to act upon.
- E. To hear and decide, in accordance with the provisions of this ordinance and the adopted Comprehensive Plan for the City of Alexandria, requests for the change from one nonconforming use to another.

**SECTION 15.6 VARIANCES; CHANGE FROM ONE NONCONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS: PROCEDURES**

- A. VARIANCES: Before any dimensional variance is granted, the Board of Adjustments must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance. Such variance shall not be granted by the Board of Adjustments unless and until:
  - 1. A written application for a dimensional variance (including the required fee ~~as per SECTION 16.0 of this ordinance~~) and a site plan, if applicable, subject to the applicable requirements of SECTION 3.201, are submitted and the Board must find that the granting of the variance will not adversely affect the public health, safety of 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 a 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;
    - d. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation form which relief is sought.
  - 2. Notice of public hearing shall be given in accordance with SECTION 15.2 of this ordinance.
  - 3. The public hearing shall be held. Any person may appear in person, or by agent, or by attorney.
  - 4. Prior to granting a dimensional variance;

- a. The Board of Adjustments shall further make the following findings when granting a variance.
  - b. The Board of Adjustments shall further make a finding that reasons set forth in the application justify the granting of variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - c. The Board of Adjustments shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance as well as the Adopted Comprehensive Plan for the City of Alexandria, and will not be injurious to the neighborhood, or otherwise, detrimental to the public welfare.
5. In granting any variance, the Board of Adjustments may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under SECTIONS 13.9 and 13.15 of this ordinance.
- B. VARIANCE CANNOT CONTRADICT ZONING REGULATION:** The Board of Adjustments shall not possess the power to grant variance to permit use of any land, building, or structure which is not permitted by this ordinance in the zone in question, or to alter density requirements in the zone in question.
- C. VARIANCE RUNS WITH LAND:** A variance applies to the property for which it is granted and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site. Approval for a variance shall automatically terminate if a building permit has not been obtained within sixty (60) calendar days after the date of the Board of Adjustment approval in order to implement the variance. The Board may extend the time limit within which to obtain a building permit; however, in no case shall said time be longer than six (6) months.
- D. CHANGE FROM ONE NONCONFORMING USE TO ANOTHER:** A nonconforming use shall not be changed to another nonconforming use without the specific approval of the Board of Adjustments, as provided herein.
1. The Board of Adjustments shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:
    - a. A written application for a change from one nonconforming use to another (including the required fee ~~per SECTION 16.0 of this ordinance~~) and a development plan or site plan, if applicable, subject to the applicable requirements of SECTIONS 3.20 or 3.21, shall be submitted to the Board;
    - b. Notice of the public hearing shall be given in accordance with SECTION 15.2 of this ordinance.

- c. The public hearing shall be held. Any person may appear in person, by agent, or by attorney;
- d. Prior to granting a change from one nonconforming use to another, the Board of Adjustment shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use, the applicant shall establish and the Board of Adjustments shall find:
  - (1) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;
  - (2) That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;
  - (3) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the Adopted Comprehensive Plan of the City of Alexandria, and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.
- e. Any change of nonconforming use granted by the Board of Adjustments shall conform to the requirements of this ordinance, including, but not limited to: parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the City.
- f. The Board of Adjustments shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming.
- g. The Board of Adjustments, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the Zoning Administrator.
- h. The change of nonconforming use as may be granted by the Board of Adjustments applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.
- i. In the case where the change of nonconforming use has not occurred within one (1) year after the date of granting thereof, said use shall be governed according to the requirements of SECTION 3.13, B, 3.

## **SECTION 15.7 CONDITIONAL USE PERMIT**

Conditional use permits shall not be issued without the specific approval of the Board of Adjustment, as provided herein:

- A. The Board of Adjustments shall have the power to hear and decide on applications for conditional use permits, subject to the following:
  1. A written application for a conditional use permit (including the required fee, ~~as per SECTION 16.0 of this ordinance~~) shall be submitted to the Board.
  2. Notice of public hearing shall be given in accordance with SECTION 15.2 of this ordinance.
  3. The public hearing shall be held. Any person may appear in person, or by agent or by attorney;
  4. Prior to granting a conditional use permit, the Board of Adjustment shall find that the application for a conditional use permit meets the requirements of this ordinance, SECTION 3.1~~4~~5.
  5. Approval for a conditional use shall automatically terminate if a building permit has not been obtained within sixty (60) calendar days after the date of the Board of Adjustment approval in order to implement the conditional use. The board may extend the time limit within which to obtain a building permit; however, in no case shall said time be longer than six (6) months.

#### **SECTION 15.8 DECISIONS OF THE BOARD OF ADJUSTMENT**

- A. In exercising the aforementioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the Zoning Administrator, from whom the appeal is taken.
- B. A simple majority of the total membership of the Board of Adjustment as established by regulation or agreement, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- C. The details of the decision of the Board shall be forwarded to the Zoning Administrator.

#### **SECTION 15.9 DECISIONS OF THE ZONING ADMINISTRATOR**

- A. Upon petition by an applicant, the Zoning Administrator may waive or modify the standards governing the placement of certain appurtenant structures within a residential property.
- B. For the purpose of this Section, appurtenant structures shall be limited to swimming pools, porches, decks, and utility sheds (smaller than one-hundred (100) square feet).
- C. Applicants shall request such consideration in writing, stating the nature of the request and reasons for the need for a modification or waiver.

- D. All decisions of the Zoning Administrator shall be rendered, in writing, within ten (10) working days of receipt of a petition, and after consultation with all adjoining property owners. Decisions shall be forwarded to the Planning Commission and the Board of Adjustment.
- E. The Zoning Administrator, at his/her discretion, may refer a petition to the Board of Adjustment for action without recommendation.



**ARTICLE 16 ~~SCHEDULE OF FEES~~**

**SECTION 16.0 ~~SCHEDULE OF FEES, CHARGES, AND EXPENSES~~**

~~The schedule of fees, charges, and expenses shall be as established by separate City Ordinance.~~

# APPENDIX A

## BIG BOX RETAIL DESIGN STANDARDS

### I. Procedure

The following guidelines are intended to be used as a design aid by developers proposing large retail developments and as an evaluation tool by the Planning Commission in their review processes. These guidelines shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for retail establishments of more than 50,000 square feet. These guidelines are to be used in conjunction with the *Alexandria Subdivision Regulations* and *Alexandria Zoning Ordinance*.

### II. Definitions

- Arcade – an area contiguous to a street or plaza that is open and unobstructed, and that is accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.
- Articulate – to give emphasis to or distinctly identify a particular element. An articulated façade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.
- "As-of-Right Zoning" – uses and development standards that are determined in advance and specifically authorized by the zoning regulations (e.g., a single-family zone would allow single-family housing as of right so long as site development standards are met). This type of zoning is in contrast to cumulative or "pyramidal" zoning.
- Berm – an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.
- Breezeway – a structure for the principal purpose of connecting a main building or structure on a property with other buildings.
- Buffer – see also "screen". An area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesired views, noise and glare - effectively providing greater privacy to neighboring land uses. Typical buffers consist of materials that serve this purpose and include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses.
- Buffer Strip – a portion of a lot or property used to visually separate one use from another through the use of vegetation, distance or other approved method.
- Building Face, Front – any building face, which can be touched by a line drawn perpendicular to street (public or private).

- Building Face, Public – any building side which is visible from public or private right-of-ways and/or the faces that contain public entry.
- Building Mass – the building's expanse or bulk and is typically used in reference to structures of considerable size.
- Design Guidelines – statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development.
- Dormer – a window set vertically in a gable projecting from a sloping roof.
- Facade – the portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.
- Front Yard – the portion of the front yard extending the full width of the lot and measured between the front lot line and a parallel line across the front of the building. Corner and double lots shall adhere to the front yard setback(s) for each frontage.
- Gable – a triangular wall section at the end of a pitched roof, bounded by the two roof slopes.
- Hip Roof – roof without gables.
- Parapet – the portion of a wall that extends above the roofline.
- Pedestrian Oriented Development – development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings/structures rather than on auto access. The buildings/structures are generally located close to the public or private right-of-way and the main entrance(s) is oriented to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location.
- Pedestrian Walkway – a surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle.
- Portico – a porch or walkway with a roof supported by columns, often leading to the entrance to a building.
- Public/Private Right of Way – any public or private road, access easement intended to provide public access to any lot/development, but excluding any service road or internal driving aisles (i.e., within parking lots).
- Screen – see also "buffer". The sole purpose of a screen is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views.
- Setback – a prescribed distance or an area between one element and another (i.e., a building and the road right-of-way). Within these guidelines, the term also refers to:

- The minimum distance and the area measured from the property line to the interior of a parcel where buildings may be constructed.
- The required distance and the area between the edge of the parking lot pavement/curb and the property line or buildings/structures.
- Placing a building face on a line to the rear of another building line.
- Streetscape – all elements of a development or area that are in view from other points along a street.

### III. Design Guidelines

#### ARTICLE I - AESTHETIC CHARACTER

##### 1. Facades and Exterior Walls

**INTENT:** Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity character, and scale. The intent is to encourage a more human scale so that residents will be able to identify with their community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

**GUIDELINE:** Developments with facade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of 3 foot depth and a minimum of 20 contiguous feet within each 100 feet of facade length and shall extend over 20 percent of the facade. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the facade.



(Photo courtesy of Hamburg Place)

##### 2. Smaller Retail Stores

**INTENT:** The presence of smaller retail stores gives a center a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations

where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site.

**GUIDELINE:** Where principal buildings contain additional, separately owned stores, which occupy less than fifty thousand (50,000) square feet of gross floor area, with separate, exterior customer entrances:

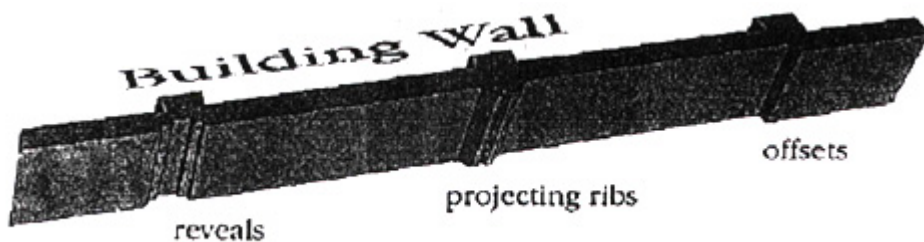
- a. The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- b. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

### 3. Detail Features

**INTENT:** Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

**GUIDELINE:** Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

- Color change
- Texture change
- Material module change
- Expression of architectural or structural bay through a change in plane no less



### structural bay layout

than 12 inches in width, such as an offset, reveal, or projecting rib.

*Expression of Architectural or Structural Bay (Drawing courtesy of Fort Collins, Colorado)*

#### 4. Roofs

**INTENT:** Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods.

**GUIDELINE:** Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.



(Photo courtesy of Hamburg Place)

#### 5. Materials and Colors

**INTENT:** Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

**GUIDELINE:**

- a. Predominant exterior building materials shall be high quality materials. These include, without limitation:
  - Brick
  - Wood
  - Sandstone
  - Other native stone
  - Tinted, textured, concrete masonry units
- b. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- d. Predominant exterior building materials as well as accents should not include the following:
  - Smooth-faced concrete block

- Tilt-up concrete panels
- Pre-fabricated steel panels

## 6. Entryways

**INTENT:** Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

**GUIDELINE:** Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- canopies or porticos
- overhangs
- recesses/projections
- arcades
- raised corniced parapets over the door
- peaked roof forms
- arches
- outdoor patios
- display windows
- architectural details such as tile work and moldings which are integrated into the building structure and design
- integral planters or wing walls that incorporate landscaped areas and/or places for sitting



(Photo courtesy of Hamburg Place)

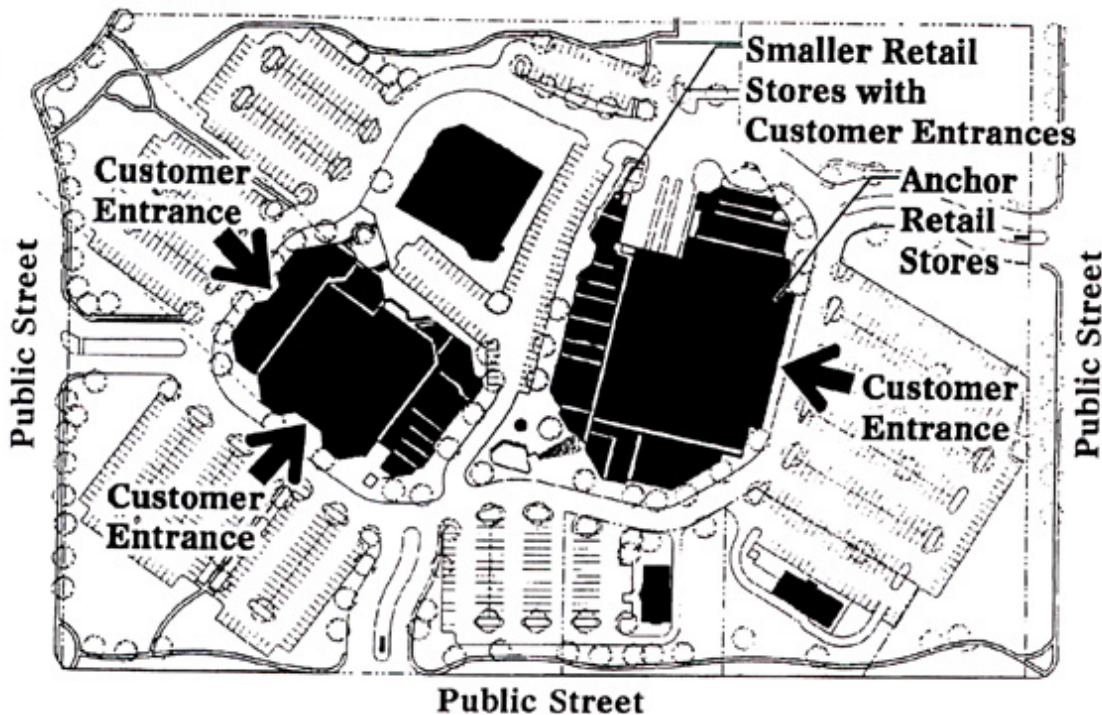
## ARTICLE II - SITE DESIGN AND RELATIONSHIP TO THE SURROUNDING COMMUNITY

### 1. Entrances

**INTENT:** Large retail buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

**GUIDELINE:** All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public or private rights-of-way, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street.

The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.



Example of a development with customer entrances on all sides which face a public street.  
(Drawing courtesy of Fort Collins, Colorado)



## **2. Parking Lot Orientation**

**INTENT:** Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

**GUIDELINE:** No more than 60 percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outlot development (such as restaurants) and additional tree plantings and/or berms.

## **3. Back and Sides**

**INTENT:** The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way shall be built in accordance with Article I. The Planning Commission may waive this requirement as part of the development plan.

**GUIDELINE:** The minimum setback for any building facade shall be in accordance with the *Zoning Ordinance*). Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than 6 feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may be required by the Planning Commission to effectively buffer adjacent land use as deemed appropriate. All additional landscape requirements of the *Zoning Ordinance* shall apply.

## **4. Outdoor Storage, Trash Collection, and Loading Areas**

**INTENT:** Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

### **GUIDELINE:**

- a. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
- b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public or street, public sidewalk, or internal pedestrian way.

- c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash, dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.
- e. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements as described in the *Zoning Ordinance*. Location and time/duration of such sales/displays shall be reviewed and approved by the Zoning Administrator or appointed designee.

## **5. Pedestrian Flows**

**INTENT:** Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

### **GUIDELINE:**

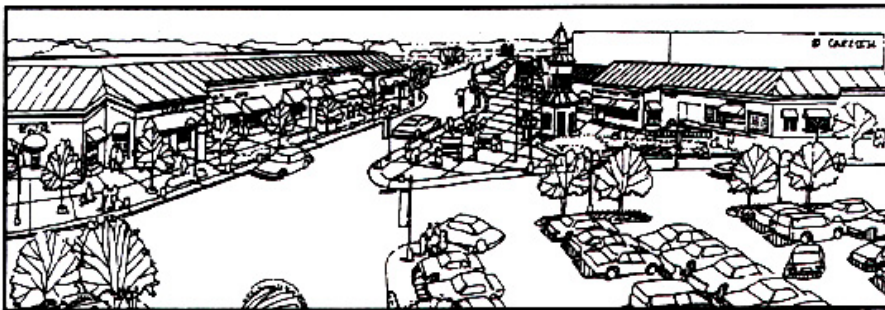
- a. Sidewalks at least 6 feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding the Cumberland Parkway. The Planning Commission may waive this requirement as part of the development plan.
- b. Continuous internal pedestrian walkways, no less than 5 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- c. Sidewalks, no less than 5 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

- d. Internal pedestrian walkways provided in conformance with Subsection b above, shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
- e. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

## 6. Central Features and Community Spaces

**INTENT:** Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building and the center as integral parts of the community fabric.

**GUIDELINE:** Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgement of the Planning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.



Example of a center with numerous special features and community spaces  
(Drawing courtesy of Fort Collins, Colorado)

## APPENDIX B

### ACCEPTABLE PLANT MATERIALS ~~RECOMMENDED TREES~~ FOR ALEXANDRIA, KENTUCKY AND SIGHT TRIANGLE STANDARDS

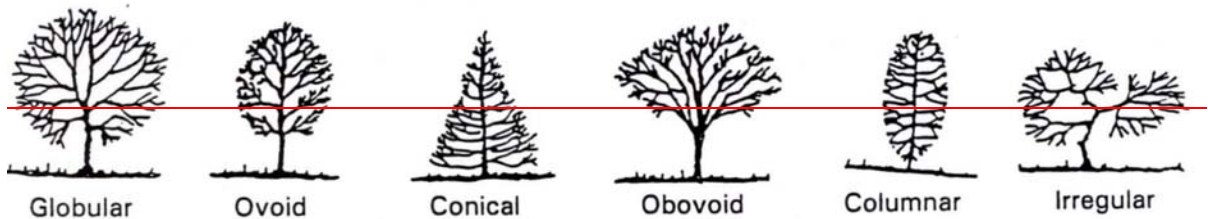
#### A. RECOMMENDED PLANT MATERIALS ~~TREES~~

The following is designed to encourage an imaginative selection of landscape trees. Careful selection will prevent an over-dependence on a few species. This compilation will be useful to residents, nurserymen, horticulturists, landscapers, developers, and landscape architects. Planting and maintaining a diverse urban forest is the goal of Alexandria's tree programs. This idea is reflected in landscape plan approval by the Alexandria Planning Commission.

This list is divided into ~~seven three~~ size categories: large trees which mature at a height of 50 feet or more (Group A); medium trees reaching a mature height of between ~~25 30~~ and 50 feet (Group B); ~~and large shrubs or~~ small trees which range from 10 to ~~25 30~~ feet at maturity (Group C); ~~medium shrubs reaching a mature height of between 6 to 10 feet in height at maturity (Group D);~~ small shrubs reaching a mature height of between 4 to 6 feet in height at maturity (Group E); low shrubs reaching a mature height of between 1.5 to 4 feet in height at maturity (Group F); and ground cover reaching a mature height below 1.5 feet at maturity. Tree lawn sizes must accommodate the tree size planted: Group A, greater than 7 feet; Group B, 4 to 7 feet; and, Group C, 3 to 4 feet. Use under utility lines is limited to small trees, although medium trees may be planted as close as 10 lateral feet to utility lines.

The approximate mature height and diameter of each tree's crown are given. Trees are alphabetized by their scientific name with the common name given. Cultivars best suited to Northern Kentucky are also provided. ~~An asterisked entry indicates a tree which is unsuitable for planting within 15 lateral feet of a sidewalk or bikeway.~~

~~Habit refers to the three-dimensional form of the tree. Six general terms describe the characteristic shape of the trees.~~



~~Information on each plant is divided into two categories—plant characteristics and plant uses. Plant characteristics refer to the physical attributes of a plant, including height, spread, form, urban tolerance, disease and insect tolerance, and density (for shrubs only). Plant uses refer to the appropriate use of trees; this includes street trees, property perimeter trees, vehicular use area perimeter trees, vehicular use area interior trees, as well as use in the sight triangle,~~

utility easements, naturalized planting in greenspaces, and possibly as a screen. Uses involving shrubs include property perimeter screening, service area screen, as well as use in the sign triangle, as a groundcover, and in greenspaces.

The tolerance category presents information from various sources. The tree's relative tolerance to insects, diseases, pollution, and soil conditions are signified by either an "X Y" meaning yes, it is tolerant; "N" or a blank box, meaning no, it is not tolerant; or "~~—~~", meaning ~~no information is available from these sources~~. Boxes marked with an "X" under Plant Uses indicates that the tree or shrub is suitable for the listed uses.

The comments pertain to any other notable characteristic of the tree.

## **B. SIGHT TRIANGLE**

1. Definition – That area at street or drive intersections where all landscaping is prohibited, except ground covers and trees that are without limbs from the ground up seven feet (7').
2. City Streets – When two city streets intersect a city street, the sight triangle shall consist of the area between points thirty-five feet (35') along both streets from the intersection of the edges of the pavement. When a driveway intersects a city street, the sight triangle shall consist of the area between twenty feet (20'). See diagrams B-1 and B-2.
3. State Highway – Where a city street, driveway, or other entrance intersects with a state highway, the sight triangle shall consist of the area between a point ten feet (10') along the street or driveway edge of pavement and a point located along the edge of the state highway pavement the distance an automobile traveling the speed limit can go in six seconds. See diagram B-3. An Encroachment Permit from the Kentucky Department of Transportation is required for any planting in the State Right-of-Way.

DIAGRAM B-1

STREET INTERSECTION  
SIGHT TRIANGLE

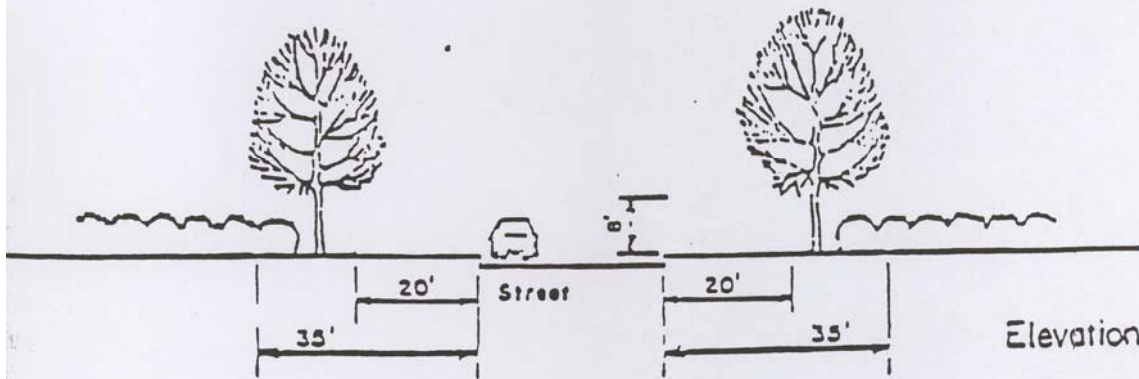
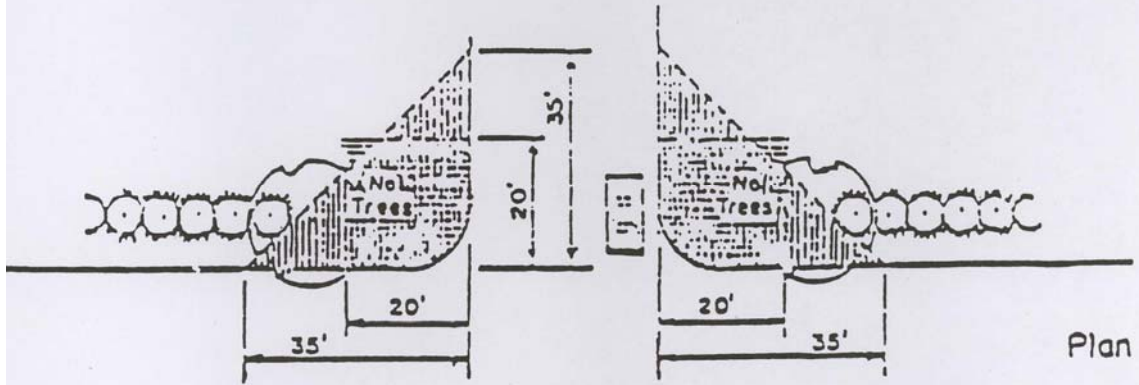


DIAGRAM B-2  
DRIVEWAY  
SIGHT TRIANGLE

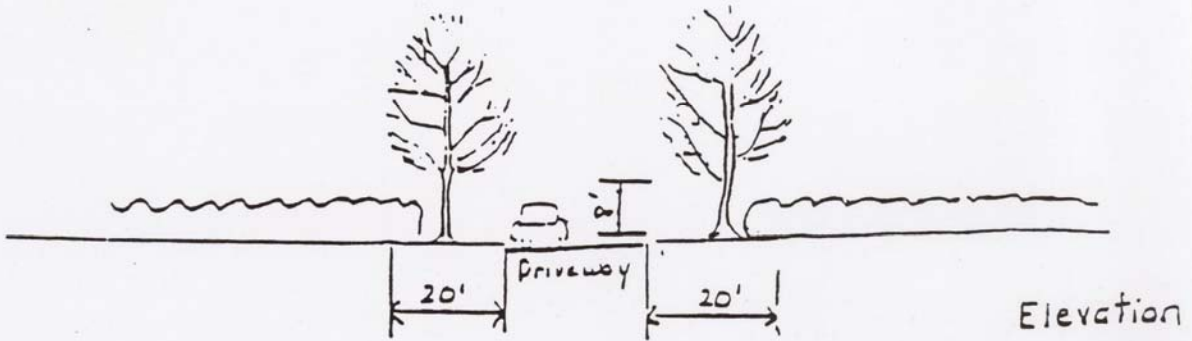
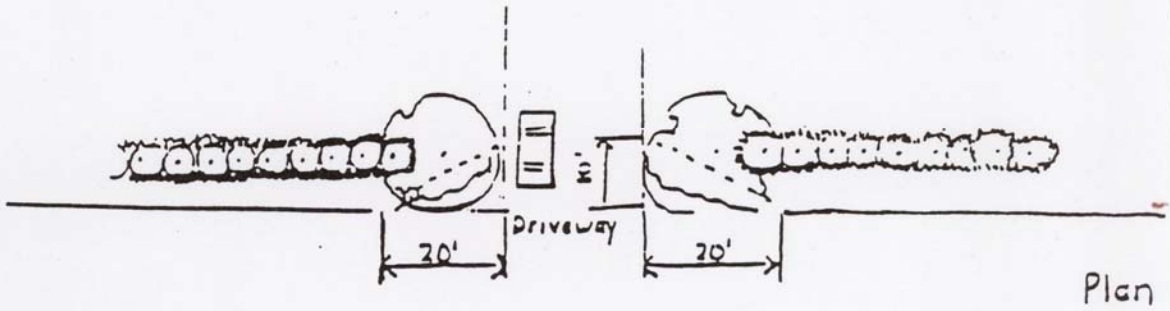
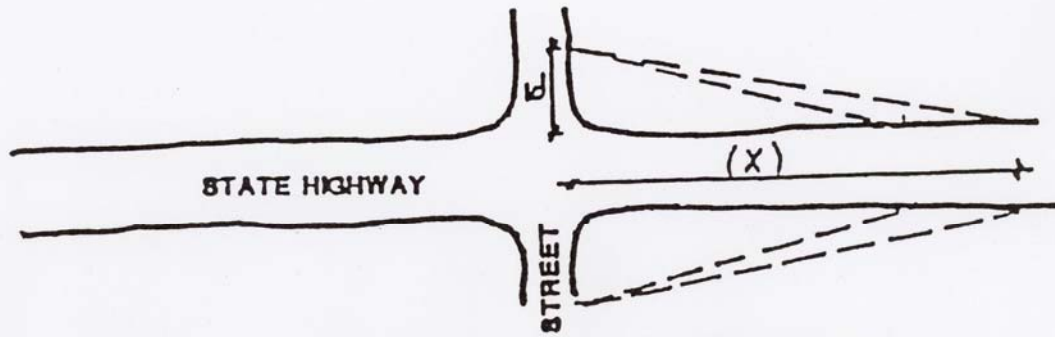


DIAGRAM B-3

STATE HIGHWAY  
SIGHT TRIANGLE



(x) SIGHT DISTANCE	SPEED LIMIT
484'	55 MPH
396'	45 MPH
308'	35 MPH
220'	25 MPH
132'	15 MPH





## **APPENDIX B**

### **ACCEPTABLE PLANT MATERIALS**

**A/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Abies concolor</u> White Fir	E	30' to 50'	15' to 30'	Pyramidal	<b>X</b>	<b>X</b>			<b>X</b>				<b>X</b>			Can be used as a screen between conflicting land uses; doesn't meet other ordinance requirements because of low branch pattern; best used in large areas where there is room for plant development.
<u>Acer platanoides</u> Norway Maple 'Columnare' 'Crimson King' 'Summershade' 'Erectum'	D	40' to 50'	30' to 40'										<b>X</b>	<b>X</b>		Very adaptable maple; best reserved for use in large areas; numerous cultivars can be selected for use.
* <u>Acer rubrum</u> Red Maple 'Armstrong' 'Autumn Flame' 'Columnar' 'October Glory' 'Red Sunset' 'Scarlet Sentinel'	D	40' to 60'	40' to 50'	Oval			<b>X</b>	7'+	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	Excellent tree but requires room to develop; won't tolerate heavily polluted urban streets; numerous cultivars are superior to the straight species and should be considered for use.
* <u>Acer negundo</u> Box Elder	D	30' to 50'	30' to 50'										<b>X</b>	<b>X</b>		Excellent tree for streamside plantings. Will naturally seed in if no mow zone is established by stream.
* <u>Acer saccharinum</u> Silver Maple	D	50' to 70'	40' to 50'											<b>X</b>		
* <u>Acer saccharum</u> Sugar Maple	D	60' to 75'	50' to 60'	Rounded	<b>X</b>	<b>X</b>	<b>X</b>	7'+	<b>X</b>	<b>X</b>	<b>X</b>			<b>X</b>	<b>X</b>	One of best larger lawn and shade trees; not for downtown or other crowded areas. Possible use in suburban areas as a street tree.

\* = Native Species

**AL/T LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
* <u>Aesculus glabra</u> Ohio Buckeye	D	40' to 70'	20' to 40'	Rounded										X	X	
* <u>Aesculus octandra</u> Yellow Buckeye	D	60' to 75'	20' to 40'	Oval										X	X	
<u>Alnus glutinosa</u> Black Alder	D	40' to 60'	20' to 40'	Pyramidal to Oval	X	X			X	X	X			X	X	Good tree for any wet or clay soils; tolerates most adverse conditions. Nitrogen fixator.
* <u>Betula lenta</u> Sweet Birch		40' to 50'	30' to 40'	Pyramidal To Rounded					X	X	X			X	X	Intolerant of polluted urban areas; best birch for yellow fall color good for large, naturalized areas.
* <u>Betula nigra</u> River Birch	D	40' to 70'	40' to 60'	Oval to Rounded		X			X	X	X			X	X	More adaptable and disease resistant than other birch trees; handsome tree; good for wet areas.
* <u>Carpinus betulus</u> European Hornbeam 'Asplenifolia' 'Columnaris' 'Fastigiata'	D	40' to 60'	30' to 50'	Oval		X			X	X	X				X	Must be limbed up to meet <i>Landscape Ordinance</i> requirements; outstanding specimen tree; there are many excellent cultivars that deserve use.
* <u>Carya cordiformis</u> Bitternut Hickory	D	50' to 75'	20' to 30'	Irregular										X	X	Can be planted by streams.
* <u>Carya glabra</u> Pignut Hickory	D	50' to 60'	25' to 35'	Oval										X	X	
* <u>Carya Illinoensis</u> Pecan	D	70' to 100'	40' to 75'	Oval										X	X	

\* = Native Species

**AL/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
* <u>Carya laciniosa</u> Shellbark Hickory	D	60' to 80'	20' to 30'	Spreading										X	X	
* <u>Carya ovata</u> Shagbark Hickory	D	60' to 80'	40' to 60'	Oblong										X	X	Can be planted by streams.
* <u>Catalpa speciosa</u> Northern Catalpa	D	40' to 60'	20' to 40'	Irregular										X	X	
* <u>Celtis laevigata</u> Sugar Hackberry	D	60' to 80'	50' to 60'	Rounded	X	X	X	7'+	X	X	X			X		
* <u>Celtis occidentalis</u> Common Hackberry	D	40' to 60'	40' to 60'	Rounded		X								X	X	Excellent wildlife tree.
<u>Cercidiphyllum japonicum</u> Katsura Tree	D	40' to 60'	30' to 50'	Oval to Columnar	X	X	X	4'+	X	X	X	X		X		Male forms are narrow and upright while female forms are round and spreading; handsome tree; had to be limbed up to meet ordinance requirements.
<u>Chamaecyparis obtuse</u> Hinoki Falsecypress	E	50' to 75'	10' to 20'	Pyramidal		X			X				X			Very dense evergreen; needs moist, humid conditions and protection from wind; many cultivars but most are a smaller size.
<u>Chamaecyparis pisifera</u> Sawara Falsecypress	E	50' to 70'	10' to 20'	Pyramidal		X			X	X			X			Requires moist, humid conditions; numerous outstanding cultivars but they are a smaller size, loses beauty with age.
* <u>Diospyros virginiana</u> Common Persimmon	D	35' to 60'	20' to 35'	Oval										X	X	Establishes well on compacted soils.

\* = Native Species

**A/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Eucommia ulmoides</u> Hardy Rubber Tree	D	40' to 60'	40' to 50'	Rounded	X	X	X	7'+	X	X	X	X		X		Virtually problem free, outstanding dark green foliage; lacking in other ornamental qualities; excellent street tree.
* <u>Fagus grandifolia</u> American Beech	D	50' to 70'	100' to 120'	Rounded		X							X	X	X	
<u>Fagus sylvatica</u> European Beech 'Asplenifolia' 'Fastiagata' 'Riversii' 'Rohanii' 'Rotundifolia'	D	50' to 60'	35' to 45'	Oval to Rounded		X							X		X	Doesn't meet most ordinance requirements because of low branching pattern, many excellent cultivars that could be used as a large screen; needs room to develop.
* <u>Fraxinus americana</u> White Ash 'Autumn Purple'	D	50' to 80'	40' to 60'	Oval	X		X	7'+	X	X	X			X	X	Vigorous growing but requires a lot of care because of numerous insect and disease problems; best used in large areas.
<u>Fraxinus excelsior</u> Common or European Ash 'Hessei'	D	70' to 80'	60' to 90'	Rounded										X	X	
* <u>Fraxinus pennsylvanica</u> Green Ash 'Marshall's Seedless' 'Summit'	D	50' to 60'	30' to 40'	Oval	X		X	7'+	X	X	X			X	X	Very adaptable to adverse conditions where other trees have trouble growing. Excellent tree for wet areas. Vulnerable to Emerald Ash Borer.
* <u>Fraxinus quadrangulata</u> Blue Ash 'True Blue'	D	50' to 70'	25' to 35'	Rounded		X	X	7'+	X				X	X	X	Trees will be hard to obtain until source is established.

\* = Native Species

**A/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
* <u>Ginkgo biloba</u> (Male) Ginkgo 'Autumn Gold' 'Fastigata'	D	50' to 80'	30' to 50'	Pyramidal to Rounded	<b>X</b>	<b>X</b>	<b>X</b>	7'+	<b>X</b>	<b>X</b>	<b>X</b>			<b>X</b>		Tolerates adverse conditions; excellent tree for streets and other urban uses; outstanding ornamental qualities.
* <u>Gymnocladus dioicus</u> Kentucky Coffeetree	D	60' to 75'	40' to 50'	Oval										<b>X</b>	<b>X</b>	Drought tolerant.
* <u>Ilex opaca</u> American Holly 'Xanthocarpa'	E	40' to 70'	20' to 40'	Pyramidal					<b>X</b>	<b>X</b>			<b>X</b>	<b>X</b>		Normally 20' to 30' in height; can be used as a large screen; must be limbed up to meet most ordinance requirements.
* <u>Juglans cinerea</u> Butternut	D	40' to 60'	30' to 50'	Rounded										<b>X</b>	<b>X</b>	
* <u>Juglans nigra</u> Black Walnut	D	50' to 75'	50' to 75'	Oval										<b>X</b>	<b>X</b>	
<u>Larix decidua</u> European Larch	D	70' to 75'	25' to 30'	Pyramidal					<b>X</b>	<b>X</b>			<b>X</b>		<b>X</b>	Nice specimen tree for large areas; intolerant of adverse conditions; messy winter appearance; does well in wet areas.
* <u>Liquidambar styraciflua</u> Sweetgum 'Festival' 'Moraine'	D	60' to 70'	40' to 50'	Pyramidal To Oval		<b>X</b>	<b>X</b>	7'+	<b>X</b>	<b>X</b>	<b>X</b>			<b>X</b>	<b>X</b>	Excellent tree for large areas; extensive root system needs room to develop; avoid polluted areas.
* <u>Liriodendron tulipifera</u> Tulip Poplar Yellow Poplar	D	70' to 90'	35' to 50'	Oval To Rounded			<b>X</b>	8'+	<b>X</b>	<b>X</b>	<b>X</b>			<b>X</b>	<b>X</b>	Can grow to 150' or taller, not for small Areas.
<u>Magnolia acuminata</u> Cucumber tree Magnolia	D	50' to 80'	50' to 80'	Pyramidal To Rounded			<b>X</b>	8'+	<b>X</b>	<b>X</b>	<b>X</b>			<b>X</b>	<b>X</b>	Develops massive spreading branches, not for polluted areas or dry soils.

\* = Native Species

**AL/T LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS		
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING		TREE PROTECTION ORDINANCE	GREENSPACE USE
<u>Metasequoia glyptostroboides</u> Dawn Redwood	D	70' to 100'	25'	Pyramidal to Conical	X	X			X	X			X			Can suffer from early freeze damage; not suitable for low areas; should only be used in large areas; very adaptable.
<u>Picea abies</u> Norway Spruce	E	40' to 60'	25' to 30'	Pyramidal	X				X				X	X		Loses form with age; commonly used as a windbreak; can be pruned into a hedge.
<u>Picea glauca</u> White Spruce	E	40' to 60'	10' to 20'	Pyramidal	X				X				X			Very adaptable; tolerates adverse conditions better than other spruce trees.
<u>Picea omorika</u> Serbian Spruce	E	50' to 60'	20' to 25'	Pyramidal	X				X				X			Excellent dark green foliage; tolerates city conditions; does well in almost any urban area.
<u>Picea orientalis</u> Oriental Spruce	E	50' to 60'	20' to 30'	Pyramidal	X				X				X			Outstanding ornamental evergreen; needs protection from winter winds; low branching pattern restricts use.
<u>Picea pungens</u> Colorado Spruce	E	50' to 70'	20' to 30'	Pyramidal					X				X			Tolerates dry conditions better than other spruce; best used in large areas because of over-planting silvery-blue foliage color; not tolerant of salt or clay soils.
* <u>Pinus echinata</u> Short Leaf Pine	E	80' to 100'	25' to 35'	Pyramidal										X	X	
<u>Pinus resinosa</u> Red Pine	E	50' to 80'	20' to 40'	Pyramidal to Oval	X	X			X				X			Tolerates adverse conditions; does best farther north; develops a picturesque, symmetrical form with age.
* <u>Pinus strobus</u> White Pine	E	50' to 80'	20' to 40'	Pyramidal					X				X	X		Soft, feathery appearance because of foilage, extremely intolerant of air pollution; one of most beautiful native pines.

\* = Native Species



**A/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Pinus sylvestris</u> Scotch Pine	E	30' to 60'	30' to 40'	Irregular	X				X				X	X		Unusual picturesque appearance; loses lower branches sooner than other pines; tolerates poor dry sites.
<u>Pinus thunbergii</u> Japanese Black Pine	E	20' to 50'	Var.	Pyramidal to Irregular	X				X				X			Variable in size and spread; tolerates salt spray and poor soils.
<u>Platanus x acerifolia</u> London Planetree 'Bloodgood'	D	70' to 100'	60' to 80'	Pyramidal to Rounded	X		X	7'+	X	X						Tolerates adverse conditions; best used in large areas because of size; disease and insect problems can be serious.
* <u>Platanus occidentalis</u> American Sycamore	D	75' to 100'	75' to 100'	Irregular			X	8'+						X	X	Excellent Floodplain Tree
* <u>Prunus serotina</u> Black Cherry	D	50' to 60'	25' to 30'	Oval										X	X	
<u>Pseudotsuga menziesii</u> Douglas Fir 'Glauca'	E	40' to 80'	10' to 20'	Pyramidal					X				X			Requires abundance of atmospheric moisture; intolerant of high winds; handsome evergreen.
* <u>Quercus alba</u> White Oak	D	60' to 100'	50' to 80'	Rounded	X	X	X	7'+	X	X	X			X	X	Drought resistant.
* <u>Quercus bicolor</u> Swamp White Oak	D	50' to 60'	50' to 50'	Rounded			X	7'+						X	X	Excellent Floodplain Tree.
* <u>Quercus coccinea</u> Scarlet Oak	D	70' to 75'	40' to 50'	Pyramidal to Rounded	X	X	X	7'+	X	X	X			X		Difficult to locate commercially; outstanding ornamental tree; somewhat difficult to transplant.

\* = Native Species

**A/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
* <u>Quercus falcata</u> Southern Red Oak	D	70' to 80'	50' to 70'	Rounded			X							X	X	
* <u>Quercus imbricaria</u> Shingle Oak	D	50' to 60'	40' to 60'	Oval to Rounded	X	X	X	7'+	X	X	X			X	X	Nice tree when allowed room to develop; easier to transplant than most oaks; tolerates most adverse conditions.
* <u>Quercus macrocarpa</u> Bur Oak	D	70' to 80'	70' to 80'	Irregular										X	X	
* <u>Quercus muehlenbergii</u> Chinkapin Oak	D	70' to 80'	80' to 100'	Rounded	X	X	X	7'+	X	X	X			X	X	
* <u>Quercus nigra</u> Water Oak	D	50' to 80'	40' to 60'	Oval to Rounded	X	X	X	7'+	X	X	X			X	X	Used extensively in the South; adaptable to moist, wet sites; leaves persist into winter.
* <u>Quercus palustris</u> Pin Oak 'Crown Rite' 'Sovereign'	D	60' to 70'	25' to 40'	Pyramidal	X									X	X	Limited use to flood plain areas.
* <u>Quercus phellos</u> Willow Oak	D	40' to 60'	50' to 40'	Pyramidal to Oval	X	X	X	7'+	X	X	X			X	X	Very handsome tree; widely used in South; finer textured than other oaks.
<u>Quercus robur</u> English Oak 'Fastigata'	D	60' to 80'	50' to 60'	Pyramidal to Rounded	X		X	7'+	X	X	X					Widely used in Europe; too large for most settings; tolerates high pH soils.
* <u>Quercus rubra</u> Northern Red Oak	D	60' to 75'	40' to 50'	Rounded	X	X	X	7'+	X	X	X			X	X	Widely used; fast growing oak; transplants easily; valuable for a variety of landscape uses.
* <u>Quercus shumardii</u> Shumard Oak	D	40' to 60'	40' to 50'	Rounded	X	X	X	7'+	X	X	X			X	X	Not widely known and difficult to find commercially. Excellent street tree.

\* = Native Species

**A/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
* <u>Robinia pseudoacacia</u> Black Locust	D	30' to 80'	20' to 35'	Narrow Oblong										X	X	Excellent invasive for early successional forest stage.
* <u>Sassafras albidum</u> Sassafras	D	30' to 60'	25' to 40'	Rounded	X	X	X	4'+	X	X	X			X	X	May need to be limbed up for some uses.
<u>Stephanolobium japonicum</u> (formerly <u>Sophora japonica</u> ) Japanese Pagoda 'Princeton Upright'	D	50' to 70'	40' to 60'	Rounded	X		X	7'+	X	X	X					Excellent flowers; adaptable to moist conditions; good tree for a variety of uses; should be used more extensively.
* <u>Taxodium distichum</u> Bald Cypress 'Shawnee Brave'	D	50' to 70'	20' to 30'	Pyramidal	X	X			X	X	X			X	X	Often must be limbed up to meet ordinance requirements; intolerant of reflected heat and drought; handsome specimen tree.
* <u>Thuja occidentalis</u> American Arborvatae	E	40' to 60'	10' to 15'	Pyramidal	X	X			X				X	X		Very dense evergreen; requires considerable atmospheric moisture; numerous cultivars but most are much smaller.
* <u>Tilia americana</u> American Basswood	D	60' to 80'	30' to 60'	Rounded					X					X	X	
<u>Tilia cordata</u> Littleleaf Linden 'Chancellor' 'Greenspire' 'June Bride'	D	60' to 70'	30' to 50'	Oval												
* <u>Tilia heterophylla</u> White Basswood	D	60' to 80'	30' to 60'	Rounded											X	
* <u>Tilia tomentosa</u> Silver Linden	D	50' to 70'	30' to 50'	Oval to Rounded			X	5'+	X	X	X	X		X	X	

\* = Native Species

**A/LT LARGE TREES (Over 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS		
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING		TREE PROTECTION ORDINANCE	GREENSPACE USE
<u>Tilia x euchlora</u> Crimean Linden 'Redmond'	D	40' to 60'	20' to 30'	Oval			X	5'+	X	X	X	X				
* <u>Tsuga canadensis</u> Eastern Hemlock	E	40' to 70'	25' to 35'	Pyramidal					X				X	X	X	Very dense, low-branched evergreen; responds well to pruning; sensitive to drought and polluted environments.
<u>Tsuga caroliniana</u> Carolina Hemlock	E	45' to 60'	20' to 25'	Pyramidal	X				X				X			Tolerates city conditions better than <u>T. canadensis</u> ; intolerant of drought conditions; not well known. ;
<u>Ulmus parvifolia</u> Lacebark Elm	D	40' to 50'	40' to 50'	Rounded	X	X	X	7'+	X	X	X			X		Resistant to Dutch Elm disease; often confused with <u>U. pumila</u> , but is a much superior ornamental tree.
* <u>Ulmus rubra</u> Slippery Elm	D	40' to 60'	25' to 40'	Vase										X	X	Excellent streamside tree.
<u>Zelkova serrata</u> Japanese Zelkova 'Village Green'	D	50' to 80'	40' to 70'	Vase-shaped	X		X	7'+	X	X	X	X				Outstanding ornamental tree; has been used as a replacement for American Elm; tolerates wind and drought; excellent street tree; needs timely pruning.
<u>Ulmus americana</u> American Elm Must be hybrid resistant to Dutch Elm Disease	D	60' to 80'	40' to 55'				X	7'+	X	X	X			X	X	Use only hybrids resistant to Dutch Elm Disease

\* = Native Species

**B/MT MEDIUM TREES (25 to 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS				PLANT USES										COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	Tree Protection Ordinance		GREENSPACE USE
<u>Acer campestre</u> Hedge Maple	D	25' to 35'	25' to 35'	Rounded	X	X	X	5+	X	X	X			X		Excellent medium-size tree; useful in areas where space is limited; attractive dark green foliage.
* <del>Amelanchier arborea</del> * Downy Serviceberry	D	15' to 25'	10' to 15'	Rounded					X	X		X	X	X		Does best in a naturalistic planting.
* <del>Carpinus caroliniana</del> * American Hornbeam	D	20' to 30'	20' to 30'	Rounded		X			X	X	X			X	X	Does best in partial shade; often must be limbed up to meet ordinance requirements; requires moist, well drained soils; interesting native tree.
* <del>Cladratis kentukea</del> Yellowwood	D	30' to 50'	40' to 50'	Vase-Shaped			X	5+	X	X	X			X	X	Excellent flowers and foliage; tolerates moist soil conditions; poor branching angles often require corrective pruning.
<u>Corylus colurna</u> Turkish Filbert	D	40' to 50'	20' to 30'	Pyramidal			X	5+	X	X	X					Favorite Japanese Beetle food.
* <del>Gleditsia triacanthos</del> * var. <del>intermis</del> Thornless Honey Locust 'Moriane' 'Shademaster' 'Skyline' 'Sunburst'	D	30' to 50'	30' to 50'	Rounded	X		X	5+	X	X	X			X		Only thornless cultivars are acceptable; Cultivars have less disease and insect problems than straight species; provides a light, filtered shade; widely used.
* <del>Halesia tetraptera</del> (formerly- <del>carolina</del> )* Carolina Silverbell	D	30' to 40'	20' to 35'	Oval to Rounded		X	X	5+<	X	X	X			X		Prefers rich, well drained, acid soils; intolerant of adverse conditions; often must be limbed up to meet ordinance.
* <del>Ilex opaca</del> * American Holly	E	40' to 50'	18' to 40'	Pyramidal to Irregular					X				X	X	X	Needs sheltered location; some leaf minor problems; need male and female for fruit.

\* = Native Species

**B/MT MEDIUM TREES (25 to 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS				PLANT USES										COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	Tree Protection Ordinance		GREENSPACE USE
<u>Ilex pedunculosa</u> Longstalk Holly	E	20' to 30'	10' to 15'	Dense, Rounded	X	X			X	X			X	X		One of the hardiest red fruiting holly.
* <u>Juniperus virginiana</u> * Eastern Redcedar	E	40' to 50'	10' to 20'	Pyramidal	X	X			X				X	X		Can be used as a screen between conflicting land uses; cultivars are superior to straight species, but most are smaller in size; best used in large areas; doesn't meet other ordinance requirements because of low branching pattern.
<u>Koeleria paniculata</u> Golden-Raintree	D	30' to 40'	30' to 40'	Rounded	X	X	X	5'+	X	X	X			X		Beautiful dense tree; tolerates most adverse conditions; excellent late yellow flowers; somewhat weak wooded but can be used as a street tree.
<del>*Maclura pomifera*</del> Osage- Orange:	D	20' to 40'	20' to 40'	Rounded										X	X	Wood is very decay resistant.
* <u>Nyssa sylvatica</u> * <del>Tupelo</del> Black Gum, <u>Tupelo</u>	D	30' to 50'	20' to 30'	Oval to Rounded	X	X	X	5'+	X	X	X	X		<del>X</del>	X	One of the most beautiful native trees; intolerant of high pH soils difficult to transplant.
<del>*Ostrya virginiana*</del> Hophornbeam	D	25' to 40'	20' to 30'	Rounded	X	X	X	5'+	X	X	X	X		X	X	Good tree where space is limited; somewhat slow to establish; occasionally must be limbed up.
<del>*Oxydendrum arboreum*</del> Sourwood	D	25' to 30'	20' to 25'	Pyramidal	X	X	<del>X</del> <del>X</del>	5'+	X	X	X	<del>X</del>		X		Requires rich, acid soils; attractive in all seasons; somewhat difficult to transplant.
<u>Parrotia persica</u> Persian Parrotia	D	20' to 40'	15' to 30'	Oval	X	X	X	5'+	X	X	X					Outstanding bark and foliage color; excellent for a variety of uses although not very well known.

\* = Native Species

**B/MT MEDIUM TREES (25 to 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS				PLANT USES									COMMENTS		
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING		Tree Protection Ordinance	GREENSPACE USE
<u>Paulownia tomentosa</u> Royal Paulownia	D	30' to 40'	30' to 40'	Rounded											X	Japanese beetles feed on.
<u>Phellodendron amurense</u> Cork Tree	D	30' to 45'	30' to 40'	Rounded	X	X			X	X	X			X		Very adaptable, withstands most adverse conditions; useful in largest settings; picturesque appearance.
<u>Pinus cembra</u> Swiss Stone Pine	E	30' to 40'	15' to 25'	Pyramidal	X				X	X	X					Handsome evergreen; slow growth rate limits use; requires an open area with good air movement; transplants easier than most pines.
<u>Pinus parviflora</u> Japanese White Pine	D	25' to 50'	25' to 50'	Rounded	X				X				X			Develops a low-branched, wide-spreading form; tolerates most soils; good tree for small areas, slow growth rate.
* <u>Pinus virginiana</u> * Virginia or Scrub Pine	E	15' to 40'	10' to 30'	Irregular Pyramidal										X	X	
<u>Prunus sargentii</u> Sargent Cherry 'Columnaris'	D	40' to 50'	30' to 50'	Rounded	X	X			X	X	X			X		Tolerant of adverse conditions; one of the best large cherries for ornamental use; fruit can be messy.
<u>Prunus subhirtella</u> Higan Cherry 'Autumnalis' var. pendula	D	20' to 40'	15' to 30'	Rounded	X	X			X	X	X					Variable in form and flower colors; striking when in flower; numerous cultivars.
<u>Prunus yedoensis</u> Yoshino Cherry	D	20' to 40'	20' to 40'	Rounded	X	X			X	X	X			X		Outstanding pinkish-white flowers; not common and could be hard to find commercially.

\* = Native Species

**B/MT MEDIUM TREES (25 to 50 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS				PLANT USES										COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	Tree Protection Ordinance		GREENSPACE USE
<u>Pyrus calleryana</u> (Cult.) Callery Pear (Cultivar) 'Aristocrat' 'Chancellor' 'Cleveland Select'	D	30' to 50'	20' to 35'	Pyramidal to Oval	X	X	X	4'+	X	X	X	X				Only cultivars are acceptable for use; very adaptable; excellent for a variety of uses; 'Bradford' has poor branch angles and requires extra maintenance therefore is unacceptable. Resistant to fireblight which troubles common pear.
<u>Quercus acutissima</u> Sawtooth Oak	D	35' to 45'	30' to 40'	Rounded	X	X			X	X	X			X	X	Slow growth rate limits use; lustrous dark green foliage; not widely known but deserves more use.
* <u>Quercus stellata</u> * Post Oak	D	40' to 50'	25' to 35'	Rounded										X	X	
<u>Stewartia pseudo-camellia</u> Japanese Stewartia	D	20' to 35'	20' to 30'	Oval		X			X	X	X					Superb specimen tree; requires rich, moist soils; difficult to transplant; hardiest of the stewartias; hard to find commercially.
<u>Syringa reticulata</u> Japanese Tree Lilac	D	20' to 30'	15' to 25'	Oval			X	3'+	X	X	X					Most trouble-free lilac; more adaptable than other lilacs; spectacular white flower display.
* <u>Ulmus alata</u> * Winged Elm	D	30' to 40'	20' to 30'	Rounded										X	X	Often infected with powdery mildew.

\* = Native Species



C/LST LARGE SHRUB OR SMALL TREE (10 TO 25 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS				PLANT USES											COMMENTS
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	Recommended PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE	GREENSPACE USE	
<u>Acer tataricum</u> var. <u>ginnala</u> Amur Maple	D	15' to 18'	15' to 20'	Rounded	X	X	X	3'+	X	X	X			X	X	Handsome multi-stemmed shrub tree; withstands heavy pruning inconsistent fall color; very adaptable.
<u>Acer palmatum</u> Japanese Maple 'Atropurpureum' 'Boodgood' 'Burgundy Lace' 'Crispum'	D	15' to 25'	15' to 25'	Rounded					X	X	X			X		Outstanding ornamental tree; frequently used because of slow growth and need for winter protection; recommended for private use.
* <u>Acer pensylvanicum</u> Striped Maple	D	15' to 20'	12' to 20'	Rounded		X			X	X	X			X		Shrub or tree form prefers partial shade; intolerant of adverse conditions; lovely white striped bark.
<u>Aesculus parviflora</u> Bottlebrush Buckeye	D	8' to 12'	8' to 15'	Rounded		X							X	X	X	Excellent multi-stemmed shrub for shady areas; dense, compact forms are superb screens, but they require adequate room; can be kept much smaller.
* <u>Aesculus pavia</u> Red Buckeye	D	10' to 20'	10' to 20'	Rounded	X	X			X	X			X	X	X	
<u>Alnus serrulata</u> Tag Alder	D	15' to 25'	10' to 20'	Rounded	X	X			X	X			X	X	X	Excellent for use along stream banks and in poor soil areas.
<u>Amelanchier canadensis</u> Shadblow Serviceberry	D	10' to 20'	10' to 20'	Rounded		X							X	X	X	Dense, upright shrub with erect stems tolerates wet soil better than other serviceberries; use as screen if planted close together.
* <u>Amelanchier laevis</u> Allegheny Serviceberry	D	15' to 25'	15' to 25'	Rounded		X	X	3'+	X	X	X			X	X	Attractive multi-stemmed tree; often must be limbed up to meet ordinance requirements; possible use in sight triangle if single-stemmed forms are selected.

\* = Native Species

C/LST LARGE SHRUB OR SMALL TREE (10 TO 25 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES								COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
* <u>Asimina triloba</u> Pawpaw	D	15' to 20'	15' to 20'	Rounded	X	X			X	X			X	X	X	Aggressive competitor. Excellent for use in stream areas.
* <u>Cercis canadensis</u> Eastern Redbud 'Flame' 'Forest Pansy' 'Royal'	D	20' to 25'	20' to 30'	Rounded	X	X	X	3'+	X	X	X			X	X	Excellent native tree; graceful ascending branches, normally must be limbed up to meet ordinance requirements; showy pink-purple flowers.
<u>Chionanthus virginicus</u> White Fringetree	D	15' to 30'	15' to 30'	Broadly Rounded	X	X	X	3'+	X	X	X		X	X		
<u>Cornus alternifolia</u> Pagoda Dogwood	D	15' to 25'	20' to 30'	Rounded	X	X			X	X	X			X	X	Low branched tree or shrub; interesting horizontal branching; must be limbed up to meet ordinance requirements.
* <u>Cornus florida</u> Flowering Dogwood 'Cherokee Chief' 'Cherokee Princess' var. rubra 'White Cloud'	D	20' to 25'	20' to 30'	Rounded		X			X	X	X			X	X	Excellent low branched ornamental tree; must be limbed up to meet ordinance requirements; spectacular when flowering; recommended for private use.
<u>Cornus Kousa</u> Kousa Dogwood 'Milky Way'	D	15' to 20'	15' to 20'	Rounded		X			X	X	X		X	X	X	Possibly use if limbed up, but naturally develops a low branching structure; recommended for private use.
<u>Cornus mas</u> Corneliancherry-Dogwood	D	20' to 25'	15' to 20'	Oval to Rounded	X	X			X	X	X		X	X		Usually branches to ground; possible if limbed up; attractive yellow flower display; recommended for private use.

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C/LST LARGE SHRUB OR SMALL TREE (10 TO 25 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS		
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING		TREE PROTECTION ORDINANCE	GREENSPACE USE
* <u>Crataegus crusgalli</u> Cockspur Hawthorn	D	20' to 25'	20' to 30'	Rounded	X				X				X	X		Dense, low-branched tree; numerous long, sharp thorns; excellent screen and barrier plant.
<u>Crataegus phaenopyrum</u> Washington Hawthorn	D	20' to 30'	20' to 25'	Oval to Rounded	X					X			X	X	X	Dense, thorny tree; thorns can limit use; often must be limbed up.
<u>Crataegus viridis</u> Green Hawthorn 'Winter King'	D	20' to 30'	20' to 30'	Rounded	X				X	X	X		X	X		Dense, thorny tree; occasionally must be limbed up; excellent small specimen tree; thorns might limit its use.
<u>Crataegus x lavallei</u> Lavalle Hawthorn	D	15' to 25'	10' to 20'	Oval	X		X	4'+	X	X	X	X	X	X		Small dense tree, essentially thornless; normally must be limbed up to meet ordinance regulations; possible use in sight triangle if limbed up.
<u>Euonymus alatus</u> Winged Euonymus	D	15' to 25'	15' to 25'	Rounded	X	X							X	X		Large broad shrub; excellent hedge and screen plant; can be kept much smaller with pruning; very adaptable; numerous smaller cultivars. Invasive.
<u>Euonymus atropurpureus</u> Eastern Wahoo	D	12' to 24'	10' to 20'	Irregular	X				X	X			X	X	X	Susceptible to scale.
<u>Forsythia x intermedia</u> Border Forsythia	D	8' to 10'	10' to 12'	Rounded	X	X			X				X			Benefits from selective pruning of larger branches; can be kept smaller with pruning.
* <u>Hamamelis virginiana</u> Common Witchhazel	D	20' to 30'	20' to 25'	Rounded	X	X							X	X	X	

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C/LST LARGE SHRUB OR SMALL TREE (10 TO 25 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS		
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING		TREE PROTECTION ORDINANCE	GREENSPACE USE
<u>Hydrangea paniculata</u> Panicle Hydrangea	D	15' to 25'	10' to 20'	Irregular	X								X	X	X	Should probably be reserved for large out of the way areas.
<u>Ilex x attenuata</u> 'Fosteri' Foster Holly	E	10' to 20'	5' to 10'	Pyramidal	X	X			X				X	X		Dense, handsome evergreen; excellent year-round screen; possible winter damage.
<u>Juniperus chinensis</u> (Cult.) Chinese Juniper (Cult.) 'Hetzii' 'Keteleeri' 'Mint Julep' 'Mount Batten' 'Pfitzeriana' 'Robusta Green'	E	12' to 25'	Var.	Varied	X				X	X			X	X		Only cultivars are acceptable; uses depend on the size, shape, and growth habit of each cultivar; dense evergreen forms.
<u>Magnolia stellata</u> Star Magnolia	D	15' to 20'	10' to 15'	Rounded		X			X				X	X		Dense shrub-like form; good screen but needs ample room; needs winter protection; avoid southern exposure.
<u>Magnolia virginiana</u> Sweetbay Magnolia	D	10' to 20'	10' to 20'	Oval		X			X		X		X	X		Large multi-stemmed shrub; better in wet soils than other magnolias, possible use if central leader forms are used.
<u>Magnolia x soulangiana</u> Saucer Magnolia	D	20' to 20'	20' to 30'	Rounded		X			X	X	X		X	X		Low-branched and normally must be limbed up to meet ordinance requirements although this destroys form; seldom used to meet landscaping requirements; but recommended highly for private use.

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C/LST LARGE SHRUB OR SMALL TREE (10 TO 25 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS				PLANT USES										COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Malus (varieties)</u> Crabapple 'Bob White' 'Coral Cascade' 'Dolgo' 'Harvest Gold' 'Red Jade' 'Red Swan' 'Snowdrift' 'Vanguard' 'White Angel'	D	10' to 25'	10' to 30'	Varied	X	X	X	3'+	X	X	X	X		X		Only disease and insect resistant cultivars are acceptable; possible use depends on branching height; often must be limbed up; valued for foliage; fruit, flowers, and variations in size and form; numerous cultivars and landscape numerous cultivars and landscape uses.
<u>Philadelphus x virginialis</u> Mockorange	D	10' to 15'	10' to 15'	Rounded	X	X								X		
<u>Pinus densiflora</u> Japanese Red Pine 'Oculus – draconis' 'Umbraculifera'	E	10' to 15'	10' to 15'	Rounded	X				X				X			Only cultivars are acceptable in this size group; dense evergreen form; slow growing; interesting small specimen trees.
<u>Pinus mugo</u> Mugho Pine	E	15' to 20'	20' to 30'	Varied	X								X			Variable in form, although normally low, and broad-spreading; can be pruned yearly to keep dwarf.
<u>Platycladus orientalis</u> Oriental Arborvitae	E	15' to 25'	10' to 12'	Pyramidal to Oval	X	X			X	X			X			Dense evergreen form; tolerates heat and adverse soils; needs wind protection.
* <u>Prunus americana</u> American Plum	D	15' to 25'	12' to 18'	Rounded									X	X	X	
<u>Prunus angustifolia</u> Chickasaw Plum	D	12' to 20'	15' to 20'	Rounded									X	X	X	

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C/LST LARGE SHRUB OR SMALL TREE (10 TO 25 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS					PLANT USES								COMMENTS		
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING		TREE PROTECTION ORDINANCE	GREENSPACE USE
<u>Prunus 'Hally Jolivette'</u> Hally Jolivette Cherry	D	10' to 15'	10' to 15'	Rounded									X	X		Densely branched large shrub; attractive pinkish-white flowers; wide-spreading and requires ample room; seldom used as a landscape requirement but one of the nicest cherries.
<u>Prunus serrulata (Cult.)</u> Oriental Cherry (Cult.) 'Kwanzan' 'Shirofugen'	D	15' to 20'	15' to 20'	Vase-Shaped	X				X	X	X			X		Straight species is inferior and seldom used, but there are numerous outstanding cultivars; excellent flower display.
* <u>Prunus virginiana</u> Common Chokecherry	D	20' to 30'	18' to 25'	Rounded										X	X	
* <u>Ptelea trifoliata</u> Hoptree	D	15' to 20'	15' to 20'	Rounded	X	X			X	X			X	X		Does well in shade or sun.
* <u>Rhamnus caroliniana</u> Carolina Buckthorn	D	10' to 25'	10' to 25'	Oval	X	X			X	X			X	X		
* <u>Rhus typhina</u> Staghorn Sumac	D	15' to 25'	15' to 25'	Spreading	X	X			X	X			X	X		
<u>Robinia hispida</u> Bristly Locust	D	6' to 20'	6' to 20'	Spreading										X	X	
* <u>Staphylea trifolia</u> American Bladdernut	D	10' to 15'	5' to 10'	Upright	X	X								X	X	Prefers damp, moist, well-drained soils.

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C/LST LARGE SHRUB OR SMALL TREE (10 TO 25 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES								COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	STREET TREE	PLANTING STRIP WIDTH	PROPERTY PERIMETER	VEHICULAR USE AREA PERIMETER	VEHICULAR USE AREA INTERIOR	SIGHT TRIANGLE	SCREENING	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Taxus cuspidata</u> (Cult.) Japanese Yew (Cult.) 'Capitata' 'Intermedia' 'Nana' 'Thayen'	E	10' to 20'	10' to 30'	Varied	X	X			X				X			Only cultivars are acceptable for this group; responds well to pruning and can be kept much smaller than size listed; excellent dense hedges.
* <u>Viburnum lentago</u> Nannyberry	D	15' to 18'	6' to 10'	Rounded	X	X			X	X			X	X		
<u>Viburnum opulus</u> Cranberrybush Viburnum	D	8' to 10'	10' to 15'	Oval to Rounded	X				X	X			X	X	X	Attractive fruit and flower display; very common viburnum and one of the most popular; good screen for large areas.
* <u>Viburnum prunifolium</u> Blackhaw Viburnum	D	12' to 15'	8' to 12'	Rounded	X	X			X	X			X	X	X	
<u>Viburnum rhytidophyllum</u> Leatherleaf Viburnum	E	10' to 15'	10' to 15'	Rounded	X	X							X	X	X	Blends well with other evergreens; tolerates heavy shade; best used in large areas.
* <u>Viburnum rufidulum</u> Southern or Rusty Blackhaw	D	12' to 15'	8' to 12'	Rounded	X	X			X	X			X	X	X	
<u>Viburnum sieboldii</u> Siebold Viburnum	D	15' to 20'	10' to 15'	Rounded	X	X			X				X	X	X	Large, coarse shrub; requires ample moisture; best used in large areas.
<u>Viburnum trilobum</u> American Cranberrybush	D	8' to 12'	8' to 12'	Rounded	X	X			X	X			X	X	X	Multi-stemmed shrub; transplants easily; needs well drained moist soil, good screen for large areas.

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D/MS MEDIUM SHRUBS (6 TO 10 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Acanthopanax sieboldian</u> Fiveleaf Aralia	D	8' to 10'	8' to 10'	Rounded	X	X	Dense	X	X	X					Erect shrub with arching branching; extremely adaptable; numerous sharp-pointed thorns that are effective for stopping circulation.
<u>Aronia arbutifolia</u> Red Chokeberry	D	6' to 10'	3' to 5'	Oval to Columnar	X	X	Inter-Mediate	X	X	X				X	Somewhat leggy, develops a rounded crown; requires a low facer plant to be effective for screening; must be planted closely together to achieve required density.
<u>Aronia melanocarpa</u> Black Chokeberry	D	3' to 5'	3' to 5'	Rounded	X	X	Open	X	X	X			X	X	Tends to sucker profusely and forms large colonies.
<u>Berberis julianae</u> Wintergreen Barberry	D	6' to 10'	6' to 10'	Columnar to Rounded	X	X	Dense	X	X	X				X	Semi-evergreen; numerous small thorns; excellent screen or barrier plant; hardiness is sometimes a problem.
<u>Calycanthus floridus</u> Carolina Allspice	D	6' to 9'	6' to 12'	Rounded	X	X	Dense	X	X	X			X	X	Very fragrant flowers with a sweet strawberry scent; adaptable; does well in shade.
<u>Cephalanthus occidentalis</u> Buttonbush	D	3' to 6'	3' to 6'	Rounded		X	Open						X	X	Best reserved for moist areas in a naturalized situation.
<u>Chaenomeles speciosa</u> Flowering Quince	D	6' to 10'	6' to 10'	Rounded	X		Dense	X	X	X					Dense, twiggy form with spiny branches; used mainly because of flower display; good barrier plant.



D/MS MEDIUM SHRUBS (6 TO 10 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS					PLANT USES							COMMENTS		
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER		TREE PROTECTION ORDINANCE	GREENSPACE USE
<u>Chamecyparis pisifera</u> Sawara falselyparis 'Cyano-virdis' 'Filifera' 'Filifera Aurea' 'Plumosa' 'Plumosa Aurea' 'Squarrosa'	E	6' to 8'	6' to 7'	Varied		X	Very Dense	X	X	X					Only cultivars are acceptable for this size group; numerous outstanding cultivars; all prefer moist, humid conditions; large variety of forms, colors, and textures.
<u>Cornus amomum</u> Silky Dogwood	D	6' to 10'	6' to 10'	Rounded		X	Open						X	X	Best used for naturalizing in moist and net soils; prefers partially shaded areas.
<u>Cornus serica</u> Redosier Dogwood	D	7' to 9'	10'+	Rounded	X		Open	X	X	X			X	X	Very adaptable; twig blight can be a problem.
<u>Cotoneaster lucidus</u> Hedge Cotoneaster	D	5' to 10'	6' to 10'	Rounded	X	X	Dense	X	X	X					Frequently used as a hedge; handsome dark green foliage; vigorous, durable shrub.
<u>Cotoneaster multiflora</u> Many flowered Cotoneaster	D	8' to 12'	12' to 15'	Rounded	X	X	Dense	X	X	X					Develops a fountain-like appearance; somewhat difficult to transplant; attractive white flowers; requires room to develop.
<u>Euonymus alatus (Cultivar)</u> Winged Euonymus 'Compacta'	D	6' to 8'	6' to 8'	Rounded	X	X	Dense	X	X	X					Develops to a larger size than most people expect, but much more compact than straight species; excellent hedge.
<u>Forsythia suspensa</u> Weeping Forsythia	D	8' to 10'	10' to 15'	Fountain-like	X	X	Dense	X		X					Branches can be trained along a wall, fence or other structure.

**D/MS MEDIUM SHRUBS (6 TO 10 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

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	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Fothergilla major</u> Larger Fothergilla	D	6' to 10'	5' to 8'	Pyramidal to Rounded		X	Dense	X	X	X					Requires acid soil and good drainage; attractive dark green foliage.
<u>Hamamelis vernalis</u> Vernal Witchhazel	D	6' to 10'	6' to 10'	Rounded	X	X	Dense	X	X	X				X	Neat, multi-stemmed form, smallest witchhazel; durable, adaptable plant; flowers early.
<u>Ilex crenata</u> Japanese Holly 'Convexa' 'Microphylla' 'Rotundifolia'	E	5' to 8'	5' to 8'	Rounded	X	X	Dense		X						Slow growth rate limits use as a large screen; possible winter damage depending on cultivar; best used as a low shrub or hedge.
<u>Ilex glabra</u> Inkberry	D	6' to 8'	8; to 10'	Oval to Rounded	X	X	Dense		X						Becomes somewhat open with age, but responds well to heavy pruning; slow growth rate; many uses.
<u>Ilex verticillata</u> Winterberry	D	6' to 9'	6' to 9'	Oval to Rounded	X	X	Dense	X	X	X	X		X	X	Excellent for wet areas; requires both male and female plant for fruit; prefers rich acid soils; slow growing.
<u>Ilex x meserve</u> Meserve Holly 'Blue Angel' 'Blue Prince' 'Blue Princess'	E	6' to 10'	6' to 10'	Varied	X	X	Dense	X	X	X					Shrubby evergreen form; seldom any winter damage; one of the hardiest and most ornamental holly; can be kept smaller by pruning.
<u>Juniperus communis</u> Common Juniper	E	5' to 10'	8' to 12'	Varied	X		Dense	X						X	Attractive to wildlife, excellent for songbirds, cover and screen.

D/MS MEDIUM SHRUBS (6 TO 10 Feet in Height)

ACCEPTABLE PLANT MATERIALS

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<u>*Kalmia latifolia</u> Mountain-laurel	E	7' to 10'	7' to 10'	Rounded			Dense		X				X		Can grow to 30' in farther south; handsome broadleaf evergreen; requires rich, moist, acid soil, somewhat difficult to grow.
<u>Lindera benzoin</u> Spicebush	D	6' to 12'	6' to 12'	Rounded	X	X	Dense	X	X	X			X	X	Forage for wildlife, excellent greenspace selection.
<u>Lonicera fragrantissima</u> Fragrant Honeysuckle	D	6' to 10'	6' to 10'	Rounded	X		Dense	X	X	X					Tangled mass of branches; good hedge; very adaptable; fragrant white flowers.
<u>Myrica pensylvanica</u> Northern Bayberry	D	5' to 12'	5' to 12'	Rounded	X	X	Dense	X	X	X					Semi-evergreen; extremely adaptable; combines well with broadleaf evergreens; many uses.
<u>Pieris japonica</u> Japanese Pieris	E	9' to 12'	6' to 8'	Oval			Dense	X	X	X					Broadleaf evergreen; requires rich, moist, acid soil; difficult to grow; requires winter protection; highly recommended for use with other broadleaf evergreens; should only be used in protected areas.
<u>Rhamnus frangula Cult.</u> Glossy Buckthorn 'Columnaris'	D	8' to 12'	8' to 12'	Columnar to Oval			Dense	X	X	X					Popular as a tall, narrow hedge; straight species is unacceptable; intolerant of compacted soil.
<u>Rhododendron (Varieties)</u> Rhododendron (Var.)	E	Var.	Var.	Varied			Dense	X	X	X					Requires shade and protection from winter and wind damage; excellent plant where it will grow; blends well with other broadleaf evergreens.
<u>Sambucus canadensis</u> American Elder	D	Var.	Var.	Spreading	X	X	Open	X	X	X			X	X	Best used in naturalized areas.

D/MS MEDIUM SHRUBS (6 TO 10 Feet in Height)

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<u>Taxus x media</u> Anglojap Yew 'Brownii' 'Chadwickii' 'Densiformis' 'Hatfieldii' 'Hicksii' 'Wardii'	E	5' to 12'	Var.	Varied	X	X	Very Dense	X	X	X				X	Can eventually grow to 10' tall if not pruned; responds extremely well to pruning and can be kept as low as 2' to 3' tall indefinitely; makes an excellent hedge.
<u>Viburnum dentatum</u> Arrowwood Viburnum	D	6' to 8'	6' to 12'	Rounded	X	X	Dense	X	X	X				X	Most durable viburnum; not as attractive as most viburnums; good for a hedge; suckers freely and can become unkempt.
<u>Viburnum molle</u> Kentucky Viburnum	D	8' to 12'	8' to 12'	Rounded	<del>Yes</del> X	<del>Yes</del> X	Dense	<del>Yes</del> X	<del>Yes</del> X	<del>Yes</del> X			<del>Yes</del> X	<del>X</del>	
<u>Viburnum plicatum var. tomentosum</u> Cranberrybush Viburnum	D	8' to 12'	9' to 12'	Rounded	<del>Yes</del> X	<del>Yes</del> X	Dense	<del>Yes</del> X	<del>Yes</del> X	<del>Yes</del> X			<del>X</del>		Interesting horizontal branchings, adaptable; outstanding flower display; excellent screen for large areas.
<u>Viburnum x burkwoodii</u> Burkwood Viburnum	D	8' to 10'	6' to 8'	Oval to Rounded	<del>Yes</del> X	<del>Yes</del> X	Inter-mediate	<del>Yes</del> X	<del>Yes</del> X	<del>Yes</del> X					Blends well with broadleaf evergreens; somewhat unkempt in appearance and usually requires pruning; very fragrant flowers.

**E/SS SMALL SHRUBS (4 to 6 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER	Tree Protection Ordinance		GREENSPACE USE
<u>Berberis Koreana</u> Korean Barberry	D	4' to 6'	3' to 5'	Oval	X	X	Very Dense		X						Multi-stemmed form; suckers profusely and can become unkempt with age; size limits its use; excellent as a barrier.
<u>Berberis thunbergii</u> Japanese Barberry	D	4' to 5'	5' to 7'	Columnar to Rounded	X	X	Dense		X						This popular barberry withstands drought conditions; excellent screen or hedge, many smaller cultivars deserve use.
<u>Berberis x mentorensis</u> Mentor Barberry	D	5' to 7'	5' to 7'	Columnar	X	X	Dense	X	X	X					Semi-evergreen; withstands cold and hot conditions better than other barberries; outstanding hedge because of uniform growth rate; size limits use.
<u>Chamaecyparis obtusa</u> (cultivar) Hinoki Falsecypress 'Compacta' 'Grachs' 'Nana Gracillis'	E	5' to 7'	5' to 7'	Rounded		X	Very Dense		X						Straight species can grow to 60' or more in height; only cultivars are acceptable; thick, dark green foliage.
<u>Clethra alnifolia</u> Summersweet Clethra	D	5' to 7'	5' to 7'	Oval to Rounded	X	X	Dense		X						Good shrub for wet areas; attractive, fragrant flowers appear late in summer; very clean.

**E/SS SMALL SHRUBS (4 to 6 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER	Tree Protection Ordinance		GREENSPACE USE
<u>Leucothoe fontanesiana</u> Dropping Leucothoe	E	5' to 7'	5' to 7'	Weeping		X	Inter		X						Fountain-like appearance; intolerant of drought or winds; good undergrowth plant; broadleaf evergreen.
<u>Pinus mugho</u> (Cultivar) Mugho Pine (Cult.) 'Compacta' var. mugho 'Slavinii'	E	5' to 7'	5' to 7'	Varied	X		Very Dense		X						Slow-growing; cultivars seldom become large enough to meet some landscape screening requirements; excellent low evergreen screens.
<u>Rhodotypos scandens</u> Jetbread	D	3' to 6'	4' to 9'	Rounded	X	X	Inter		X						Tough, durable plant withstanding most adverse conditions; good selection where other plants have trouble growing.
<u>Rhus aromatica</u> Fragrant Sumac	D	3' to 6'	6' to 10'	Spreading	X	X	Dense		X						Size can vary; develops into a low, spreading mound; good plant for difficult sites.
<u>Ribes alpinum</u> Alpine Currant	D	3' to 6'	6' to 9'	Rounded	X		Dense		X						Responds well to pruning and makes an excellent hedge; tolerant to adverse conditions.

F/LS LOW SHRUBS (1-1/2 to 4 Feet in Height)

ACCEPTABLE PLANT MATERIALS

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES						COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Abelia x grandiflora</u> Glossy Abelia	D	3' to 5'	3' to 5'	Rounded to Wide-Spreading	X	X	Dense		X						Often killed back in severe winters unless protected; handsome pink flower display; blends well with broadleaf evergreens; limited hardiness.
<u>Abeliophyllum distichum</u> Korean Abelialeaf	D	3' to 5'	3' to 4'	Rounded to Wide-Spreading	X	X	Intermediate		X						Excellent early spring flower display; requires winter protection.
<u>Berberis thunbergii</u> Japanese Barberry 'Crimson Pgymy'	D	3' to 5'	4' to 7'	Rounded	X	X	Very Dense		X						Good hedge or barrier; numerous sharp, spiny thorns; 'Crimson Pgymy' seldom gets above 2-1/2' in height; very adaptable.
<u>Berberis verruculosa</u> Warty Barberry	D	3' to 5'	3' to 6'	Rounded to Wide-Spreading	X	X	Dense		X					X	Excellent low barrier or screen; lustrous, dark green foliage; possible winter damage if not protected.
<u>Buxus microphylla</u> Littleleaf Boxwood 'Compacta' var. koreana 'Tide Hill' 'Wintergreen'	E	3' to 4'	3' to 4'	Rounded	X		Very Dense		X						Handsome, compact evergreen; protect from drying winds and very low temperatures; excellent hedge or screening.
<u>Ceanothus americanus</u> New Jersey Tea	D	3' to 4'	3' to 5'	Rounded										X	
<u>Cotoneaster horizontalis</u> Rock Cotoneaster	D	2' to 3'	5' to 8'	Wide-Spreading	X	X	Dense					X			Flat and wide-spreading; excellent ground cover for a large area.
<u>Deutzia gracilis</u> Slender Deutzia	D	2' to 4'	3' to 4'	Rounded	X	X	Intermediate		X						Very adaptable; best of the Deutzias; good flower display; use as a low hedge or screen.

**F/LS LOW SHRUBS (1-1/2 to 4 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES						COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER	TREE PROTECTION ORDINANCE		GREENSPACE USE
<u>Fothergilla gardenii</u> Dwarf Fothergilla	D	2' to 4'	3' to 4'	Rounded		X	Inter-Mediate		X						Requires moist, acid soils; handsome flowers and foliage; possible for a variety of uses.
<u>Hypericum frondosum</u> Golden St. Johnswort	D	3' to 4'	3' to 4'	Upright		X	Inter-mediate		X				X	X	Excellent for filter strip along stream.
<u>Hypericum prolificum</u> Shrubby St. Johnswort	D	2' to 4'	2' to 4'	Rounded	X	X	Dense		X					X	Tolerates a variety of adverse conditions; attractive bright yellow flowers add color in summer.
<u>Ilex crenata</u> Japanese Holly 'Glory' 'Green Luster' 'Helleri' 'Hetzi'	E	2' to 4'	2' to 4'	Rounded to Spreading		X	Dense		X			X			Straight species is too large for this size group, numerous outstanding evergreen cultivars; possible need for winter protection depending on cultivar; excellent for a variety of uses.
<u>Juniperus chinensis</u> var. <u>sargentii</u> Sargents Chinese-Juniper	E	1-1/2' to 2-1/2'	7' to 9'	Wide-Spreading	X	X	Very Dense					X			One of the most adaptable junipers; salt-tolerant and blight resistant; excellent evergreen ground cover.
<u>Juniperus horizontalis</u> Creeping Juniper 'Plumosa' 'Plumosa Compacta' 'Youngstown'	E	2' to 2-1/2'	6' to 10'	Wide-Spreading	X	X	Very Dense					X			Compact evergreen form; one of most popular junipers.
<u>Picea abies</u> Norway Spruce 'Nidiformis'	E	3' to 5'	4' to 5'	Rounded to Wide-Spreading			Very Dense		X						Straight species is too large for this size group; handsome birds nest shaped evergreen.



**F/LS LOW SHRUBS (1-1/2 to 4 Feet in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS						PLANT USES							COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER	TREE PROTECTION ORDINANCE		GREENSPACE USE
* <u>Potentilla fruticosa</u> Bush Cinquefoil 'Farreri' 'Moonlight'	D	1' to 4'	2' to 4'	Rounded	<b>X</b>	<b>X</b>	Inter- mediate		<b>X</b>						Graceful, refined appearance; requires pruning every 2 to 3 years to keep from becoming straggly; handsome low shrub.
<u>Prunus laurocerasus</u> Common Laurelcherry 'Otto Luyken' 'Rotundifolia' 'Zabeliana'	E	3' to 6'	3' to 6'	Rounded to Wide- Spreading			Dense		<b>X</b>						Broadleaf evergreen shrub; possible winter damage; handsome when used as a hedge; withstands pruning well.
<u>Spiraea x bumalda</u> Bumalda Spirea 'Anthony Watereri'	D	2' to 3'	3' to 5'	Rounded to Wide- Spreading	<b>X</b>		Dense		<b>X</b>						Often used as a facer plant for tall, leggy screens; tolerates all but wet soils.
<u>Taxus baccata</u> English Yew 'Repandens'	E	2' to 4'	3' to 5'	Rounded to Wide- Spreading	<b>X</b>	<b>X</b>	Very Dense		<b>X</b>						Straight species exhibits frequent winter damage; 'Repandens' is a dwarf cultivar and is hardy.

**G/GC-GROUND COVER (Below 1-1/2 Fee in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES					COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER		GRENSPACE USE
<u>Ajuga genevensis</u> Geneva Bugle	E	4" to 12"	Variable	Wide-Spreading	X	X	Dense	X	X	X	X	X		Tolerates sun or shade; evergreen; easily crushed if walked on.
<u>Ajuga reptans</u> Carpet Bugle	E	4" to 12"	Variable	Wide-Spreading	X	X	Dense				X	X		Very adaptable; numerous outstanding cultivars; excellent evergreen ground cover.
<u>Anisostichus capreolata</u> Crossvine	E	Var.	Var.	Climbing Vine	X	X	Intermediate				X	X		
<u>Arctostaphylos uva-ursi</u> Bearberry	D	6" to 12"	2' to 4'	Wide-Spreading	X	X	Dense				X	X		Thick, broad, evergreen mat; does best in poor sandy soils; excellent ground cover for adverse situations.
<u>Calluna vulgaris</u> Scotch Heather	D	4" to 24"	2' to 3'	Wide-Spreading		X	Dense				X	X		Requires rich, acid soil; very exacting cultural requirements; only lower growing cultivars are acceptable for use in sight triangle; one of most beautiful ground covers.
<u>Campsis radicans</u> Trumpetcreeper	D	Var.	Var.	Climbing Vine	X	X	Dense						X	Has a tendency to take over an area.
<u>Celastrus scandens</u> American Bittersweet	D	Var.	Var.	Twining Vine	X	X	Intermediate						X	
<u>Clematis virginiana</u> Virginsbower	D	Var.	Var.	Climbing Vine	X	X	Intermediate				X	X		
<u>Cornilla varia</u> Scotch Heather	D	18" to 24"	Var.	Wide-Spreading	X	X	Dense					X		Excellent for steep, sunny slopes; spreads rapidly; deciduous and becomes unsightly in winter.
<u>Cotoneaster adpressa</u> Creeping Cotoneaster 'Praecox'	D	12" to 18"	4' to 6'	Wide-Spreading	X	X	Intermediate			X	X	X		Handsome horizontal branching; roots where branches touch the soil.
<u>Cotoneaster dammeri</u> Bearberry cotoneaster 'Skogholm'	D	12" to 18"	6' to 8'	Wide-Spreading	X		Intermediate				X	X		Branches creep along the ground; vigorous and fast growing; excellent ground cover.

**G/GC-GROUND COVER (Below 1-1/2 Fee in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES					COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER		GRENSPACE USE
<u>Erica carnea</u> Spring Heath	D	6" to 18"	2' to 3'	Wide-Spreading	X		Dense				X	X		Seldom grows over 12" tall; fine textured evergreen ground cover; similar to C. vulgaris.
<u>Euonymus fortunei</u> Wintercreeper Euonymus var. coloratus 'Emerald Gaiety' 'Emerald and Gold'	D	4" to 6'	Var.	Wide-Spreading Vine	X		Inter-mediate				X	X		Handsome evergreen ground cover or climbing vine; tolerates all but wet conditions; numerous outstanding cultivars.
<u>Forsythia viridissima</u> Bronze Forsythia 'Bronxensis'	D	12" to 18"	2' to 3'	Rounded to Wide-Spreading	X	X	Inter-mediate				X	X		Straight species is too large for use; 'Bronxensis' is a dwarf cultivar; excellent foliage and early spring flowers.
<u>Gaylussacia brachycera</u> Box Huckleberry	E	6" to 18"	Indef.	Dwarf Wide-Spreading	X	X	Dense				X	X		Requires acid, well-drained soil; full sun to partial shade.
<u>Hedera Helix</u> English Ivy	E	6" to 8"	Var.	Wide-Spreading Vine	X	X	Inter-mediate				X	X		Can be an evergreen vine or ground cover; tolerates heavy shade; excellent plant for a variety of uses.
<u>Hypericum calycinum</u> St. Johnswort	D	12" to 18"	18" to 24"	Rounded to Wide-Spreading	X	X	Inter-mediate				X	X	X	Experiences frequent winter damage; semi-evergreen depending on the weather.
<u>Juniperus conferta</u> Shore Juniper 'Blue Pacific' 'Emerald Sea'	E	12" to 18"	6' to 9'	Wide-Spreading	X	X	Very Dense				X	X		Possible winter damage; very adaptable; one of the most handsome juniper ground covers.
<u>Juniperus horizontalis</u> Creeping Juniper 'Bar Harbor' 'Blue Chip' 'Blue Mat' 'Douglasi' 'Procumbens' 'Wiltoni'	E	12" to 24"	4' to 8'	Wide-Spreading	X	X	Very Dense				X	X		Only lowest cultivars are acceptable for use in sight triangle; very adaptable; excellent for any dry, sunny area; numerous outstanding cultivars.

**G/GC-GROUND COVER (Below 1-1/2 Fee in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES					COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER		GRENSPACE USE
<u>Juniperus sabina</u> Savin Juniper 'Arcadia' 'Broadmoor' var. tamariscifolia	E	12" to 18"	3' to 5'	Wide-Spreading	<b>X</b>	<b>X</b>	Very Dense				<b>X</b>	<b>X</b>		Straight species is of little value, but numerous outstanding cultivars; withstands adverse conditions.
<u>Liriope muscari</u> Liriope	E	12" to 18"	Var.	Wide-Spreading	<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		Tolerates almost any type of adverse condition; attractive, fine-textured grass-like appearance.
<u>Lonicera sempervirens</u> Trumpet Honeysuckle	D	Var.	Var.	Twining Vine	<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		
<u>Pachistima canbyi</u> Pachistima (Mountain Lover)	E	4" to 12"	Var.	Wide-Spreading	<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>	<b>X</b>	
<u>Pachysandra terminalis</u> Japanese Spurge	E	0" to 10"	Var.	Wide-Spreading	<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		
<u>Parthenocissus tricuspidata</u> Boston Ivy	E	4" to 6"	2.5' to 3.5'	Wide-Spreading Vine	<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		Fast growing evergreen vine; likes partial shade and will cling to wall and fences.
<u>Rosa wichuriana</u> Memorial Rose	D	12" to	Var. to	Wide-Spreading	<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		Semi-evergreen ground cover or vine; excellent for preventing soil erosion.
<u>Spiraea japonica var. alpine</u>	D	8" to 12"	2' to 3'	Rounded to Wide-Spreading	<b>X</b>		Inter-mediate				<b>X</b>	<b>X</b>		Very fast growing delicate, fine-textured plant; handsome pink flowers.
<u>Thymus serpyllus</u> Mother-of-thyme	D	1" to 3"	Var.	Wide-Spreading	<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		Often dies back in winter and is used as a perennial.
<u>Vinca minor</u> Periwinkle	D	3" to 6"	Var.	Wide-Spreading	<b>X</b>		Inter-mediate				<b>X</b>	<b>X</b>		Excellent evergreen ground cover; handsome lilac blue flowers.

**G/GC-GROUND COVER (Below 1-1/2 Fee in Height)**

**ACCEPTABLE PLANT MATERIALS**

SCIENTIFIC NAME Common Name 'Cultivar'	PLANT CHARACTERISTICS							PLANT USES					COMMENTS	
	PLANT TYPE	HEIGHT	SPREAD	FORM	URBAN TOLERANT	DISEASE AND INSECT TOLERANT	DENSITY	PERIMETER PROPERTY SCREENING	VEHICULAR USE PERIMETER SCREENING	SERVICE AREA SCREENING	SIGHT TRIANGLE	GROUND COVER		GRENSPACE USE
<u>Wisteria floribunda</u> Japanese Wisteria	D	Var.	Var.		<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		Needs ample support
<u>Wisteria frutescens</u> American Wisteria	D	Var.	Var.		<b>X</b>	<b>X</b>	Inter-mediate				<b>X</b>	<b>X</b>		
<u>Xanthorhiza simplicissima</u> Yellowroot	D	12" to 24"	Var.	Wide-Spreading		<b>X</b>	Inter-mediate					<b>X</b>		Suckers freely from roots; good ground cover for moist areas.

**HERBACEOUS COVER**

**RED – PINK FLOWERING SPECIES**

<b>SCIENTIFIC NAME Common Name</b>	<b>HEIGHT</b>	<b>BLOOM TIME</b>	<b>SUN</b>	<b>COLOR</b>
<u>Aquilegia canadensis</u> Wild Columbine	1'-3'	May	Full or Partial	Red - Yellow
<u>Cosmos bipinnata</u> Pink Cosmos	2'-3'	June – October	Full	
<u>Echinacea purpurea</u> Purple Coneflower	3'-4'	July	Full	Pinkish-Purple, Rust Center
<u>Eupatorium fistulosom</u> Joe-Pye Weed	5'-10'	August – September	Full	Purple - Pink
<u>Geranium maculatum</u> Crane's Bill Geranium	2'	April – May	Full	Rose – Purple
<u>Lavatera trimestris</u> Rose Mallow	3'	June – July	Full	Pink
<u>Liatris pycnostachya</u> Prairie Blazing Star	2'-3'	July	Full	Deep Pink
<u>Liatris squarrosa</u> Blazing Star	1'-2'	July – August	Full	Purple - Pink
<u>Lobelia cardinalis</u> Cardinal Flower	3'	August	Partial	Brilliant Red
<u>Lupinus perennis</u> Lupine	2'			*
<u>Paeonia</u> Peony	2'	May	Full or Partial	Pink – White - Rose
<u>Penstemon brevisepalu</u> Short Sepal Beard – Tongue	15"-30"	May – June	Partial	Pale Pink-Purple
<u>Phlox maculata</u> Meadow Phlox	20"-30"	July	Full or Partial	Reddish - Purple
<u>Phlox Paniculata</u> Fall Phlox	3'-4'	July	Full or Partial	Bright Pink
<u>Phlox pilosa</u> Prairie Phlox	1'-2'	April – May	Full	Pink – Purple
<u>Phlox subulata</u> Creeping Phlox	6"-8"	April – May	Full or Partial	Pink – White - Mauve
<u>Physostegia virginiana</u> Obedient Plant	1'-3'	August – September	Full or Partial	Pink-Violet

**HERBACEOUS COVER**

**RED – PINK FLOWERING SPECIES**

<b>SCIENTIFIC NAME Common Name</b>	<b>HEIGHT</b>	<b>BLOOM TIME</b>	<b>SUN</b>	<b>COLOR</b>
<u>Rosa carolina</u> Pasture Rose	1'-3'	June	Full or Partial	Pink, Yellow Eye
<u>Sabatia angularis</u> Rose Gentian	2'	June – July	Partial	Rose – Pink
<u>Saponaria officinalis</u> Bounding Bet	1' - 2'	June – September	Full	Pink, White
<u>Silene caroliniana</u> Wild Pink	10" – 12"	May	Full or Partial	Bright Pink
<u>Veronia altissima</u> Ironweed	4' – 7'	August – September	Full	Deep Purple Red

**HERBACEOUS COVER**

**BLUE-PURPLE SPECIES**

<b>SCIENTIFIC NAME Common Name</b>	<b>HEIGHT</b>	<b>BLOOM TIME</b>	<b>SUN</b>	<b>COLOR</b>
<u>Aster novae-angliae</u> New England Aster	2'-6'	October	Full	Purple
<u>Aster shortii</u> Short's Aster	2'-4'	September	Partial	Violet-Blue
<u>Camassia scilloides</u> Wild Hyacinth	1'-2'	May	Partial	Pale Blue
<u>Campanula americana</u> Tall Bellflower	2'-6'	July	Partial	Blue
<u>Campanula latifolia</u> Giant Bellflower	3'	July	Partial	Blue
<u>Centaurea cyanus</u> Cornflower	2'-3'	June – July	Sun	Blue
<u>Cichorium intybus</u> Chicory	1'-3'	June – September	Sun	Bright Blue
<u>Eupatorium coelestinum</u> Mistflower	1'-3'	August – October	Partial	Blue-Violet
<u>Hesperis matronalis</u> Sweet Pocket	1'-3'	May	Full or Partial	Purple, Lilac, Pink, White
<u>Liatris spicata</u> Spiked Gayfeather	3'-6'	August – September	Full or Partial	Lavender
<u>Lobelia siphilitica</u> Great Blue Lobelia	2'-3'	August – September	Partial	Blue
<u>Mertensia virginica</u> Virginia Bluebells	2'	April	Partial	Blue
<u>Monarda fistulosa</u> Bee-Balm	2'	July – August	Full	Lilac
<u>Phacelia bipinnatifida</u> Purple Phacelia	1'-2'	April – May	Partial	Purple, Blue-Violet
<u>Phlox divaricata</u> Blue Phlox	1'-2'	April – May		Blue
<u>Polemonium reptans</u> Jacob's Ladder	10"-15"	April	Partial	Blue, Blue-Violet
<u>Salvia azurea</u> Blue Sage	1'	July – September	Full	Blue
<u>Tradescantia subaspera</u> Zigzag Spiderwort	2'-4'	June	Partial	Purple
<u>Tradescantia virginiana</u> Early Spiderwort	6"-12'	June	Partial	Purple to Rose





## **APPENDIX C**

### **UNACCEPTABLE PLANT MATERIALS**

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<b>A/LT LARGE TREES (Over 50 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
<b>PLANT GROUP/SIZE</b> A/LT	<b>ACCEPTABLE PLANT</b> No	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME 'CULTIVAR'</b>	<b>COMMENTS</b>
		Acer saccharinum	Silver Maple	The use of this tree should be tempered because of its extensive shallow root system that will cause drain tiles to clog and sidewalks to buckle. The tree is also weak wooded which causes it to become a liability with age, often becomes too large for a street tree.
A/LT	No	Aesculus hippocastanum	Horse Chestnut	These trees are all very messy, which is caused by the large fruit and low rate of leaf drop. None of these trees are hardy in a restricted area and therefore they should not be used in an urban area.
A/LT	No	Betula papyrifera	Paper Birch	Susceptible to Bronze Birch Borer. Life expectancy in a site with some stress (i.e. street tree) is short in an urban area.
A/LT	No	Betula pendula	European White Birch	This tree is very popular, unfortunately the leaf miner and bronze Birch Borer are serious pests. Since most property owners will not take the necessary precautions it is advisable not to use this plant to meet any landscaping requirements. This tree is also intolerant of urban stress, short lived with low branching pattern.
A/LT	No	Castanea dentata Castanea mollissima	American Chestnut Chinese Chestnut	These trees are not useful for urban use because of their fruit that is a prickly involucre approximately 2-3" in diameter. The American Chestnut is also very susceptible to diseases. Flowers have an unpleasant odor. The tree is also intolerant of compacted soil.
A/LT	No	Ginkgo biloba (female)	Ginkgo	The female of this species is unacceptable anywhere because of its fruit. The fleshy seed is extremely messy and malodorous.
A/LT	No	Gleditsia triacanthos	Common Honey Locust	This tree is too thorny for use in the urban environment and especially to meet the ordinance requirements.
A/LT	No	Kalopanax pictus	Castor Aralia	A good shade tree but excessive thorns make this tree unacceptable.

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<b>A/LT LARGE TREES (Over 50 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
<b>PLANT GROUP/SIZE</b>	<b>ACCEPTABLE PLANT</b>	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME 'CULTIVAR'</b>	<b>COMMENTS</b>
A/LT	No	Morus alba	Common Mulberry	The mulberries are unsuitable because of the fruit that they produce, which is flesh and extremely messy.
A/LT	No	Morus rubra	Red Mulberry	
A/LT	No	Pinus nigra	Austrian Pine	Highly susceptible to Diplodia tip blight.
A/LT	No	Populus (all)	Poplars (all) 'White Poplar' 'Easton Lombards' 'Quaking Aspen'	All poplars are unacceptable because they are disease prone, weak wooded and their roots will clog drain tiles, and storm and sanitary sewer lines.
A/LT	No	Quercus palustris	Pin Oak	Highly susceptible to Bacterial leaf scorch.
A/LT	No	Ulmus americana Ulmus carpiniflora Ulmus fulva Ulmus pumila	American Elm Smoothleaf Elm Red Elm Siberian Elm	The elms in general are disease prone, weak-wooded and messy requiring too much maintenance to warrant their use. Disease resistant cultivars of <u>Ulmus americana</u> will be acceptable.

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<b>B/MT MEDIUM TREES (10 to 50 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
<b>PLANT GROUP/SIZE</b> B/MT	<b>ACCEPTABLE PLANT</b> No	<b>SCIENTIFIC NAME</b> Albizza julibrissin	<b>COMMON NAME 'CULTIVAR'</b> Mimosa Tree	<b>COMMENTS</b> The mimosa is not hardy in this area. This tree is weak wooded, and messy with seed pods littering the ground. It is not very disease and insect intolerant.
B/MT	No	Catalpa bignonioides	Southern Catalpa	Because of its weak wood and its fruit, this tree is too messy to warrant its use.
B/MT	No	Malus pumila	Common Apple	This tree is weedy and its fruit is too large to warrant the use of this tree to meet ordinance requirements. Some varieties are susceptible to disease.
B/MT	No	Pyrus calleryana	Callery Pear 'Bradford'	While this cultivar is in common use in both private and public landscaping it exhibits problems with branch separation from the main trunk.
B/MT	No	Pyrus communis	Common Pear	This tree is extremely susceptible to fireblight and its large fruit makes this tree unsuitable for urban use.
B/MT	No	Salix babylonica	Weeping Willow	Messy (always dropping small branches), weak wooded, susceptible to canker (disease), taps sewer and water lines.
B/MT	No	Sorbus (species)	Mountain Ash (species)	These trees are susceptible to a host of diseases and pests that should temper its use. Not recommended as a street tree because it is not urban tolerant and it has 1/4" fleshy seed pods. Best used in open lawn areas for private use.

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<b>C/LST LARGE SHRUB OR SMALL TREE (10 To 25 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
<b>PLANT GROUP/SIZE</b>	<b>ACCEPTABLE PLANT</b>	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME 'CULTIVAR'</b>	<b>COMMENTS</b>
C/LST	No	Aralia spinosa	Devil's Walking Stick Hercules Club	Vigorous spreader which can be a maintenance problem.
C/LST	No	Eleagnus angustifolia	Russian Olive	Short lived (8 to 15 years)
C/LST	No	Euonymus kiautschovica	Spreading Euonymus	Susceptible to severe winter damage or death in 10% to 20% of the winters in Lexington. Flowers attract insects.
C/LST	No	Hibiscus syriacus	Rose of Sharon	With age, this shrub loses its form and becomes somewhat scraggly. Therefore it is unacceptable to meet long term landscaping needs.
C/LST	No	Kolkwitzia amabilis	Beautybush	This shrub is unsightly when it isn't flowering and it becomes weedy unless it is maintained properly.
C/LST	No	Laburnum x watereri	Golden Chair Tree	Flowers (main reason for growing plant) are killed most winters in Lexington. Seeds are also poisonous.
C/LST	No	Lagerstroemia indica	Crepe Myrtle	This plant is not hardy to this area and any of these plants which manage to survive Lexington winters become very leggy.
C/LST	No	Ligustrum (all)	Privets (all)	Privets require a lot of maintenance in order to form a suitable hedge. If a high degree of maintenance is not provided these shrubs become leggy, and subsequently they do meet the required opacity of the landscape ordinance. Also susceptible to severe winter damage.
C/LST	No	Lonicera tatarica	Tatarian Honeysuckle	Very weedy, seed is spread by birds.

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<b>C/LST LARGE SHRUB OR SMALL TREE (10 To 25 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
<b>PLANT GROUP/SIZE</b>	<b>ACCEPTABLE PLANT</b>	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME 'CULTIVAR'</b>	<b>COMMENTS</b>
C/LST	No	Malus (selected)	Crabapples (selected) 'Almey' 'Coro varia' 'Dorothea' 'Eley' 'Hopa' 'loensis' 'Oekonomierat Echtermeyer' 'Radiant' 'Red Silver' 'Sylvestris'	Many of the crabapples are susceptible to disease and insects.
C/LST	No	Prunus cerasifera (Straight species)  Prunus persica	Cherry Plum (Straight Species)  Peach	Both of these trees experience serious disease problems and are pollution sensitive.
C/LST	No	Rhamnus catharica	Common Buckthorn	Die back on compacted, water logged, or heavy soils. Susceptible to winter die back.
C/LST	No	Rhamnus frangula	Glossy Buckthorn	This shrub experiences serious disease problems and tends to become weedy because birds drop seeds. It also has problems surviving in areas with heavy traffic because of soil compaction.
C/LST	No	Staphylea trifolia	American Bladdernut	This shrub suckers extensively. Unless it is maintained properly it tends to become very weedy.
C/LST	No	Vitex agnus-castus	Chastetree	The Chastree is not hardy in the Central Kentucky area.

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<b>D/MS MEDIUM SHRUBS (6 to 10 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
<b>PLANT GROUP/SIZE</b> D/MS	<b>ACCEPTABLE PLANT</b> No	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME 'CULTIVAR'</b>	<b>COMMENTS</b>
		Ilex cornuta	Chinese Holly	Susceptible to severe winter damage or death in 20% to 30% of the winters in Lexington. Shoots that come back from the roots have leaves with 5 spines instead of the more attractive leaves with a single spine at the top.
D/MS	No	Philadelphus coronarius	Sweet Mocarange	Like other Philadelphus this shrub becomes leggy.
D/MS	No	Photinia villosa	Oriental Photinia	Although this is an excellent specimen plant, its problems with disease limits its use to meet landscaping requirements unless it is maintained properly.
D/MS	No	Prunus glandulosa	Dwarf Flowering Almond	This shrub becomes leggy with age and it is straggly and open in the winter.
D/MS	No	Pyracantha coccinea	Scarlet Firethorn	Fruit is very susceptible to scab (disease). Superior types of pyracanthe are available.
D/MS	No	Spiraea prunifolia	Bridalwreath Spirea	Spireas are straggly in general and this particular species tends to be leggy.
D/MS	No	Weigela florida	Weigela	Weigelas are not hardy to this area and they generally have large amounts of die back during winter months.

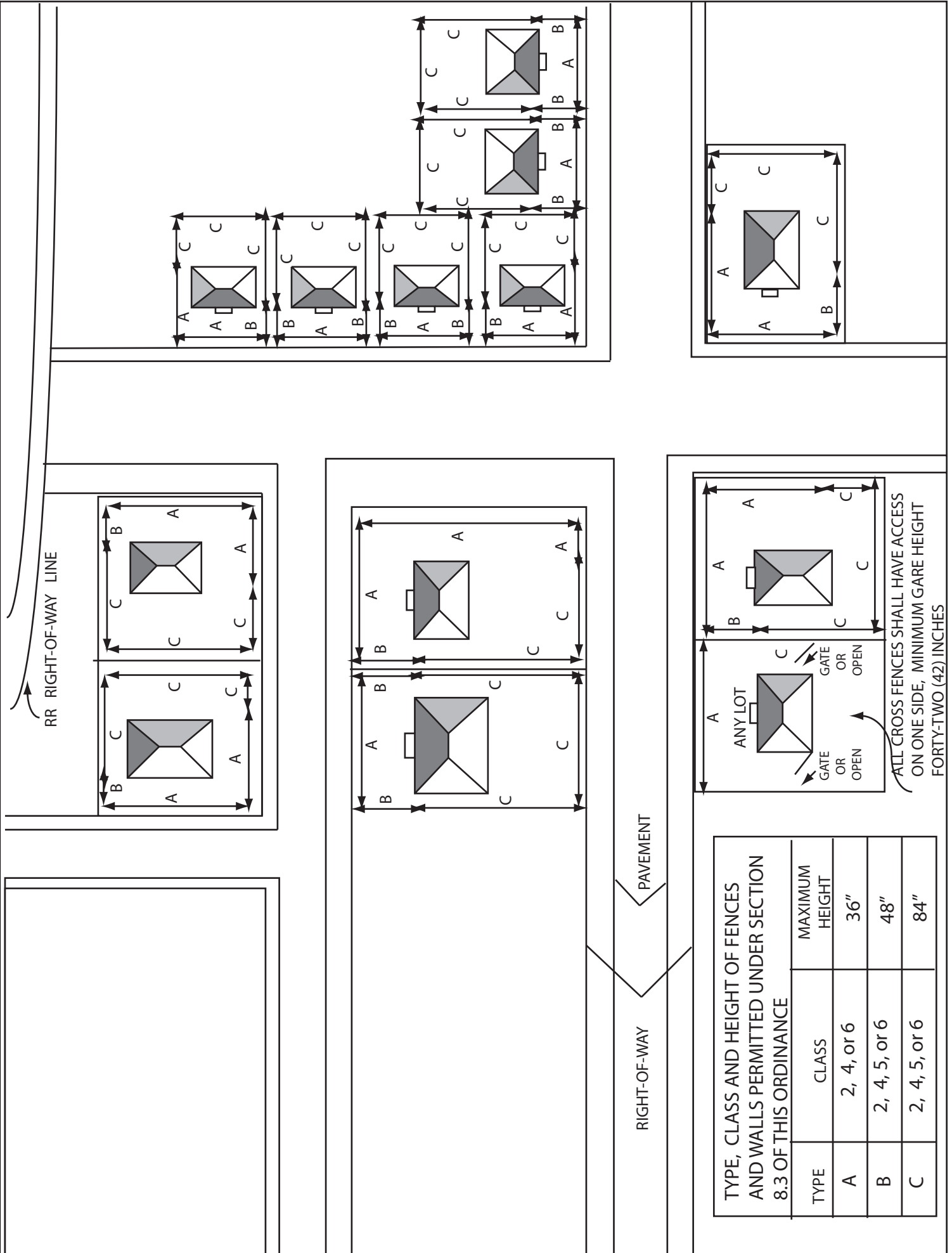


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<b>E/SS SMALL SHRUBS (4 to 6 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
<b>PLANT GROUP/SIZE</b>	<b>ACCEPTABLE PLANT</b>	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME 'CULTIVAR'</b>	<b>COMMENTS</b>
E/SS	No	Rosa multiflora	Japanese Rose	This shrub becomes leggy after harsh winters and in general is very weedy and must have high maintenance to be kept under control.

<b>F/LS LOW SHRUBS (1-1/2 to 4 Feet in Height)</b>				<b>UNACCEPTABLE PLANT MATERIALS</b>
F/LS	No	Symphoricarpos rivularis	Common Snowberry	The snowberry suckers profusely and as a consequence becomes a very weedy shrub. It is not suitable as a hedge in an urban situation.

# APPENDIX D RESIDENTIAL FENCE REQUIREMENTS



TYPE, CLASS AND HEIGHT OF FENCES AND WALLS PERMITTED UNDER SECTION 8.3 OF THIS ORDINANCE		
TYPE	CLASS	MAXIMUM HEIGHT
A	2, 4, or 6	36"
B	2, 4, 5, or 6	48"
C	2, 4, 5, or 6	84"

ALL CROSS FENCES SHALL HAVE ACCESS ON ONE SIDE, MINIMUM GATE HEIGHT FORTY-TWO (42) INCHES