



ORDINANCE 2020 - 05

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, APPROVING THE RECOMMENDATION OF THE ALEXANDRIA PLANNING COMMISSION, IN ORDER TO ADOPT TEXT AMENDMENTS TO SECTIONS 4.17 AND 4.18 OF THE ALEXANDRIA ZONING ORDINANCE IN ORDER TO REMOVE CAR WASHES AS PERMITTED USES IN THE HC AND NSC COMMERCIAL ZONES; AND TO SECTION 3.8 IN ORDER TO CLASSIFY GRASS AND WEEDS ABOVE EIGHT INCHES IN HEIGHT TO BE A VIOLATION.

WHEREAS, pursuant to KRS 100.211(3), the Alexandria Planning Commission held a public hearing on Tuesday February 4, 2020, and thereafter did make a recommendation as to proposed zoning text amendments (see attached Exhibit, which is the Planning Commission's report and recommendation, and which is incorporated herein by reference); and

WHEREAS, further pursuant to KRS 100.211(3), the Alexandria City Council does hereby wish to adopt the proposed text amendments to sections 4.17 and 4.18 of the Alexandria Zoning Ordinance in order to remove car washes as permitted uses in the HC and NSC commercial zones; and to section 3.8 in order to classify grass and weeds above eight (8") inches in height to be a violation (also see attached Exhibit).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: City Council hereby adopts the attached Planning Commission's Report and Recommendations, which is incorporated herein by reference.

SECTION 2: The Alexandria Zoning Ordinance is hereby amended by adopting the proposed text amendments to remove car washes as permitted uses in the Neighborhood Shopping Center (NSC) Zone and the Highway Commercial (HC) Zone, as follows:

Amend Section 4.17 (NSC) Neighborhood Shopping Center Zone and Section 4.18 (HC) Highway Commercial Zone of the Alexandria Zoning Ordinance in order to remove car washes as permitted uses in those zones. Provided, however, that existing, under construction, and already approved car washes should not be considered as nonconforming uses, but should be allowed to exist and continue as permitted uses; and therefore be allowed to be improved and expanded, but expansion and/or improvement of then existing car washes shall be limited only to the then current lot or parcel.

SECTION 3: The Alexandria Zoning Ordinance is hereby amended by adopting the proposed text amendment to amend Section 3.8 of the Alexandria Zoning Ordinance in order to classify grass and weeds above eight inches (8") in height to be a violation (currently 10"), as follows:

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 EIGHT (8") [~~ten (10")~~] inches 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 4: This ordinance may be read and published in summary form.

SECTION 5: This Ordinance shall be effective upon its adoption and approval according to law, and publication thereafter.

SECTION 6: All ordinances or parts of any ordinances in conflict herewith are, to the extent of such, conflict hereby repealed.

SECTION 7: If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION 8: The foregoing Ordinance was read, passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in regular session on the 6th day of February, 2020, and in regular session on the 5th day of March, 2020, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:

By: 
MAYOR ANDY SCHABELL

ATTEST:

By: 
CITY CLERK JAN JOHANNEMANN

PUBLISHED: 3/12/2020

**Alexandria Planning and Zoning Commission
Summary of Action Taken and Recommendations
February 4, 2020**

Regarding: Possible Text Amendments to the Alexandria Zoning Ordinance.

A Public Hearing was held during the meeting of the Alexandria Planning and Zoning Commission on Tuesday, February 4, 2020.

This Public Hearing was conducted according to Kentucky State Law and Alexandria City Ordinances and held for the purpose of hearing and collecting evidence and of reviewing and receiving public comment regarding the following three (3) issues:

- 1) to permit self-storage facilities (mini-warehouses) for inside storage only as permitted or conditional uses in the multifamily zones (R-2 and R-3);
- 2) to remove car washes as permitted uses in the Neighborhood Shopping Center (NSC) Zone and the Highway Commercial (HC) Zone; and
- 3) to amend Section 3.8 of the zoning ordinance to in order to classify grass and weeds above eight inches (8") in height to be a violation.

Notice was published in the Legal Newspaper. All interested persons were welcome to attend and give verbal comments and/or written comments prior to or at the public hearing.

Regarding #1, following the conclusion of the Public Hearing, the Commission discussed the proposed text amendment. There was much discussion about the details, conditions and requirements for allowing a certain amount of storage in multi-family developments. Additionally, a member of the public suggested the possibility of allowing storage in the commercial zones. The Commission decided that this proposal needs more work, and a Motion was approved to table the issue until it could be developed further.

Regarding #2, during the Public Hearing there was no opposition written or oral to this proposal. To the contrary, all comments received were positive regarding this proposal. Following the conclusion of the Public Hearing, the Commission discussed the proposed text amendment, the Commission agreed with members of the public that existing and approved car washes should not be considered as nonconforming uses, but should be allowed to continue as permitted uses. A Motion was approved to recommend to City Council to adopt the following text amendment:

Amend Section 4.17 (NSC) Neighborhood Shopping Center Zone and Section 4.18 (HC) Highway Commercial Zone of the Alexandria Zoning Ordinance in order to remove car washes as permitted uses in those zones. Provided, however, that existing, under construction, and already approved car washes should not be considered as nonconforming uses, but should be

allowed to exist and continue as permitted uses; and therefore be allowed to be improved and expanded.

Regarding #3, during the Public Hearing there was no opposition written or oral to this proposal. To the contrary, all comments received were positive regarding this proposal. Following the conclusion of the Public Hearing, the Commission discussed the proposed text amendment, and thereafter a Motion was made, seconded and passed to recommend to City Council the adoption of the proposed text amendment to amend Section 3.8 of the Alexandria Zoning Ordinance in order to classify grass and weeds above eight inches (8") in height to be a violation (currently 10"), as follows:

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 EIGHT (8") [~~ten (10")~~] inches 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.

/ss/ *Dave Hart*

Dave Hart, Chairman

City of Alexandria Planning and Zoning Commission

Upon conclusion of all of the testimony and evidence, the public hearing was closed and the Planning Commission discussed the issues involved. The Commission then voted to recommend approval of the zoning map amendment, subject to the submitted development plan, and with agreed conditions.

The Motion that was made, seconded and adopted unanimously (Chair abstained), stated that the Planning Commission recommend to City Council to approve the requested rezoning from Residential Rural Estate & Agricultural Zone (R-RE) to Planned Unit Development (PUD) Zone, based upon the finding that the evidence presented supported the developer's claim that the current zoning of R-RE is inappropriate and the proposed zoning of PUD is appropriate; subject to the following conditions, as agreed to by the developer: (1) permitted uses for the commercial lots are only for restaurants (not fast food), retail or professional office space, and (2) once KYTC approves a traffic light, the developer will install it as soon as possible.

Respectfully submitted,

/SS/**Dave Hart**

Dave Hart, Chairman
Alexandria Planning Commission