



ORDINANCE 2025-03

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, APPROVING A RECOMMENDATION OF THE ALEXANDRIA PLANNING COMMISSION, IN ORDER TO ADOPT TEXT AMENDMENTS TO THE ALEXANDRIA ZONING ORDINANCE IN ORDER TO PROVIDE REGULATIONS FOR ALCOHOLIC BEVERAGES, TOBACCO AND ELECTRONIC SMOKING DEVICE (VAPE) BUSINESSES IN THE CITY.

WHEREAS, pursuant to KRS 100.211 and .212 the Alexandria Planning Commission held public hearings on January 21, 2025 and February 18, 2025 to recommend to City Council to adopt zoning regulations for the operation of alcoholic beverages, tobacco and electronic smoking device (vape) business operations in the City of Alexandria, all as required by the laws of the Commonwealth of Kentucky and the Ordinances of the City of Alexandria; and

WHEREAS, the City now wishes to accept the recommendation of the Planning Commission and adopt this Ordinance in order to regulate the operation of alcoholic beverages, tobacco and electronic smoking device (vape) business operations in the City.

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

SECTION 1: The City of Alexandria Zoning Ordinance is hereby amended by adopting zoning text amendments to the following sections of the Alexandria Zoning Ordinance:

- Article 2, Section 2.0 – Definitions;
- Article 4, Section 4.17 (NSC) Neighborhood Shopping Center Zone; and
- Article 4, Section 4.18 (HC) Highway Commercial Zone

... all as set forth in Exhibit 'A', which is attached hereto and incorporated herein by reference.

SECTION 2. The record of the Planning Commission proceedings in File Number PZ-24-049 is incorporated herein by reference as if fully rewritten herein including without limitation the Staff Report dated February 11, 2025 (Exhibit 'B'), and the Planning Commission's Recommendation To City Council (Exhibit 'C'), as well as the Minutes of the January 21, 2025 and February 18, 2025 Planning Commission meetings/public hearings.

ORIGINAL

SECTION 3. This Ordinance shall be effective upon its adoption and publication; this Ordinance may be published by Summary.

SECTION 4. Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION 5. All Ordinances or parts of any Ordinances in conflict therewith, to the extent of such conflict, if any, are hereby repealed.

SECTION 6. The foregoing ordinance was introduced by Council Member Robert Strong, was read, passed and adopted by Council of the City of Alexandria, Kentucky, meeting in **special session on the 12th day of March, 2025, and in regular session on the 20th day of March, 2025, with 5 Yes votes, 0 No votes, and 0 Abstentions**, and was thereafter approved by the Mayor and ordered published in Summary according to law.

APPROVED:



MAYOR ANDY SCHABELL

ATTEST:



STEPHANIE TARTER CITY CLERK

Published: 3/25/2025

EXHIBIT A | ORD 2025-03

ARTICLE 2. DEFINITIONS, SECTION 2.0 – WORDS AND PHRASES

Add the following definitions:

DRIVE-IN: A facility which, by its design (e.g., window, counter, microphone/speaker, etc.), allows people to receive goods and/or services while remaining in or on their vehicle, for consumption/use on the premises.

DRIVE-THRU: A facility which, by its design (e.g., window, counter, microphone/speaker, etc.), allows people to receive goods and/or services while remaining in or on their vehicle, for consumption/use elsewhere than on the premises.

ELECTRONIC SMOKING DEVICE: Any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. “Electronic smoking device” includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. “Electronic smoking device” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

ELECTRONIC SMOKING RETAIL STORE: A business operation with at least 85% of sales dedicated to the sale of electronic smoking devices, accessories, and/or products.

PACKAGE LIQUOR SALES: Any establishment primarily engaged in the sale of alcoholic beverages for off-site consumption.

TOBACCO PRODUCT PARAPHERNALIA: Any product that is used to assist in chewing, smoking, absorbing, dissolving, inhaling, or any other consumption of tobacco to include, but not limited to pipes and rolling papers.

TOBACCO RETAILER: Any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group or combination acting as a unit that owns or operates any manufacturer, producer, distributor, supplier, vending machine, wholesaler or retailer of tobacco products. Tobacco retailer shall not mean the employees of an owner or operator of any manufacturer, producer, distributor, supplier, vending machine company, wholesaler or retailer of tobacco products.

TOBACCO PRODUCT: Any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term also includes electronic smoking devices and tobacco product paraphernalia, whether or not they contain nicotine. “Tobacco product” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

VAPE SHOP: See Electronic Smoking Retail Store.

ARTICLE 4. ESTABLISHMENT OF ZONES & ZONE REGULATIONS

SECTION 4.17 (NSC) NEIGHBORHOOD SHOPPING CENTER ZONE:

Amend the following use:

B. PERMITTED USES

43. Package Liquor and Wine Stores (but not within 500' of schools and churches) alcoholic beverage store with the following conditions:
- a. Shall not be located within five hundred (500) feet of any school or day care center
 - b. Shall not be located within five hundred (500) feet from a public park or playground.
 - c. Shall not be located within five hundred (500) feet from a religious assembly facility.
 - d. Shall not be located within five hundred (500) feet from a sexually oriented business
 - e. Business shall not be transacted via drive-up window, or drive-through.

C. ACCESSORY USES

7. Package Liquor and alcoholic beverage store when abutting, incidental to, operated as a part of a grocery store containing at least 40,000 gross square feet.

SECTION 4.18 (HC) HIGHWAY COMMERCIAL ZONE

B. PERMITTED USES

44. Package Liquor and Wine Stores (but not within 500' of schools and churches) alcoholic beverage store with the following conditions:
- a. Shall not be located within five hundred (500) feet of any school or day care center
 - b. Shall not be located within five hundred (500) feet from a public park or playground.
 - c. Shall not be located within five hundred (500) feet from a religious assembly facility.
 - d. Shall not be located within five hundred (500) feet from a sexually oriented business
 - e. Business shall not be transacted via drive-up window, or drive-through.

59. Tobacco Retailer or Electronic Smoking Retail Store with the following conditions

- a. Shall not be located within thousand (1000) feet of any school or day care center
- b. Shall not be located within six hundred (600) feet of another tobacco retailer
- c. Shall not allow any minors in the building
- d. Shall not sell alcoholic beverages
- e. Shall not be licensed as a Food Service Establishment
- f. Shall not have an entrance that opens to a common area with other retail establishments.
- g. Business shall not be transacted via drive-up window, or drive-through.

C. ACCESSORY USES

- 7. Package Liquor and alcoholic beverage store when abutting, incidental to, operated as a part of a grocery store containing at least 40,000 gross square feet.



February 11, 2024

City of Alexandria Planning and Zoning Commission
8236 W. Main St.
Alexandria, KY 41001

The Alexandria Planning and Zoning Commission will hold a Public Hearing on Tuesday February 18, 2025 at 7:00 PM for the following case:

Case: PZ-24-049
Applicant: City of Alexandria
Request: Zoning text amendments to the Alexandria Code of Ordinances related to vape stores, tobacco stores and liquor stores.

This public hearing was advertised in the January 28, 2025 edition of the NKY LINK Reader (linknky.com).

File Number PZ-24-049: The City is requesting approval of zoning text amendments to the following sections of the Alexandria Zoning Ordinance:

- Article 2, Section 2.0 - Definitions
- Article 4, Section 4.17 (NSC) Neighborhood Shopping Center Zone
- Article 4, Section 4.18 (HC) Highway Commercial Zone

The Alexandria Planning and Zoning Commission held a Public Hearing on January 21, 2025 to review the proposed new zoning language related to vape, tobacco and liquor stores. The Commissioners reviewed the proposed changes and, after a discussion decided that they needed revision. The case was tabled to allow staff to make the requested revisions to be brought back at a subsequent meeting.

See Appendix for proposed text amendments

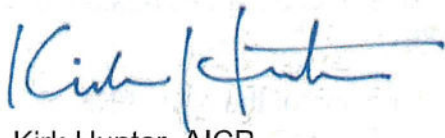
Recommendation:

To approve the text amendments to Articles 2 and 4 of the Official Zoning Ordinance, and forward the recommendation to City Council for adoption.

Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Planning Commission has the authority to recommend the adoption of text changes to the City.
2. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure.

Respectfully submitted,
Campbell County Planning, Zoning and Building Department

A handwritten signature in blue ink, appearing to read "Kirk Hunter".

Kirk Hunter, AICP
Principal Planner

APPENDIX

Text amendment additions and renumbering in blue underline and deletions in ~~red strike-out~~.

SECTION 2.0 – WORDS AND PHRASES

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VAPE SHOP: See Electronic Smoking Retail Store.

ARTICLE 4 - ZONE REGULATIONS

SECTION 4.17 (NSC) NEIGHBORHOOD SHOPPING CENTER ZONE

...

B. PERMITTED USES

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- c. Shall not be located within five hundred (500) feet from a religious assembly facility.
- a. Shall not be located within five hundred (500) feet from a sexually oriented business
- b. Business shall not be transacted via drive-up window, or drive-through.

C. ACCESSORY USES

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**CITY OF ALEXANDRIA PLANNING COMMISSION
RECOMMENDATION TO CITY COUNCIL**

The City of Alexandria Planning Commission held Public Hearings on Tuesday, January 21, 2025 and February 18, 2025 for the purpose of hearing and collecting evidence, and of reviewing and receiving public comment regarding the following request:

February 11, 2024

City of Alexandria Planning and Zoning Commission
8236 W. Main St.
Alexandria, KY 41001

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Request: Zoning text amendments to the Alexandria Code of Ordinances related to vape stores, tobacco stores and liquor stores.

This public hearing was advertised in the January 28, 2025 edition of the NKY LINK Reader (linknky.com).

The public hearings were conducted according to Kentucky State Law and Alexandria City Ordinances. All interested persons were welcomed to attend and give verbal comments and/or written comments prior to or at the public hearing.

At the hearing, Cindy Minter, AICP, Director of the Campbell County Planning, Zoning and Building Department presented the Staff Report dated February 11, 2025, which is attached hereto and incorporated herein by reference as Exhibit 'B'. Ms. Minter discussed the issues and options contained in the Staff Report, and answered questions.

At the hearing, the City Administrator and the City Attorney provided information regarding the background and legal issues involved with this Application.

Mrs. Bonnie Richmond of 2149 Grandview Road asked if the text amendments were adopted, and if there was an alcohol, tobacco or vape store in operation, would a school or daycare center be prohibited to locate within the stated distances in the regulations? Ms. Minter answered NO, they would not be prohibited – it only works in the opposite direction, that is if the school or daycare center were there first. No other members of the public appeared at the meeting to speak in favor or opposition to the proposed text amendments.

Upon conclusion of all of the testimony and evidence, the public hearing was closed and the Planning Commission deliberated. After discussing the issues involved, a motion was made, seconded and passed unanimously to recommend to City Council to adopt the text amendments to the following sections of the Alexandria Zoning Ordinance:

- Article 2, Section 2.0 – Definitions;
- Article 4, Section 4.17 (NSC) Neighborhood Shopping Center Zone; and
- Article 4, Section 4.18 (HC) Highway Commercial Zone

... all as set forth in Exhibit 'A', which is attached hereto and incorporated herein by reference; and based upon the Staff Report and as discussed in the public hearings.

This recommendation of the Planning Commission shall be forwarded to Alexandria City Council for further consideration and adoption according to law.

Respectfully submitted,

/SS/ **Nick Reitman**

Nick Reitman, Chairman

Alexandria Planning Commission