



ORDINANCE 2025-11

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 REVISE REGULATIONS FOR ALCOHOLIC BEVERAGES, TOBACCO, ELECTRONIC SMOKING DEVICE (VAPE) BUSINESSES, AND REAR YARD SETBACK REGULATIONS IN THE CITY.

WHEREAS, pursuant to KRS 100.211 and .212 the Alexandria Planning Commission held public hearings on July 15, 2025 to hear testimony and evidence, and to consider and recommend to City Council to adopt revised zoning regulations for the operation of alcoholic beverages, tobacco and electronic smoking device (vape) business operations in the City of Alexandria, and for rear yard setback regulations for accessory uses, 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 revise the regulations for the operation of alcoholic beverages, tobacco and electronic smoking device (vape) business operations in the City, and to adopt rear yard setback regulations for accessory uses.

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 various sections of the Alexandria Zoning Ordinance, all as set forth in Exhibit 'A', which is attached hereto and incorporated herein by reference.

SECTION 2. The records of the Planning Commission proceedings are incorporated herein by reference as if fully rewritten herein including without limitation the Staff Report dated July 8, 2025 (Exhibit 'B'), and the Planning Commission's Recommendation to City Council (Exhibit 'C'), as well as the Minutes of the July 15, 2025 Planning Commission meeting/public hearings.

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 All Ordinances or parts of any Ordinances in conflict therewith, to the extent of such conflict, if any, are hereby repealed.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 Bob Strong, was read, passed and adopted by Council of the City of Alexandria, Kentucky, meeting in **regular sessions on the 7th day of August, 2025, and on the 21st day of August, 2025, with 6 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: 8/28/2025

JULY CHANGES

CHAPTER 154: ZONING CODE

ARTICLE 2. DEFINITIONS, SECTION 2.0 – WORDS AND PHRASES

~~**[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.]~~

~~**[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.]~~ **A business operation with at least 85% of sales dedicated to the sale of tobacco, smoking devices, accessories, and/or 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.]~~

VAPOR PRODUCT: As defined in KRS 438.305 (16)

~~VAPE SHOP:~~ [See] Shall have the same meaning as Electronic Smoking Retail Store.

SECTION 3.11 APPLICATION OF ZONING REGULATIONS

H. Except as herein provided, or approved by the board of adjustment, accessory structures and uses shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zone. Accessory structures and uses may be permitted to extend into the minimum required rear yard areas, as defined herein, in all zones, provided that such structures are set back from the rear lot line a minimum of five (5) feet, and minimum required side yard clearances are maintained. Location

of off-street parking, loading and/or unloading areas, fences, and signs, shall be governed by their respective sections, as provided.

ARTICLE 4. ESTABLISHMENT OF ZONES & ZONE REGULATIONS

SECTION 4.17 (NSC) NEIGHBORHOOD SHOPPING CENTER ZONE:

B. PERMITTED USES

43. Package Liquor and ~~[Wine Stores (but not within 500' of schools and churches)]~~ alcoholic beverage store with the following conditions:

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 or Electronic Smoking Retail Store
 - c. Shall not allow ~~[any]~~ unaccompanied 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.

STAFF REPORT
July 8, 2025

City of Alexandria Planning and Zoning Commission
Staff Comments, Findings, and Recommendations
Issue to be heard: Tuesday July 15, 2025 at 7:00 PM (EST)
8236 W. Main St.
Alexandria, KY 41001

The Alexandria Planning and Zoning Commission will hold a Public Hearing for the following cases:

File Number: PZ-24-049 (continued)
Applicant: City of Alexandria Planning Commission
Request: Zoning text amendments related to vape stores, tobacco stores and liquor stores

File Number: PZ-25-021
Applicant: City of Alexandria Planning Commission
Request: Zoning text amendments related setback requirements for accessory Structures

Information concerning this case was available for review at the Campbell County Planning Office, 1098 Monmouth Street, Suite 343, Newport, KY. Monday-Friday during normal business hours.

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File Number: PZ-24-049 (continued)
Applicant: City of Alexandria Planning Commission
Request: Zoning text amendments related to vape stores, tobacco stores and liquor stores.

The text changes approved by the Planning Commission and subsequently adopted by City Council included language that inadvertently included traditional tobacco products and not just vape products. This effectively prohibited them in several places, which was not the goal of the new zoning language. The intention of the zone text changes was to limit the sale of "vape products" specifically, and not all tobacco products. This discrepancy was realized in the preparation of similar text amendments for the City of Bellevue, which took up the issue shortly after Alexandria.

KRS Statutes include specific definitions related to vape products. In the interest of consistency and clarity, staff finds that the ordinance is better served, where appropriate, by referencing the State statutes for definitions rather than locally-defined terminology.

Staff is not recommending any changes to the liquor store-related zoning language. See Appendix A for proposed text amendments.

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

Recommendation:

To approve the text amendments of Articles 3 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.

APPENDIX A

Staff recommends the following amendments: Stet in black, delete in redline strikeout, and add in blue underline.

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.

VAPOR PRODUCT: As defined in KRS 438.305 (16)

VAPE SHOP: See Shall have the same meaning as Electronic Smoking Retail Store.

ARTICLE 4. ESTABLISHMENT OF ZONES & ZONE REGULATIONS

SECTION 4.17 (NSC) NEIGHBORHOOD SHOPPING CENTER ZONE:

...

B. PERMITTED USES

...

43. Package Liquor and 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

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44. Package Liquor and alcoholic beverage store with the following conditions:

a. Shall not be located within five hundred (500) feet of any school or day care center

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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 Electronic Smoking Retail Store.

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

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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.

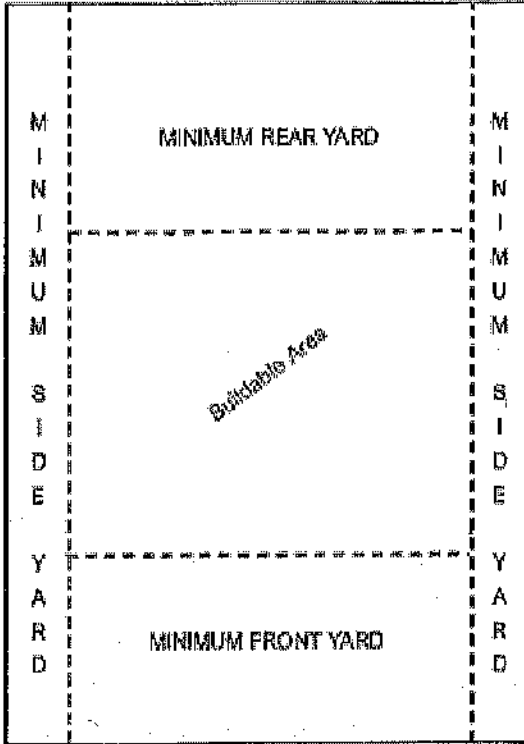
File Number: PZ-25-021

Applicant: City of Alexandria Planning Commission

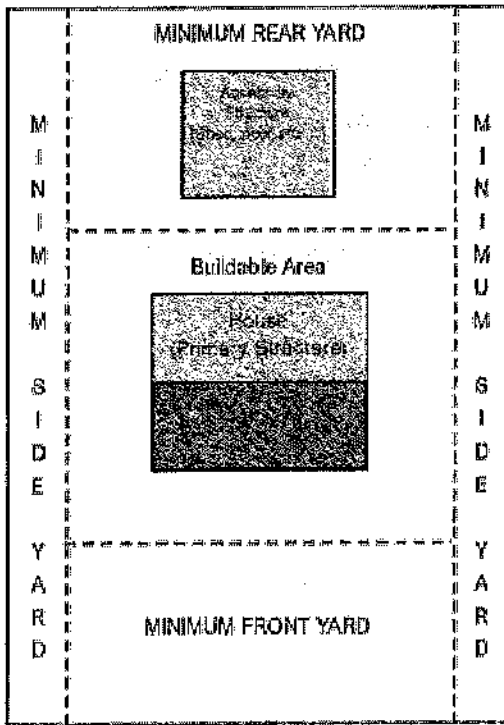
Request: Zoning text amendments related setback requirements for accessory Structures.

The zoning ordinance currently does not have provisions to allow accessory structures within minimum required rear yards (setbacks). As it is currently written, any accessory structure, excluding fences, must maintain the rear yard depth for a principal structure. It is common practice in most municipalities to allow for accessory structures to locate within the minimum rear yard, closer to the rear property line than the primary structure. The specified distance is typically the same as the side yard depth. In some municipalities, the rear yard setback distance is limited to no less than ten (10) feet. If you look around Alexandria, you'll notice many accessory structures are in violation of the zoning ordinance as it is written. Staff believes this to be an accidental omission and suggests amending the ordinance with language to allow shallower rear setbacks for accessory structures.

Each zone has specific minimum required yards (setbacks). They are differentiated by front, side and rear. Setback distances refer to the minimum depth of yards. Some obstructions like AC units, bay windows, etc. . are permitted to encroach to some degree into the setback but "accessory structures", as defined in the ordinance, must maintain those setback distances.



According to the zoning ordinance all structures, with the exception of fences, must be placed within the buildable area as shown on the diagram. Typically, zoning ordinances allow for "accessory structures" to locate a certain distance into the minimum rear yard.



The most common language in Northern Kentucky to permit this is found in the

“General Regulations” of the Zoning Ordinance. In Alexandria, that is Article 3.

See Appendix B for proposed text amendments

File Number PZ-25-021: The City is requesting approval of zoning text amendments to the following section of the Alexandria Zoning Ordinance:

- Article 3, Section 3.11 Application of Zoning Regulations

Recommendation:

To approve the text amendment of Articles 3 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.

If you have any questions concerning this report, please feel free to contact Campbell County Planning and Zoning at 859-292-3880. Thank you.

Respectfully submitted,
Kirk Hunter, AICP
Principal Planner

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

The City of Alexandria Planning Commission held Public Hearings on Tuesday, July 15, 2025 for the purpose of hearing and collecting evidence, and of reviewing and receiving public comment regarding the following requests:

File Number: PZ-24-049 (continued)

Applicant: City of Alexandria Planning Commission

Request: Zoning text amendments related to vape stores, tobacco stores and liquor stores

File Number: PZ-25-021

Applicant: City of Alexandria Planning Commission

Request: Zoning text amendments related setback requirements for accessory Structures

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 Reports dated July 8, 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 Ms. Minter provided information regarding the background and other related issues involved with this Application.

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 various sections of the Alexandria Zoning Ordinance, 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