



Mr. C.J. Peters, Chair  
Campbell County & Municipal Planning & Zoning Commission  
1098 Monmouth Street, Suite 343  
Newport, KY 41071

November 6, 2024

Mr. Peters,

The Campbell County & Municipal Planning and Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2024 at 6:30 PM (EST) at the Campbell County Fiscal Court Chambers located at 1098 Monmouth St. Newport, KY 41071 for the purpose of hearing testimony for the following cases:

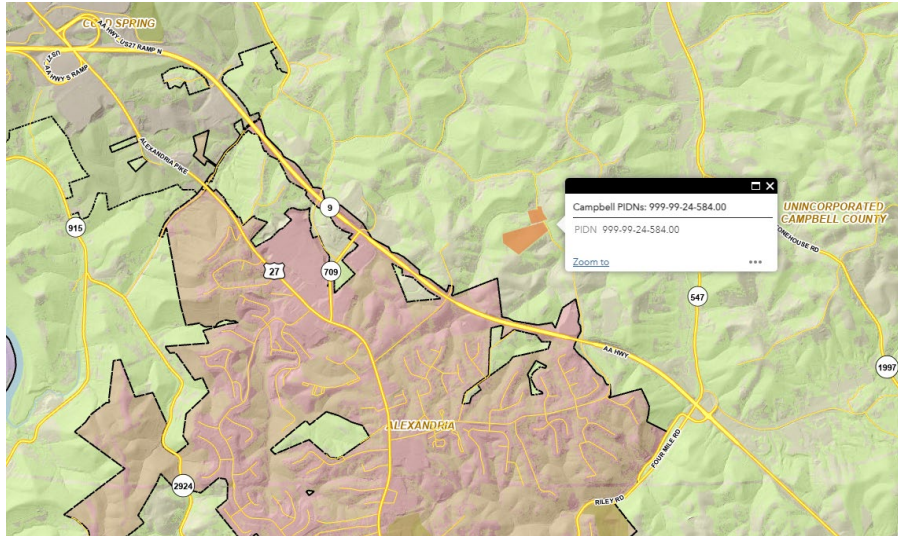
CASE: PZ-24-042  
APPLICANT: Cardinal Engineering on behalf of MM and Timothy Jamison  
LOCATION: 1873 Upper Tug Fork Rd  
REQUEST: Final plat approval for a seven-lot subdivision with no public improvements

CASE: PZ-24-052  
APPLICANT: City of Southgate  
REQUEST: Approval of updates to the City of Southgate Code of Ordinances related to medical cannabis stores.

CASE: PZ-24-055  
APPLICANT: City of Southgate  
REQUEST: Approval of updates to the City of Southgate Code of Ordinances related to accessory dwelling units (ADU's).

CASE: PZ-24-056  
APPLICANT: City of Woodlawn  
REQUEST: Zoning text amendment to add an R-3 Multifamily Residential zoning district to the Woodlawn Zoning Ordinance.

CASE: PZ-24-042  
APPLICANT: Cardinal Engineering on behalf of MM and Timothy Jamison  
LOCATION: 1873 Upper Tug Fork Rd  
REQUEST: Final plat approval for a seven-lot subdivision with no public improvements



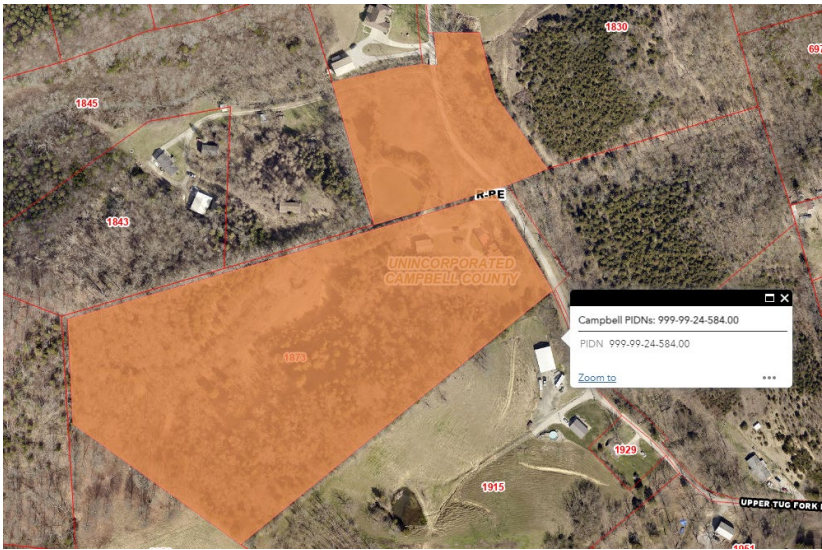
**Considerations:**

1. The Campbell County Zoning Ordinance classifies the location as within the Residential-Rural Estate (R-RE) Zone.
2. Currently, the lot is a 17-acre parcel with a house and several farm buildings.

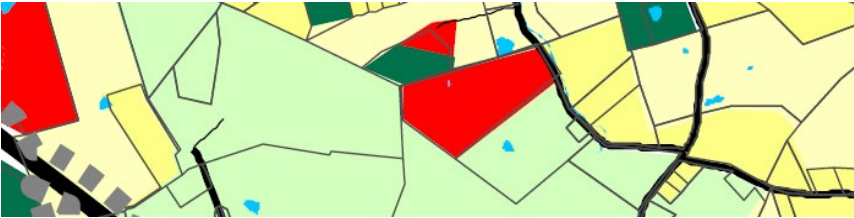




There are currently two additional address points on the house, indicating an additional dwelling unit at the site.



- 3. The parcel is in two sections or tracts, separated by an access strip to an adjacent property. The parcel crosses Upper Tug Fork Road.
- 4. The existing land use at the site is identified by the 2008 Campbell County Comprehensive Plan Update as *“Commercial”*.



Aerial imagery confirms that the site is the former location of a salvage yard.



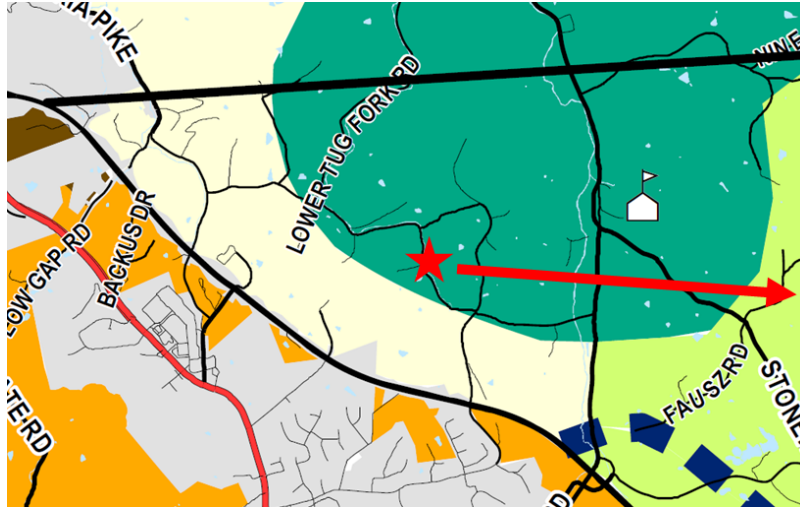
2004

Later aerial imagery confirms that the junkyard was cleared out by 2007.



2007

5. The site is situated in an area designated by the 2008 Campbell County Future Land Use Map as *"Rural Mixed-Use"*.



### Future Land Use Category

**Land Use Category**

- Lower Density Single Family Residential
- Higher Density Single Family Residential
- Multi-Family Residential
- Neighborhood Retail
- Campus Style Office
- Mixed Office / Industrial
- Urban Mixed Use
- Village Mixed Use
- Rural Mixed Use
- Active Recreational Facilities
- Licking and Ohio River Corridors
- Passive Recreational Facilities
- Light Industrial
- Agricultural
- NKU
- E/W Gateway

## CLEAR SPRINGS SUBDIVISION

7 LOTS  
TOTAL AREA = 16.903 ACRES  
LESS R/W TO BE DEDICATED PARCEL I = .324 ACRES  
LESS R/W TO BE DEDICATED PARCEL II = .451 ACRES  
SMALLEST LOT (7) = 0.033 ACRES

**SURVEYOR STATEMENT**

I hereby certify that I am a duly qualified and Licensed Kentucky Surveyor in accordance with KRS 202 and that this subdivision is a survey performed by me or under my direct supervision in accordance with the Code of Professional Practice and Conduct for Professional Engineers and Professional Surveyors, by the method of random traverse. The unadjusted precision ratio of the traverse was 1:1,451 and was not adjusted for closure. The survey shown herein is an other survey and the accuracy and precision of said survey meets all the specifications of this class. This plan meets or exceeds the minimum requirements of 201 KAR 18: 01.

Surveyor: Paula PLS 3363 Date: \_\_\_\_\_

**NOTES**

- Plan approval for building development and/or alteration of existing systems on each lot is contingent upon the issuance of a sewage construction permit and inspection by the local and/or state health board or district.
- This plan shall be used in accordance with the Campbell County Clerk for recording purposes within two (2) years of Planning Commission approval.
- Building setbacks will be determined by current applicable zoning regulations or districts. No excavation, removal or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified or areas located within the County and identified on the Comprehensive Plan as "Physically Restored Development Areas" and any other areas that have slopes of 20 percent or greater may occur until plan specifications for such work have been submitted in the form of a site plan as regulated by Section 9.2.1 of the Campbell County Zoning Ordinance. In addition, the site plan shall show existing topography and the proposed physical change, necessary for construction, indicating grading, existing and proposed, erosion control, areas to be stabilized, and any other pertinent information which will change the natural physical features of the site or general area. A subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis should be made by a qualified Registered Civil Engineer and a geologist, indicating that the building and physical changes proposed in the area will be completed in a manner which will minimize landslide, slope or soil erosion.

**FLOOD ZONE NOTES**

FLOOD ZONE "D" AREA IS 100 ANNUAL CHANCE FLOOD AREA OF 1% ANNUAL CHANCE FLOOD AREA WITH 100 YEAR RETURN PERIOD. FLOOD ZONE "A" AREA IS 1% ANNUAL CHANCE FLOOD AREA WITH 100 YEAR RETURN PERIOD. FLOOD ZONE "AE" AREA IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AREA WITH 100 YEAR RETURN PERIOD. FLOOD ZONE "AH" AREA IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AREA WITH 100 YEAR RETURN PERIOD. FLOOD ZONE "A1" AREA IS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AREA WITH 100 YEAR RETURN PERIOD.

**COUNTY CLERK STATEMENT**

I, Lisa Larson, Clerk of Campbell County, do hereby certify that this plan was on this day presented to me in my office by \_\_\_\_\_ and acknowledged by them to be their act and deed, was this day left for record, whereupon same has been duly recorded this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Clerk: \_\_\_\_\_ Date: \_\_\_\_\_

**CAMPBELL COUNTY PLANNING & ZONING COMMISSION APPROVAL CERTIFICATE**

This plan has been found to be in compliance with the Zoning Regulations and the Campbell County Subdivision Regulations and is being submitted for recording in the office of the Campbell County Court Clerk.

Date: \_\_\_\_\_ Chairman's Signature: \_\_\_\_\_

**DEDICATION CERTIFICATE**

We, the undersigned, do hereby certify that we are the owners of the property shown and described herein and that we hereby dedicate this plan of subdivision with our true consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, paths, and other open spaces (public or private use as noted). We further certify that title to the property shown herein was acquired by Deed recorded in Deed Book 3355 Page 14 of the Campbell County Clerk's office at Berea, Kentucky.

MR. TIMOTHY JAMISON  
TIMOTHY J. JAMISON

By: \_\_\_\_\_ Date: \_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**  
COMMONWEALTH OF KENTUCKY

COUNTY OF \_\_\_\_\_

This is an acknowledgment (date, no oath or affirmation was administered to the signer). The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: MR. TIMOTHY JAMISON  
Signed: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**CABINET**  
**SLIDE**  
**GROUP**

**CARDINAL**  
ENGINEERING & SURVEYING  
ONE WOODLAND PLACE  
MARIETTA, KY 40422  
PHONE: 606.335.1111  
FAX: 606.335.1112

OWNER:  
MM&T TRACTRY JAMISON  
1201 UPPER TUG FORK ROAD  
ALEXANDRIA, KENTUCKY 40003

**LEGEND**

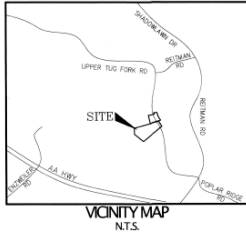
- SET 17' REBAR WITH COP FORMS TOP OF STREET
- △ SETBACK LINE
- FOUNDATION PER
- EXIST FENCE
- FOUNDATION WALLS
- FOUNDATION

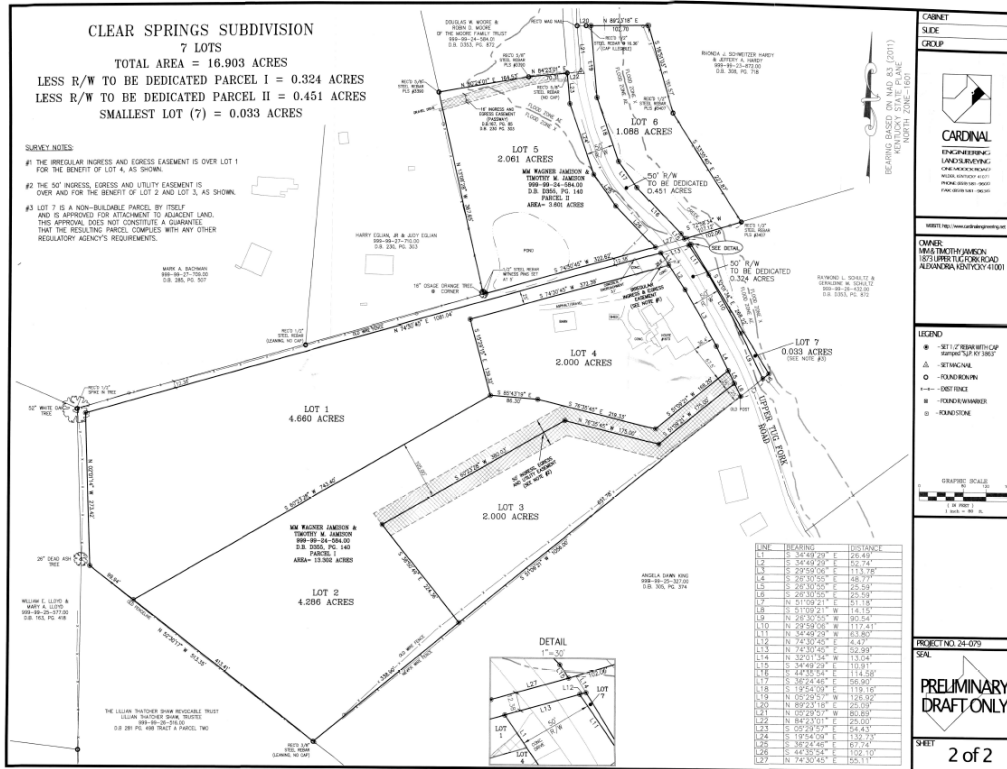
PROJECT NO. 24-079

**SEAL**

**PRELIMINARY DRAFT ONLY**

SHEET 1 of 2





6. Review of the Preliminary Plat in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations results in the following:
  - a. The Plat indicates a proposal to subdivide an approximately seventeen (16.903) acre parcel along Upper Tug Fork Road.
  - b. There are seven divisions proposed. Six of the divisions are buildable lots ranging in size from approximately 1 to 4.66 acres.
  - c. Lot 6 is impacted by flood zones.
  - d. Lot 7 on the east side of Upper Tug Fork is to be a land addition to the neighboring parcel.
  - e. The plat indicates that three of the proposed building lots will be flag lots. Lot 4 (remainder), lot 5, and lot 6 meet the minimum lot width for the zone.
  - f. The plat does not indicate any private drives.
  - g. The plat does not indicate any public improvements.
  - h. The plat does not indicate the placement of any structures on the newly-created lots.
  - i. County records indicate centralized sanitary sewers are not available for this area.
  - j. The Plat indicates right-of-way to be dedicated along Upper Tug Fork Road, which is in conformance with County standards.

Because of inquiries from the public, staff requested comment from the applicant regarding the site conditions.

### Applicant's comments:

- *The neighbor should produce evidence of pollution on our property. M purchased the property in 2006. Fred Eglin had the property cleared of all junk, cars, metal, etc. He had the EPA test the property. M called the EPA to inquire about the specifics of the test. It was tested in three points. They were at the base of the hill below the Shaw property where runoff was evident, in the pond water below, and in the creek to the right of the easement to the Bachman property. The only element of concern was a small amount of arsenic which is commonly found in soil that has been disturbed. There are no fuel tanks on the property other than the propane tank owned and maintained by Midwest gas. It supplies a small amount of gas to our water heater and cook top.*
  - *911 fees are included with property taxes. The tax bills for 2024 just came out on November. All tax bills have been paid.*
  - *There is one address for our house. There have never been apartment numbers. Our home is a Mother-daughter home. Our daughter has lived there off and on. The appraisals for it include 3 bedrooms, kitchen, living room, one bath and a finished basement.*
  - *The neighbor does not have knowledge of our septic system and our maintenance of it. Only 2 persons live in our home. It is more than adequate.*
7. At the request of staff, the Northern Kentucky Health Department sent an inspector to the site, who found no conditions to be in violation of any health codes.
  8. County building and zoning regulations do not limit the number of kitchens and entrances to a single-family house. Attached, accessory dwelling units (ADU's) are customarily permitted if the additional dwelling space shares ownership and utilities.
  9. A review of public records shows the proposed land divisions are the first through sixth divisions from the parent tract since January 1, 1982. The small land division (lot 7) within this final plat is not counted toward the total number because it will be added to a neighboring parcel.
  10. A waiver of subdivision regulations is requested as part of the plat approval to allow a second and third flag stem in the subdivision. *The regulations limit the number of flag lots in a major subdivision to be 15% of the total number of lots. The total number of lots required to permit three flag lots is twenty (20).*
  11. County records indicate the width of Upper Tug Fork Road is seventeen (17) feet and is in conflict with minimum county standards. Local streets shall have a minimum pavement width of 25'.

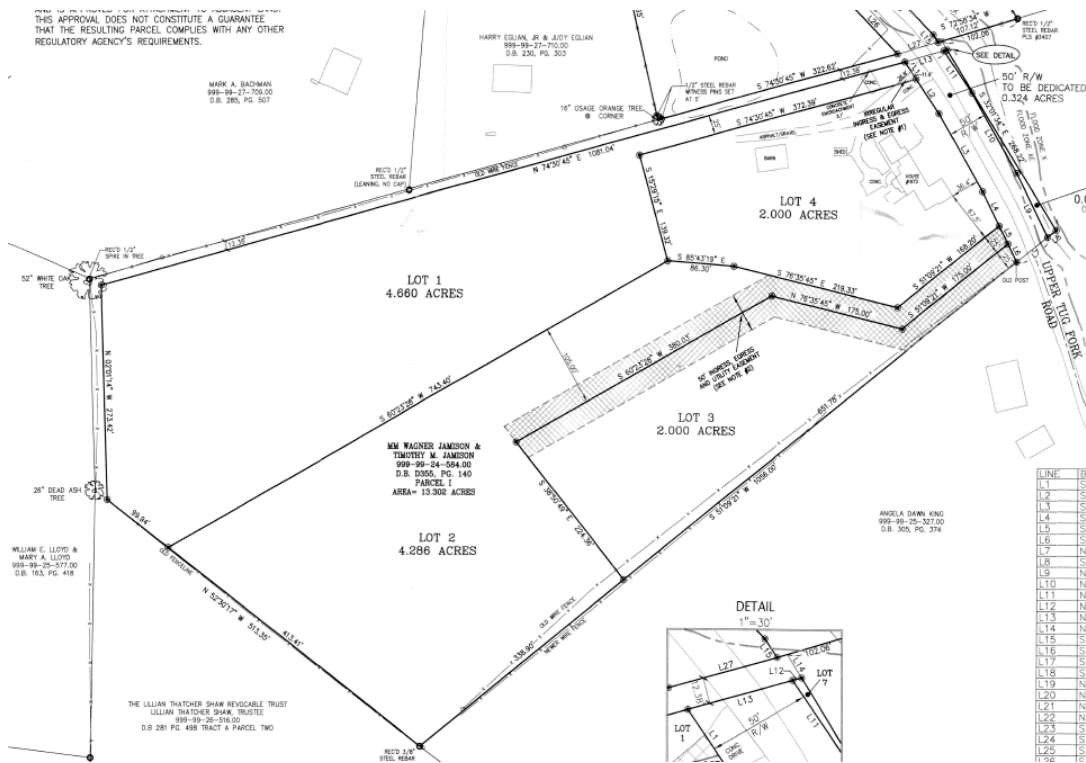
As per Campbell County Subdivision Regulations Section 405: Street design:

Where the pavement width of such existing street is less than that required by these regulations. The Planning Commission, before requiring street improvements along the property of such street in each case, shall conduct an individual analysis as to whether it is reasonable to require the street improvements based on the anticipated burden of development. Before requiring street improvements, the Planning Commission shall find:

- (1) That it is reasonable to require the street improvements be provided, based on the anticipated burden of the new development on the existing street.
- (2) The need for street improvements is reasonably necessitated by the nature of the proposed development; and
- (3) That it is reasonable for the developer to bear the street improvement costs based on the nature of the development.

If the Planning Commission cannot make the findings required, then it shall not require that street improvements be made or an escrow of funds be deposited as a condition to plat approval.

Considerations of Waiver of Subdivision Regulations





As depicted on the submitted plat, the applicant proposes three (3) lots that do not meet the minimum road frontage for the zone (flag lots), connecting to the street via narrow (25-foot wide) access strips (panhandles). Two of the flag lots are contiguous.

Campbell County Subdivision Regulations, Section 415 Lot Arrangement and Sizes, (D) Flag Lots For major divisions of land, specifies that:

*“For major subdivisions of land, the maximum number of flag lots permitted shall not exceed fifteen percent (15%) of the total number of lots for the subdivision. For a major division, no more than two contiguous flag lots shall be permitted.”*

As per Section 140, Waiver of Subdivision Regulations

*“Upon request to the Administrative Official, an applicant, developer or property owner may seek a waiver of any subdivision regulation in this document based upon a written request (including a completed application and related fees). The Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances or refer the request to the Planning Commission for action. An action must make a finding of facts to support the granting of the waiver. This finding of facts must include:*

1. a) *The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and,*

b) *The waiver will not be detrimental to the public welfare.*

*AND at least one of the following:*

2. a) *Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR*

b) *Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR,*

c) *The waiver will provide for an innovative design layout of the subdivision.”*

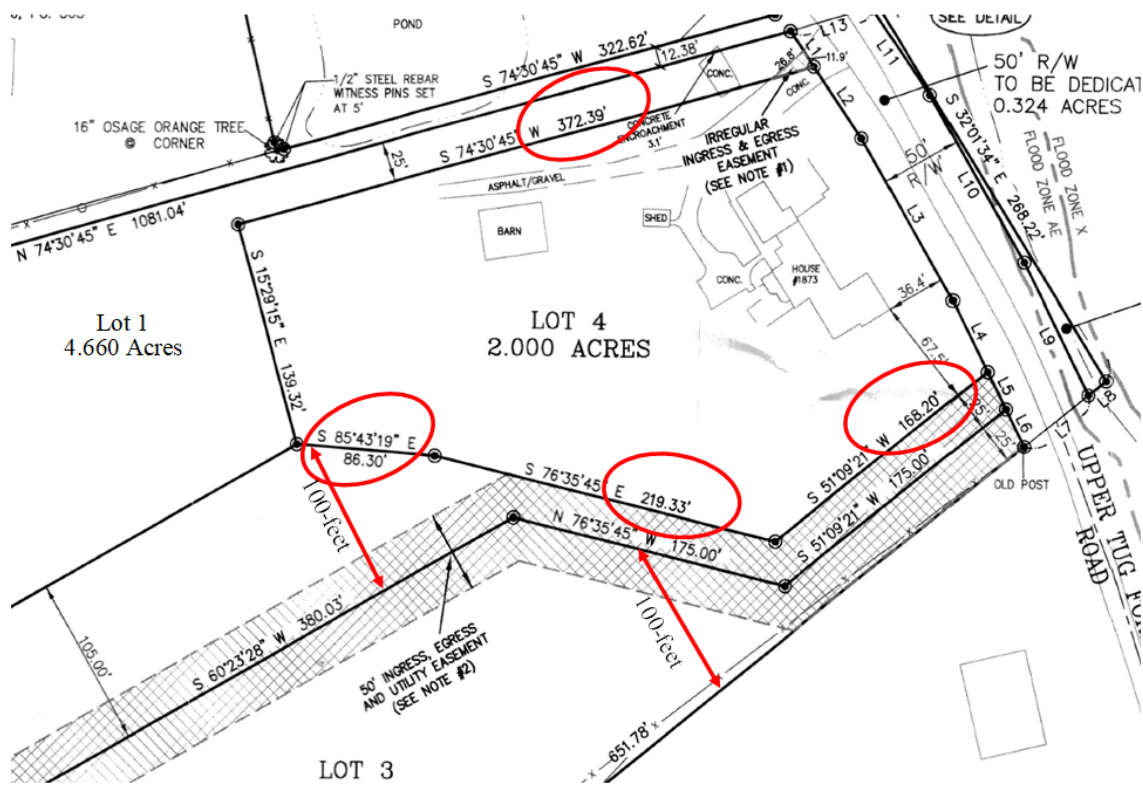
#### **REQUEST:**

Grant a waiver to create a total of three (3) new flag lots. This is a two more than are permitted in the subdivision regulations.

#### **FINDING OF FACTS:**

1. The property is located at 1873 Upper Tug Fork Rd) and is approximately seventeen acres in size.
2. The property is located in the Residential Rural-Estate (R-RE) Zone.
3. The applicant proposes to divide the parcel into seven parcels.
4. The maximum allowable number of flags lots for seven parcels is one (15% of total)
5. Two of the three proposed flag lots exceed the maximum panhandle length.

Zone Requirements	R-RE	Flag Lots in R-RE	Proposed
Minimum Lot Area	1 Acre	1 Acre not including access strip/panhandle	Ranging from 1 to 4.6 acres
Minimum Lot Width	100 Feet	25 Feet for maximum of 350 feet then 100 feet	<ul style="list-style-type: none"> <li>• Lot 1: 25 feet for 372 feet</li> <li>• Lot 2: 25 feet for approximately 470 feet</li> <li>• Lot 3: 25 feet for 175 then widening to 100 feet at approximately 235 feet</li> </ul>



**Staff Comments – Waiver of Subdivision Regulations:**

1. The proposed waiver of subdivision regulations cannot be approved without a dimensional variance for the length of the requested additional flag lots. It is in conflict with the zoning ordinance. Staff cannot recommend approval for the number of flag lots.

**Staff Comments – Final Plat Approval:**

1. Staff cannot make a recommendation to approve the final plat based on the failure of the waiver request to meet the required dimensional requirements of the zone.
2. The frontage along the larger, southern tract is approximately 290 feet. It would be anticipated that based on a legal lot width of 100 feet, this tract could be divided into two parcels without burdening Upper Tug Fork.

\*\*\*\*\*

**CASE:** PZ-24-052  
**APPLICANT:** City of Southgate  
**REQUEST:** Approval of updates to the City of Southgate Code of Ordinances related to medical cannabis stores.

**File Number PZ-24-052:** The City is requesting approval of zoning text amendments to the following sections of the Official Southgate Zoning Ordinance:

- Article VII, Section 7.0 – Definitions
- Article X, Section 10.9 General Commercial (GC) Zone
- Article X, Section 10.12 Light Industrial Park – Research Zone

*See Appendix A for proposed text amendments*

**Recommendation:**

To approve the text amendments to the 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.

\*\*\*\*\*

**CASE:** PZ-24-055  
**APPLICANT:** City of Southgate  
**REQUEST:** Approval of updates to the City of Southgate Code of Ordinances related to accessory dwelling units (ADU's).

**File Number PZ-24-055:** The City is requesting approval of zoning text amendments to the following sections of the Official Southgate Zoning Ordinance:

- Article VII, Section 7.0 - Definitions
- Article X, Section 10.1 Residential One – E (R-1E) Zone
- Article X, Section 10.2 Residential One – F (R-1F) Zone
- Article X, Section 10.3 Residential One – G (R-1G) Zone
- Article X, Section 10.4 Residential One – Gh (R-1Gh) Zone
- Article X, Section 10.5 Residential One – H (R-1H) Zone

An accessory dwelling unit (ADU) is a separate residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs are sometimes referred to as in-law suites, secondary suites, multigenerational suites, etc. . .

The demand for additional accessory housing is increasing nationwide for a variety of reasons. Many families are seeing a need to keep separate spaces for their adult children or aging relatives. The current regulations effectively prohibit ADUs.

The regulations do not define the term “Accessory Dwelling Unit”. Accessory “uses” are listed in the Zoning Ordinance, however. Accessory uses that are specific to each individual zone are listed out in the respective sections in addition to “Customary Accessory Uses”, a use found in all zones. The regulations define a “Customary Accessory Building or Use” as one which:

- A. Is subordinate to and serves the principal building or principal use;
- B. Is subordinate in area, extent, and purpose, to the principal building or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served, with the single exception of public parking buildings or garages as are permitted to locate elsewhere than on the same lot with the building or use served.

*Is an ADU subordinate to, and does it serve the principal building or principal use?*

*Is it subordinate in area, extent, and purpose, to the principal building or principal use served?*

*Does it contribute to the comfort, convenience, or necessity of occupants of the principal building or principal use served?*

*Is it located on the same lot as the principal building or principal use served?*

Staff concedes that an ADU *can* be:

- subordinate in area, extent, and purpose, to the principal building or principal use served(2); and
- located on the same lot as the principal building or principal use served(4).

However, the regulations are too vague to allow an ADU to be considered:

- subordinate to and in service of the principal building or use; and
- contributing to the comfort, convenience, or necessity of occupants of the principal building or principal use served.

Without an ADU definition, it is a slippery slope in applying the definitions of “Customary Accessory Structure” to ADUs. The standard interpretation of “Customary Accessory Structures” does not include habitable structures.

As it is currently written, the ordinance can effectively allow an *internal or attached* ADU within a single-family detached dwelling. Staff has been able to permit an ADU as an addition to or converted portion of an existing home. The suite may include its own separate kitchen, bathroom, sleeping and living areas.

Building and zoning codes do not limit the number of kitchens, bathrooms and bedrooms in a single-family dwelling. As a part of a single family dwelling, a secondary suite would not be required to have minimum fire separations between it and the rest of the house. It may have it’s own entrance but must have indoor accessibility from the main area of the house. The suite must share the same address, utilities, and deeded ownership. The suite may not be used as an apartment for short term or long term rentals. Buildings with secondary suites must remain under one ownership and address, and that they may not receive separate utilities.

This application of the current regulations does not permit a detached structure.

**CONSIDERATIONS:**

The demand for ADUs is increasing. In some cases, a land division is possible to create a new building lot for the new house. In the majority of cases, however, a land division is not possible due to minimum lot area and frontage requirements.

Relaxed requirements for ADUs do create a potential for abuse. The ability to construct what is essentially multi-family housing in single-family zones may produce unwanted consequences. For this reason, staff proposes that ADUs be a *conditional use* so that they may be considered on a case-by-case basis in a public hearing with the Board of Adjustments.

*See Appendix B for proposed text amendments*

**Recommendation:**

To approve the text amendments to the 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.

\*\*\*\*\*

CASE: PZ-24-056  
APPLICANT: City of Woodlawn  
REQUEST: Zoning text amendment to add an R-3 Multifamily Residential zoning district to the Woodlawn Zoning Ordinance

**File Number PZ-24-056:** The City is requesting approval of zoning text amendments to the following sections of the Official Woodlawn Zoning Ordinance:

- Article VII, Section 7.0 - Definitions
- Article X - Zone Regulations
- Article XVII, Section 17.0 Amendment Procedure

*See Appendix C for proposed text amendments*

**Recommendation:**

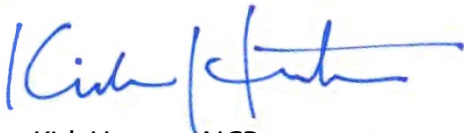
To approve the text amendments to the Zoning Ordinance, and forward the recommendation to City Council for adoption.

**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



Kirk Hunter, AICP  
Principal Planner

\*\*\*\*\* A P P E N D I C E S \*\*\*\*\*

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

**APPENDIX A**

**File Number PZ-24-052:** Zoning text amendments to the Official Southgate Zoning Ordinance:

**ARTICLE VII - DEFINITIONS**

***DRAFT***

**SECTION 7.0 - WORDS AND PHRASES:**

CANNABIS: See MARIJUANA

CANNABIS CULTIVATOR: An entity licensed as such under KRS Chapter 218B

CANNABIS PROCESSOR: An entity licensed as such under KRS Chapter 218B

CANNABIS PRODUCER: An entity licensed as such under KRS Chapter 218B

MARIJUANA: All parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin or any compound, mixture, or preparation that contains any quantity of these substances. The term "marijuana" does not include:

1. Industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the Department of Agriculture permitting that person to cultivate, handle, or process industrial hemp;
2. Industrial hemp products that do not include any living plants, viable seeds, leaf materials, or floral materials;
3. The substance cannabidiol, when transferred, dispensed, or administered pursuant to the written order of a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine;
4. For persons participating in a clinical trial or in an expanded access program, a drug or substance approved for the use of those participants by the United States Food and Drug Administration;
5. A cannabidiol product derived from industrial hemp, as defined in KRS 260.850; or
6. A cannabidiol product approved as a prescription medication by the United States Food and Drug Administration.

MEDICINAL MARIJUANA DISPENSARY: An entity licensed as such under KRS Chapter 218B

SAFETY COMPLIANCE FACILITY: An entity licensed as such under KRS Chapter 218B

**DRAFT**

## **ARTICLE X - ZONES**

### **SECTION 10.9 SC (GENERAL COMMERCIAL) ZONE**

...

A. PERMITTED USES:

...

75. Medicinal marijuana dispensary.

### **SECTION 10.12 LIGHT INDUSTRIAL PARK - RESEARCH ZONE:**

A. PERMITTED USES: The following uses are permitted providing all uses are in compliance with the performance standards as set forth in Article XV of this ordinance.

...

9. Medicinal cannabis cultivators, processors, producers, and safety compliance facilities.



**APPENDIX B**

**File Number PZ-24-055:** Zoning text amendments to the Official Southgate Zoning Ordinance:

**ARTICLE VII – WORDS AND PHRASES**

**Article VII, Section 7.0 - Definitions**

DWELLING UNIT, ACCESSORY (ADU): An accessory residential dwelling unit that provides independent living facilities from a primary dwelling unit but resides on the same parcel as the primary dwelling unit.

**ARTICLE X- ZONES**

**SECTION 10.1 R-1E RESIDENTIAL ONE-E ZONE:**

...

- C. **CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

...

12. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.

e. ADU Access:

- i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
- ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.

f. Maximum Height:

- i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
- ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.

g. The ADU may not be used for a home-based business.

h. The ADU may not be held out to the public or used as a short or long-term rental.

i. The primary dwelling unit and the ADU must share the same driveway encroachment.

j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.

k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND  
CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:

1. Minimum lot area - Ten thousand (10,000) square feet
2. Minimum lot width at building setback line - Ninety (90) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width on each side of lot – Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet

4. Minimum side yard width - Fifty (50) feet
5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

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F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable 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, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10.2 R-1F RESIDENTIAL ONE-F ZONE:**

...

- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

...

12. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.
- e. ADU Access:

- i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
  - ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- f. Maximum Height:
  - i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.
- g. The ADU may not be used for a home-based business,
- h. The ADU may not be held out to the public or used as a short or long-term rental.
- i. The primary dwelling unit and the ADU must share the same driveway encroachment.
- j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.
- k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:

1. Minimum lot area - Six thousand (6,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width on each side of lot – Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet

- 5. Minimum rear yard depth - Fifty (50) feet
- 6. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

- 1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
- 2. No outdoor storage of any material (usable 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, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10.3 R-1G RESIDENTIAL ONE-G ZONE:**

...

- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

...

12. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.
- e. ADU Access:

- i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
  - ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- f. Maximum Height:
  - i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.
- g. The ADU may not be used for a home-based business,
- h. The ADU may not be held out to the public or used as a short or long-term rental.
- i. The primary dwelling unit and the ADU must share the same driveway encroachment.
- j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.
- k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:

1. Minimum lot area - Five thousand (5,000) square feet
2. Minimum lot width at building setback line - Fifty (50) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width on each side of lot – Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet

5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable 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, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10.4 R-1Gh RESIDENTIAL ONE-Gh ZONE:**

...

- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

...

13. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.
- e. ADU Access:

- i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
- ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- f. Maximum Height:
  - i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.
- g. The ADU may not be used for a home-based business,
- h. The ADU may not be held out to the public or used as a short or long-term rental.
- i. The primary dwelling unit and the ADU must share the same driveway encroachment.
- j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.
- k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:

1. Minimum lot area - Five thousand (5,000) square feet
2. Minimum lot width at building setback line - Forty (40) feet
3. Minimum front yard depth – Twenty-five (25) feet
4. Minimum side yard width on each side of lot – Five (5) feet
5. Minimum rear yard depth - Twenty-five (25) feet
6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED USES:

1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
2. Minimum lot width - One hundred fifty (150) feet
3. Minimum front yard depth - Fifty (50) feet
4. Minimum side yard width - Fifty (50) feet



5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

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F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable 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, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

**SECTION 10-5 R-1H RESIDENTIAL ONE-H ZONE**

- ...
- C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustment as set forth in Section 9.14 and 18.7 of this ordinance.

...

14. Accessory Dwelling (ADU) unit with the following conditions:

- a. One (1) ADU, either attached or detached is permitted per single family dwelling per lot.
- b. The ADU shall be subordinate in area, extent, and purpose, to the primary dwelling unit;
- c. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.
- d. Location Requirements:
  - i. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or rear yard of the principal structure.
  - ii. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or rear yard of the principal structure.
- e. ADU Access:

- i. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
  - ii. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- f. Maximum Height:
  - i. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
  - ii. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with this section. The maximum height shall not exceed the height of the principal structure.
- g. The ADU may not be used for a home-based business,
- h. The ADU may not be held out to the public or used as a short or long-term rental.
- i. The primary dwelling unit and the ADU must share the same driveway encroachment.
- j. Off-street parking shall meet the requirements of Article XI of this Ordinance and one (1) paved parking pad or one (1) garage parking space shall be provided for the ADU.
- k. The owner of the property shall reside within either the principal or the accessory dwelling unit.

D. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND  
CONDITIONALLY APPROVED ACCESSORY DWELLING UNITS:

- 1. Minimum lot area - Four thousand (4,000) square feet
- 2. Minimum lot width at building setback line - Forty (40) feet
- 3. Minimum front yard depth – Twenty-five (25) feet
- 4. Minimum side yard width on each side of lot – Five (5) feet
- 5. Minimum rear yard depth - Twenty-five (25) feet
- 6. Maximum building height - Thirty-five (35) feet

E. AREA AND HEIGHT REGULATIONS FOR ALL OTHER CONDITIONALLY PERMITTED USES:

- 1. Minimum lot area - Twenty-two thousand five hundred (22,500) square feet
- 2. Minimum lot width - One hundred fifty (150) feet
- 3. Minimum front yard depth - Fifty (50) feet
- 4. Minimum side yard width - Fifty (50) feet

5. Minimum rear yard depth - Fifty (50) feet
6. Maximum building height - Thirty-five (35) feet

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F. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading and unloading shall be provided in accordance with Articles XI and XII.
2. No outdoor storage of any material (usable 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, except an accessory dwelling unit, abuts property in a single-family zone, a ten (10) foot wide screening area as regulated by Section 9.17 of this ordinance shall be required.

## APPENDIX C

File Number PZ-24-056: Zoning text amendments to the following sections of the Official Woodlawn Zoning Ordinance:

### Article VII, Section 7.0 – Definitions

DWELLING, ~~MULTIPLE~~ MULTI-FAMILY: A residential building ~~used and/or arranged for rental occupancy, or cooperatively owned by applicants,~~ having three (3) or more dwelling units, as separate housekeeping units. ~~This type of dwelling shall be inclusive of apartment buildings and group house dwellings.~~

### Article X - Zone Regulations

#### SECTION 10.3 R-3 (RESIDENTIAL THREE) ZONE:

##### A. PERMITTED USES:

1. Two-family residential dwellings.
2. Multi-family residential dwellings.

##### B. ACCESSORY STRUCTURES AND USES:

1. Customary accessory structures or uses.
2. Fences and walls, as regulated by Article XII.
3. Signs, as regulated by Article XV.

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 structures or 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 Article XVIII of this Ordinance:

1. Cemeteries
2. Religious institutions, providing they are located adjacent to an arterial or collector street.
3. Fire and police stations, providing they are located adjacent to an arterial or collector street.
4. Institutions for higher education providing they are located adjacent to an arterial street.
5. Nursery school.
6. Public and parochial schools.

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7. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
8. Recreational uses other than publicly-owned and/or operated as follows
  - a. Golf courses
  - b. Country clubs
  - c. Semi-public swimming pools
9. Elderly / Retirement Housing provided they are located adjacent to an arterial or collector street.
10. Facilities for human medical care – hospital / health care, adult day care, assisted living / residential care, human care clinic, nursing home, providing they are located adjacent to an arterial or collector street.
11. Governmental facilities.
12. Event facility

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

1. MINIMUM LOT AREA - Twelve thousand five hundred (12,500) square feet for the first four (4) dwelling units or less; two thousand (2,000) square feet shall be provided for every dwelling unit thereafter. In the case of this zone more than one principal building, as defined herein, may be permitted on one lot.
2. MINIMUM LOT WIDTH - One hundred (100) feet.
3. MINIMUM FRONT YARD SETBACK – Thirty (30) feet.
4. MINIMUM SIDE YARD SETBACK ON EACH SIDE OF LOT:
  - a. One side: 10 feet
  - b. Total both sides: 25 feet
5. MINIMUM REAR YARD SETBACK - Thirty (30) feet.
6. MAXIMUM BUILDING HEIGHT- Forty (40) feet.

**E. OTHER DEVELOPMENT CONTROLS:**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XIII and XIV of this Ordinance.
2. No outdoor storage shall be permitted except within enclosed containers or structures.
3. No lighting shall be permitted which would glare from this zone into a street or adjacent property.
4. Where a yard of a conditional use abuts property in a single-family residential zone, a ten-foot wide buffer area, regulated by Section 9.17 of this Ordinance, shall be required.

5. A development plan, as regulated by Section 9.19 of this Ordinance, shall be required for any use permitted in this zone, except when development is proposed under the Residential Cluster Development regulations as regulated by Section 10.8 of this Ordinance.

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#### **Article XVII, Section 17.0 Amendment Procedure**

. . .

##### **F. MINIMUM SIZE OF NEW ZONES:**

. . . Subject to the foregoing limitations, every zone shall be of at least the following size: The zoning map or maps shall not be amended, changed, or modified in such manner as to create a freestanding zone of less than one (1) ~~five (5)~~ acres, . . .