# Covington, Kentucky
# Zoning Ordinance

August 15, 2006

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## Section 1.01 Title

The official title of this zoning ordinance is the "Zoning Ordinance of the City of Covington, Kentucky." It is referred to throughout this document as the "zoning ordinance."

## Section 1.02 Authority

This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by state law, including the authority granted by KRS Chapter 100.

## Section 1.03 Effective date

The provisions of this zoning ordinance become effective on August 15, 2006, unless otherwise expressly indicated.

## Section 1.04 Applicability

To the extent allowed by law, the regulations of this zoning ordinance apply to all development, public or private, within the corporate limits of the City of Covington.

## Section 1.05 Purposes

The purposes of this zoning ordinance are to:

**1.05.01** promote the public health, safety, and general welfare of the citizens of Covington;

**1.05.02** provide a guide for the orderly and harmonious physical development of the city;

**1.05.03** promote harmonious relationships among land uses and orderly and compatible land use and development patterns;

**1.05.04** implement the policies and goals contained within officially adopted plans, including the *Comprehensive Plan*;

**1.05.05** promote and enhance the overall quality of life of residents, employees, and visitors;

**1.05.06** ensure the provision of adequate light, air, privacy, and access to property;

**1.05.07** prevent excessive population densities, overcrowding of land or buildings, blight, danger, and congestion in the circulation of people and commodities;

**1.05.08** promote the economic stability of existing land uses and protect them from intrusions by incompatible or harmful land uses;

**1.05.09** encourage environmentally responsible development practices and protect natural resources and other sensitive areas that are in need of special protection;

**1.05.10** preserve the character and quality of residential neighborhoods and promote a range of housing choices for all segments of the community;

**1.05.11** promote economically vibrant and attractive business and commercial areas and retain and expand the city's employment base;

**1.05.12** create environments that promote bicycle, pedestrian, and transit use;

**1.05.13** promote the conservation, protection, restoration, and enhancement of the city's visual, scenic, and historic resources;

**1.05.14** promote the arts and culture, education, tourism, and diversity of the city;

**1.05.15** lessen congestion in the public streets by requiring off-street parking and loading;

**1.05.16** provide attractive and effective signage that is compatible with the surrounding urban environment;

**1.05.17** establish clear and efficient development review and approval procedures consistent with the requirements of KRS Chapter 100;

**1.05.18** define powers and duties of the administrative officers, hearing officers, and other review and decision-making bodies consistent with the requirements of KRS Chapter 100;

**1.05.19** provide appropriate penalties and enforcement mechanisms; and

**1.05.20** facilitate fire and police protection and prevent loss of life, health, or property from fire, flood, or other dangers.

## Section 1.06 Rules of Construction/Interpretation

### 1.06.01 Numbering Style

A. The provisions of this zoning ordinance are organized into the following hierarchical structure:
- Articles
  - Sections
    - Subsections
      - Paragraphs
        - Subparagraphs

B. The word "Article" precedes all article numbers.

C. The word "Section" precedes all section numbers. The first numerals in a section number, before the first period, identify the article in which the section is located. The second two numerals, following the article number and first period, identify the section number. Thus, "Section 1.06," indicates section 6 of article 1.

D. The two numerals following the section number, after the second period, identify the subsection number. Thus, "1.06.01" identifies subsection 1 of section 6 of article 1.

E. Paragraphs within subsections are identified by capital letters.

F. Arabic numerals are used to identify subparagraphs.

G. Small letters in parenthesis identify sub-subparagraphs.

### 1.06.02 Meanings and Intent

The language of the zoning ordinance must be read literally. Regulations are no more or less strict than stated.

### 1.06.03 Tenses and Usage

A. Words used in the singular include the plural. The reverse is also true.

B. Words used in the present tense include the future tense. The reverse is also true.

C. The words “must,” “will,” “shall” and “may not” are mandatory.

D. The word “may” is permissive.

E. The word “should” is advisory, not mandatory or required.

F. When used with numbers, “up to X,” “not more than X” and “a maximum of X” all include “X.”

**1.06.04 Conjunctions**

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

A. “And” indicates that all connected items or provisions apply; and

B. “Or” indicates that the connected items or provisions may apply singularly or in combination.

**1.06.05 Fractions**

**A. Minimum Requirements**

When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 linear feet is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to 2 required trees.

**B. Maximum Limits**

When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 1,000 square feet is applied to a 3,750 square foot lot, the resulting fraction of 3.75 is rounded down to 3 (dwelling units).

**1.06.06 Headings and Illustrations**

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between

the text of this zoning ordinance and any heading, drawing, table, figure, or illustration, the text controls.

### 1.06.07 References to Other Regulations

All references in the zoning ordinance to other city, county, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply that the city is or will be responsible for enforcing county, state, or federal regulations.

### 1.06.08 Current Versions and Citations

All references to documents or to other city, county, state, or federal regulations must be interpreted as references to the most current version of such documents or regulations, unless otherwise expressly indicated. If referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance are no longer in effect.

### 1.06.09 Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

### 1.06.10 Delegation of Authority

Whenever a provision appears requiring an officer, employee, board or commission to perform an act or duty, that provision will be construed as authorizing the referenced officer, employee, board or commission to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such a delegation or when such delegation is prohibited by law.

### 1.06.11 Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are those of the City of Covington unless otherwise expressly stated.

## Section 1.07 Official Zoning Map

### 1.07.01 Adoption

The location and boundaries of the zones established by this zoning ordinance are shown on the official zoning map, entitled "Official Zoning Map of the City of Covington, Kentucky." That map—together with all notations, references, data, and other information shown on the map—is hereby adopted and incorporated into this zoning ordinance. The official

zoning map must remain on file (in paper copy or digital file format) in the offices of Planning and Development Services of Kenton County (PDS) and be available for public inspection. An up-to-date, exact copy of the zoning map must also be kept on file in the offices of the city department designated by the City Commission.

### 1.07.02 Zoning Map Amendments

A. Where changes are made to zone boundaries in accordance with the procedures of Section 12.04 and the Kentucky Revised Statutes, such changes must be made on the official zoning map promptly after the amendment has been approved by the City Commission. The City Commission must provide PDS with a certified copy of the amendment in order that the official zoning map may be changed. Failure to comply with the procedures of this paragraph does not affect the validity of an approved zoning map amendment.

B. No changes of any nature may be made on the official zoning map that are not in conformity with the procedures set forth in this zoning ordinance.

### 1.07.03 Replacement of Official Zoning Map

If the official zoning map becomes damaged, destroyed, lost, or is otherwise deemed in need of replacement because of its age or because of inaccurate or outdated base map information (e.g., rights-of-way or subdivision information), Planning and Development Services of Kenton County may prepare a reproduction of the official zoning map, which will supersede the prior official zoning map. Such a replacement may not have the effect of amending the official zoning map.

## Section 1.08 Interpretation of Zone Boundaries

Rules for interpretation of zone boundaries are as follows:

**1.08.01** Boundaries indicated as approximately following the rights-of-way of a street, alley, or other public way will be construed to follow such rights-of-way lines and when the rights-of-way are officially vacated, the zones bordering such rights-of-way will be extended out to the centerline of the vacated rights-of-way.

**1.08.02** Boundaries indicated as approximately following platted lot lines will be construed as following such lot lines.

**1.08.03** Boundaries indicated as approximately following political boundary lines will be construed as following such boundary lines.

**1.08.04** Boundaries indicated as approximately following the rights-of-way of railroad lines will be construed as following such lines.

**1.08.05** Boundaries indicated as approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines or other bodies of water will be construed to follow such centerlines.

**1.08.06** Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map, will be construed as following such ground elevation lines.

**1.08.07** Boundaries indicated as approximately parallel to features indicated in divisions 1.08.01 through 1.08.06 of this section will be construed as parallel to such features. Boundaries indicated as approximate extensions of features will be so construed. Distances not specifically indicated on the official zoning map will be determined by the scale of the map, if an accurate legal description cannot be determined.

## Section 1.09 Zoning Classification upon Annexation

When an area is annexed or proposed to be annexed to the City, the zoning to be applied to the area must meet the requirements of KRS 100.209 and KRS 81A.420(1).

## Section 1.10 Minimum Requirements

The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance's stated purpose and intent.

## Section 1.11 Conflicting Provisions

### 1.11.01 Conflict with State or Federal Regulations

If the provisions of this zoning ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

### 1.11.02 Conflict with Other City Regulations

If the provisions of this zoning ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls on development.

### 1.11.03 Conflict with Private Agreements and Covenants

This zoning ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by a private agreement, the provisions of this zoning ordinance will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning ordinance, the provisions of the private agreement will control. The city does not enforce or maintain a record of private agreements.

## Section 1.12 Nature of Provisions

The provisions of this zoning ordinance pose limitations and requirements in addition to all other applicable laws and ordinances.

## Section 1.13 Transitional Provisions

### 1.13.01 Construction in Progress

Nothing in this zoning ordinance requires a change in the plans, construction, or designated use of any building for which actual construction was lawfully begun before August 15, 2006, and on which actual construction has been diligently pursued. For the purpose of this provision, “actual construction” means the placing of construction materials in permanent position and fastened in a permanent manner, and/or demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently pursued until completion of the building. Grading of a site in preparation for construction does not constitute actual construction. Construction activities may not commence until all required building and zoning permits for construction and/or demolition have been obtained.

### 1.13.02 Approvals Granted Before August 15, 2006

Building permits, variances, conditional-use permits, zoning map amendments, final subdivision approvals, and other similar development approvals that are valid on August 14, 2006, will remain valid until their expiration date. Development must be completed in conformance with valid approvals, even if such building, development, or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development, or structure must meet the zoning ordinance standards in effect at the time of re-application.

### 1.13.03 Applications in Progress Before August 15, 2006

Complete applications for building permits, variances, conditional-use permits, and other similar development approvals that are pending

approval on August 15, 2006, must be reviewed wholly under the terms of the zoning ordinance in effect on August 14, 2006. Any re-application for an expired approval must meet the zoning ordinance standards in effect at the time of re-application.

### 1.13.04 Violations Continue

Any violation of the previous zoning ordinance will continue to be a violation under this zoning ordinance and be subject to penalties and enforcement under Article 15. If the use, development, construction, or other activity that was a violation under the previous ordinance complies with the express terms of this zoning ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before August 15, 2006. The adoption of this zoning ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before August 15, 2006.

### 1.13.05 Nonconformities

Any nonconformity under the previous zoning ordinance will also be a nonconformity under this zoning ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this zoning ordinance, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that was illegal under the previous zoning ordinance does not achieve nonconforming status under this zoning ordinance merely by repeal of the previous zoning ordinance.

## Section 1.14 Severability

If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion held to be invalid or unconstitutional is to be deemed severed from the zoning ordinance and in no way affects the validity of any other portion of the zoning ordinance.

# Article 2. Residential Zones

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Section 2.03 Lot and Building Standards....2-5
Section 2.04 Residential Infill Development....2-8
Section 2.05 Cluster Development....2-12

## Section 2.01 Purpose and Intended Character

The residential zones have the following purposes and intended character.

### 2.01.01 RR-40, Rural Residential

The RR-40, Rural Residential zone is primarily intended to accommodate very low-density residential development that is in keeping with the established rural and semi-rural character that exists in some areas of the city. The RR-40 zone encourages the preservation of open space and natural resources through an as-of-right cluster development option.

### 2.01.02 RS-20, Suburban Residential

The RS-20, Suburban Residential zone is primarily intended to accommodate very low-density residential development that is in keeping with the established suburban character of some areas of the city. The RS-20 zone encourages the preservation of open space and natural resources through an as-of-right cluster development option.

### 2.01.03 RS-12.5, Suburban Residential

The RS-12.5, Suburban Residential zone is primarily intended to accommodate low-density residential development that is in keeping with the established suburban character of some areas of the city. The RS-12.5 zone encourages the preservation of open space and natural resources through an as-of-right cluster development option.

### 2.01.04 RS-7.5, Suburban Residential

The RS-7.5, Suburban Residential zone is primarily intended to accommodate low- to moderate-density residential development that is in keeping with the established suburban character of some areas of the city. The RS-7.5 zone encourages the preservation of open space and natural resources through an as-of-right cluster development option.

### 2.01.05 RU-5, Urban Residential

The RU-5, Urban Residential zone is intended to accommodate moderate-density residential development that is in keeping with the established character of some areas of the city. The RU-5 zone is primarily intended to be applied in already built-up areas, although the zone may also be used to accommodate development in developing, suburban areas with excellent transportation access and a full range of urban facilities and services.

Special infill development standards apply in built-up areas to help ensure that new development is compatible with the surrounding context.

**2.01.06 RU-3.5, Urban Residential**

The RU-3.5, Urban Residential zone is intended to accommodate moderate-density residential development that is in keeping with the established character of some areas of the city. The RU-3.5 zone is primarily intended to be applied in already built-up areas with excellent transportation access and a full range of urban facilities and services. Special infill development standards apply in built-up areas to help ensure that new development is compatible with the surrounding context.

**2.01.07 RU-2, Urban Residential**

The RU-2, Urban Residential zone is intended to accommodate moderate-density residential development consisting of detached houses and attached houses that is in keeping with the established character of some areas of the city. The RU-2 zone is primarily intended to be applied in already built-up areas with excellent transportation access and a full range of urban facilities and services. Special infill development standards apply in built-up areas to help ensure that new development is compatible with the surrounding context.

**2.01.08 RU-2A, Urban Residential**

The RU-2A, Urban Residential zone is intended to accommodate moderate-density residential development consisting of detached houses, attached houses, and two-unit residential buildings that is in keeping with the established character of some areas of the city. The RU-2A zone is primarily intended to be applied in already built-up areas with excellent transportation access and a full range of urban facilities and services. Special infill development standards apply in built-up areas to help ensure that new development is compatible with the surrounding context.

**2.01.09 RU-2B, Urban Residential**

The RU-2B, Urban Residential zone is intended to accommodate moderate-density residential development consisting of a wide variety of housing types that is in keeping with the established character of some areas of the city. The RU-2B zone is primarily intended to be applied in already built-up areas with excellent transportation access and a full range of urban facilities and services. Special infill development standards apply in built-up areas to help ensure that new development is compatible with the surrounding context.

**2.01.10 RU-1, Urban Residential**

The RU-1, Urban Residential zone is intended to accommodate moderate- to high-density residential development that is in keeping with the

established character of some areas of the city. The RU-1 zone is primarily intended to be applied in already built-up areas with excellent transportation access and a full range of urban facilities and services. Special infill development standards apply in built-up areas to help ensure that new development is compatible with the surrounding context.

### 2.01.11 RU-0.5, Urban Residential

The RU-0.5, Urban Residential zone is intended to accommodate moderate- to high-density residential development that is in keeping with the established character of some areas of the city. The RU-0.5 zone is primarily intended to be applied in already built-up areas with excellent transportation access and a full range of urban facilities and services. Special infill development standards apply in built-up areas to help ensure that new development is compatible with the surrounding context.

## Section 2.02 Allowed Uses

Uses are allowed in residential zones in accordance with the use table of this section (below).

### 2.02.01 Permitted Uses

Uses identified with a “P” are permitted by right in the subject zone, subject to compliance with all other applicable standards of this zoning ordinance.

### 2.02.02 Conditional Uses

Uses identified with a “C” may be allowed if reviewed and approved in accordance with the Conditional Use procedures of Section 12.07, subject to compliance with all other applicable standards of this zoning ordinance.

### 2.02.03 Prohibited Uses

Uses identified with a “–” are expressly prohibited. Uses that are not listed in the table are also prohibited.

### 2.02.04 Standards and Conditions

The “Use-Specific Standards” column of the Use Table identifies (by cross-reference) specific standards and conditions that apply to some uses. Footnotes (denoted with bracketed numbers; e.g., [1]) may also be used to identify specific standards and conditions that apply. Such footnotes are located immediately following the use table.

### 2.02.05 Use Table

| **Use Category** (Defined in Article 16) | **RR** | **RS** | **RU** | **RU** | **RU** | **RU** | **RU** | **RU** | **RU** | **Use-Specific** |
|---|---|---|---|---|---|---|---|---|---|---|
| Specific Use Type | **40** | **20<br>12.5<br>7.5** | **5** | **3.5** | **2** | **2A** | **2B** | **1** | **0.5** | **Standards** |
| **RESIDENTIAL** | | | | | | | | | | |
| **Household Living** | | | | | | | | | | |
| Detached (single-family) Houses | P | P | P | P | P | P | P | P | P | |
| Lot Line (single-family) Houses | – | – | P | P | P | P | P | P | P | §2.03.02 |
| Attached (single-family) Houses | – | – | P | P | P | P | P | P | P | §2.03.03 |
| Two-unit (two-family) Buildings | – | – | – | C | – | P | P | P | P | |
| Multi-unit (multi-family) Buildings | – | – | – | – | – | C | P | P | P | §Section 6.32 |
| Qualified Manufactured Housing Units | P | P | P | P | P | P | P | P | P | §Section 6.22 |
| **Group Living** | | | | | | | | | | |
| Residential care facility | P | P | P | P | P | P | P | P | P | |
| Nursing home | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | |
| Youth shelter | C | C | C | C | C | C | C | C | C | §Section 6.13 |
| **PUBLIC AND CIVIC** | | | | | | | | | | |
| **Cultural Exhibits and Libraries** | C | C | C | C | C | C | C | C | C | |
| **Day Care** | | | | | | | | | | |
| Babysitting or Family Day Care Home | P | P | P | P | P | P | P | P | P | |
| Day Care, Type 1/Type 2 | C | C | C | C | C | C | C | C | C | §Section 6.07 |
| **Hospital** | – | – | C | – | C | C | – | – | – | §section 6.14 |
| **Lodge or Private Club** | – | – | – | – | – | – | – | C | C | |
| **Recreation and Open Space** | C | C | C | C | C | C | C | C | C | |
| Low-Intensity | P | P | P | P | P | P | P | P | P | |
| High-Intensity | C | C | C | C | C | C | C | C | C | |
| **Religious Assembly** | C | C | C | C | C | C | C | C | C | |
| **Safety Services** | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | |
| **Schools** | C | C | C | C | C | C | C | C | C | |
| **Utilities** | | | | | | | | | | |
| Essential services | P | P | P | P | P | P | P | P | P | |
| Major | C | C | C | C | C | C | C | C | C | |
| **COMMERCIAL** | | | | | | | | | | |
| **Artist Studios** | | | | | P | P | P | P | P | |
| **Funeral and Internment Services** | | | | | | | | | | |
| Cemetery | P | C | C | C | C | C | C | C | C | |
| Funeral home (undertaking) | – | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | C[1] | |
| **Lodging** | | | | | | | | | | |
| Bed and Breakfast | – | – | C | C | C | C | C | – | – | §Section 6.04 |
| **Neighborhood Retail Sales and Service** | – | – | P | P | P | P | P | P | P | §Section 6.20 |
| **Office** (no medical or dental offices/clinics) | – | – | C | C | C | C | C | C | C | |
| **Reuse of Historic Commercial Structure** | C | C | C | C | C | C | C | C | C | §14.05.06, E. |

| **Use Category** (Defined in Article 16) | **RR** | **RS** | **RU** | **RU** | **RU** | **RU** | **RU** | **RU** | **RU** | **Use-Specific** |
|---|---|---|---|---|---|---|---|---|---|---|
| Specific Use Type | **40** | **20 12.5 7.5** | **5** | **3.5** | **2** | **2A** | **2B** | **1** | **0.5** | **Standards** |
| **O T H E R** | | | | | | | | | | |
| Community Garden | P | P | P | P | P | P | P | P | P | §Section 6.33 |
| Neighborhood parking lot | – | – | P | P | P | P | P | P | P | |
| Greenhouse or nursery | P | – | – | – | – | – | – | – | – | |
| Roadside stand | P | – | – | – | – | – | – | – | – | |
| Stable or riding academy | P | – | – | – | – | – | – | – | – | §Section 6.27 |

[1] Allowed only on lots adjacent to an arterial street.

## Section 2.03 Lot and Building Standards

All lots and buildings in residential zones must comply with the lot and building standards of this section, (Sec. 2.03.01 below), except as otherwise expressly allowed by the lot line house standards of Sec. 2.03.02, the attached house standards of Sec. 2.03.03, the residential infill development standards of Section 2.04, or the cluster development standards of Section 2.05. See Section 9.08for other rules governing measurements and exceptions to these standards.

### 2.03.02 Table of Lot and Building Standards

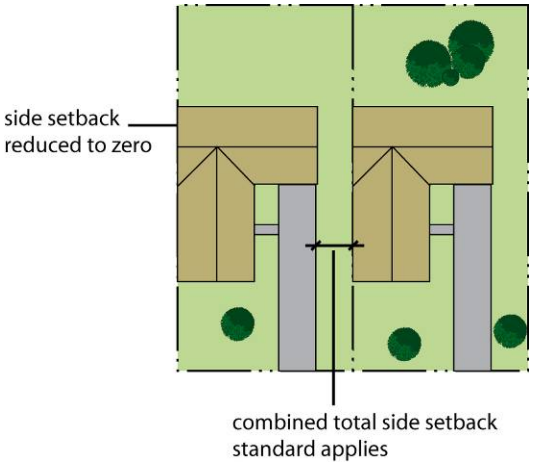
| | **RR-40** | **RS-20** | **RS-12.5** | **RS-7.5** | **RU-5** | **RU-3.5** | **RU-2 , 2A, 2B** | **RU-1** | **RU-0.5** |
|---|---|---|---|---|---|---|---|---|---|
| **Minimum lot area** (square feet) | 40,000 | 20,000 | 12,500 | 7,500 | 5,000 | 3,500 | 2,000 [3] | 2,000 | 2,000 |
| **Minimum lot area for multi-unit buildings** (square feet) | NA | NA | NA | NA | NA | NA | 6,000 | 6,000 | 6,000 |
| **Min. lot area per dwelling unit** (sq ft) | 40,000 | 20,000 | 12,500 | 7,500 | 5,000 | 3,500 | 2,000 [2] [3] | 1,000 | 700 |
| **Maximum density of cluster development** (dwelling units/net acre) | 1.1 | 2.2 | 3.5 | 5.8 | 8.7 | 12.4 | 21.8 | 43.6 | 62.2 |
| **Minimum lot width** (feet) | 150 | 100 | 80 | 60 | 50 | 35 | 20 | 20 | 20 |
| **Minimum setbacks** (feet) | | | | | | | | | |
| Front | 50 | 35 | 35 | 30 | 20 | 15 [1] | 10 [1] | 10 [1] | 10 [1] |
| Rear | 50 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 |
| Side (1 side/combined total) | 50/100 | 15/30 | 7/20 | 5/15 | 3/10 | 2/6 | 2/4 | 2/4 | 2/4 |
| **Maximum height** (feet) | 35 | 35 | 35 | 35 | 35 | 38 | 38 | 38 | 50 |
| **Minimum height** (feet) | NA | NA | NA | NA | 24 | 24 | 24 | 24 | 24 |

[1] Street-facing garages, where allowed, must be setback at least 20 feet.
[2] Within the RU-2B Zone, the minimum lot area per dwelling unit is 2,000 square feet, except that in the case of an existing building, one dwelling unit shall be permitted for each 1,000 square feet of gross floor area in the building, not including the basement.
[3] In the case of an existing building within the RU-2A Zone, the minimum lot area shall be 1,800 square feet per dwelling unit. This provision only applies to an existing building being converted into single-family residential

### 2.03.02 Lot Line (Single-Family) Houses

A. All lot line houses must comply with the lot and building standards of Sec. 2.03.01, except when those standards are expressly modified by the lot line house standards of this subsection (2.03.02).

B. The side setback on one side of a lot may be reduced to zero. The minimum setback on the other side of the lot must comply with the applicable side setback standards of Sec. 203.01.



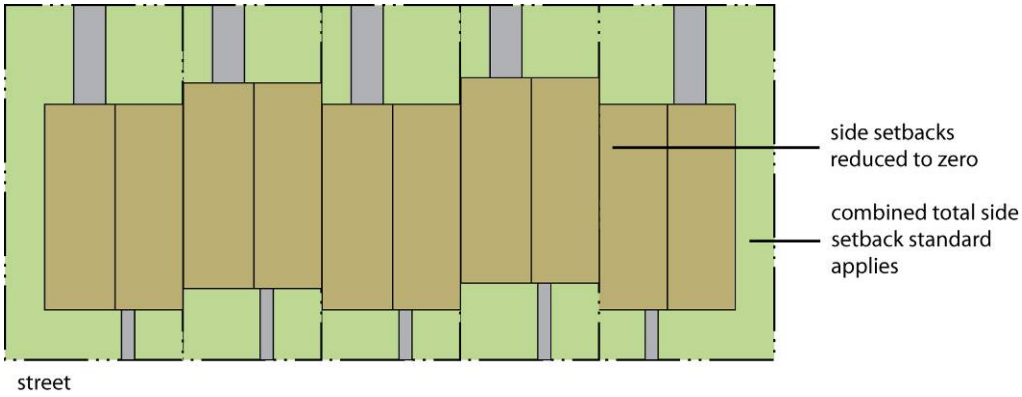

C. Eaves and other building projections on the side of a house with a reduced setback may not project over the abutting lot line unless: (a) an easement for the projection is obtained from the abutting owner and recorded with the Kenton County Clerk, and (b) such projections are located at least 9 feet above the ground.

D. When the exterior wall or eaves are set back less than 2 feet from the lot line, an easement must be obtained from the abutting owner and recorded with the Kenton County Clerk. The easement must ensure at least 2 feet of unobstructed space between the furthermost projection of the structure (including the eave) and the edge of the easement. This provision is intended to ensure the ability to conduct maintenance and upkeep activities on the lot line house.

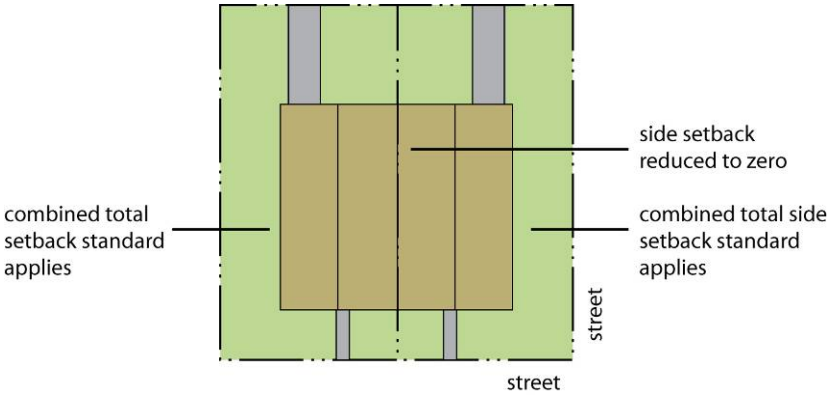
E. Windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed on lot line houses. Windows that do not allow visibility into the side yard of the adjacent lot, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

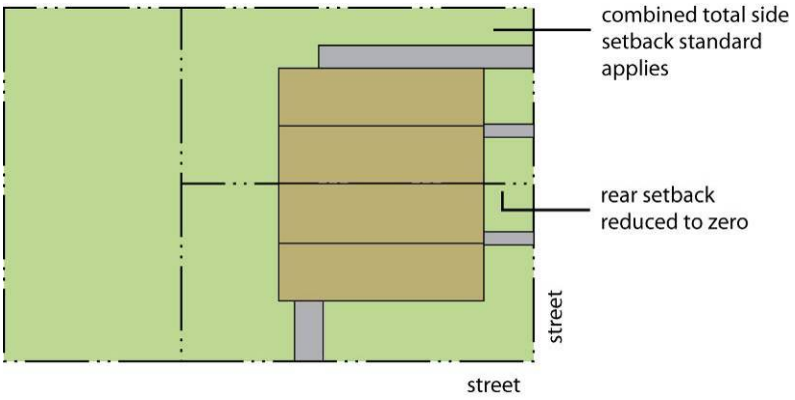
### 2.03.03 Attached (Single-Family) Houses

#### A. General




1. All attached houses must comply with the general lot and building standards of Sec. 2.03.01, except when those standards are expressly modified by the attached house standards of this subsection (2.03.03).
2. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling units.
3. No side setback is required for common or abutting walls.
4. Street-facing garage doors may comprise no more than 40 percent of the width of the front facade of an attached house. All street-facing garage doors must be recessed at least 5 feet from the front façade of an attached house. The intent of these standards is to prevent garages from being the dominant visual feature on the front of the building.
5. On corner lots, either the rear setback or side setback may be reduced to zero. However, the remaining side or rear setback must comply with the general lot and building standards of Sec. 2.03.01.






6. The minimum total (combined) side setback standard of Sec. 2.03.01applies along the sides of the building that do not have common or abutting walls.

**B. RU-5 and RU-3.5 Zones**

No more than 2 units may be attached by a common wall. Structures containing 3 or more attached dwelling units are prohibited in the RU-5 and RU-3.5 zones.

**C. RU-2, RU-1 and RU-0.5 Zones**

The following standards apply to attached houses in the RU-2, RU-1 and RU-0.5 zones.

1. Up to 8 dwelling units may be attached (have common or abutting walls) in theRU-2, RU-1 and RU-0.5 zones. Structures containing 9 or more attached houses are prohibited.
2. The roof of each attached house must be distinct from the others through separation of roof pitches or direction, or other variation in roof design.
3. Common access to the rear of the lots is required for access to parking areas (individual or common) and may take the form of a public right-of-way (alley) or private easement. Private access drives must be at least 12 feet wide if designed for one-way traffic and at least 20 feet wide if designed for two-way traffic.

## Section 2.04 Residential Infill Development

### 2.04.01 Purpose

The Infill Development standards of this section are intended to encourage infill development and to ensure that such development is compatible with the physical character of the neighborhood in which it is located.

**2.04.02 Applicability**

The Infill Development standards of this section apply in all RU zones to all new residential buildings located on blocks where 50 percent or more of the lots along both sides of the street are occupied by existing buildings.

**2.04.03 Compliance with Lot and Building Standards**

Residential infill development must comply with the general lot and building standards of Sec. 2.03.01, unless otherwise expressly indicated.

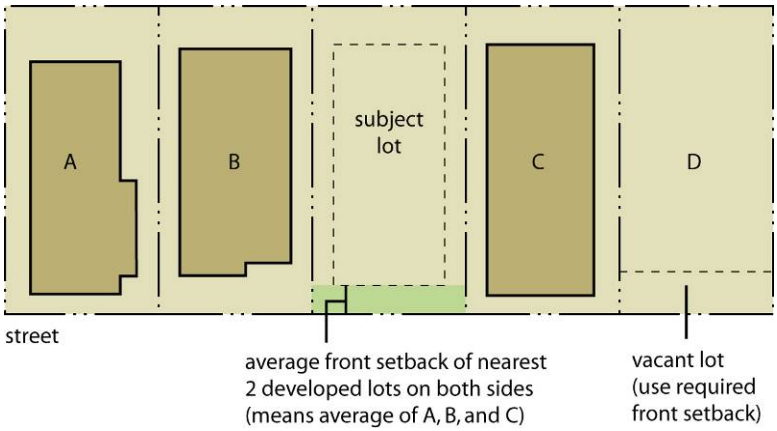
**2.04.04 Review Procedure**

Projects subject to the residential infill standards of this section must be reviewed according to the Building Permit procedure of Section 12.11. Waivers or modifications of residential infill development standards may be approved only through the Design Review procedures of Section 12.15.

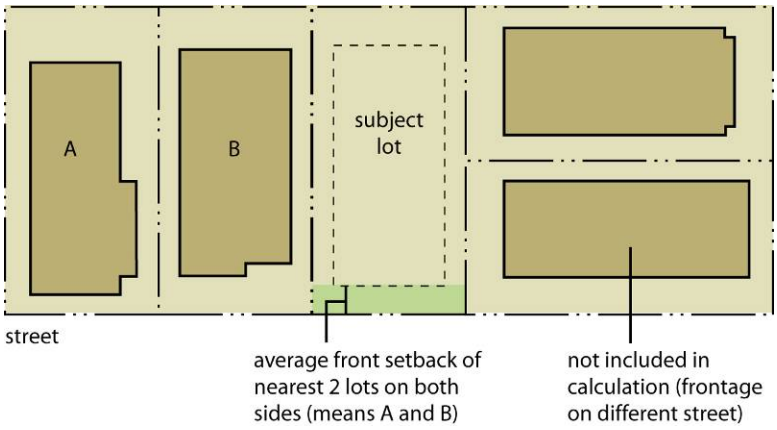
**2.04.05 Front Setbacks**

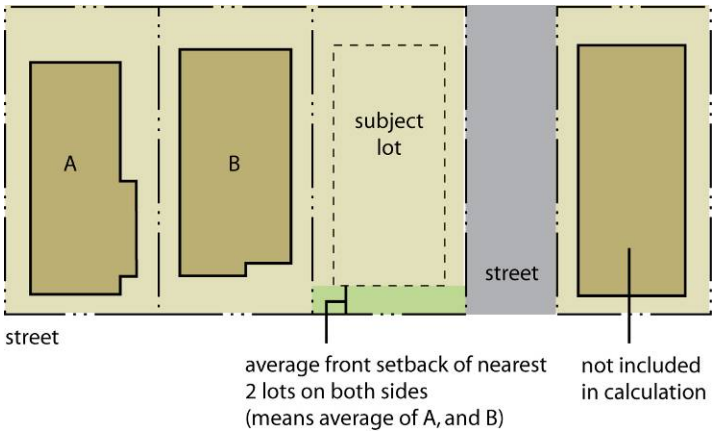
A. Buildings subject to these residential infill development standards must comply with the contextual front setback standards of this section.

B. Contextual front setbacks must be at least as deep as the average front setback that exists on the 2 lots on both sides of the subject lot, in accordance with the following rules:

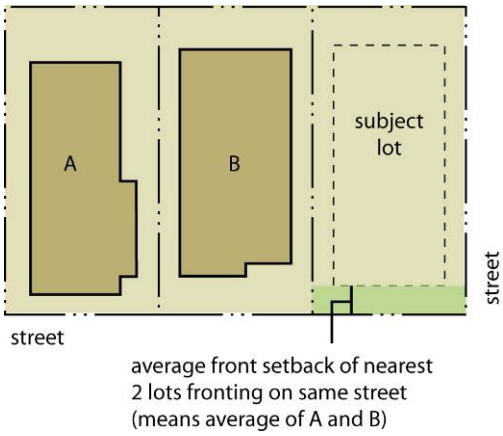



1. Lots that front on a different street than the subject lot or that are separated from the subject lot by a street may not be used in computing the average;

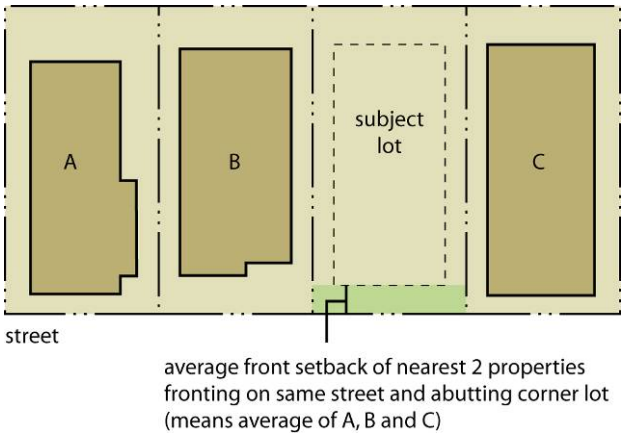



2. When the subject lot is a corner lot, the average setback will be computed on the basis of the 2 nearest developed lots that front on the same street as the subject lot;




3. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest 2 lots that front on the same street as the subject lot; and




4. The setback of vacant lots is assumed to be the front setback required by Sec. 2.03.01.

C. Off-street parking areas and garages must be setback at least 20 feet from the front property line.

### 2.04.06 Height

A. Buildings subject to these residential infill development standards are required to comply with the following contextual height standards.

B. Building heights may not exceed and may be no more than 15% less than the average height of buildings on the 2 nearest developed lots on either side of the subject lot.

1. Lots that front on a different street than the subject lot or that are separated from the subject lot by a street may not be used in computing the average.
2. When the subject lot is a corner lot, the average height will be computed on the basis of buildings on the 2 nearest developed lots that front on the same street as the subject lot.
3. When the subject lot abuts a corner lot fronting on the same street, the average height will be computed on the basis of the building on the abutting corner lot and the buildings on the nearest 2 lots that front on the same street as the subject lot.

### 2.04.07 Building Entrances

A. At least one building entrance must face the street and be directly accessible from the sidewalk except on lots that are 25 feet or less in width.

B. Porches must be provided when 50 percent or more of existing buildings on the block face have porches.

C. On multi-unit buildings, entrances must be emphasized through architectural features, such as porches, transom and sidelight windows, decorative trim and/or arches.

### 2.04.08 Parking and Garages

A. Parking and garages that are provided on-site shall meet the following requirements:

1. Lots with access to an improved alley must use the alley for vehicle access. No new curb cuts from the street or street-facing garages are permitted on lots that have access to an improved alley.
2. Street-facing garage doors may comprise no more than 40 percent of the width of the front facade of the building. All street-facing garage doors must be recessed at least 5 feet from the front façade of the building. The intent of these standards is to prevent garages from being the dominant visual feature on the front of the building.
3. When street-facing garages are allowed, they must be setback at least 20 feet from the front property line and at least 5 feet from the front façade of the building. Double-wide garages doors may not be used on street-facing garages. Two-car garages must use 2 single-side garage doors. Driveways leading from the street may not exceed 12 feet in width.

B. parking that is provided off-site shall be approved only through the Design Review procedures of Section 12.15.

### 2.04.09 Windows

Windows that allow views from the building to the street must comprise at least 15 percent of the street-facing façade of all buildings.

## Section 2.05 Cluster Development

### 2.05.01 Purpose

The cluster development standards of this section are intended to encourage the preservation of open space, the protection of natural resources, such as hillsides, woodlands, and floodplains, and the provision of recreational amenities within residential developments. The regulations have several potential benefits, including:

A. Providing flexible development options where the standard rectilinear lot pattern is not practical because of physical constraints;

B. Promoting the preservation of open space and natural resources;

C. Allowing for common open space and recreation areas in a development project while still achieving the density of the base zone; and

D. Reducing development costs.

### 2.05.02 Description

A. A cluster development is a type of development that complies with the maximum density standards of the base zone but where some or all of the lots are reduced below the minimum lot area and width standards of Sec. 2.03.01. When planning cluster developments, lots and the locations of houses on the lots must be planned at the same time. Because the allowable building envelope of each house is predetermined, greater flexibility in development standards is possible while assuring that the desired character of the zone is maintained.

B. Under the cluster development option, a development can contain no more lots than would otherwise be allowed for a development in the same zone, but individual lots are allowed to be smaller than otherwise required under Sec. 2.03.01. Smaller lot sizes in a cluster development are required to be offset by a corresponding increase in open space.

### 2.05.03 Where Allowed

Cluster developments are allowed in all RR, RS and RU zones.

### 2.05.04 Approval Procedure

Cluster developments are allowed by right. Review of development plans for compliance with applicable regulations must be conducted by the Kenton County Planning Commission's authorized representative prior to

approval by the Zoning Administrator. No permits may be issued by the Zoning Administrator until the Kenton County Planning Commission's authorized representative has approved development plans as being in compliance with the standards of this zoning ordinance.

### 2.05.05 General Lot and Building Standards

The general lot and building standards of Sec. 0 apply to development in cluster developments, except as otherwise expressly stated in this section (Section 2.05).

### 2.05.06 Density

Cluster developments may not exceed the maximum density allowed by the base zone. In calculating the density of the cluster development, the entire area in the development is included, except for public and private streets and rights-of-way and land occupied by nonresidential development. Parks and open space areas may be included in calculating the area of the development.

### 2.05.07 Cluster Lot and Building Standards

**A. Minimum Lot Area and Width**

There is no minimum lot size (area or width) requirement for cluster developments. Lot sizes must be adequate to meet all applicable zoning ordinance standards.

**B. Minimum Setbacks**

1. A setback equal to the minimum front setback of the base zone must be provided along the entire perimeter of the cluster development that is adjacent to any street or right-of-way.
2. A setback equal to the minimum rear setback of the base zone must be provided along the entire perimeter of the cluster development that is not adjacent to any street or right-of-way.
3. In the project, the minimum distance between buildings must be at least six feet. Building separation distances must also be adequate to ensure compliance with all applicable building and fire codes.

### 2.05.08 Building Envelopes

The proposed ground-plane building envelope for all houses must be shown on the plans that accompany the permit application with enough detail to allow a determination of compliance with required development

standards. The ground-plane building envelope must delineate the area on the lot in which the building will be placed.

### 2.05.09 Common Open Space

#### A. Minimum Area

1. At least 40 percent of the total area of a cluster development must be retained as common open space and dedicated to a public or private entity for operation and maintenance.
2. Such open space areas must be used to protect natural resource areas on the site or be devoted to recreational amenities that are located so as to be readily accessible, available to, and usable by all residents of the development.
3. At least 25 percent of the required common open space must be improved with active or semi-active outdoor recreational amenities, such as swimming pools, play areas, ball fields, picnic tables, or walking trails.
4. The following may not be counted toward satisfying common open space requirements: required perimeter setbacks around the development, streets, parking areas, driveways, or development lots.

#### B. Use

Common open space must be set aside and designated as an area where no development will occur, other than recreational amenities or passive open space amenities for residents.

#### C. Maintenance

An enforceable maintenance agreement for any commonly owned areas must be created and recorded.

# Article 3. Commercial and Industrial Zones

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Section 3.02 Purpose and Character of Zones....3-1
Section 3.03 Allowed Uses....3-5
Section 3.04 Lot and Building Standards....3-9
Section 3.05 Character Standards....3-9
Section 3.06 Supplemental Standards for Industrial Zones....3-13

## Section 3.01 Overview of Regulations

Each of the commercial and industrial zones of this article regulates: (1) use/activity; (2) development intensity; and (3) physical character. In recognition of the city's diversity and to allow maximum flexibility to address the differences that exist among areas, the commercial and industrial zone classifications consists of interchangeable parts regulating each of these 3 items. In the CN-1P zone, for example, the use/activity designation is represented by the letters "CN," (neighborhood commercial), the intensity designation is represented by the numeral "1" (a low-intensity designation), and the character designation is represented by the letter "P" (pedestrian) that follows the numeral. The zone regulations are described in the following sections of this article.

## Section 3.02 Purpose and Character of Zones

### 3.02.01 General

A. The commercial zones are intended to accommodate retail, service, business, and commercial uses and to ensure that commercial-zoned areas are compatible with the surrounding neighborhood in terms of physical character and operating characteristics.

B. Many commercial zones are also intended to accommodate mixed-use development consisting of commercial uses on the ground floor or on lower-floors, with residential uses located on upper floors. This type of vertical, mixed-use development is encouraged in many areas of the city because it reflects the city's traditional urban, pedestrian-oriented character.

C. The industrial zones are intended to accommodate manufacturing, warehousing, wholesale, and industrial uses. The regulations are intended to promote the economic viability of manufacturing and industrial uses, encourage employment growth, and limit the encroachment of unplanned residential and other non-industrial development within industrial areas.

### 3.02.02 CN, Commercial–Neighborhood

A. CN zones are intended to accommodate mixed-use, neighborhood-serving commercial uses that have a relatively small-scale, pedestrian-oriented character.

B. CN zones are intended to be applied in compact nodes at the intersection of 2 or more streets or in a cohesive linear fashion along streets characterized by slow traffic speeds and low to moderate traffic volumes (compared to arterial streets).

C. The CN zone is primarily intended to promote storefront-style buildings with residential dwelling units above the ground floor and relatively small-scale neighborhood shopping centers.

D. The CN zone may be combined with the dash 1, dash 2, or dash 3 intensity (lot and building standards) designations and with the "P" or "M" character designations (e.g., CN-1P or CN-2M).

### 3.02.03 CC, Commercial–Community

A. CC zones are intended to accommodate a broad range of commercial and mixed-use development, often in the physical form of shopping centers or in the form of larger buildings than typically found in CN zones. In addition to accommodating development with a different physical form than found in CN zones, the CC zone is also intended to accommodate some types of uses that are not allowed in the CN zone.

B. Development in CC zones will generally be destination-oriented, with a large percentage of customers arriving by automobile.

C. The CC zone permits and is intended to accommodate mixed-use buildings with residential dwelling units above the ground floor.

D. The CC zone is intended to be applied to sites that have primary access to major streets. It may also be used along arterial streets to accommodate retail and service use types that are not allowed in CN zones.

E. The CC zone may be combined with the dash 1, dash 2, or dash 3 intensity (lot and building standards) designations and with the "P," "M," or "A" character designations (e.g., CC-2P or CC-1A).

### 3.02.04 CG, Commercial–General

A. The CG zone is intended to accommodate a very wide variety of commercial uses and development styles.

B. Buildings and uses in CG zones will typically be larger and more intensive than in CN or CC zones, and many of the uses allowed in the CG zone are incompatible with residential neighborhoods.

C. The CG zone is generally intended to be applied to sites adjacent to arterial streets.

D. The CG zone permits and is intended to accommodate mixed-use buildings with residential dwelling units above the ground floor.

E. The CG zone may be combined with the dash 1, dash 2, or dash 3 intensity (lot and building standards) designations and with the "P," "M," or "A" character designations (e.g., CG-2M or CG-1A).

### 3.02.05 CBD, Central Business District

A. The CBD zone is intended to accommodate a very wide variety of high-intensity commercial and vertical mixed-use projects.

B. The CBD zone is intended to preserve and enhance pedestrian-oriented development patterns and to preserve and enhance the central business district's function as a center of employment, shopping, cultural, and entertainment activities.

C. The CBD zone may be combined with the dash 3, dash 5, or dash 7 intensity (lot and building standards) designations and with the "P" or "M" character designations (e.g., CBD-3M or CBD-7P).

### 3.02.06 CT, Commercial–Tourist

A. The CT zone is intended to accommodate specialized retail, service, public, and semi-public uses oriented to visitors and tourists.

B. The CT zone is primarily intended to promote storefront-style buildings with residential dwelling units above the ground floor.

C. The CT zone's development standards are intended to promote pedestrian-oriented development patterns and to provide a transition between higher intensity development and surrounding residential areas.

D. The CT zone may be combined with the dash 1, dash 2, or dash 6 intensity (lot and building standards) designations and with the "P" character designation (e.g., CT-1P or CT-2P).

### 3.02.07 CO, Commercial–Office

A. The CO zone is intended to accommodate large office park developments in a campus-like setting.

B. The CO zone may be combined with the dash 1, dash 2, or dash 3 intensity (lot and building standards) designations and with the "P" or "M" character designations (e.g., OP-1P or OP-2M).

### 3.02.08 CRL, Commercial–Riverfront (Limited)

A. The CRL zone is intended to accommodate low-intensity, riverfront-oriented uses that will not have an adverse impact on nearby residential areas.

B. The CRL zone may be combined with the dash 1 or dash 2 intensity (lot and building standards) designations and with the "P" character designation (e.g., CRL-1P).

### 3.02.09 CRG, Commercial–Riverfront (General)

A. The CRG zone is intended to accommodate moderate-intensity, riverfront-oriented retail, entertainment, public and civic use types.

B. The CRG zone is intended to be applied in areas that will not have an adverse impact on existing or planned residential neighborhoods.

C. The CRG zone may be combined with the dash 1, dash 2 or dash 3 intensity (lot and building standards) designations and with the "P" character designation (e.g., CRG-1P).

### 3.02.10 IP, Industrial Park

A. The IP zone is intended to accommodate low-impact manufacturing, wholesaling, warehousing, and distribution activities that occur within enclosed buildings, typically within industrial or business park settings.

B. The IP zone may be combined with the dash 1, dash 2 or dash 3 intensity (lot and building standards) designations.

### 3.02.11 IL, Industrial–Limited

A. The IL zone is intended to accommodate low- to moderate-impact manufacturing, wholesaling, warehousing, and distribution uses, including storage and work-related activities that occur outside of enclosed buildings.

B. The IL zone may be combined with the dash 1, dash 2 or dash 3 intensity (lot and building standards) designations.

### 3.02.12 IG, Industrial–General

A. The IG zone is intended to accommodate high-impact manufacturing and industrial uses, including extractive and waste-related uses.

B. The IG zone may be combined with the dash 1, dash 2 or dash 3 intensity (lot and building standards) designations.

## Section 3.03 Allowed Uses

Uses are allowed in commercial and industrial zones in accordance with the Use Table of this section (below).

### 3.03.01 Permitted Uses

Uses identified with a “P” are permitted by right in the subject zone, subject to compliance with all other applicable standards of this zoning ordinance.

### 3.03.02 Conditional Uses

Uses identified with a “C” may be allowed if reviewed and approved in accordance with the Conditional Use procedures of Section 12.07. Conditional uses are subject to compliance with all other applicable standards of this zoning ordinance.

### 3.03.03 Prohibited Uses

Uses identified with a “–” are expressly prohibited. Uses that are not listed in the table are also prohibited.

### 3.03.04 Use-Specific Standards

The “Use-Specific Standards” column of the Use Table identifies use-specific standards that apply to some uses.

### 3.03.05 Use Table

| USE GROUP<br>Use Category | Commercial Zones | | | | | | | | Industrial Zones | | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 Specific Use Type | CN | CC | CG | CBD | CT | CO | CRL | CRG | IP | IL | IG | |
| P = permitted by right C = conditional use – = not permitted | | | | | | | | | | | | |
| **RESIDENTIAL** | | | | | | | | | | | | |
| **Group Living** | | | | | | | | | | | | |
| Addiction Treatment Facility | – | C | – | C | – | – | – | – | – | – | – | §Section 6.13 |
| **Household Living** | | | | | | | | | | | | |
| Attached house | C | C | C | C | P | – | – | – | – | – | – | |
| Detached house | C | C | C | C | P | – | – | – | – | – | – | |
| Dwellings in mixed-use buildings | P | P | P | P | P | – | – | – | – | – | – | §Section 6.18 |
| Multi-unit | C | C | C | C | C | – | – | – | – | – | – | |
| Two-unit | C | C | C | C | C | – | – | – | – | – | – | |
| Qualified Manuf. Housing Units | C | C | C | C | C | – | – | – | – | – | – | §section 6.22 |
| **PUBLIC AND CIVIC** | | | | | | | | | | | | |
| **Colleges and Universities** | C | C | C | C | – | P | – | – | C | C | C | |
| **Cultural Exhibits and Libraries** | P | P | P | P | P | P | – | P | – | – | – | |
| **Day Care** | P | P | P | P | P | P | – | – | C | – | – | §Section 6.07 |
| **Hospital** | C | C | C | C | C | P | – | – | – | – | – | §Section 6.14 |
| **Lodge or Private Club** | C | C | C | C | C | C | – | C | C | – | – | §Section 6.17 |
| **Recreation and Open Space** | | | | | | | | | | | | |
| Low-Intensity | P | P | P | P | P | P | P | P | C | C | C | |
| High-Intensity | C | C | C | C | C | C | C | C | C | C | C | |
| **Postal Service** | P | P | P | P | P | P | – | – | P | P | P | |
| **Religious Assembly** | P | P | P | C | C | P | – | – | – | – | – | |
| **Safety Services** | P | P | P | P | P | P | – | – | P | P | P | §Section 6.25 |
| **Schools** | C | C | C | C | C | C | – | – | – | – | – | |
| **Utilities** | | | | | | | | | | | | |
| Essential services | P | P | P | P | P | P | P | P | P | P | P | |
| Major | C | C | C | C | C | C | C | C | C | C | C | |
| **COMMERCIAL** | | | | | | | | | | | | |
| **Animal Services** | | | | | | | | | | | | |
| Sales and grooming | P | P | P | P | – | P | – | – | – | – | – | §Section 6.03 |
| Veterinary hospitals | C | P | P | – | – | – | – | – | P | P | P | |
| Kennels and shelters | – | – | C | – | – | – | – | – | P | P | P | |
| Other (not specifically listed, above) | – | – | C | – | – | – | – | – | P | P | P | |
| **Artist Galleries and Studios (excluding Body Art Services)** | P | -- | P | P | P | -- | -- | -- | -- | -- | -- | |
| **Body Art Services** | – | – | – | – | C | – | – | – | – | – | – | §Section 6.06 |
| **Building Maintenance Services** | | | | | | | | | | | | |
| Indoor | – | – | P | C | – | P | – | – | P | P | P | |
| Outdoor | – | – | C | – | – | – | – | – | P | P | P | |
| **Business Equipment Sales and Service** | P | P | P | P | – | P | – | – | P | – | – | |
| **Business Support Services** | | | | | | | | | | | | |
| Day laborer employment | _ | _ | _ | _ | _ | _ | _ | _ | C | C | P | |

| USE GROUP<br>Use Category | Commercial Zones | | | | | | | | Industrial Zones | | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 Specific Use Type | CN | CC | CG | CBD | CT | CO | CRL | CRG | IP | IL | IG | |
| P = permitted by right C = conditional use – = not permitted | | | | | | | | | | | | |
| agency or pick-up facility | | | | | | | | | | | | |
| Other (not specifically listed, above) | – | C | P | P | – | P | – | – | P | P | P | |
| **Communication Service Establishments** | – | – | P | P | – | P | – | – | P | – | – | |
| **Construction Sales and Service** | | | | | | | | | | | | |
| Indoor | – | – | P | – | – | – | – | – | P | P | P | |
| Outdoor | – | – | P | – | – | – | – | – | P | P | P | |
| **Repair or Laundry Service, Consumer** | | | | | | | | | | | | |
| Laundromat | – | C | – | – | – | – | – | – | – | – | – | |
| Other (not specifically listed, above) | P | P | P | P | P | P | – | – | P | – | – | |
| **Eating/Drinking Establishments** | | | | | | | | | | | | |
| Microdistillery | – | C | C | C | C | C | – | – | – | P | – | |
| Microbrewery | – | C | C | C | C | C | – | – | – | P | – | §Section 6.28 |
| Brewpub | – | P | P | P | P | – | – | – | – | – | – | |
| Restaurant with or without beer, wine or alcohol | P | P | P | P | P | P | P | P | P | – | – | §Section 6.28 |
| Tavern | P | P | P | P | P | P | P | P | P | – | – | §Section 6.28 |
| **Entertainment** | | | | | | | | | | | | |
| Small | P | P | P | P | P | – | P | P | – | – | – | |
| Medium | – | C | P | P | P | – | C | P | – | – | – | §Section 6.08 |
| Large | – | – | C | C | C | – | C | C | – | C | – | §Section 6.09 |
| Bingo Hall | – | C | – | – | – | – | – | – | – | – | – | |
| **Financial Services** | | | | | | | | | | | | |
| Currency exchange (check cashing) | – | C | – | – | – | – | – | – | – | – | – | §Section 6.10 |
| Payday loan | – | C | – | – | – | – | – | – | – | – | – | §Section 6.10 |
| Pawn shop | – | C | – | – | – | – | – | – | – | – | – | §Section 6.10 |
| Tax Preparation Service | C | C | – | – | – | C | – | – | – | – | – | §Section 6.10 |
| Other (not specifically listed, above) | C | P | P | P | P | P | – | – | – | – | – | |
| **Food and Beverage Sales, Retail** | | | | | | | | | | | | |
| Package Liquor (Distilled Spirits) | – | P | C | – | – | – | – | – | – | – | – | |
| Other (not specifically listed, above) | P | P | P | P | P | P | – | – | – | – | – | |
| **Fortune Telling Service** | – | C | – | – | C | – | – | – | – | – | – | §Section 6.11 |
| **Funeral and Internment Services** | C | C | P | – | – | C | – | – | – | – | – | |
| **Gasoline Stations** | – | C | P | – | – | C | – | – | P | P | – | §Section 6.12 |
| **Lodging** | | | | | | | | | | | | |
| Bed and breakfast | P | P | P | P | P | P | – | P | – | – | – | §Section 6.04 |
| Hotel/motel | – | – | P | P | P | P | – | P | – | – | – | |
| **Medical Service** | C | P | P | P | – | P | – | – | – | – | – | |

| USE GROUP<br>Use Category | Commercial Zones | | | | | | | | Industrial Zones | | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 Specific Use Type | CN | CC | CG | CBD | CT | CO | CRL | CRG | IP | IL | IG | |
| P = permitted by right C = conditional use – = not permitted | | | | | | | | | | | | |
| **Office** | P | P | P | P | P | P | – | – | C | C | C | §Section 6.21 |
| **Personal Improvement Service** | P | P | P | P | P | P | – | – | C | C | – | |
| **Residential Storage Warehouse** | – | – | – | – | – | – | – | – | C | C | C | §Section 6.23 |
| **Retail Sales and Service** | | | | | | | | | | | | |
| Antique shop | P | P | P | P | P | P | – | P | – | – | – | |
| Flea market | – | – | – | – | – | – | – | – | – | C | – | §Section 6.24 |
| Furniture rental, consumer | – | C | – | – | – | – | – | – | – | – | – | §Section 6.24 |
| Secondhand store | C | C | – | – | – | – | – | – | – | – | – | §Section 6.24 |
| Vintage clothing store | - | - | - | C | C | - | - | - | - | - | - | |
| Other (not specifically listed above or specifically excluded herein) | P | P | P | P | P | P | – | P | – | – | – | |
| **Sexually Oriented Business** | | | | | | | | | | | | |
| Sexually oriented media store, sex shop or service-oriented escort bureau | – | P | – | P | – | – | – | – | – | – | – | §Section 6.26 |
| A sexually oriented business featuring on-premise entertainment | – | P | – | P | – | – | – | – | – | P | P | §Section 6.26 |
| **Vehicle Sales and Service** | | | | | | | | | | | | |
| Auto supply/ accessory sales | – | – | P | – | – | – | – | – | | – | – | |
| Car wash | – | – | P | – | – | – | – | – | | P | – | |
| New vehicle and equipment sales, light | – | P | P | – | – | – | – | – | – | P | P | |
| Used vehicle and equipment sales, light | – | – | – | – | – | – | – | – | – | C | C | §Section 6.29 |
| Vehicle and equipment sales, heavy | – | – | – | – | – | – | – | – | – | P | P | |
| Vehicle servicing, minor | – | P | P | – | – | – | – | – | – | – | – | §Section 6.19 |
| Vehicle repair, minor | – | C | C | – | – | – | – | – | – | P | – | §Section 6.19 |
| Vehicle repair, major | – | – | – | – | – | – | – | – | – | P | P | |
| **Vendor Retail** | | | | | | | | | | | | |
| Mobile Food Vending Service | - | P | P | P | P | P | - | P | P | P | - | §Section 6.34 |
| Temporary Vendor | - | P | P | P | P | P | - | P | - | - | - | §Section 6.35 |
| **INDUSTRIAL** | | | | | | | | | | | | |
| **Junk/Salvage Yard** | – | – | – | – | – | – | – | – | – | C | P | §Section 6.15 |
| **Manufacturing, Production, and Industrial Service** | | | | | | | | | | | | |
| Limited | – | – | P | – | – | – | – | – | P | P | P | §Section 6.16 |
| General | – | – | – | – | – | – | – | – | – | P | P | |
| Intensive | – | – | – | – | – | – | – | – | – | – | P | |
| **Mining/Excavation** | – | – | – | – | – | – | – | – | – | – | P | |
| **Recycling Facilities** | | | | | | | | | | | | |
| Class I | – | – | – | – | – | – | – | – | P | P | P | |
| Class II | – | – | – | – | – | – | – | – | – | P | P | |
| Class III | – | – | – | – | – | – | – | – | – | C | P | |

| USE GROUP<br>Use Category | Commercial Zones | | | | | | | | Industrial Zones | | | Use-Specific Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 Specific Use Type | CN | CC | CG | CBD | CT | CO | CRL | CRG | IP | IL | IG | |
| P = permitted by right C = conditional use – = not permitted | | | | | | | | | | | | |
| **Warehouse and Freight Movement** | | | | | | | | | | | | |
| Indoor | – | – | C | – | – | – | – | – | P | P | P | |
| Outdoor | – | – | – | – | – | – | – | – | – | P | P | |
| **Waste-Related Service** | – | – | – | – | – | – | – | – | – | – | C | §Section 6.30 |
| **OTHER** | | | | | | | | | | | | |
| **Marine-related Use** | | | | | | | | | | | | |
| Temporary passenger watercraft loading | – | – | – | – | – | – | P | P | – | – | – | |
| Boat docking facilities | – | – | – | – | – | – | P | P | – | – | – | §Section 6.05 |
| Barge and industrial facilities | – | – | – | – | – | – | – | – | – | P | P | |
| **Parking, Non-accessory** | – | C | P | P | C | C | C | C | P | – | – | |
| **Signs, Advertising** | – | – | – | – | – | – | – | – | – | – | – | |

## Section 3.04 Lot and Building Standards

All development in the commercial and industrial zones must comply with the following lot and building standards. See Section 9.08 for other rules governing measurements and exceptions to these standards.

| Standard | Intensity Designation | | | | | |
|---|---|---|---|---|---|---|
| | -1 | -2 | -3 | -5 | -6 | -7 |
| **Maximum floor area ratio** | 1.0 | 2.0 | 3.0 | 5.0 | 6.0 | 7.0 |
| **Min. lot area per dwelling unit** (square feet) | 1,250 | 1,000 | 700 | 500 | 350 | 400 |
| **Maximum height** (stories) | 2 | 3 | 5 | 10 | 7 | None |
| **Minimum Front Setback** (feet) | None | None | None | None | None | None |
| **Minimum Side Setback** (feet) | | | | | | |
| Abutting R Zone | 10% of lot width | | | | | |
| Abutting non-R Zone | None required | | | | | |
| **Minimum Rear Setback** (feet) | | | | | | |
| Abutting property line of R-zoned lot | 25% of lot depth or 25 feet, whichever is less | | | | | |
| Abutting alley, street or non-R Zone | None required | | | | | |
| Floors containing dwelling units | 30 feet | | | | | |

## Section 3.05 Character Standards

### 3.05.01 Building Placement

**A. "P" Designations**

In zones with a "P" suffix (e.g., CN-1P), buildings must be placed within 5 feet of the front and street side property lines.

**B. "M" Designations**

In zones with an "M" suffix (e.g., CC-2M), at least 60 percent of the building facade must be placed within 5 feet of the front and side property lines.

**C. "A" Designations**

In zones with an "A" suffix (e.g., CC-2A), no additional building placement standards apply, other than those governing required setbacks.

**D. Exceptions to Building Placement Requirements**

The following exceptions to the building placement requirements of this subsection apply:

**1. Articulated Building Street Face**

When a portion of the building is set back from the required building placement line in order to provide an articulated or modulated facade, the total area of the space created may not exceed one square foot for every linear foot of building frontage.

**2. Outdoor Eating Areas**

When an outdoor eating area is located on the street frontage, the building placement line may be adjusted, provided that the building is set back no more than 12 feet from the front or street side lot line or at least 40 percent of the façade complies with the building placement line and the total area of the outdoor eating area does not exceed 12 times the building's street frontage in linear feet.

**E. Modifications**

Modifications of building placement standards, other than the exceptions expressly allowed in Section 3.05.01, D., may be approved only through the Board of Adjustment procedure of Section 12.15.

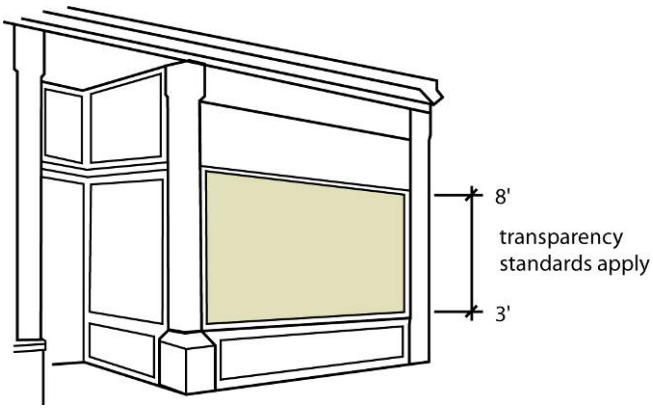
### 3.05.02 Ground-Floor Transparency

**A. Purpose**

The following transparency standards are intended to provide for a more pedestrian-oriented environment by requiring ground-floor windows and doors to engage pedestrians' interest.

**B. Minimum Standard**

Transparent windows and doors must comprise a minimum percentage of the street-facing façade between 3 and 8 feet in height above grade, as specified in the tables below. Such windows and doors must allow views into and out of the building. Materials such as opaque or darkly-tinted glass or glass block are not considered to be transparent.




1. In zones with a "P" suffix (e.g., CN-1P), the following minimum standards apply:

| Street Frontage (linear feet) | Transparency Percentage | |
|---|---|---|
| | Primary Street | Secondary Street |
| 40 or less | 65 | 30 |
| 41-80 | 60 | 40 |
| 81 or more | 50 | 50 |

2. In zones with an "M" suffix (e.g., CC-2M), the following minimum standards apply:

| Street Frontage (linear feet) | Transparency Percentage | |
|---|---|---|
| | Primary Street | Secondary Street |
| 40 or less | 60 | 30 |
| 41-80 | 55 | 40 |
| 81 or more | 50 | 50 |

3. In zones with an "A" suffix, no minimum transparency standards apply.

**C. Display Windows**

Display windows that do not provide visual access into the interior of the building count toward the minimum

transparency percentage, provided that they are at least 2 feet in depth.

**D. Waivers or Modifications**

Waivers or modifications of these transparency standards may be approved only through the Design Review procedure of Section 12.15.

### 3.05.03 Driveways/Curb Cuts

In zones with a "P" or "M" suffix, vehicular access must be from an alley or side street if one is present. No driveway or curb cut standards apply in zones with an "A" suffix, although other regulations may have the effect of controlling or limiting driveway access to streets.

### 3.05.04 Parking Location

A. In order to maintain a continuous street façade in zones with a "P" suffix, any provided parking must be located at the rear of the building.

B. In zones with an "M" suffix and in "P" suffix zones where the depth of the lot is insufficient to permit parking in the rear, parking may be located at the side of the building.

C. Parking lots located to the side of a building may not occupy more than 50 percent of the street frontage.

### 3.05.05 Drive-Through Facilities

A. Drive-through facilities are not permitted in zones with a "P" or "M" suffix.

B. No special drive-through facility location standards apply in zones with an "A" suffix.

C. Waivers or modifications of these drive-through facility standards may be approved only through the Design Review procedure of Section 12.15.

### 3.05.06 Residential Uses; Mixed-Use Buildings

All residential and lodging units in mixed-use buildings must be located on floors other than the ground floor or that portion of ground-floor space that is at least 50 feet from the front property line.

## Section 3.06 Supplemental Standards for Industrial Zones

### 3.06.01 Applicability

Any use established or changed, and any building, structure, or tract of land developed, constructed, or used for any permitted or permissible principal or accessory use in any industrial zone must comply with all of the supplemental standards of this section. If any existing use or building or other structure is extended, enlarged, or reconstructed, the standards of this section apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

### 3.06.02 Standards

**A. Building enclosures**

In the IP, IL and IG zones, permitted uses must be operated either within a completely enclosed building or within an area screened from view at the nearest zone boundary, in accordance with Article 8.

**B. Exterior Lighting**

Any lights used for exterior illumination, except for overhead street lighting and warning or traffic signals, must direct light away from all residential zones.

**C. Outdoor Storage**

**1. IP Zone**

**(a)** In the IP zone, products and materials of principally permitted uses may be stored outside and adjacent to principal buildings in side or rear setbacks, provided that all minimum setback depths are maintained.

**(b)** Such storage areas must be screened with a combination of fencing and tree plantings on all sides to totally obstruct the view of storage areas from other properties or streets.

**(c)** Plantings must include a 4-foot high berm planted with 2 rows of staggered evergreens, 6-foot high at time of planting, and a maximum space of 15 feet from center to center, in addition to the requirements of Section 8.01.

**(d)** In no case may the height of products or materials being stored exceed the height of screening.

**(e)** The total square footage of such storage areas may not exceed 50 percent of the gross floor area of the principal building on the site.

**2. IL and IG Zones**

In the IL and IG zones, storage of materials, supplies, and products on the property outside the building constructed thereon is permitted to the side and rear of the property provided that the storage of materials, supplies and products are within an area screened from view at the nearest zone boundary, in accordance with Section 8.01.

**D. Mining and Reclamation**

All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations must be subject to the regulations of the Kentucky Water Pollution Control Commission.

# Article 4. Special Purpose Zones

Section 4.01 General..... 4-1
Section 4.02 RP, Resource Protection Zone..... 4-1
Section 4.03 AG, Agricultural Zone.....4-3
Section 4.04 PI, Public and Institutional Zone.....4-6
Section 4.05 REC, Recreation and Open Space Zone.....4-8
Section 4.06 LGD, Linden Gateway District Zone..... 4-10

## Section 4.01 General

The residential, commercial, and industrial zones of Article 2 and Article 3 are general purpose zoning classifications appropriate for advancing general city objectives, such as those related to neighborhood protection and economic growth. The special purpose zones of this article are zoning classifications that deal with fairly unique situations or help accomplish special zoning goals.

## Section 4.02 RP, Resource Protection Zone

### 4.02.01 Purpose

The RP, Resource Protection zone is intended to protect natural resource areas.

### 4.02.02 Permitted Uses

The following uses are permitted by right in the RP zone, subject to compliance with all other applicable standards of this zoning ordinance.

A. Agriculture;

B. Publicly owned or operated parks and recreation areas; or

C. Private recreational uses including golf courses, country clubs, and camping areas that are not publicly owned or operated.

### 4.02.03 Conditional Uses

The following uses may be allowed in the RP zone if reviewed and approved in accordance with the Conditional Use procedures of Section 12.07.

A. Riding academies and stables

B. The following uses are permitted provided that the development of all facilities in or adjacent to navigable waters must be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection, to the extent of their jurisdiction. Such statements of approval

or denial must be submitted as part of the conditional-use permit application:

1. Boat harbors and marinas. The following uses are permitted as accessory uses in connection with any boat harbor or marina provided they are primarily intended to serve only persons using the boat harbor or marina:

   (a) boat fueling, service, and repairs;
   (b) sale of boat supplies;
   (c) grocery store;
   (d) restaurant; and
   (e) boat landing, docking, and launching facilities, subject to Use Specific Standards Section 6.05)

2. Off-street parking facilities, including facilities for temporary parking of boat trailers
3. Restaurants, provided that restaurants serving alcoholic beverages after 1:00 a.m. may be allowed only when the subject property does not abut a residential zone, and when sufficient customer parking is available in the RP zone or adjacent commercial zones, without having and adverse impact on adjacent residential zones.
4. Floating facilities for retail sales and services, only when adjacent to a commercial zone.
5. Land-based or piered restaurants or taverns.

C. Banquet facilities associated with Golf courses of Country Clubs

**4.02.04 Accessory uses**

A. Customary accessory uses and structures.

B. Any use or structure customarily incidental to a principal permitted use or structure, or incidental to a conditional use for which a permit has been issued.

C. Signs, as regulated by Article 10.

D. Private off-street parking areas, as regulated Article 7.

E. Fences and walls, as regulated in Section 9.02.

F. Attached dwelling of a caretaker or administrator.

### 4.02.05 Lot and Building Standards

A. Minimum lot area: one acre.

B. Minimum lot width: 150 feet.

C. Minimum front setback: 50 feet.

D. Minimum side setback: 25 feet.

E. Minimum rear setback: 50 feet.

F. Maximum building height: 25 feet.

### 4.02.06 Additional Standards

A. Site plan approval is required for any permitted use or conditional use in the RP zone.

B. Dwellings, including cabins, rooming houses, and mobile homes are expressly prohibited in the RP zone. Caretaker or administrator dwellings are excluded from this standard.

C. No outdoor storage of any material (usable or waste) is permitted in the RP zone, except within enclosed containers.

D. No operable motor vehicle, mobile home, or trailer may be stored or used for storage in the RP zone.

E. No use producing objectionable odors, noise, or dust is permitted within 500 feet from the boundary of any residential zone.

## Section 4.03 AG, Agricultural Zone

### 4.03.01 Purpose

The AG, Agricultural zone is intended to protect viable agricultural areas from encroachment by urban land uses. The AG zone may also be applied as a temporary holding zone designation pending determination of a more appropriate zoning classification.

### 4.03.02 Permitted Uses

The following uses are permitted by right in the AG zone, subject to compliance with all other applicable standards of this zoning ordinance.

A. Agriculture;

B. Detached houses;

C. Qualified Manufactured Housing Units, subject to Section 6.22;

D. Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products are permitted within 50 feet from any road or highway;

E. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises; or

F. Stables and riding academies.

**4.03.03 Conditional Uses**

The following uses may be allowed in the AG zone, if reviewed and approved in accordance with the Conditional Use procedures of Section 12.07.

A. Cemeteries;

B. Religious assembly;

C. Day Care Type 1, 2 or 3, subject to Use Specific Standards Section 6.07;

D. Safety services, provided the subject lot is adjacent to an arterial street;

E. Schools;

F. Veterinarians' offices for large and small animals, including outside runs;

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

H. Recreational uses, other than those publicly owned or operated, as follows:

1. Golf courses;
2. Country clubs;
3. Swimming pools;
4. Tennis courts/clubs;
5. Fishing lakes;
6. Gun clubs and ranges;

I. Funeral homes, provided the subject lot is adjacent to an arterial street; or

J. Contractor offices and storage of machinery and equipment, provided that any outdoor storage is visually screened from view of rights-of-way and adjacent properties by screening that meets the requirements of Section 8.01.

### 4.03.04 Accessory uses

A. Customary accessory uses and structures.

B. Any use or structure customarily incidental to a principal permitted use or structure, or incidental to a conditional use for which a permit has been issued.

C. Signs, as regulated by Article 10.

D. Private off-street parking areas, as regulated Article 7.

E. Fences and walls, as regulated in Section 9.02.

### 4.03.05 Lot and Building Standards

**A. Permitted Uses**

1. Minimum lot area, 10 acres.
2. Minimum lot width at front setback line, 500 feet.
3. Minimum front setback, 75 feet.
4. Minimum side setback on each side of lot, 100 feet.
5. Minimum rear setback, 50 feet.
6. Maximum building height, 35 feet.

**B. Conditional Uses**

1. Minimum lot area, 3 acres.
2. Minimum lot width at front setback line, 300 feet.
3. Minimum front setback, 75 feet.
4. Minimum side setback on each side of lot, 75 feet.
5. Minimum rear setback, 75 feet.
6. Maximum building height, 35 feet.

### 4.03.06 Additional Regulations

Lights that generate glare onto any street or into any residential zone are prohibited.

## Section 4.04 PI, Public and Institutional Zone

### 4.04.01 Purpose

The PI, Public and Institutional zone is intended to accommodate large public, civic, and institutional uses and to protect residential areas from adverse land use impacts associated with such uses.

### 4.04.02 Permitted Uses

The following uses are permitted by right in the PI zone, subject to compliance with all other applicable standards of this zoning ordinance.

A. Religious assembly;

B. Dormitories and fraternity and sorority houses, when associated with a permitted use;

C. Educational and medical-related research facilities;

D. Colleges and universities;

E. Hospitals;

F. Nursing homes;

G. Cultural exhibits and libraries;

H. Day care, subject the standards of Section 6.07;

I. Safety services;

J. Medical offices;

K. Government offices ;

L. Schools;

M. Recreation and open space;

N. Vocational, trade schools, or other specialized educational facilities;

O. Uses, as listed below provided in conjunction with a permitted use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted use:

1. Restaurant or cafeteria;
2. Book store;
3. Gift shop;
4. Florist;
5. Medical and educational supply store; or
6. Pharmacy;

P. Home for adjustment, as regulated in Section 6.31.

**4.04.03 Conditional Uses**

The following uses may be allowed if operated as a training facility in conjunction with a home for adjustment and if reviewed and approved in accordance with the Conditional Use procedures of Section 12.07:

A. Laundry;
B. Landscape contractor; or
C. Industrial bakery

**4.04.04 Accessory uses**

A. Customary accessory uses and structures.

B. Any use or structure customarily incidental to a principal permitted use or structure, or incidental to a conditional use for which a permit has been issued.

C. Signs, as regulated by Article 10.

D. Private off-street parking areas, as regulated Article 7.

E. Fences and walls, as regulated in Section 9.02.

**4.04.05 Lot and Building Standards**

Lot and building standards are to be established as part of the site plan review and approval process.

**4.04.06 Other Regulations**

A. No outdoor storage of any material (usable or waste) is permitted in the PI zone except within enclosed containers.

B. Lights that generate glare onto any street or into any residential zone are prohibited.

C. No building may be erected, or structurally altered, nor may any grading take place on any lot or parcel in the PI zone until a Stage I development

plan has been submitted and approved in accordance with Section 12.06. When development is proposed on a parcel of land that is a part of a larger tract of land that is under single ownership, the developer is also required to submit a plan for the entire property under the ownership, unless specifically waived by the city, in accordance with the plan requirements of 12.05.02. The plan must show how the proposed development will be developed as an integral part of the much larger tract, including the coordination of land use and circulation (vehicular and pedestrian) with adjacent tracts of land.

D. More than one principal building is permitted on a single lot.

E. A minimum of 20 percent of the total area of each site must be set aside as open space, exclusive of streets, parking areas, and buildings.

## Section 4.05 REC, Recreation and Open Space Zone

### 4.05.01 Purpose

The REC, Recreation and Open Space zone is intended to be applied to large parks and public open space areas.

### 4.05.02 Permitted Uses

The following uses are permitted by right in the REC zone, subject to compliance with all other applicable standards of this zoning ordinance.

A. Recreation and open space;

B. Cultural exhibits and libraries;

C. Community centers;

D. Reception facilities;

E. Bed and breakfast or lodging facilities; or

F. Dwelling of caretaker or administrator.

### 4.05.03 Accessory uses

A. Customary accessory uses and structures.

B. Any use or structure customarily incidental to a principal permitted use or structure, or incidental to a conditional use for which a permit has been issued.

C. Signs, as regulated by Article 10.

D. Private off-street parking areas, as regulated Article 7.

E. Fences and walls, as regulated in Section 9.02.

### 4.05.04 Lot and Building Standards

A. Minimum lot area: none

B. Maximum building height: 35 feet

## Section 4.07 LGD, Linden Gateway District Zone

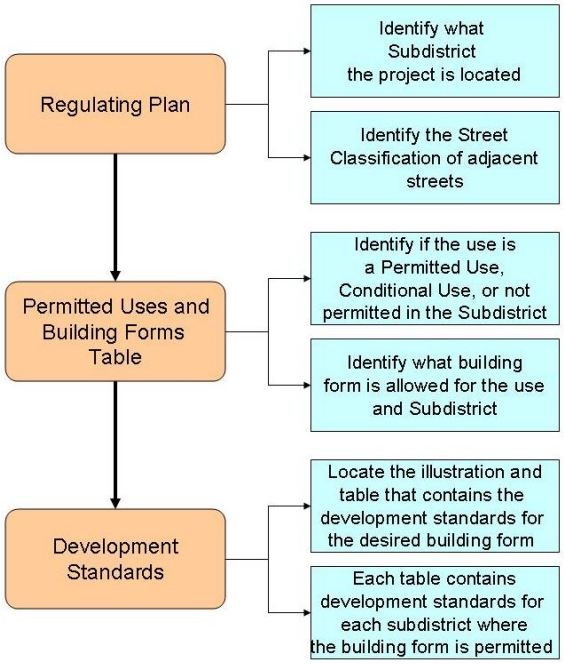
### 4.07.01 Purpose

The purpose of the Linden Gateway District Zone (LGD) is to provide for a pedestrian friendly, mixed use corridor that is compatible with adjacent residential neighborhoods and (1) compliments the *12th Street Design Guidelines* that was funded by the Federal Highway Administration and the Kentucky Transportation Cabinet; and (2) is consistent with the *Linden Gateway Small Area Study's* recommended land use and transportation goals, objectives, policies, and strategies including:

A. Ensuring new development contributes positively to established residential neighborhoods and their character, and provides a transition between commercial development and adjacent residential neighborhoods.
B. Enhancing convenience, ease, and enjoyment of transit, walking, shopping, and public gathering within the neighborhood.
C. Providing an appropriate mix of commercial, office, and residential uses that work together to create a harmonious streetscape.
D. Establishing building form and architectural standards compatible with the historic character of the area.

This zone is intended to assist in the redevelopment of 12th Street/Martin Luther King, Jr. Boulevard so that it may serve as a destination for residents and those who work in this area to live, work, and access retail, office, and service uses. The LGD Zone regulations promote historically sensitive site design, create a sense of place within the corridor, and provide a livable environment for existing residents while enhancing the value and aesthetics of the surrounding community.

### 4.07.02 How to Use the LGD Zone




### 4.07.03 Conflict

A. In any case where the standards and requirements of the LGD Zone conflict with those of other provisions of the Covington Zoning Ordinance, the standards and requirements of the LGD Zone shall apply.

B. Illustrations in this Section are intended to illustrate building forms that are typically seen in the existing context and to demonstrate how measurements are made. They do not illustrate the full range of possible building forms or outcomes allowed within the standards. Parking areas that are shown are intended to illustrate general parking locations and access only and do not illustrate off-street parking, landscaping, or buffer requirements. In the event of a conflict between illustrations and standards in the text, the text standards shall apply.

### 4.07.04 Applicability and Extent

A. The regulations of this section apply to all development proposed within the boundaries of the LGD Zone, as shown on the official zoning map.

B. The LGD Zone contains its own character standards. However, if a regulation within the LGD Zone cross-references another section of this ordinance that refers to the Character Standard suffixes (“P”, “M”, and “A”), the regulations pertaining to the “P” suffix shall be used.

C. Any nonconforming structures and uses existing created by the adoption of the LGD Zone shall be regulated by Article 14.

D. The requirements of this section shall not apply to existing single- or two-family homes that are used exclusively for residential purposes. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements of the RU-2 Zone as well as the Residential Infill Development regulations, per Section 2.04 of this ordinance. Existing single- and two-family homes that are partially or fully destroyed may be rebuilt as a matter of right, and are exempt from the requirements of Article 14. Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this section.

### 4.07.05 Review and Approval Procedures

Developments within the LGD Zone require review and approval in accordance with the following procedures:

A. Pre-application meeting: Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting with the Kenton County Planning Commission's (KCPC) duly authorized representative/Planning and Development Services of Kenton County (PDS) staff and City staff to discuss the development review process, the LGD Zone requirements and the City of Covington Zoning Ordinance requirements.

The pre-application meeting is intended to review the development plan and identify any issues in applying the regulations of the LGD Zone. No person should rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal ultimately will be approved or rejected in any form.

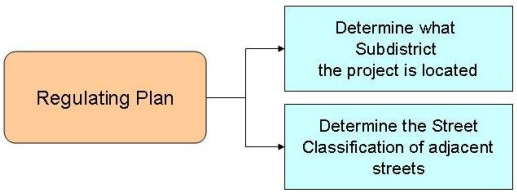
B. Stage II Development Plan Review: Projects may be built as a matter of right when they meet all of the standards of the LGD Zone regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, which shall include elevation views and photometric plans, the KCPC's duly authorized representative/PDS staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the City Manager or his/her designee.

C. Final review and approval by the City Manager or his/her designee shall take place within 30 days from receipt of PDS staff recommendation.

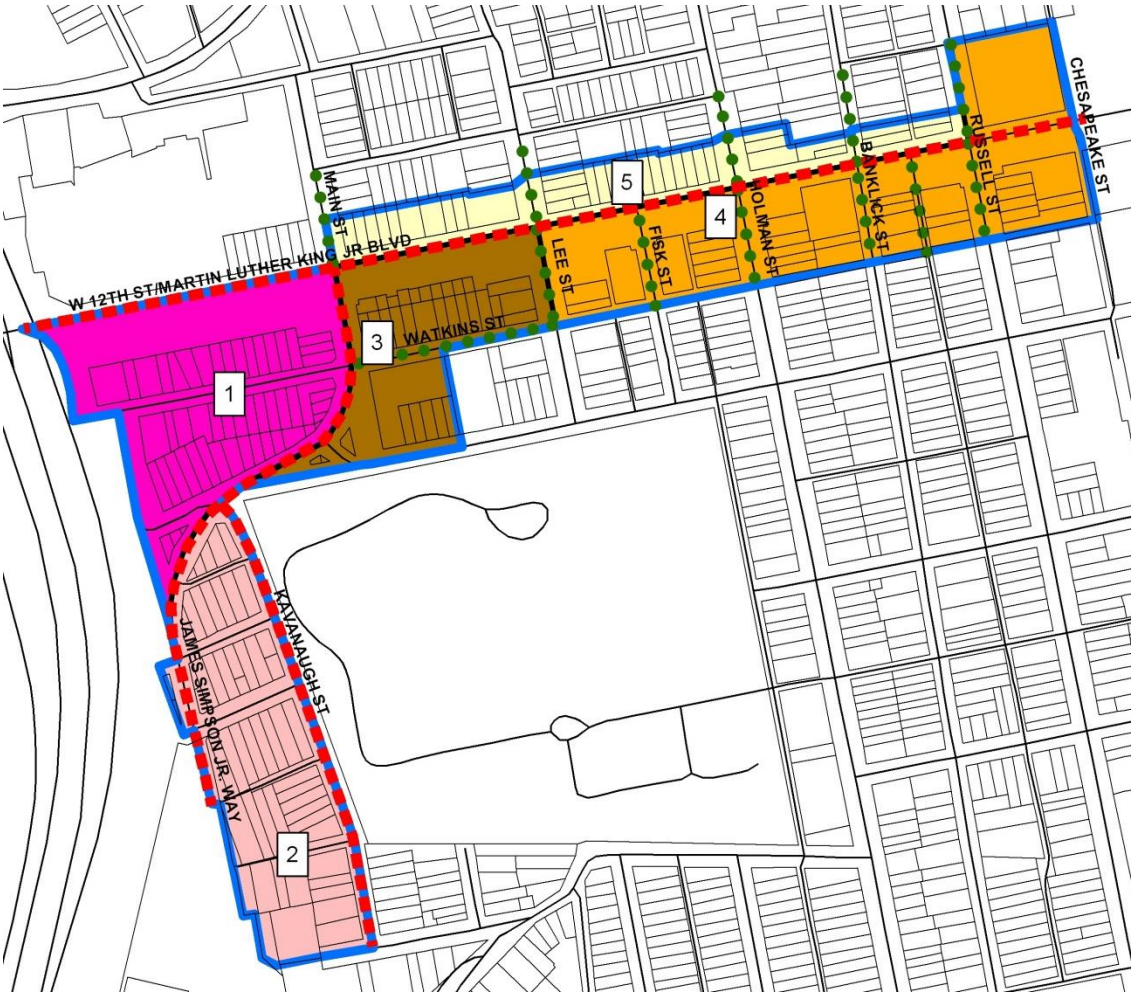
D. Compliance with the Ordinance: Compliance with these regulations shall be evaluated based on the intent of the Ordinance, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans. Minor modifications should be reviewed and discussed at the pre-application conference and shall be based only on proposed challenges related to:

1. topography
2. street grade
3. the location of streets
4. breaks and passages between buildings
5. signs
6. streetscape details
7. design issues related to the inclusion of green infrastructure stormwater management practices
8. inclusion of existing buildings or mature trees

### 4.07.06 Regulating Plan




The Regulating Plan is the guiding map for the implementation of the LGD. The regulating plan shows the subdistricts that govern the development standards for each property.




A. Subdistrict 1 – Watkins Center

Create an area conducive to the development of medical and professional offices, and public and civic uses in a campus setting with unified architecture. Due to the proximity of this subdistrict to the old Bavarian Brewery, larger footprints and taller buildings are appropriate.

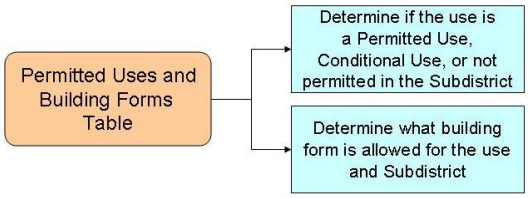
B. Subdistrict 2 – Kavanaugh Commons
Create an area conducive to the development of medical and professional offices, and public and civic uses in a campus setting with unified architecture. Due to the proximity of this subdistrict to Linden Grove Cemetery and the neighborhood to the south of the cemetery, building scales and heights should enhance the character of the neighborhood.

C. Subdistrict 3 – Transition Mixed Use Corridor
Create an area that transitions from the height and scale of the General Office/Community Facilities subdistrict to the urban character of the Mixed Use Corridor subdistrict. Design through landscaping, signage, and mixed use development standards and an enhanced pedestrian environment are promoted. Taller and larger footprint buildings are appropriate, however the building facades should be broken up to express the scale and character of the existing buildings on the north side of 12th Street/Martin Luther King Jr. Boulevard.

D. Subdistrict 4 – Mixed Use Corridor
Enhance the urban character of 12th Street/Martin Luther King Jr. Boulevard while promoting sustainable development and design through landscaping, signage, and mixed use development standards and an enhanced pedestrian environment. Larger footprint buildings are appropriate, however the building facades should express the scale and character of the existing buildings on the north side of 12th Street/Martin Luther King Jr. Boulevard.

E. Subdistrict 5 – Adaptive Reuse Corridor
Promote the preservation and reuse of the existing structures along the north side of 12th Street/Martin Luther King Jr. Boulevard. Adaptive reuses should include specialty retail and office uses that are compatible with the adjacent neighborhood and provide a vibrant mixed use corridor, with the possibility of residential uses on the top floors.

### 4.07.07 Permitted Uses and Building Forms




A. The LGD Zone allows a variety of building forms and uses based on the character of each subdistrict. The following example shows you how to use the Permitted Uses and Building Forms.

1. Find your proposed use on the left column of the table. In this example, artist galleries and studios are used:

| USE GROUP<br>Use Category<br>Specific Use Type | Subdistricts | | | | | Use-Specific Standards | Permitted Building Forms | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Subdistricts | | | | |
| P = permitted by right C = conditional use – = not permitted | 1 | 2 | 3 | 4 | 5 | | 1 | 2 | 3 | 4 | 5 |
| **Artist galleries and studios** | P | P | P | P | P | | P&C, COM, MU | P&C, COM, MU | MU | MU | MU |

2. Determine if your proposed use is permitted in the Subdistrict you wish to locate. In this example, Subdistrict 2 is used:

| USE GROUP<br>Use Category<br>Specific Use Type | Subdistricts | | | | | Use-Specific Standards | Permitted Building Forms | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Subdistricts | | | | |
| P = permitted by right C = conditional use – = not permitted | 1 | 2 | 3 | 4 | 5 | | 1 | 2 | 3 | 4 | 5 |
| **Artist galleries and studios** | P | P | P | P | P | | P&C, COM, MU | P&C, COM, MU | MU | MU | MU |

*Artist galleries and studios are permitted in Subdistrict 3.*

3. Finally, determine what building forms are permitted in Subdistrict 3 for artist galleries and studios:

| USE GROUP<br>Use Category<br>Specific Use Type | Subdistricts | | | | | Use-Specific Standards | Permitted Building Forms | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Subdistricts | | | | |
| P = permitted by right C = conditional use – = not permitted | 1 | 2 | 3 | 4 | 5 | | 1 | 2 | 3 | 4 | 5 |
| **Artist galleries and studios** | P | P | P | P | P | | P&C, COM, MU | P&C, COM, MU | MU | MU | MU |

*Artist galleries and studios are permitted in Public and Civic (P&C), Commercial (COM), or Mixed Use (MU) buildings*

B. The permitted building forms are abbreviated in the Permitted Uses and Building Forms table. Use the following key to determine what building forms are permitted:

| Permitted Building Forms | Development Standards |
|---|---|
| DSF = Detached Single-Family | §4.07.09 |
| ASF = Attached Single-Family | §4.07.10 |
| 2F = Two-Family | §4.07.11 |
| MF = Multi-Family | §4.07.12 |
| MU = Mixed-Use | §4.07.13 |
| P&C = Public and Civic | §4.07.14 |
| COM = Commercial | §4.07.15 |
| REC = Recreation and Open Space | §4.07.16 |
| PARKING = Off-Street Parking | §4.07.17 |

Each permitted building form contains specific development standards unique to each form. Refer to the cross-referenced sections in the table above for these development standards.

C. Permitted Uses and Building Forms Table:

| USE GROUP<br>Use Category<br>Specific Use Type | Subdistricts 1 | 2 | 3 | 4 | 5 | Use-Specific Standards | Permitted Building Forms – Subdistricts 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| P = permitted by right C = conditional use – = not permitted | | | | | | | | | | | |
| **RESIDENTIAL** | | | | | | | | | | | |
| **Household Living** | | | | | | | | | | | |
| Detached single-family dwelling unit | – | – | – | – | P | | – | – | – | – | DSF |
| Lot line single-family dwelling unit | – | – | – | – | P | §2.03.02 | – | – | – | – | DSF |
| Attached single-family dwelling unit | – | – | P | P | P | §2.03.03 | – | – | ASF | ASF | ASF |
| Two-family dwelling unit | – | – | P | P | P | | – | – | 2F | 2F | 2F |
| Multi-family dwelling unit | – | – | P | P | P | | – | – | MF | MF | MF |
| Dwellings in mixed use buildings | P | P | P | P | P | | MU | MU | MU | MU | MU |
| **Group Living** | | | | | | | | | | | |
| Residential care facility | P | P | P | P | P | | MF, MU | MU | ASF, 2F, MF, MU | ASF, 2F, MF, MU | DSF, ASF, 2F, MF, MU |
| Nursing home | P | P | P | – | – | | MF | MF | MF | – | – |
| **PUBLIC AND CIVIC** | | | | | | | | | | | |
| **Colleges and universities** | C | C | – | – | – | | P&C | P&C | – | – | – |
| **Cultural exhibits and Libraries** | P | P | P | P | P | | P&C, COM | P&C, COM | MU | MU | MU |
| **Day care** | | | | | | | | | | | |
| Babysitting or family day care home | – | – | P | P | P | | – | – | ASF, 2F, MF, MU | ASF, 2F, MF, MU | DSF, ASF, 2F, MF, MU |
| Day care, Type 1/Type 2 | P | P | – | – | – | §6.07 | P&C, COM, MU | P&C, COM, MU | – | – | – |
| **Hospital** | P | P | – | – | – | | P&C, COM | P&C, COM | – | – | – |
| **Lodge or private club** | – | – | C | C | C | | – | – | MU | MU | MU |
| **Postal Service** | P | P | P | P | P | | P&C, COM, MU | P&C, COM, MU | MU | MU | MU |
| **Recreation and open space** | | | | | | | | | | | |
| Low-intensity | P | P | P | P | P | | REC | REC | REC | REC | REC |
| **Religious assembly** | P | P | P | P | P | | P&C | P&C | P&C | P&C | P&C |
| **Safety services** | C | C | C | C | C | | P&C | P&C | P&C | P&C | P&C |
| **Schools** | C | C | – | – | – | | P&C | P&C | – | – | – |
| **COMMERCIAL** | | | | | | | | | | | |
| **Animal services** | | | | | | | | | | | |
| Sales and grooming | – | – | P | P | P | §6.03 | – | – | MU | MU | MU |
| Veterinary hospitals | – | – | P | P | P | | – | – | MU | MU | MU |
| **Artist galleries and studios** | P | P | P | P | P | | P&C, COM, MU | P&C, COM, MU | MU | MU | MU |
| **Building maintenance services** | | | | | | | | | | | |
| Indoor | P | P | P | P | P | | COM, MU | COM, MU | MU | MU | MU |
| **Business equipment sales and service** | P | P | P | P | P | | COM, MU | COM, MU | MU | MU | MU |
| **Business support services** | | | | | | | | | | | |
| Day laborer employment | – | – | – | – | – | | – | – | – | – | – |
| Other (not specifically listed above) | P | P | P | P | P | | COM, MU | COM, MU | MU | MU | MU |
| **Communication service establishment** | P | P | P | P | P | | COM, MU | COM, MU | MU | MU | MU |
| **Repair or laundry service, consumer** | | | | | | | | | | | |
| Laundromat | – | – | P | P | P | | – | – | MU | MU | MU |
| Other (not specifically listed above) | – | – | P | P | P | | – | – | MU | MU | MU |
| **Eating/drinking establishments** | | | | | | | | | | | |
| Microbrewery | P | P | P | P | P | §6.28 | – | – | MU | MU | MU |
| Restaurant with or without beer, wine, or alcohol | P | P | P | P | P | §6.28 | | | MU | MU | MU |
| Tavern | P | P | P | P | P | §6.28 | – | – | MU | MU | MU |
| **Entertainment** | | | | | | | | | | | |
| Small | P | P | P | P | P | | COM | COM | COM | COM | COM |

| USE GROUP<br>Use Category<br>Specific Use Type | Subdistricts<br>1 | 2 | 3 | 4 | 5 | Use-Specific Standards | Permitted Building Forms [1]<br>Subdistricts<br>1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| P = permitted by right C = conditional use – = not permitted | | | | | | | | | | | |
| **Financial services** | | | | | | | | | | | |
| Currency exchange (check cashing) | – | – | – | – | – | | – | – | – | – | – |
| Payday loan | – | – | – | – | – | | – | – | – | – | – |
| Pawn shop | – | – | – | – | – | | – | – | – | – | – |
| Tax preperation service | – | – | P | P | P | §6.10 | – | – | MU | MU | MU |
| Other (not specifically listed above) | P | P | P | P | P | | COM | COM | MU | MU | MU |
| **Food and beverage sales, retail** | | | | | | | | | | | |
| Wine store | – | – | P | P | P | §4.07.07, D. | – | – | MU | MU | MU |
| Other (not specifically listed above) | – | – | P | P | P | §4.07.07, D. | COM, MU, REC | COM, MU, REC | MU, REC | MU, REC | MU, REC |
| **Funeral and internment services** | | | | | | | | | | | |
| Funeral home (undertaking) | – | – | – | – | C | | – | – | – | – | DSF |
| **Lodging** | | | | | | | | | | | |
| Bed and breakfast | – | – | P | P | P | §6.04 | – | – | DSF | DSF | DSF |
| **Medical Service** | P | P | P | P | P | | P&C, COM, MU | P&C, COM, MU | MU | MU | DSF, ASF, 2F, MU |
| **Neighborhood retail sales and service** | P | P | P | P | P | §6.20 | | | | | |
| **Office** | P | P | P | P | P | | P&C, COM, MU | P&C, COM, MU | MU | MU | DSF, ASF, 2F, MU |
| **Personal improvement service** | P | P | P | P | P | | – | – | MU | MU | MU |
| **Retail sales and service** | | | | | | | | | | | |
| Antique shop | – | – | P | P | P | | – | – | MU | MU | MU |
| Flea market | – | – | – | – | – | | – | – | – | – | – |
| Furniture rental, consumer | – | – | – | – | – | | – | – | – | – | – |
| Secondhand store | – | – | – | – | – | | – | – | – | – | – |
| Vintage clothing store | – | – | P | P | P | | – | – | MU | MU | MU |
| Other (not specifically listed above) | P | P | P | P | P | | COM, MU | COM, MU | MU | MU | MU |
| **Reuse of historic commercial structures** | C | C | C | C | C | §14.05.06, E. | COM, MU | COM, MU | COM, MU | COM, MU | COM, MU |
| **OTHER** | | | | | | | | | | | |
| **Neighborhood parking lot** | P | P | P | P | P | §4.07.07, D. | PARKING | PARKING | PARKING | PARKING | PARKING |
| **Parking, non-accessory** | P | P | P | P | P | §4.07.07, D. | PARKING | PARKING | PARKING | PARKING | PARKING |

D. Specific Use Regulations

1. Food and beverage sales, retail

(a) Wine Store
A retail establishment that sells wine and related products, and can include wine tasting. The sale of distilled spirits or spirits (package liquor) and malt beverages are prohibited.

(b) Other (not specifically listed above)
The sale of distilled spirits or spirits (package liquor), cider, malt beverages, and wine are permitted, provided they do not exceed 10% the total floor area of the principal use.

(c) The definitions contained in KRS 241.010 for “distilled sprits or spirits”, “cider”, “malt beverage”, and “wine” shall be used for this specific use regulation.

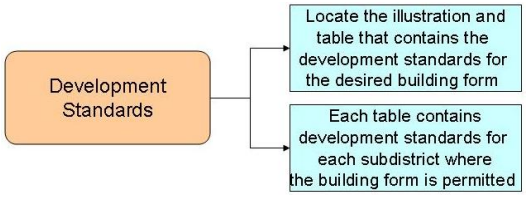
2. Neighborhood Parking Lots and Parking, Non-Accessory

(a) Parking Garages in Subdistricts 3, 4, and 5:

(1) A permitted use from the Commercial Use Group must be incorporated into the ground floor of a parking garage facing a primary street

(2) Facades should be treated with high quality materials and given vertical articulation and emphasis. The facade should be designed so as to visually screen cars at street level. Sloping interior floors should not be visible or expressed on the exterior face of the building.

### 4.07.08 Development Standards




The Development Standards for each building form are divided into two parts. The illustration is a graphical representation of each building form and should be used to facilitate the understanding of each table. The letters in each illustration correspond to the letters in the accompanying table. The tables contain specific development standards for each subdistrict where the building form is permitted.

### 4.07.09 Detached Single-Family

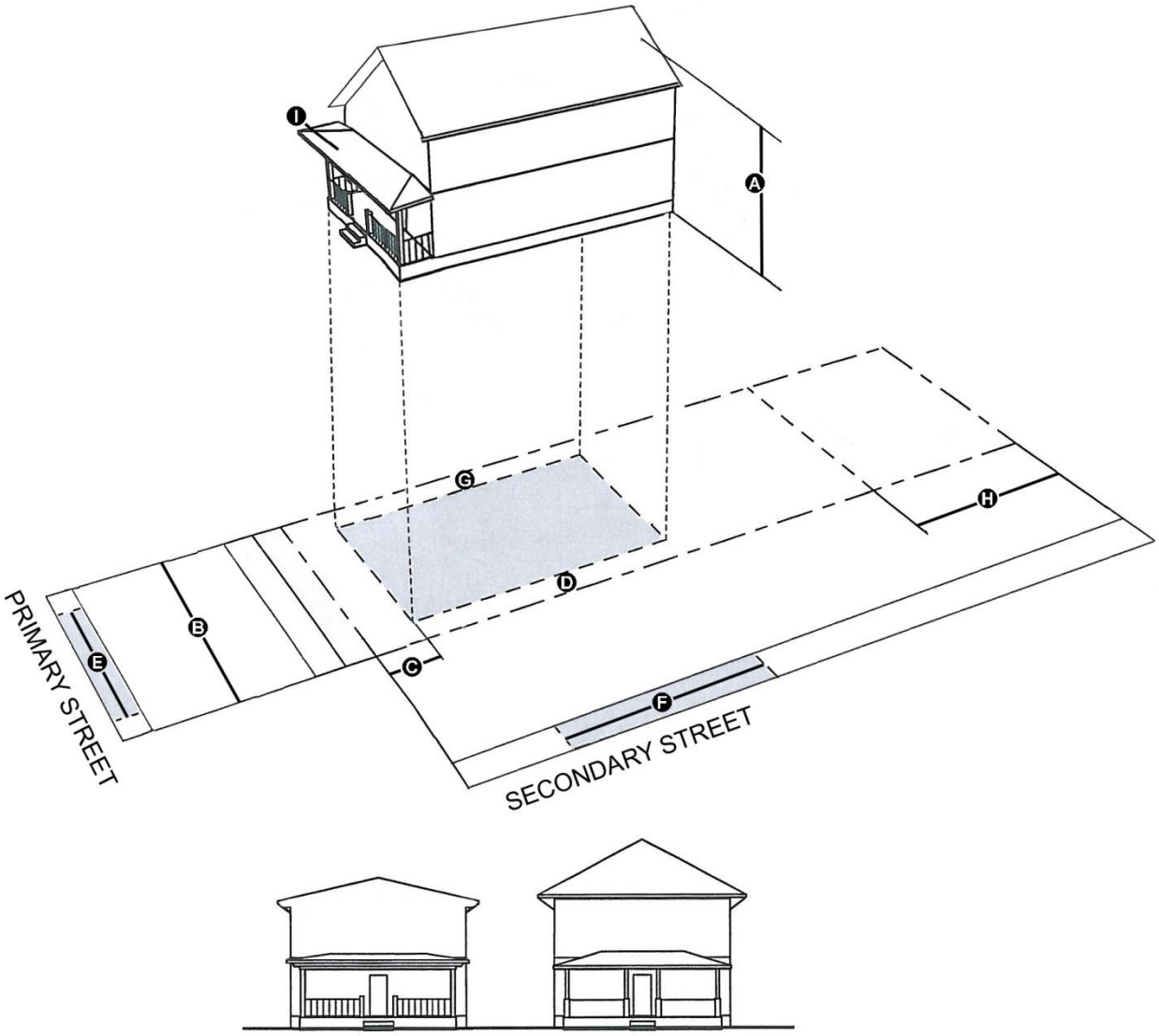



*Illustration for measurement purposes only*

| Detached Single-Family Development Standards | Subdistricts | | |
|---|---|---|---|
| | **3** | **4** | **5** |
| **Development Standards** | | | |
| **A HEIGHT** | | | |
| Stories (min/max) | 2/4 | 2/3 | 2/3 |
| **LOT** | | | |
| Minimum Lot Area (square feet) | 2,000 | 2,000 | 2,000 |
| B Minimum Lot Width | 20' | 20' | 20' |
| Minimum Lot Area per Dwelling Unit (square feet) | 2,000 | 2,000 | 2,000 |
| **STREET SETBACKS** | | | |
| C Primary Street (min/max) | 0'/5' | 0'/5' | 0'/10' |
| D Secondary Street (min/max) | 0'/5' | 0'/5' | 0'/10' |
| Streets Not Classified (min) | 10' | 10' | 10' |
| **REQUIRED STREET FRONTAGE** | | | |
| E Primary Street (min) | 70% | 70% | 70% |
| F Secondary Street (min) | 40% | 40% | 40% |
| Streets Not Classified | N/A | N/A | N/A |
| **INTERIOR SETBACKS** | | | |
| G Side (1 side/combined total) | 2'/4' | 2'/4' | 2'/4' |
| H Rear | 25' | 25' | 25' |
| **PARKING SETBACKS (see §4.07.23, D.)** | | | |
| Primary Street (min) [1] | 5' | 5' | 5' |
| Secondary Street, Side (min) [1] | 5' | 5' | 5' |
| Secondary Street, Rear (min) | 5' | 5' | 5' |
| Streets Not Classified | 5' | 5' | 5' |
| Abutting an R Zone (min) | 5' | 5' | 5' |
| **I OPTIONAL ENTRY FEATURES (see §4.07.22)** | | | |
| Primary Street | Front Porch, Side Entry, or Stoop | | |

[1] In all cases, no off-street parking is permitted in the front yard or side yard adjacent to a primary street

## 4.07.10 Attached Single-Family

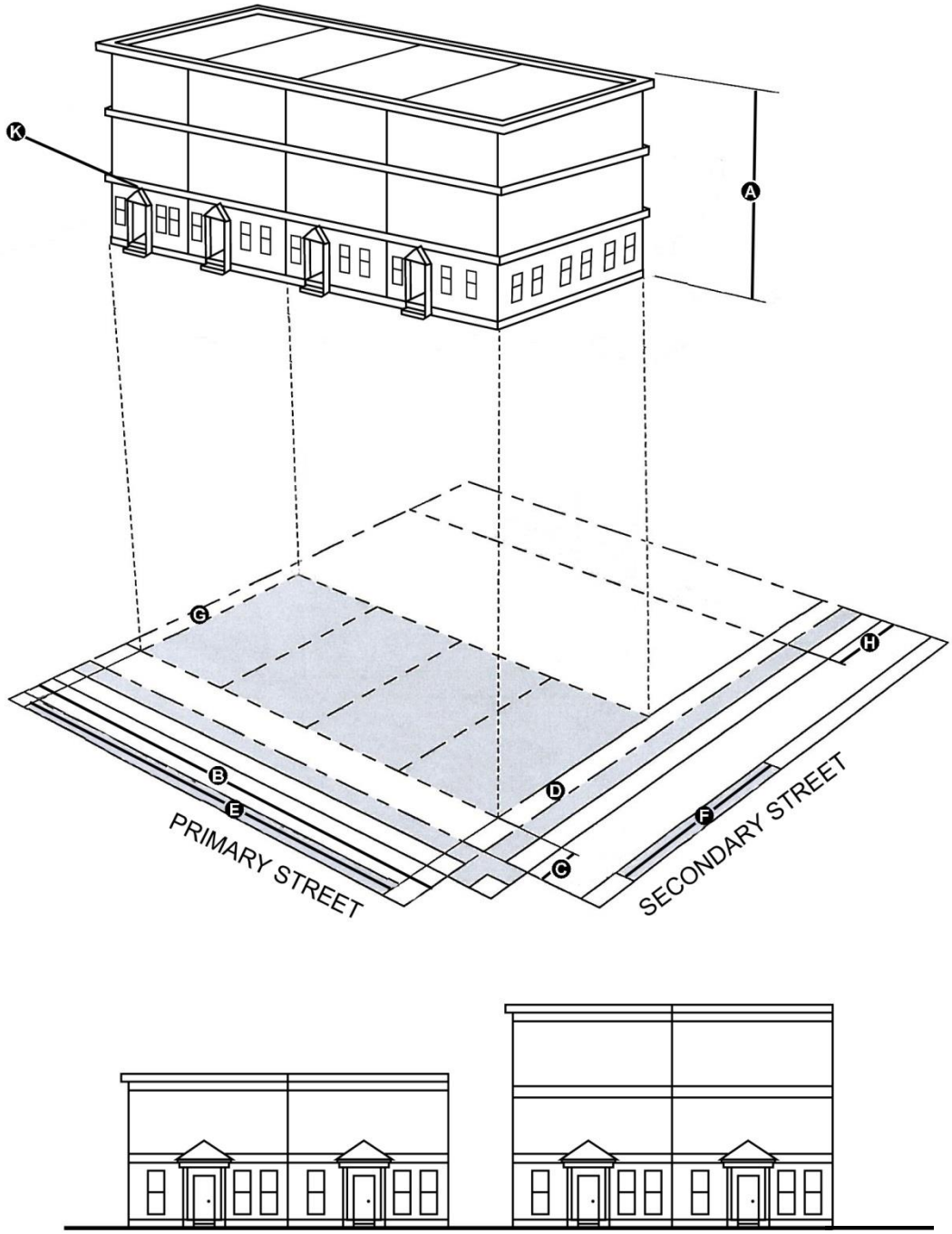
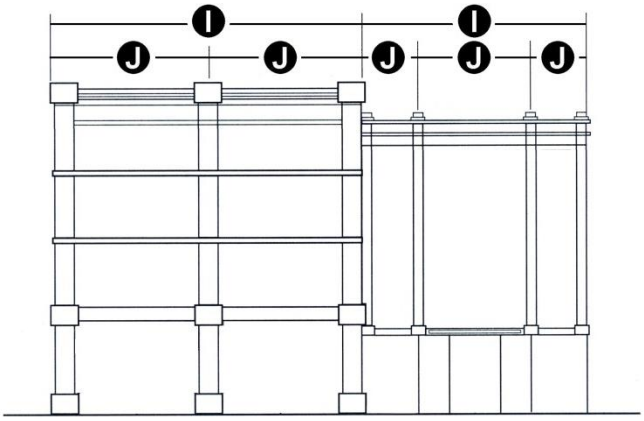



*Illustration for measurement purposes only*




| Attached Single-Family Development Standards | | Subdistricts | | |
|---|---|---|---|---|
| | | **3** | **4** | **5** |
| **Development Standards** | **A HEIGHT** | | | |
| | Stories (min/max) | 2/4 | 2/3 | 2/3 |
| | **LOT** | | | |
| | Minimum Lot Area (square feet) | 2,000 | 2,000 | 2,000 |
| | B Minimum Lot Width | 20' | 20' | 20' |
| | Minimum Lot Area per Dwelling Unit (square feet) | 2,000 | 2,000 | 2,000 |
| | **STREET SETBACKS** | | | |
| | C Primary Street (min/max) | 0'/5' | 0'/5' | 0'/10' |
| | D Secondary Street (min/max) | 0'/5' | 0'/5' | 0'/10' |
| | Streets Not Classified (min) | 10' | 10' | 10' |
| | **REQUIRED STREET FRONTAGE** | | | |
| | E Primary Street (min) | 70% | 70% | 70% |
| | F Secondary Street (min) | 40% | 40% | 40% |
| | Streets Not Classified | N/A | N/A | N/A |
| | **INTERIOR SETBACKS** | | | |
| | G Side (1 side/combined total) | 2'/4' | 2'/4' | 2'/4' |
| | H Rear | 25' | 25' | 25' |
| | **PARKING SETBACKS (see §4.07.23, D.)** | | | |
| | Primary Street (min) [1] | 5' | 5' | 5' |
| | Secondary Street, Side (min) [1] | 5' | 5' | 5' |
| | Secondary Street, Rear (min) | 5' | 5' | 5' |
| | Streets Not Classified | 5' | 5' | 5' |
| | Abutting an R Zone (min) | 5' | 5' | 5' |
| | **MASS** | | | |
| | I Primary Building Division (min/max) | 20'/50' | 20'/50' | 20'/50' |
| | J Secondary Building Division (min/max) | 5'/20' | 5'/20' | 5'/20' |
| | **REQUIRED ENTRY FEATURES (see §4.07.22)** | | | |
| | K Primary Street | Front Porch, Side Entry, or Stoop | | |

[1] In all cases, no off-street parking is permitted in the front yard or side yard adjacent to a primary street

### 4.07.11 Two-Family

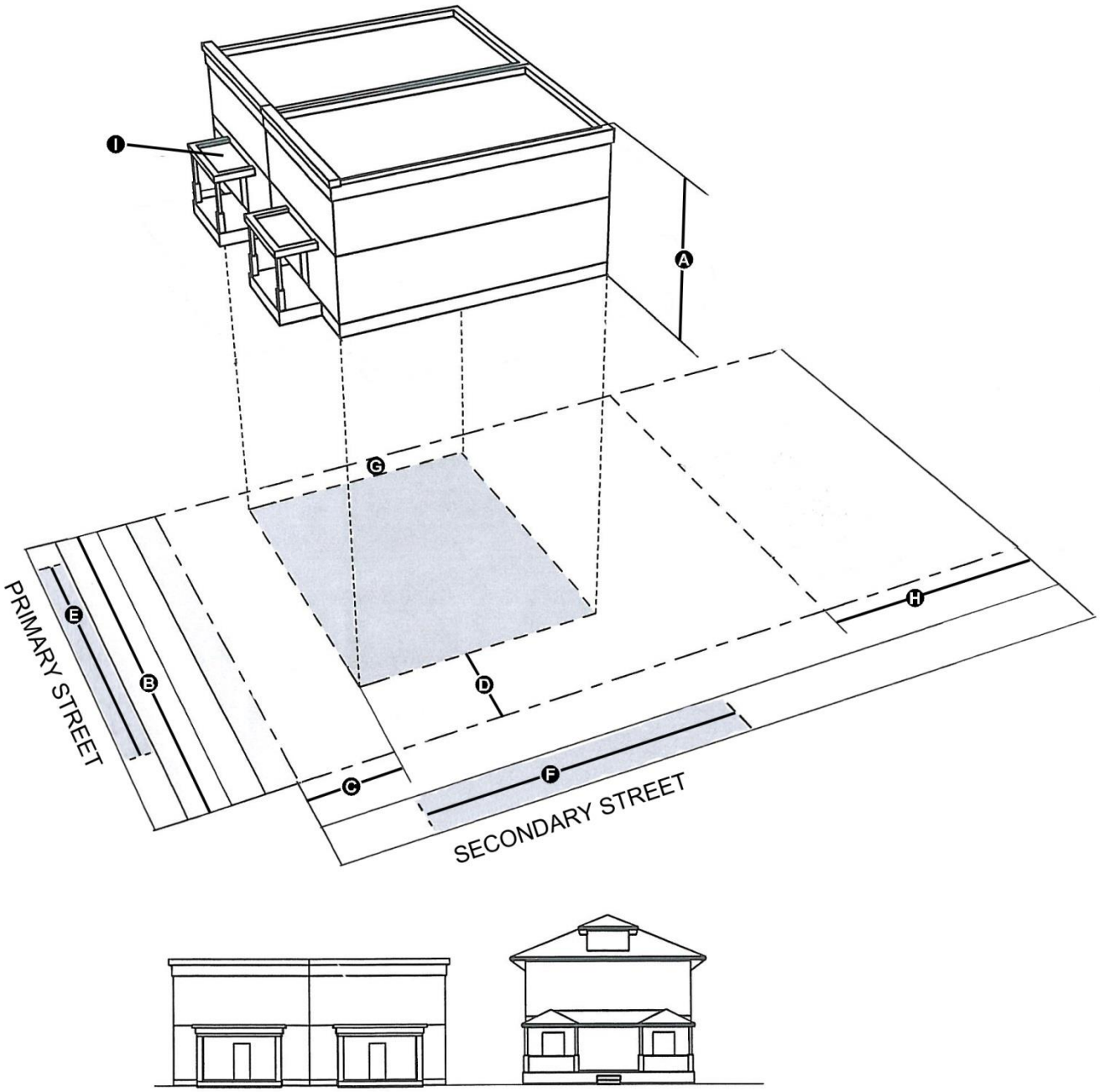
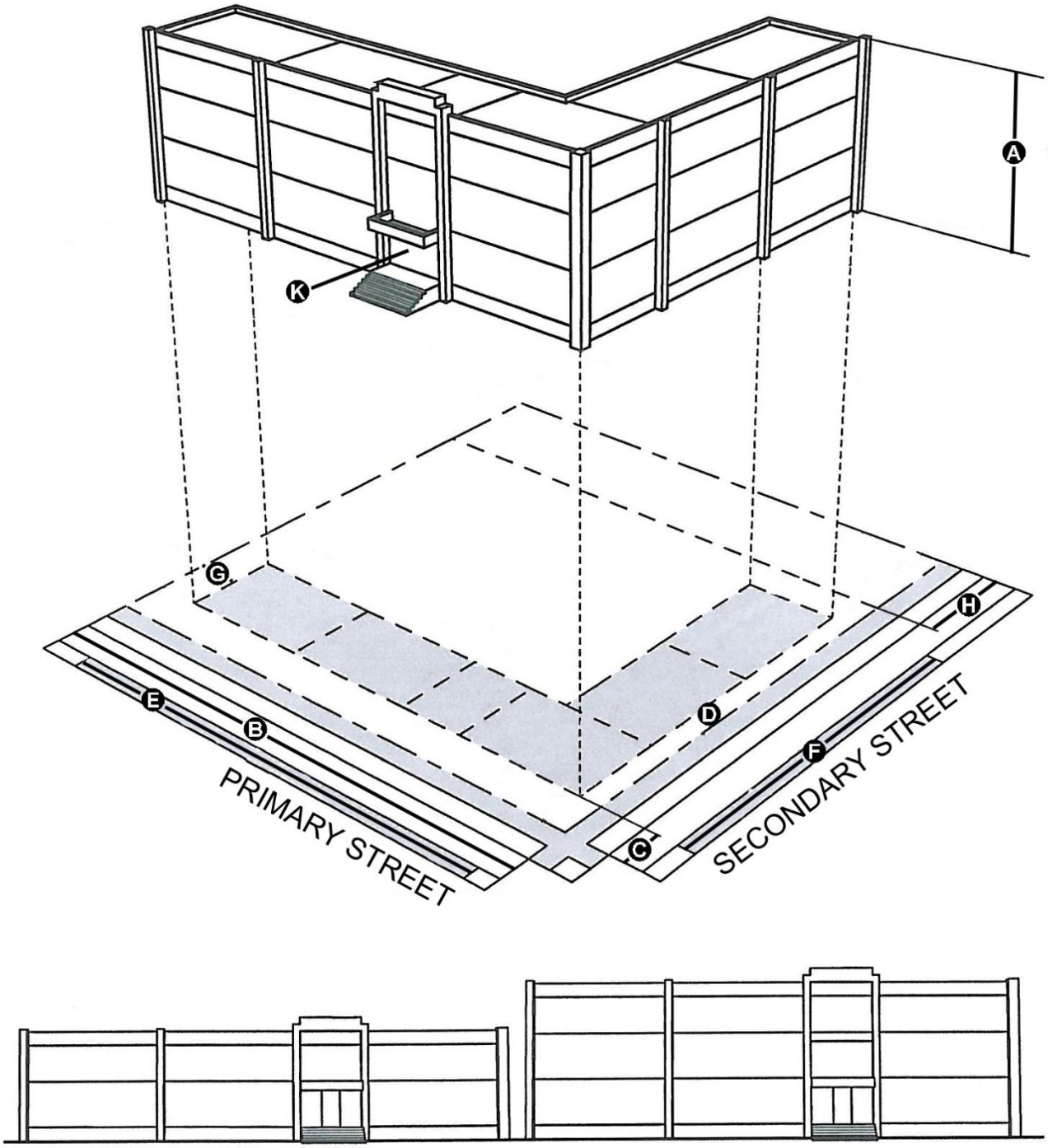



*Illustration for measurement purposes only*

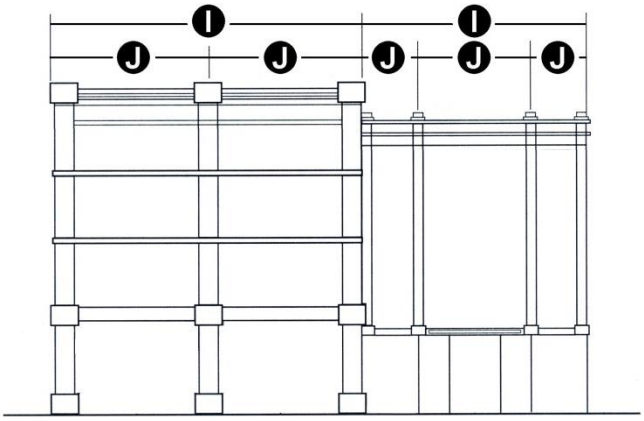
| Two-Family Development Standards | Subdistricts | | |
|---|---|---|---|
| | **3** | **4** | **5** |
| **Development Standards** | | | |
| **A HEIGHT** | | | |
| Stories (min/max) | 2/4 | 2/3 | 2/3 |
| **LOT** | | | |
| Minimum Lot Area (square feet) | 2,000 | 2,000 | 2,000 |
| B Minimum Lot Width | 20' | 20' | 20' |
| Minimum Lot Area per Dwelling Unit (square feet) | 1,000 | 1,000 | 1,000 |
| **STREET SETBACKS** | | | |
| C Primary Street (min/max) | 0'/5' | 0'/5' | 0'/10' |
| D Secondary Street (min/max) | 0'/5' | 0'/5' | 0'/10' |
| Streets Not Classified (min) | 10' | 10' | 10' |
| **REQUIRED STREET FRONTAGE** | | | |
| E Primary Street (min) | 70% | 70% | 70% |
| F Secondary Street (min) | 40% | 40% | 40% |
| Streets Not Classified | N/A | N/A | N/A |
| **INTERIOR SETBACKS** | | | |
| G Side (1 side/combined total) | 2'/4' | 2'/4' | 2'/4' |
| H Rear | 25' | 25' | 25' |
| **PARKING SETBACKS (see §4.07.23, D.)** | | | |
| Primary Street (min) [1] | 5' | 5' | 5' |
| Secondary Street, Side (min) [1] | 5' | 5' | 5' |
| Secondary Street, Rear (min) | 5' | 5' | 5' |
| Streets Not Classified | 5' | 5' | 5' |
| Abutting an R Zone (min) | 5' | 5' | 5' |
| **I REQUIRED ENTRY FEATURES (see §4.07.22)** | | | |
| Primary Street | Front Porch, Side Entry, or Stoop | | |

[1] In all cases, no off-street parking is permitted in the front yard or side yard adjacent to a primary street

### 4.07.12 Multi-Unit



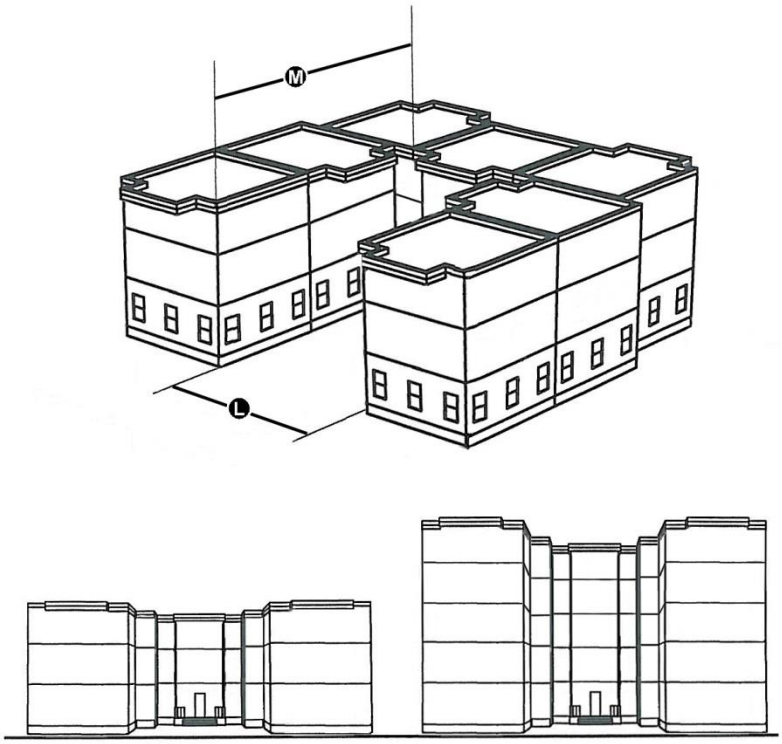

*Illustrations for measurement purposes only*




| Multi-Unit Development Standards | Subdistricts | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| **Development Standards** | | | | | |
| **A HEIGHT** | | | | | |
| Stories (min/max) | 2/6 | 2/3 | 2/4 | 2/3 | 2/3 |
| **LOT** | | | | | |
| Minimum Lot Area (square feet) | 6,000 | 6,000 | 6,000 | 6,000 | 6,000 |
| B Minimum Lot Width | 20' | 20' | 20' | 20' | 20' |
| Minimum Lot Area per Dwelling Unit (square feet) | 700 | 700 | 700 | 700 | 700 |
| **STREET SETBACKS** | | | | | |
| C Primary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| D Secondary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| Streets Not Classified (min) | 5' | 5' | 10' | 10' | 10' |
| **REQUIRED STREET FRONTAGE** | | | | | |
| E Primary Street (min) [1] | 70% | 70% | 70% | 70% | 70% |
| F Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| **INTERIOR SETBACKS** | | | | | |
| G SIDE | | | | | |
| Abutting an R Zone (min) | 2' | 2' | 2' | 2' | 2' |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| H REAR | | | | | |
| Abutting an R Zone (min) | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| **MASS** | | | | | |
| I Primary Building Division (min/max) | N/A | N/A | 20'/50' | 20'/50' | 20'/50' |
| J Secondary Building Division (min/max) | N/A | N/A | 5'/20' | 5'/20' | 5'/20' |
| **PARKING SETBACKS (see §4.07.23, D.)** | | | | | |
| Primary Street (min) [2] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Side (min) [2] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Rear (min) | 5' | 5' | 5' | 5' | 5' |
| Streets Not Classified | 5' | 5' | 5' | 5' | 5' |
| Abutting an R Zone (min) | 5' | 5' | 5' | 5' | 5' |
| **K REQUIRED ENTRY FEATURES (see §4.07.22)** | | | | | |
| Primary Street | Front Porch, Side Entry, Stoop, Canopy, or Gallery | | | | |

[1] If a courtyard is proposed, the required street frontage along a Primary Street can be reduced to 50%

[2] In all cases, no off-street parking is permitted in the front yard or side yard adjacent to a primary street




| Multi-Unit Development Standards (continued) | | Subdistricts |
|---|---|---|
| | | **All Subdistricts** |
| | **COURTYARD CONFIGURATION** | |
| L | Maximum Ground Floor Courtyard Width, as a Percentage of Overall Structure Width | 50% |
| M | Maximum Ground Floor Courtyard Depth as a Percentage of Overall Structure Depth | 40% |

### 4.07.13 Mixed Use

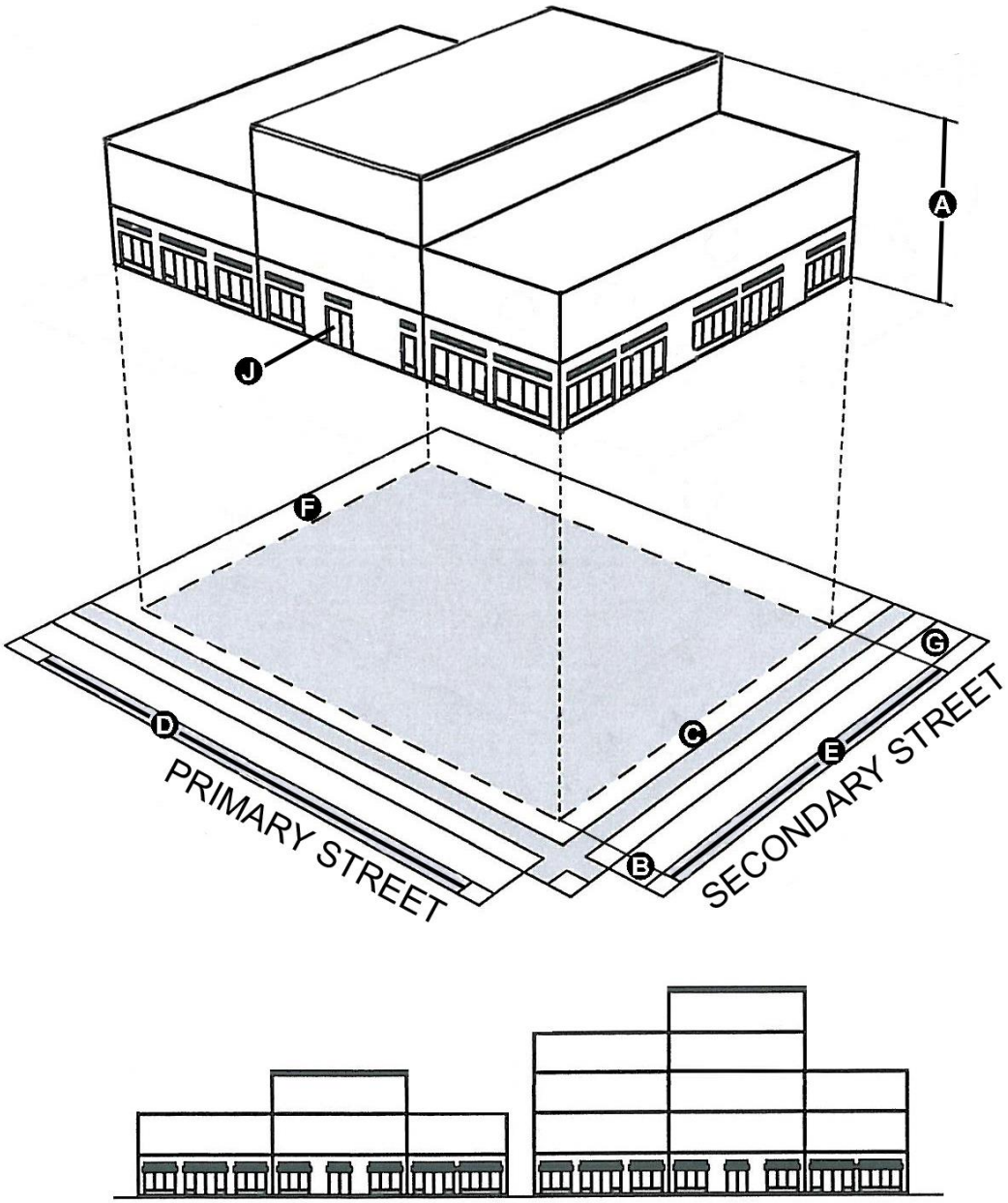
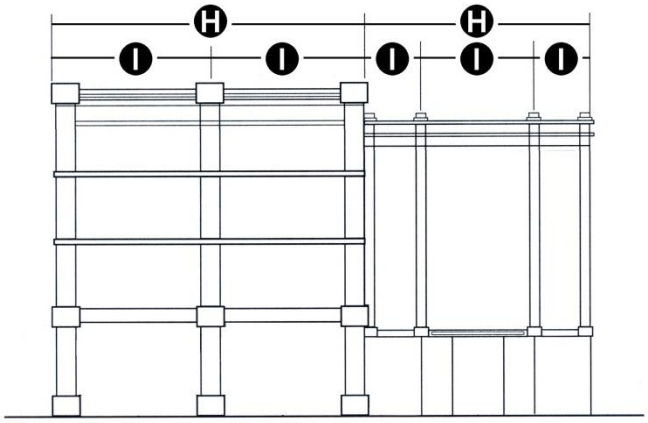



*Illustration for measurement purposes only*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| Mixed Use Development Standards | Subdistricts | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| **Development Standards** | | | | | |
| **A HEIGHT** | | | | | |
| Stories (min/max) | 2/6 | 2/3 | 2/4 | 2/3 | 2/3 |
| **LOT** | | | | | |
| Minimum Lot Area (square feet) | N/A | N/A | N/A | N/A | N/A |
| Minimum Lot Width | N/A | N/A | N/A | N/A | N/A |
| Minimum Lot Area per Dwelling Unit (square feet) | 700 | 700 | 700 | 700 | 700 |
| **STREET SETBACKS** | | | | | |
| B Primary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| C Secondary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| Streets Not Classified (min) | 5' | 5' | 10' | 10' | 10' |
| **REQUIRED STREET FRONTAGE** | | | | | |
| D Primary Street (min) | 80% | 80% | 80% | 80% | 80% |
| E Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| **INTERIOR SETBACKS** | | | | | |
| F SIDE | | | | | |
| Abutting an R Zone (min) | 2' | 2' | 2' | 2' | 2' |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| G REAR | | | | | |
| Abutting an R Zone (min) | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| **MASS** | | | | | |
| H Primary Building Division (min/max) | N/A | N/A | 20'/50' | 20'/50' | 20'/50' |
| I Secondary Building Division (min/max) | N/A | N/A | 5'/20' | 5'/20' | 5'/20' |
| **TRANSPARENCY (see §4.07.23, B.)** | | | | | |
| Ground Story, Primary Street (min) | 60% | 60% | 60% | 60% | 60% |
| Ground Story, Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Upper Stories, Primary Street (min) | 50% | 50% | 50% | 50% | 50% |
| Upper Stories, Secondary Street (min) | 20% | 20% | 20% | 20% | 20% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| Length of Blank Wall, Primary or Secondary Street, All Stories (max) | 30' | 30' | 30' | 30' | 30' |
| **PARKING SETBACKS (see §4.07.23, D.)** | | | | | |
| Primary Street (min) [1] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Side (min) [1] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Rear (min) | 5' | 5' | 5' | 5' | 5' |
| Streets Not Classified | 5' | 5' | 5' | 5' | 5' |
| Abutting an R Zone (min) | 5' | 5' | 5' | 5' | 5' |
| **J REQUIRED ENTRY FEATURES (see §4.07.22)** | | | | | |
| Primary Street | Side Entry, Canopy, Gallery, Recessed Entry, or Corner Entry | | | | |

[1] In all cases, no off-street parking is permitted in the front yard or side yard adjacent to a primary street

## 4.07.14 Public and Civic

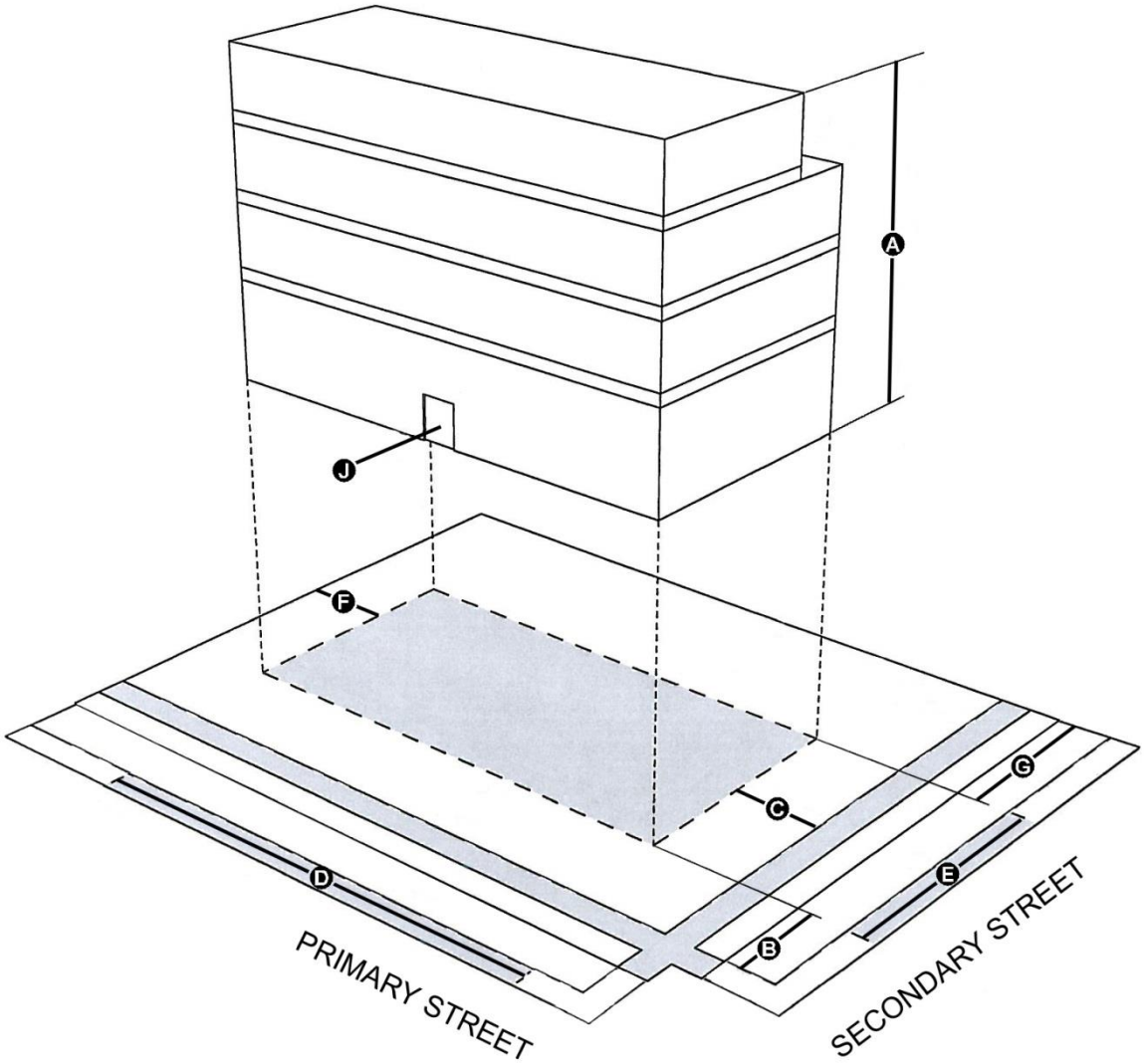
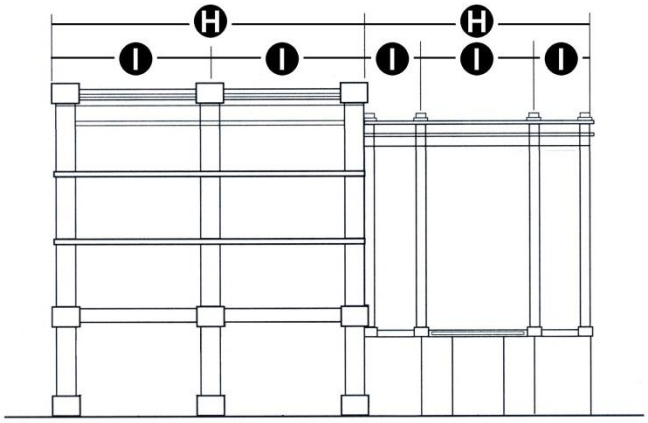



*Illustration for measurement purposes only*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| Public and Civic Development Standards | Subdistricts | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| **Development Standards** | | | | | |
| **A HEIGHT** | | | | | |
| Stories (min/max) | 2/6 | 2/3 | 2/4 | 2/3 | 2/3 |
| **STREET SETBACKS** | | | | | |
| B Primary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| C Secondary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| Streets Not Classified (min) | 5' | 5' | 10' | 10' | 10' |
| **REQUIRED STREET FRONTAGE** | | | | | |
| D Primary Street (min) | 80% | 80% | 80% | 80% | 80% |
| E Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| **INTERIOR SETBACKS** | | | | | |
| F SIDE | | | | | |
| Abutting an R Zone (min) | 10% of the lot width | 10% of the lot width | 10% of the lot width | 10% of the lot width | 10% of the lot width |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| G REAR | | | | | |
| Abutting an R Zone (min) | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| **MASS** | | | | | |
| H Primary Building Division (min/max) | N/A | N/A | 20'/50' | 20'/50' | 20'/50' |
| I Secondary Building Division (min/max) | N/A | N/A | 5'/20' | 5'/20' | 5'/20' |
| **TRANSPARENCY (see §4.07.23, B.)** | | | | | |
| Ground Story, Primary Street (min) | 60% | 60% | 60% | 60% | 60% |
| Ground Story, Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Upper Stories, Primary Street (min) | 50% | 50% | 50% | 50% | 50% |
| Upper Stories, Secondary Street (min) | 20% | 20% | 20% | 20% | 20% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| Length of Blank Wall, Primary or Secondary Street, All Stories (max) | 30' | 30' | 30' | 30' | 30' |
| **PARKING SETBACKS (see §4.07.23, D.)** | | | | | |
| Primary Street (min) [1] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Side (min) [1] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Rear (min) | 5' | 5' | 5' | 5' | 5' |
| Streets Not Classified | 5' | 5' | 5' | 5' | 5' |
| Abutting an R Zone (min) | 5' | 5' | 5' | 5' | 5' |
| **J REQUIRED ENTRY FEATURES (see §4.07.22)** | | | | | |
| Primary Street | Front Porch, Stoop, Canopy, Gallery, Recessed Entry, or Corner Entrance | | | | |

[1] In all cases, no off-street parking is permitted in the front yard or side yard adjacent to a primary street

## 4.07.15 Commercial

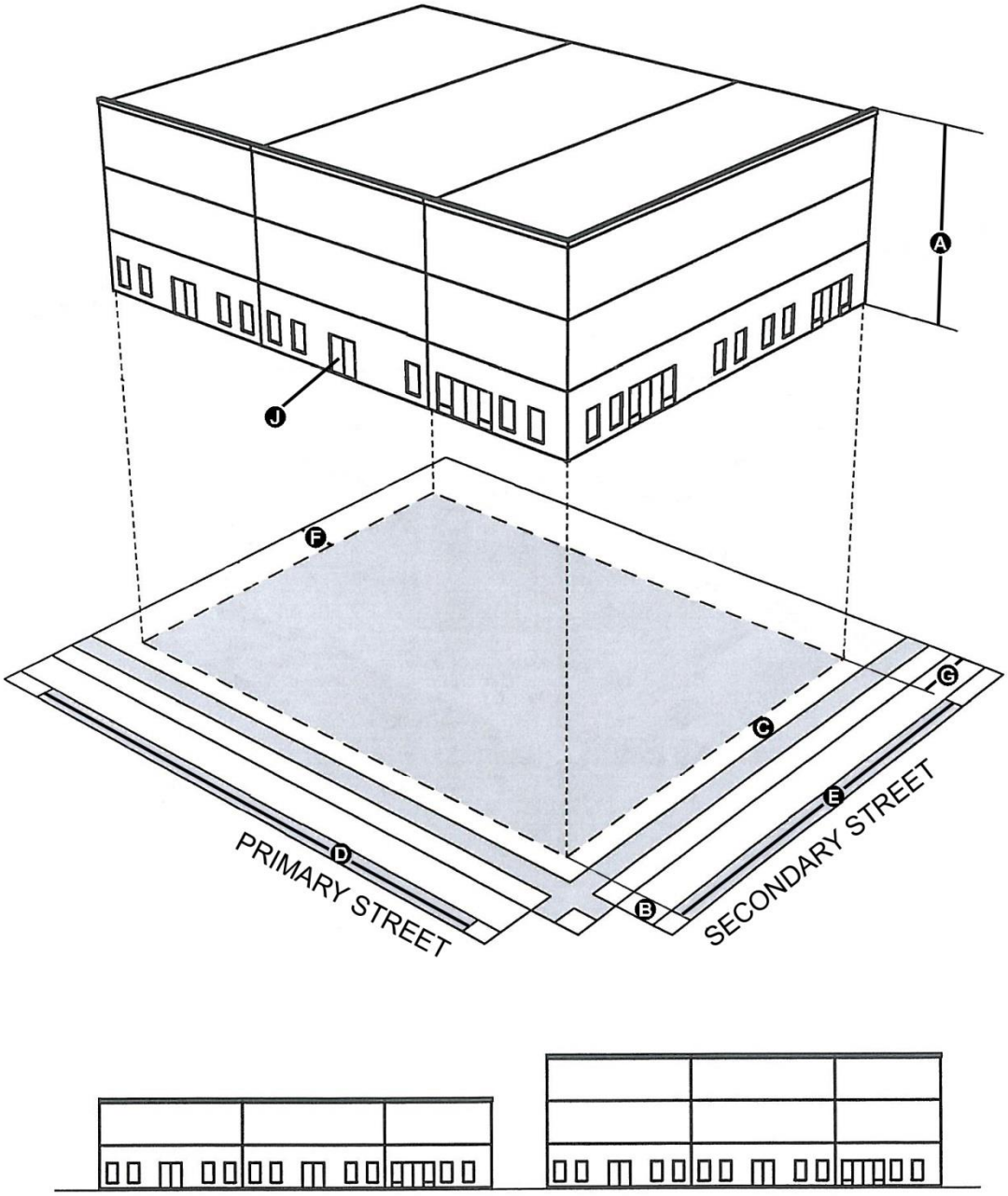
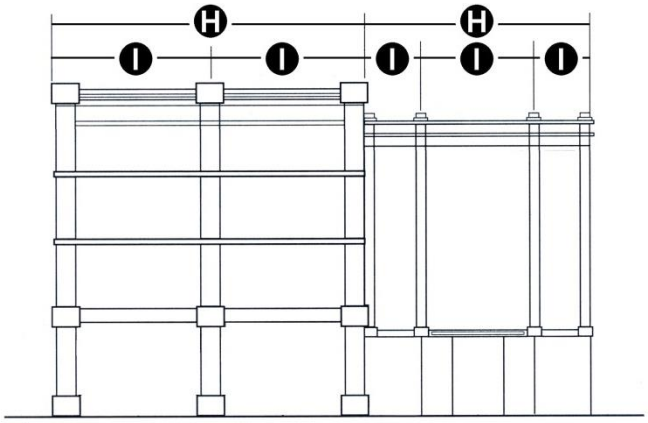



*Illustration for measurement purposes only*




| Commercial Development Standards | Subdistricts | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| **Development Standards** | | | | | |
| **A HEIGHT** | | | | | |
| Stories (min/max) | 2/6 | 2/3 | 2/4 | 2/3 | 2/3 |
| **STREET SETBACKS** | | | | | |
| B Primary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| C Secondary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| Streets Not Classified (min) | 5' | 5' | 10' | 10' | 10' |
| **REQUIRED STREET FRONTAGE** | | | | | |
| D Primary Street (min) | 80% | 80% | 80% | 80% | 80% |
| E Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| **INTERIOR SETBACKS** | | | | | |
| F SIDE | | | | | |
| Abutting an R Zone (min) | 10% of the lot width | 10% of the lot width | 10% of the lot width | 10% of the lot width | 10% of the lot width |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| G REAR | | | | | |
| Abutting an R Zone (min) | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| **MASS** | | | | | |
| H Primary Building Division (min/max) | N/A | N/A | 20'/50' | 20'/50' | 20'/50' |
| I Secondary Building Division (min/max) | N/A | N/A | 5'/20' | 5'/20' | 5'/20' |
| **TRANSPARENCY (see §4.07.23, B.)** | | | | | |
| Ground Story, Primary Street (min) | 60% | 60% | 60% | 60% | 60% |
| Ground Story, Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Upper Stories, Primary Street (min) | 50% | 50% | 50% | 50% | 50% |
| Upper Stories, Secondary Street (min) | 20% | 20% | 20% | 20% | 20% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| Length of Blank Wall, Primary or Secondary Street, All Stories (max) | 30' | 30' | 30' | 30' | 30' |
| **PARKING SETBACKS (see §4.07.23, D.)** | | | | | |
| Primary Street (min) [1] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Side (min) [1] | 10' | 10' | 10' | 10' | 10' |
| Secondary Street, Rear (min) | 5' | 5' | 5' | 5' | 5' |
| Streets Not Classified | 5' | 5' | 5' | 5' | 5' |
| Abutting an R Zone (min) | 5' | 5' | 5' | 5' | 5' |
| **J REQUIRED ENTRY FEATURES (see §4.07.22)** | | | | | |
| Primary Street | Front Porch, Stoop, Canopy, Gallery, Recessed Entry, or Corner Entrance | | | | |

[1] In all cases, no off-street parking is permitted in the front yard or side yard adjacent to a primary street

## 4.07.16 Recreation and Open Space

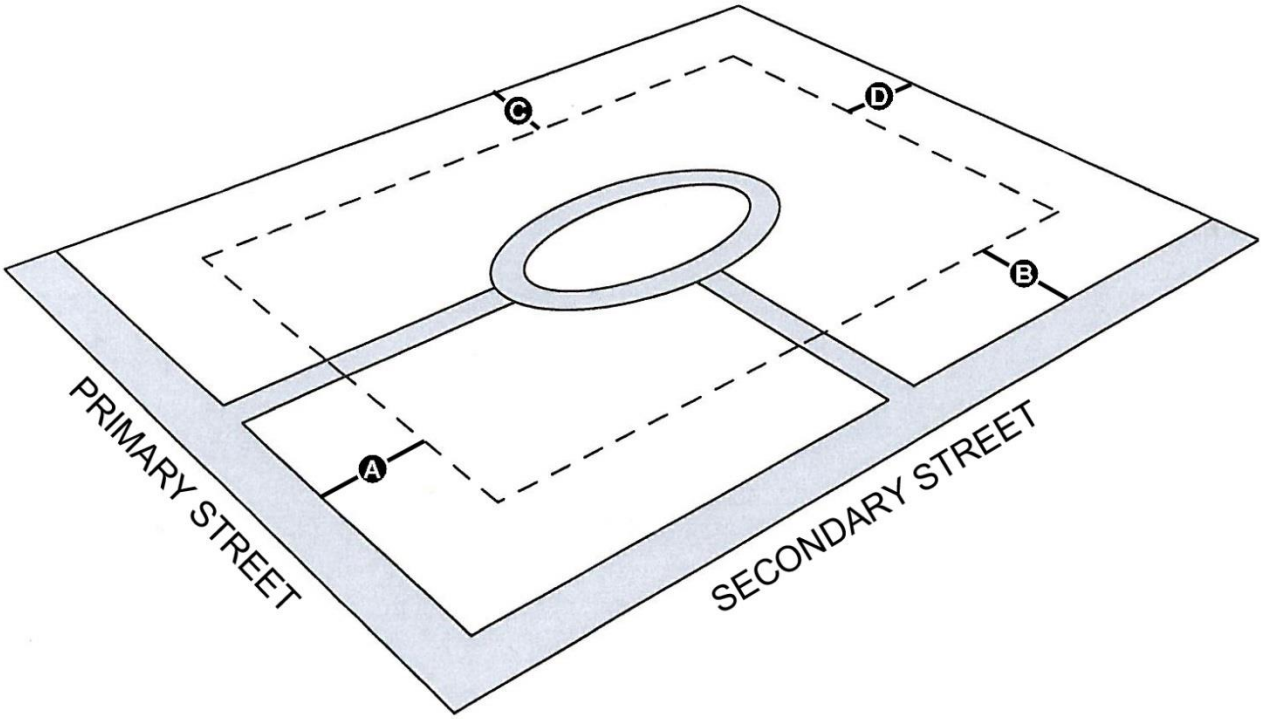
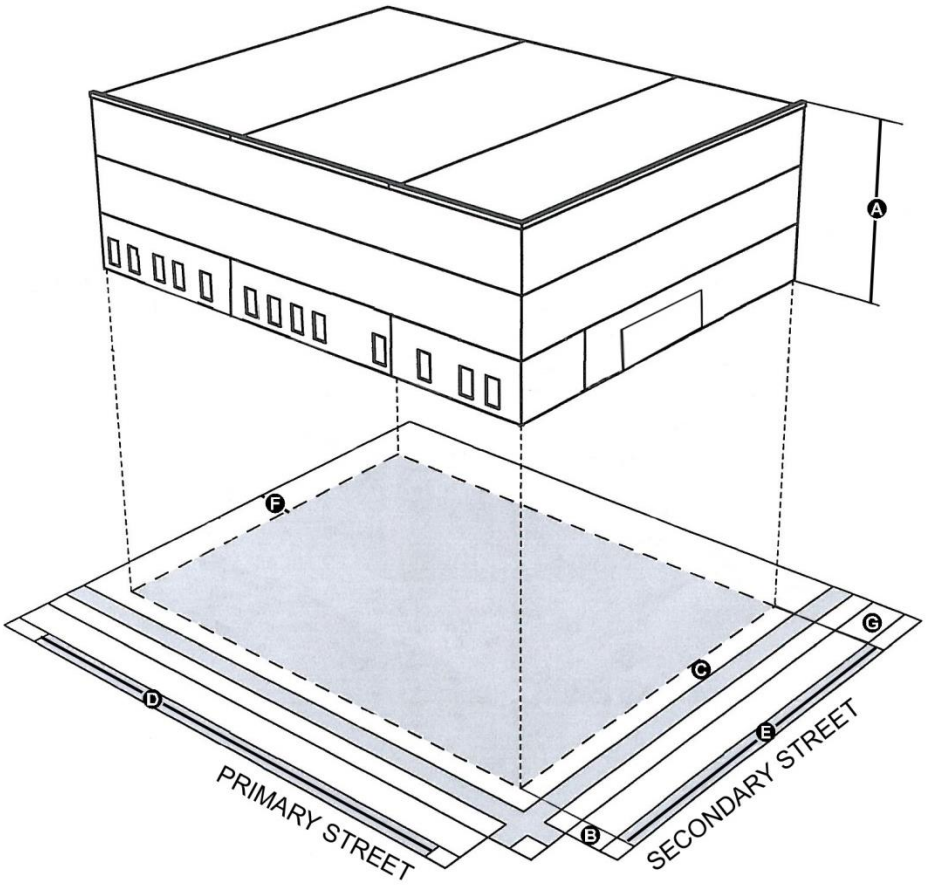
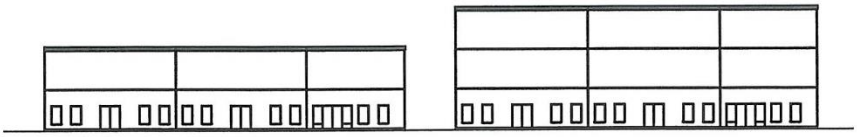



*Illustration for measurement purposes only*

| Recreation and Open Space Development Standards | Subdistricts |
|---|---|
| | **All Subdistricts** |
| **STREET SETBACKS** | |
| A Primary Street (min/max) | 5' |
| B Secondary Street (min/max) | 5' |
| Streets Not Classified (min) | 5' |
| **INTERIOR SETBACKS** | |
| C Side | 5' |
| D Rear | 5' |

## 4.07.17 Parking



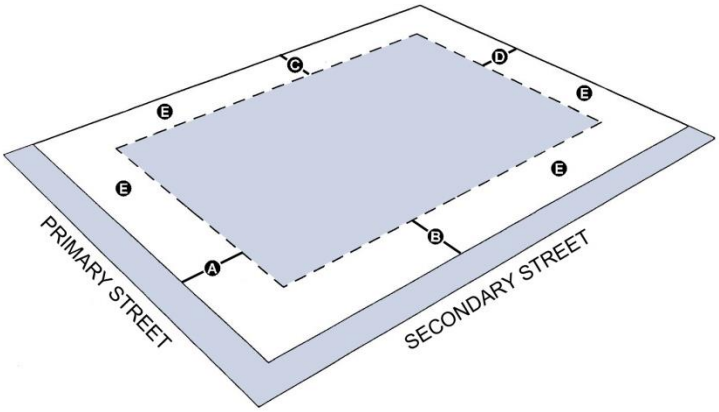


*Illustration for measurement purposes only*

| Parking Garage Development Standards | Subdistricts | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| **Development Standards** | | | | | |
| **A HEIGHT** | | | | | |
| Stories (min/max) | 2/6 | 2/3 | 2/4 | 2/3 | 2/3 |
| **STREET SETBACKS** | | | | | |
| B Primary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| C Secondary Street (min/max) | 10'/15' | 10'/15' | 0'/5' | 0'/5' | 0'/10' |
| Streets Not Classified (min) | 5' | 5' | 10' | 10' | 10' |
| **REQUIRED STREET FRONTAGE** | | | | | |
| D Primary Street (min) | 80% | 80% | 80% | 80% | 80% |
| E Secondary Street (min) | 40% | 40% | 40% | 40% | 40% |
| Streets Not Classified | N/A | N/A | N/A | N/A | N/A |
| **INTERIOR SETBACKS** | | | | | |
| F SIDE | | | | | |
| Abutting an R Zone (min) | 10% of the lot width | 10% of the lot width | 10% of the lot width | 10% of the lot width | 10% of the lot width |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |
| G REAR | | | | | |
| Abutting an R Zone (min) | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth | 25% of the lot depth |
| Abutting a Non-R Zone | None required | None required | None required | None required | None required |

| Surface Parking Lot Development Standards | Subdistricts |
|---|---|
| | All Subdistricts |
| **STREET SETBACKS** | |
| A Primary Street (min/max) | 7' |
| B Secondary Street (min/max) | 7' |
| Streets Not Classified (min) | 7' |
| **INTERIOR SETBACKS** | |
| C SIDE | |
| Abutting an R Zone (min) | 10% of the lot width |
| Abutting a Non-R Zone | 5' |
| D REAR | |
| Abutting an R Zone (min) | 25% of the lot depth |
| Abutting a Non-R Zone | 5' |
| **E LANDSCAPING** | |
| Vehicular Use Areas (applies regardless of size) | §8.02 |

### 4.07.18 Development in Subdistrict 5

The intent of Subdistrict 5 is to promote the preservation and reuse of the existing structures along the north side of 12th Street/Martin Luther King Jr. Boulevard. Covington's Urban Design Review Board identified a majority of structures within this Subdistrict as contributing.

A. Existing Buildings
In order to meet the intent of this Subdistrict, all development of existing buildings (demolition, construction, physical expansion, or outside remodeling of building or premises, including accessory uses or appurtenances to the principal use) must be processed in accordance with the Certificate of Appropriateness Process found in Section 12.14.

B. New Buildings
New buildings must meet the building form and development standards within the LGD Zone

### 4.07.19 Accessory Uses and Structures

A. Accessory uses and structures are regulated by Section 6.02 of this ordinance.

B. Off-street parking and loading/unloading are regulated by Section 4.07.23, D. and Article 7.

C. Fences and walls, as regulated by Section 9.02.

D. Signs, as regulated by Article 10 and Section 4.07.26 of this ordinance.

### 4.07.20 Articulation

A. Horizontal Articulation
Any building three stories or more in height shall incorporate horizontal articulation on all street-facing building walls to promote compatibility with adjacent smaller scale buildings, reduce perceived building mass and support an active pedestrian environment at the street level.

1. Horizontal Articulation Elements
Horizontal articulation shall be provided using one or more of the following elements in a band along at least 70% of the horizontal width of any building wall facing a primary or secondary street:

(a) Horizontal molding: A molding, ornamental trim or sill that projects a minimum of 3” from the primary wall surface.

(b) Stepback: A minimum 3’ horizontal stepback in the vertical wall plane from the floor below.

(c) Spandrel Beam: A horizontal fascia that defines the structure between two floors.

(d) Change in Material: A clear change in material, texture or color.

2. Waivers or Modifications
Waivers or modifications of any articulation standards may be approved only through the Design Review procedure of Section 12.15.

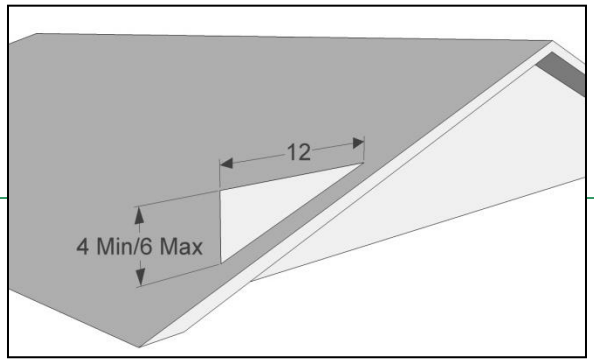
### 4.07.21 Roofs

A. Materials: The only material not permitted is corrugated metal.

B. Configurations and techniques: The only configurations and techniques not permitted are mansard and gambrel roofs

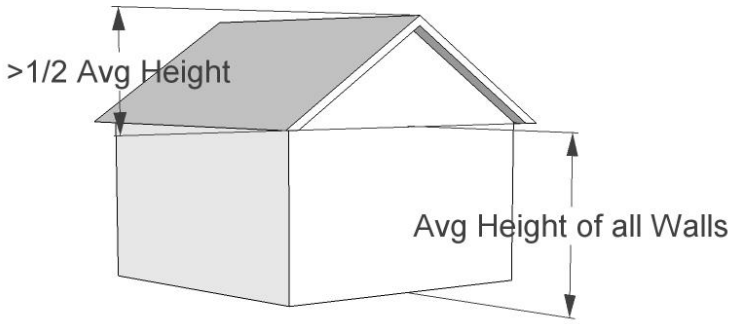
1. Pitched roofs (exclusive of roofs behind parapet walls):

(a) Pitched roofs shall have a pitch between 4:12 and 6:12



(b) Mechanical equipment on roofs must be screened from view from the ground from all public use areas, adjacent to the site in question.

(c) Pitched roofs with a vertical rise that exceeds one-half the average height of supporting walls as measured along each facade are not permitted.




2. Parapet Roofs

(a) Parapet walls sufficiently high enough to screen rooftop mechanical equipment from viewing shall conceal roofs of building structures that are generally flat.

(b) Facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet. Possible variations include, but are not limited to: color; height; changes in materials; projections; and changes in layout

3. Modifications to roof types and materials are permitted to accommodate green roofing systems.

C. Waivers or Modifications
Waivers or modifications of any roof standards, except those specifically permitted in 4.07.21, B., 3., may be approved only through the Design Review procedure of Section 12.15.

### 4.07.22 Entry Features

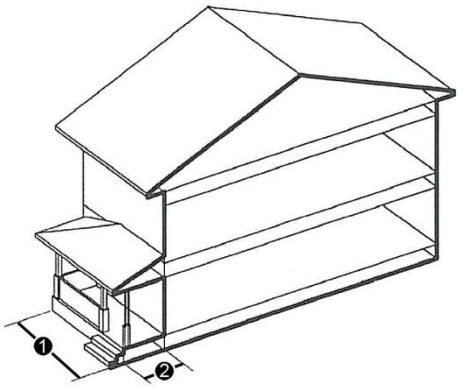
A. A single entry feature from the required list must be facing the primary street. The required entry feature must meet the design standards for one entry feature as defined below.

1. Required entry features in Subdistricts 1 and 2 may

encroach into the primary or secondary street setback.

2. Required entry features in Subdistricts 3, 4, and 5 are considered part of the principal structure and must meet the required primary and secondary street setback requirements

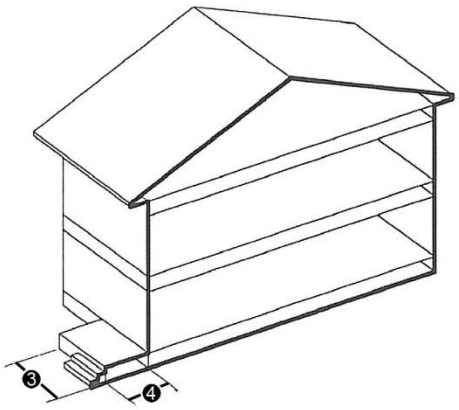
B. An access ramp may be added to any required entry feature. Such ramps may exceed the maximum permitted width for an entry feature and encroach into the front setback.




C. Front Porch

A one or two-story structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, roofed and open-sided.

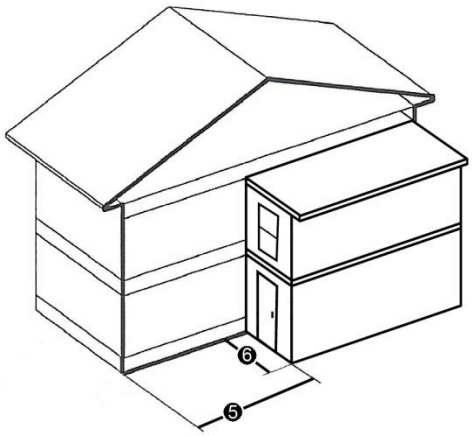
| PORCH CONFIGURATION | |
|---|---|
| 1 Width (min) | 8' |
| 2 Depth (min) | 6' |
| Front Setback Encroachment (max including steps and eaves) | 9' |




D. Stoop

A stoop is an uncovered set of steps and a landing at an entrance to a building. A stoop may be covered or uncovered.

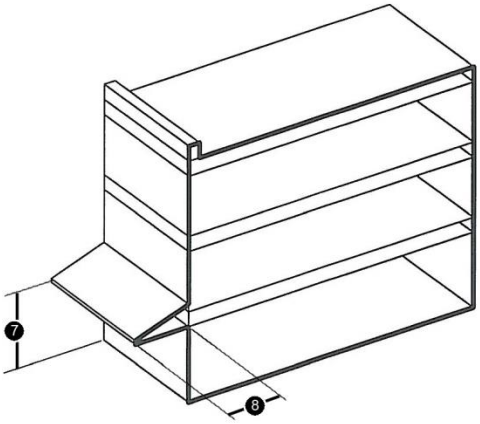
| STOOP CONFIGURATION | |
|---|---|
| 3 Width (min) | 5' |
| 4 Depth (min) | 5' |
| Front Setback Encroachment (max including steps) | 8' |




E. Side Entry

A side entry can serve as either the primary or secondary access to a building. Side entries must meet the street and side yard setbacks. Side entries can be accompanied by a one or two-story porch, a stoop, or be built as an extension of the principal building.

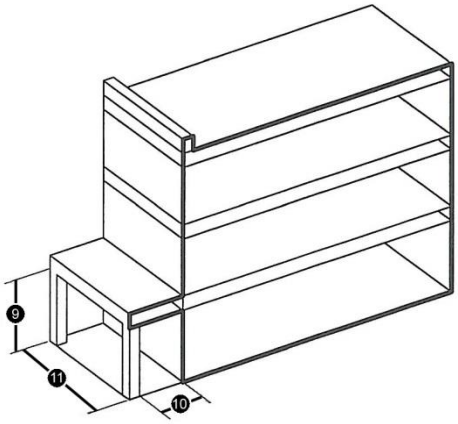
| SIDE ENTRY CONFIGURATION | |
|---|---|
| 5 Offset from Front of Building (min) | 10' |
| 6 Width (min) | 5' |




F. Canopy

A canopy is a wall-mounted structure providing shade and cover from the weather for a sidewalk.

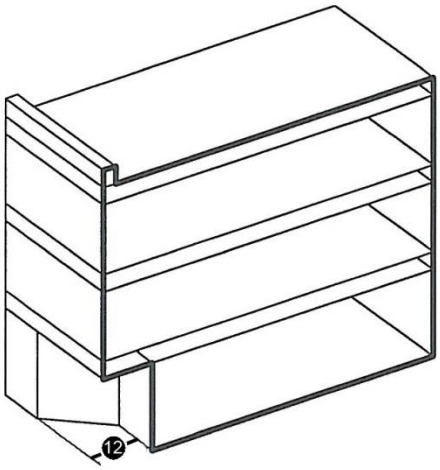
| CANOPY CONFIGURATION | |
|---|---|
| 7 Height (min) | 8' |
| 8 Depth (min) | 6' |
| Front Setback Encroachment (max) | 6' |




G. Gallery

A gallery is a covered passage extending along the outside wall of a building supported by arches or columns that is open on at least one side.

| GALLERY CONFIGURATION | |
|---|---|
| 9 Height (min) | 8' |
| 10 Depth (min) | 6' |
| 11 Width (min) | 50% of building façade |
| Front Setback Encroachment (max) | 7' |

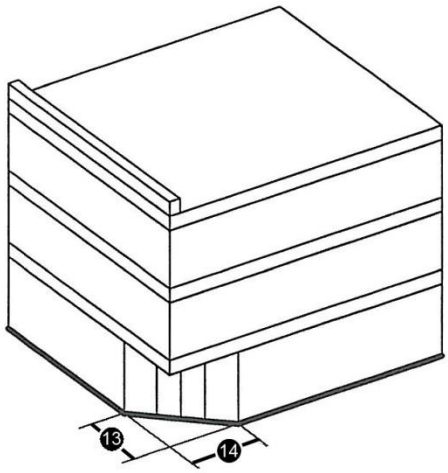



H. Recessed Entry

A recessed entry is a building entrance inset into and placed behind the plane of the front façade.

| RECESSED ENTRY CONFIGURATION | |
|---|---|
| 12 Depth (min) | 6' |

I. Corner Entry




A corner entrance is an angled street-facing entrance that is located at the corner of the building.

| CORNER ENTRY CONFIGURATION | |
|---|---|
| 13 Width (min) | 7' |
| 14 Depth (min) | 7' |

J. Waivers or Modifications
Waivers or modifications to permit an entry feature not specifically permitted in a subdistrict may be approved only through the Design Review procedure of Section 12.15.

### 4.07.23 Other Character Standards

A. Building Placement Requirements

1. Exceptions to Building Setbacks along Streets

(a) Articulated Building Street Face
When a portion of the building is set back farther than the maximum required building setback line in order to provide an articulated or modulated facade, the total area of the space created may not exceed one square foot for every linear foot of building frontage.

(b) Outdoor Eating Areas
When an outdoor eating area is located on the street frontage, the building setback line may be adjusted, provided that the building is set back no more than 12 feet from the front or street side lot line or at least 40 percent of the façade complies with the maximum building setback line and the total area of the outdoor eating area does not exceed 12 times the building's street frontage in linear feet.

(c) Courtyards, Plazas, Pocket Parks, or Greenspace
When a courtyard, plaza, pocket park, or greenspace

is located on the street frontage, the building setback line may be adjusted, provided that the building is set back no more than 12 feet from the front or street side lot line or at least 40 percent of the façade complies with the maximum building setback line.

(d) Green Infrastructure
The maximum building setback line may be increased to twelve (12) feet to accommodate green infrastructure and integrated stormwater controls.

2. Exceptions to Required Street Frontage

(a) Pedestrian Access to Off-Street Parking Areas
When outdoor pedestrian access is provided from the street to off-street parking areas, the required street frontage along primary streets can be reduced by ten percent. The pedestrian access shall remain clear of obstructions.

(b) Outdoor Eating Areas
When an outdoor eating area is located to the side of a building, the required street frontage along primary streets can be reduced by five percent. The outdoor eating area must be located adjacent to the primary street right-of-way.

(c) Courtyards, Plazas, Pocket Parks, or Greenspace
When a courtyard, plaza, pocket park, or greenspace is located along to the side of a building, the required street frontage along primary streets can be reduced by thirty percent.

B. Transparency

1. Display Windows
Display windows that do not provide visual access into the interior of the building count toward the minimum transparency percentage, provided that they are at least 2 feet in depth.

2. Waivers or Modifications
Waivers or modifications of any transparency standards may be approved only through the Design Review

procedure of Section 12.15.

C. Driveways/Curb Cuts
Vehicular access must be from an alley or side street if one is present.

D. Off-Street Parking and Loading/Unloading

1. In order to maintain a continuous street façade in any provided parking must be located at the rear of the building.

2. Where the depth of the lot is insufficient to permit parking in the rear, parking may be located at the side of the building.

3. Off-street parking may be located on another lot than the building or use being served is located, provided that the parking is located within 1,500 feet walking distance of the main entrance to the use served.

   An agreement providing for the use of parking, executed by the parties involved, must be filed with the Zoning Specialist, in a form approved by the Zoning Specialist. Parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by Article 7.

4. Any building over four stories in height is required to provide at least thirty percent of the required off-street parking in an underground parking garage.

5. All other off-street parking and loading/unloading regulations contained within Article 7 shall apply to uses within the LGD Zone. Where a regulation is based on a Character Standard suffix, the “P” suffix standards shall apply.

E. Drive-Through Facilities
Drive-through facilities are not permitted in the LGD Zone.

F. Utilities
All utilities for new developments shall be located underground.

G. Landscaping

1. Street Walls
Masonry walls and/or ornamental fencing are required to be installed along the perimeter of vehicular use areas adjacent to front and street side (corner) property lines and abutting any existing front yard of property located within an R zone.

(a) The required masonry wall or ornamental fencing must be installed behind the required perimeter landscape area, at least 5 feet from abutting property lines.

(b) Required walls and fences are limited to a height of no more than 4 feet above grade

2. All other landscaping shall be provided per Article 8.

### 4.07.24 Changes to the Street Network

A. If a public street or right-of-way shown on the regulating plan is vacated, the development standards based on that street no longer apply.

B. If a new public street or right-of-way is dedicated, it shall be treated as a secondary street for the purpose of the development standards.

### 4.07.25 Lighting

Lighting requirements shall meet the following:

A. General Requirements: Light poles shall be consistent in design with the overall architectural theme of the corridor. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while parking area lighting should be at larger scales to light parking areas and vehicular circulation routes.

B. Continuity: All lighting, including but not limited to building lighting, security lights, and architectural lights should be from the same family of fixtures to maintain continuity throughout the LGD Zone.

C. Off-Street Parking Areas and Pedestrian Lighting

1. Lighting should be used in combination with signage standards and other elements where possible.
2. Lighting should be coordinated with street tree plantings for proper integration.
3. Glare Reduction and Lighting Levels

   (a) All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.
   (b) Decorative, pedestrian-scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
   (c) Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
   (d) Lighting located on the building wall shall be fully shielded to direct the light downward.

D. Prohibited Lighting

1. Neon accent lighting is prohibited on buildings and structures.
2. Bare metal light poles and elevated “sonotube” type concrete bases are prohibited.

E. Waivers or Modifications
Waivers or modifications of any lighting standards may be approved only through the Design Review procedure of Section 12.15.

### 4.07.26 Sign Regulations

A. Article 10 of the Covington Zoning Ordinance applies with the following additional regulations:

1. In Subdistricts 3, 4, and 5 only, wall signs are permitted only within the area between the first story and the second story, but no higher than 25 feet, and no lower than 10 feet above the adjacent grade.

2. Canopy and Gallery signs are permitted subject to the following standards:

   (a) One canopy or gallery sign is permitted per business.
   (b) The canopy or gallery sign must be at least 8 feet above grade.
   (c) The canopy or gallery sign must not exceed two (2) square feet of sign area per lineal foot of building width on the side of the building that the sign is located.
   (d) If a canopy or gallery sign is used, then a separate wall sign for the same business is not permitted.
   (e) Lettering or graphic elements shall be located only on that portion of the canopy or gallery that is parallel to the building façade.

2. Non-illuminated names of buildings, dates of erection, monument statues, tablets when carved into stone, concrete, metal, or any other permanent type of construction and integral part of an allowed structure are permitted, not larger than 5 square feet in size.
3. Pole signs and cabinet-type façade signs are not permitted.
4. Flashing, traveling, animated, or intermittent lighting are not permitted.
5. Manual and automatic changeable copy signs are not permitted.
6. No illuminated signage is permitted that would glare into residential units within multi-use structures.
7. Projecting signs must be at least 8 feet above grade.
8. Sidewalk signs are permitted per the requirements of Section 10.13.05.
9. Finish Materials

   (a) The only material not permitted is plastic, except when used for individual letters and symbols only.

# Article 5. Overlay Zones

Section 5.01 General..... 5-1
Section 5.02 Reserved ..... 5-1
Section 5.03 HP-O, Historic Preservation Overlay..... 5-1
Section 5.04 AP-O, Area Protection Overlay..... 5-4
Section 5.05 P-O, Phased Overlay..... 5-8
Section 5.06 MHP-O, Mobile Home Park Overlay..... 5-9
Section 5.07 PUD, Planned Unit Development.....5-11
Section 5.08 MUC-O, Mixed Use Corridor Overlay..... 5-14

## Section 5.01 General

**5.01.01** Overlay zones are tools for dealing with special situations or accomplishing special planning and zoning goals. As the name implies, overlay zones are over-laid on base zone classifications to alter some or all of the underlying zone regulations. Overlay zones are shown on the official zoning map in parentheses following the base zone map symbol. Thus, an RU-2-zoned parcel that is included in the Historic Preservation Overlay zone would be shown on the zoning map as RU-2 (HP-O)

**5.01.02** Overlay zone regulations apply in combination with underlying base zone regulations and all other applicable standards of this zoning ordinance. When overlay zone standards conflict with standards that otherwise apply in the underlying base zone, the regulations of the overlay zone always govern. All applicable regulations of the underlying base zone apply to property in an overlay zone unless otherwise expressly indicated.

## Section 5.02 Reserved

## Section 5.03 HP-O, Historic Preservation Overlay

### 5.03.01 Purpose

A. The HP-O, Historic Preservation Overlay zone is intended to preserve structures, buildings, appurtenances, and places that are of basic and vital importance for the development of the culture, because of their association with history; because of their unique architectural style and scale, including color, proportions, form, and architectural details; or because of their being a part of or related to a square, park or area of cultural, historical, or architectural importance to the city.

B. This zone is intended to work in conjunction with the other zones and for the purpose of protecting and preserving the exterior of the buildings, structures, appurtenances, and places.

**5.03.02 Applicability**

A. The regulations of this section apply to all development proposed within the boundaries of the HP-O zones, as shown on the official zoning map.

B. Upon approval of an HP Overlay zone, the official zoning map must be amended by adding the suffix HP-O, in parentheses, to the existing zones, i.e., RU-2 (HP-O), within the identified areas.

**5.03.03 Principal Permitted Uses and Structures**

Any principal permitted uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building or structure in accordance with the purpose of this zone are permitted.

**5.03.04 Permitted Accessory Uses**

Any accessory uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building, structure, appurtenances, or place in accordance with the purpose of this zone are permitted, subject to the approval of the Board of Adjustment.

**5.03.05 Conditional Uses**

Any conditional uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building, structure, appurtenances, or place in accordance with the purpose of this zone, subject to approval by the board of adjustment.

**5.03.06 Special Conditions**

A. Off-street parking, as set forth in Article 7.

B. No alteration of the exterior appearance of any building, structure, appurtenance, or site is permitted unless the work is determined to be consistent with the Covington Design Guidelines.

C. No new construction is permitted unless the work is determined to be consistent with the Covington Design Guidelines.

D. No demolition of buildings or structures is permitted unless it is reviewed and approved by the Urban Design Review Board as set forth in Sec. 12.14.07.

### 5.03.07 Protective Maintenance Required

A. All buildings and structures in designated Historic Preservation Overlay zones must be properly maintained and repaired at the same level required elsewhere in the city. Should an owner omit essential maintenance and repairs, which would eventually result in the building becoming so run down that it would be constitutionally unreasonable for the city to refuse to allow the owner to demolish the building, the Urban Design Review Board must bring this matter to the attention of the Code Enforcement Department, who must immediately require of the owner or agent protective maintenance and repair to further the economy, health, safety, and general welfare of the city and nothing in this subchapter will be construed to prevent ordinary maintenance or repairs of any structures.

B. In any case where the Code Enforcement Department determines that there are emergency conditions dangerous to life, health, or property affecting a historic structure or area, he or she may order the remedy of these conditions without the approval of the Urban Design Review Board. The Code Enforcement Department must promptly notify the Historic Preservation Officer and the Chairperson of the Urban Design Review Board of the action being taken.

### 5.03.08 Actions by the City Commission

A. If the City Commission creates a Historic Preservation Overlay zone, its action must include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical or architectural significance requiring protection against destruction and encroachment.

B. It is also the intent of this section that the City Commission be lenient in its judgment of plans for new construction or for alteration, repair, or demolition of structures determined to be non-contributing, except where such construction, alteration, repair, or demolition would seriously impair the historic or architectural value of surrounding structure or the surrounding area. It is not the intent of this subchapter to limit new construction, alteration, or repair to any one period of architectural style.

## Section 5.04 AP-O, Area Protection Overlay

### 5.04.01 Purpose

The purpose of the Area Protection Overlay zone is to preserve those areas wherein the city legislative body is actively considering enacting a development plan project under KRS Chapter 99, and additionally to protect those areas from development that is inconsistent with the city's adopted goals and objectives for the area as a potential development plan project under KRS Chapter 99.

### 5.04.02 Applicability

A. The regulations of this section apply to all development proposed within the boundaries of the AP-O zones, as shown on the official zoning map.

B. Upon approval of an AP Overlay zone, the official zoning map must be amended by adding the suffix AP-O, in parentheses, to the existing zones, i.e., RU-2 (AP-O), within the identified areas.

### 5.04.03 Processing

The zoning of an area to AP Overlay zone must be processed in the following manner:

A. The city's legislative body must declare by resolution its intent to consider an area for a development plan project as enacted under KRS Chapter 99. In identifying the area, the city must include goals and objectives as a guide for development of the area as related to is future as a development under KRS Chapter 99. These goals and objectives may apply to both the area as a whole and the sub-areas within larger areas.

B. A public hearing must be held by the Planning Commission on the zoning map amendment, and a recommendation must be forwarded to city's legislative body.

C. The city's legislative body must review the recommendation of the Planning Commission and take action on the proposed amendment within 90 days.

D. The zoning of an area under the designation AP Overlay zone will be subject to the time constraints as noted below. Upon the expiration of the time constraints, it is the responsibility of the city's legislative body to initiate an amendment to the zoning ordinance to remove from the official zoning map the AP Overlay

zone designation. A zoning map amendment may be initiated if either the following conditions applies:

1. The legislative body, under authority of KRS Chapter 99, adopts a development plan project for the AP Overlay zone area; or
2. A development plan project (KRS Chapter 99) has not been adopted for the AP Overlay zone area within 12 consecutive months from the date of approval of the amendment to AP Overlay zone; however, the duration of the AP Overlay zone may be extended for a period not to exceed six months, provided the city is actively preparing to adopt a development plan project for the area.

E. The zoning map amendment to remove the AP Overlay zone designation must be in accordance with the procedures outlined in KRS Chapter 100 for a zoning map amendment.

### 5.04.04 Permitted Development

A. Principal Permitted, Conditional, and Accessory Uses

Buildings or premises may be utilized only for those principal permitted, conditional, or accessory uses within the particular underlying zone where the building or premises is located, provided that no new construction is permitted except in accordance with the requirements of this section. Conditional uses must also be reviewed and approved by the city's Board of Adjustment.

B. New Construction

New construction means demolition, erection, physical expansion, or outside remodeling of building or premises, including accessory uses or appurtenances to the principal use. It does not mean normal maintenance (such as cleaning and painting) or demolition required by the Code Enforcement Department for the purposes of maintaining the health, safety, and welfare of the neighborhood.

1. Application

A permit for new construction may be granted only in accordance with the following review process:

(a) Applicable information as required under Section 12.06 must be submitted to the Zoning Administrator for acceptance and further

processing. In addition, architectural drawings or renderings of various elevations must be included to identify outside building treatment. The purpose of the material submitted is to determine the compliance of the proposed new construction with the identified review criteria in paragraph 5.04.04, B., 2.

(b) The Zoning Administrator must review the submitted information within 30 days of its receipt to determine if the proposed new construction is in compliance with the zoning ordinance (such as use, parking, and setbacks). The Zoning Administrator must then submit, with the proposal for new construction, a report to the Urban Design Review Board identifying whether or not the proposal is in compliance with the requirements of the zoning ordinance and if not in compliance, what must be done to comply with this chapter (such as additional parking or setback or variance from the Board of Adjustment).

(c) A meeting of the Urban Design Review Board must be scheduled no more than 30 days after receipt of the proposal for new construction and the report of the Zoning Administrator. At the meeting, the applicant must present to the Board his or her proposal for new construction. The presentation by the applicant and consideration by the Board must focus on the review criteria, division 5.04.04, B., 2., keeping in mind that the purpose of the review is to effect the adopted goals and objectives for the area as a future development plan project, and to maintain to the extent possible the distinctive character, quality of construction, and individual architectural integrity within the AP Overlay zone area.

(d) In reviewing the proposal for new construction, the Urban Design Review Board may utilize and confer with any city department, local neighborhood, or interest groups that could provide input toward their recommendation.

(e) The Urban Design Review Board must, within 14 days of their meeting, make a report to the city's legislative body indicating their recommendation and bases for such recommendation, including any conditions thereto.

(f) The city's legislative body, after receiving the report of the Urban Design Review Board, must within 60 days review the recommendations of the Urban Design Review Board and take action to approve or disapprove the proposal. If approved, the proposal must be forwarded to the Zoning Administrator for further processing, in accordance with the requirement of this or other applicable city ordinances. In the event a proposal is disapproved by the legislative body, notice of the action and basis therefore must be forwarded to the applicant.

2. Review and Approval Criteria

A proposal for new construction must be reviewed in accordance with the following criteria. If the proposed new construction involves demolition, the review must also include a concurrent review of the replacement uses.

(a) Zoning Compliance

The proposed new construction must be a permitted or conditional use in the underlying zone where the new construction is proposed, and the development must be in accordance with the requirements of the zoning ordinance. Any conditional use must be reviewed and approved by the Board of Adjustment prior to submission for new construction review. (NOTE: The report of the Zoning Administrator must be the basis of determining compliance with the zoning ordinance).

(b) Goals and Objectives for the Area

The proposed new construction must be consistent with the adopted goals and objectives for future development within the area as noted by the city in identifying the area for consideration as a development plan project under KRS Chapter 99.

(c) Height

New buildings, including all appurtenances thereto, must be constructed so as to maintain a relationship compatible to and in character with existing adjacent development along or within the same

block. Consideration must be given to maintaining similar building proportions (height to width) as exists within the area. Where necessary, the Urban Design Review Board may recommend a variance be requested from the Board of Adjustment. Any recommendation by the Urban Design Review Board for approval of a new construction proposal that requires a variance from the Board of Adjustment must be conditioned on receipt of the variance.

(d) Location

New buildings must be positioned so as to maintain the existing pattern of setback from the street and the established building rhythm (structure to open space) where applicable. Where necessary, the Urban Design Review Board may recommend a variance be requested from the Board of Adjustment. Any recommendation by the Urban Design Review Board for approval of new construction proposal that requires a variance from the Board of Adjustment must be conditioned on receipt of the variance.

(e) Special Details

Architectural details, including windows, doors, roofing, and facade treatments on new and remodeled buildings must be in character with existing structures the area in terms of sizes, shapes and materials.

### 5.04.05 Other Regulations

The amendment of AP Overlay zone does not affect the applicability of other regulations contained within this chapter. An HP-O, Historic Preservation Overlay zone may be adopted in conjunction with an AP Overlay zone.

## Section 5.05 P-O, Phased Overlay

### 5.05.01 Purpose

Phased zoning is an overlay type regulation to be used in cases where the time or phasing of the zoning of an area is especially critical to the implementation of the adopted comprehensive plan. The intent of the phased zoning regulations is to encourage redevelopment of a specified area for the use or density designated on the comprehensive plan when the

necessary conditions for such development are realized (for example, demolition of existing building). Until such conditions are realized, the type of development identified by the comprehensive plan is premature and such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future rezoning that would be in compliance with the adopted comprehensive plan.

### 5.05.02 Applicability

A. The phased zoning regulations may be overlaid over any zoning classification in accordance with the zoning map amendment procedures of Section 12.04. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced based on the general existing land use, but on attainment of all the requirements of the zone that corresponds to the adopted comprehensive plan for type of use or density, the area could be rezoned in direct compliance with the plan.

B. Phased zones are indicated on the official zoning map by adding to the overlaid zone, the letter "P-O" as a suffix enclosed in parentheses. For example, in order to properly phase its change, an area zoned RS-12.5 that is identified for future use on the adopted comprehensive plan for industrial could be temporarily zoned RS-12.5 (P-O), indicating that present development on the site would be in conformance with the regulations of the overlaid RS-12.5 zone, but on the attainment of certain conditions (for example, provision of an adequate access road, demolition of existing building) as indicated on the local comprehensive plan, the area could be rezoned through the zoning map amendment procedures of Section 12.04. At the time of the zoning amendment, the temporary RS-12.5 (P-O) zone is removed and the area is developed according to the regulations of the new zone, which is in conformance with the adopted comprehensive plan.

## Section 5.06 MHP-O, Mobile Home Park Overlay

### 5.06.01 General

A Mobile Home Park (MHP-O) Overlay zone is permitted to be superimposed over any of the residential zones, provided that all conditions or provisions of this section, the applicable requirements of the subdivision regulations, and any additional requirements as determined necessary to provide for the most efficient layout of the MHP zone and its

proper integration with the surrounding development are met; and a public hearing is held on the MHP application.

**5.06.02 Review and Approval Procedures**

MHP-O zones require review and approval in accordance with the procedures of Section 12.05.

**5.06.03 Uses and Densities**

Mobile homes, including customary accessory buildings and uses, are permitted within the MHP-O zone. The density of dwelling units in MHP-O zones must be determined by the density (dwelling units per net acre) as calculated from the existing residential zone superimposed by the MHP-O zone. This density must be applied to the total project area, excluding that land devoted to streets (public and private). The following structures and uses related to and for the exclusive use of the residents of the mobile home park (excluding, however, any commercial uses) are also permitted:

A. Rental or sales offices for lots or mobile homes in the mobile home park.

B. Community centers.

C. Laundry facilities.

**5.06.04 Public and Semi-Public Uses**

Public and semi-public structures and uses are permitted in the MHP-O zone. These uses must be delineated on the plan and must be limited to one or more of the following:

A. Schools (nursery, elementary and secondary);

B. Religious assembly; and

C. Open space or recreation areas.

**5.06.05 Area Requirements**

No MHP-O zone is permitted on a tract of less than 10 acres. However, development of a smaller tract adjacent to an existing MHP-O zone is permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

**5.06.06 Height and Setback Regulations**

Requirements must be as approved in the plan.

### 5.06.07 Off-Street Parking and Loading or Unloading

Off-street parking and, when applicable, loading or unloading facilities must be provided in accordance with Article 7.

### 5.06.08 Fences, Walls, and Signs

The location, height, and type of all fences, walls, and signs must be as approved in the plan.

### 5.06.09 Erosion and Sedimentation Control

Effective erosion and sedimentation controls must be planned and applied in accordance with Section 9.03.

### 5.06.10 Common Open Space; Recreation Area

At least 20 percent of the total acreage of the proposed mobile home park must be retained as common open space and recreation area and dedicated to a public or private entity for operation and maintenance. Such open space and recreation areas must be physically situated so as to be readily accessible, available to, and usable by all residents of the mobile home park. Common open space and recreation area is that part of the total project, exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

### 5.06.11 Installation

Mobile homes must be installed in accordance with KRS 227.550, et seq. by a Kentucky certified installer.

## Section 5.07 PUD, Planned Unit Development

### 5.07.01 Purpose

The purposes of the Planned Unit Development (PUD) Overlay zone are to:

A. Promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures;

B. Promote the advantages of modern large-scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities;

C. Preserve, to the greatest extent possible, the existing landscape features and amenities and to utilize such features in a harmonious fashion; and

D. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

**5.07.02 General**

The PUD Overlay zone may be superimposed over any of the residential zones, provided that all conditions or provisions of this section, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development are met; and a public hearing is held on the PUD application.

**5.07.03 Review and Approval Procedures**

PUD Overlay zones require review and approval in accordance with the procedures of Section 12.05.

**5.07.04 Residential Uses and Densities**

All types of residential housing units (attached or detached) are permitted within a PUD Overlay zone, including, but not limited, to single-family, two-family, and multi-family residential units. The density of dwelling units in a PUD must be determined by the density (dwelling units per net acre) as calculated from the underlying residential (R) zone. This density must be applied to the total project area, excluding that land devoted to commercial uses and streets (public and private).

**5.07.05 Commercial uses**

A. Commercial uses intended primarily for the service and convenience of residents of the PUD are permitted within the project area, provided a market analysis is made justifying the need for those uses.

B. These commercial uses must be grouped in complexes clearly delineated on the Stage I plan and may include one or more of the following uses:

1. Delicatessen, grocery, meat, fruit, or vegetable market;
2. Drug store;
3. Bakery shop;

4. Laundry/dry cleaning pick-up stations, or self-service facilities;
5. Beauty or barber shops;
6. Shoe repair shops;
7. Hardware stores;
8. Business or professional office;
9. Clothing store;
10. Restaurants;
11. Banks; or
12. Other similar, neighborhood-oriented retail sales or service uses expressly approved as part of the Stage I plan.

C. Another use may be substituted on the approved plan for a use previously approved provided it is one of the above listed uses and provided the use will not involve any building expansion beyond the approved plan and further provided that the use is approved by the Zoning Administrator.

**5.07.06 Public and Civic Uses**

Public and civic uses are permitted in the PUD. These uses must be delineated on the plan and must be limited to one or more of the following uses:

A. Schools (nursery, elementary and secondary);

B. Religious assembly;

C. Community centers, including day-care facilities;

D. Country clubs;

E. Libraries;

F. Fire or police stations;

G. Open space-recreation areas; or

H. Other similar, public or civic use types expressly approved as part of the Stage I plan.

**5.07.07 Area Requirements**

No PUD Overlay zone is permitted on a tract of less than 25 acres. However, development of a smaller tract adjacent to an existing PUD Overlay zone is permitted if the proposed development conforms to and

extends the original development as if the new area had been a part of the original development.

### 5.07.08 Height and Setback Regulations

Requirements must be as approved in the plan.

### 5.07.09 Off-Street Parking and Loading or Unloading

Off-street parking and, when applicable, loading or unloading facilities must be provided in accordance with Article 7.

### 5.07.10 Fences, Walls, and Signs

The location, height, and type of all fences, walls, and signs must be as approved in the plan.

### 5.07.11 Erosion and Sedimentation Control

Effective erosion and sedimentation controls must be planned and applied in accordance with Section 9.03.

### 5.07.12 Common Open Space; Recreation Area

At least 20 percent of the total acreage of the proposed PUD must be retained as common open space and recreation area and dedicated to a public or private entity for operation and maintenance. Such open space and recreation areas must be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space and recreation area must be that part of the total project, exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

## Section 5.08 MUC-O, Mixed Use Corridor Overlay

### 5.08.01 Purpose

The purpose of the Mixed Use Corridor Overlay Zone is to provide for a pedestrian friendly, mixed use corridor consistent with the Madison Avenue Corridor Redevelopment Plan's recommended land use and transportation goals, objectives, policies, and strategies. This zone is intended to assist in the redevelopment of the Madison Avenue Corridor so that it may serve as a destination for residents to live, work, and have access to a wide variety of small- to medium-sized retail, office, and service uses. The MUC-O Zone regulations collectively promote high quality site design, creating a sense of place within the corridor and providing a livable environment for existing residents while enhancing the value and aesthetics of the surrounding community. The design intent of the MUC-O Zone is as follows:

A. Provide a walkable mixed-use corridor that is inviting to pedestrians, nearby residents, and the traveling public.

B. Encourage and maintain a pedestrian friendly urban environment while minimizing the impact of the automobile.

C. Provide an appropriate mix of commercial, office, and residential uses that work together to create a harmonious streetscape.

D. Establish building form and architectural standards compatible with the historic character of the area.

E. Ensure that development is compatible with adjoining residential zones and uses.

F. Encourage the use of green infrastructure while minimizing the impacts of stormwater runoff.

**5.08.02 Conflict**

In any case where the standards and requirements of the MUC-O Zone conflict with those of the underlying zoning districts or other provisions of the Covington Zoning Ordinance, the standards and requirements of the MUC-O Zone shall apply.

**5.08.03 Applicability and Extent**

A. The regulations of this section apply to all development proposed within the boundaries of the MUC-O Zones, as shown on the official zoning map.

B. Upon approval of an MUC-O Zone, the official zoning map shall be amended by adding the suffix MUC-O, in parentheses, to the existing zones, i.e. RU-2 (MUC-O), within the identified areas.

C. The MUC-O Zone may be superimposed over any zone provided that all conditions imposed of this section of the ordinance and the applicable requirements of the subdivision regulations are met.

D. The requirements of this section shall not apply to existing single- or two-family homes that are used exclusively for residential purposes. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements of the underlying zone as well as the Residential Infill Development regulations, per Section 2.04 of this ordinance. Existing single- and two-family homes that are partially or fully destroyed may be

rebuilt as a matter of right. Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this section.

E. Any existing nonconforming structures and uses shall be regulated by Article 14.

F. The MUC-O Zone regulations shall apply to any of the following activities:

1. Any change of use that includes the renovation or change of any exterior façade; or
2. Construction of new structures; or
3. Any substantial addition or other development of an existing developed site where the proposed addition is clearly visible from any street, as described in Table 1.

**Table 1 - Substantial Additions to Existing Developed Sites**

| Where Existing Structure Is | Substantial Increase - An Addition Of |
|---|---|
| 0 – 1,000 sq. ft. | 101% or greater |
| 1,001 – 10,000 sq. ft. | 40% or greater |
| 10,001 – 25,000 sq. ft. | 30% or greater |
| 25,001 – 50,000 sq. ft. | 20% or greater |
| 50,001 sq. ft. and above | 10% or greater |

4. The renovation or change of any exterior façade; or
5. Any development of vacant land or buildings that occurs after the effective date of this section of the ordinance; or
6. Parking area expansion or reconfiguration or redesign of existing parking or equivalent paved area, pursuant to Section 5.08.11 of these regulations; or
7. New or the expansion of accessory structures, pursuant to Sections 5.08.07 and 5.08.09, of these regulations.

### 5.08.04 Review and Approval Procedures

Developments within the MUC-O Zone require review and approval in accordance with the following procedures:

A. Pre-application meeting: Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting with PDS, city staff, and the Urban Forestry Board to discuss the development review process, the MUC-O Zone requirements, the City of Covington Zoning

Ordinance requirements, and the City of Covington's Book of Streetscape Standards.

B. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal ultimately will be approved or rejected in any form. This meeting is intended to review the development plan and identify any issues in applying the regulations of the MUC-O Zone.

C. Stage II Development Plan Review: Projects may be built as a matter of right when they meet all of the standards of the MUC-O Zone regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, the KCPC's duly authorized representative/PDS Staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the City's Chief Administrative Official or his/her designee.

D. Final review and approval by the City's Chief Administrative Official or his/her designee shall take place within 30 days from receipt of PDS staff recommendation.

E. Compliance with the Code: Compliance with the MUC-O Zone regulations shall be evaluated based on the intent of the Code, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans. Minor modifications shall be reviewed and discussed at the pre-application conference and shall be based on problems related to topography, or street grade, the location of streets, breaks and passages between buildings, signs, streetscape details, design issues related to the inclusion of green infrastructure stormwater management practices, inclusion of existing buildings or mature trees as part of a development proposal. All other modifications from compliance with the MUC-O regulations that are not specifically under the review jurisdiction of the Board of Adjustment may be considered and approved only though the Design Review procedure of Section 12.15.

F. Permit Process: Zoning and Building Permits will not be issued for building activity until the Stage II Development Plan review process is completed and a determination is made by the City's Chief Administrative Official or his/her designee, that the proposal

is consistent with the MUC-O Zone regulations, per the approved plan.

### 5.08.05 Permitted Uses

A. Permitted uses, conditional uses, and accessory uses within the MUC-O Zone shall be as specified within the underlying zones.

B. Where permitted in the underlying zones, the following uses are also subject to these additional standards:

Entertainment Uses: Entertainment and spectator sports establishments shall be conducted within an enclosed building with a maximum capacity of 300 persons.

Parking, Non-accessory: Retail space shall be incorporated on the ground floor, facing the street. Underground parking is permitted, not to count toward the measurement of building height.

Gasoline Stations: Must have a canopy over the fuel pumps that is attached to and is an extension of the main structure. The canopy must have either a cross-gabled or cross-hipped roof that is consistent with the main structure's roof color, material, and pitch.

### 5.08.06 Lot and Building Standards

All development in the MUC-O Zone shall comply with the following lot and building standards (see Table 2). See Section 9.08 for other rules governing measurements and exceptions to these standards.

| | Mixed use buildings | All other buildings |
|---|---|---|
| **Maximum floor area ratio[1]** | 2.0 | 1.25 |
| **Min. lot area per dwelling unit (sq. ft.)** | 1,000 | 1,500 |
| **Maximum height (stories)[2]** | 3 | 3 |
| **Minimum height (stories)[2]** | 2 | 2 |
| **Maximum Front Setback (ft.)[3, 4]** | 10 | 10 |
| **Minimum Side Setback (ft.)** | | |
| Abutting R Zone | 10% lot width | |
| Abutting non-R Zone | None required | |
| **Minimum Rear Setback (ft.)** | | |
| Abutting property line of R-zoned lot | 25% lot depth or 25 ft, whichever is less | |
| Abutting alley, street or non-R Zone | None required | |
| Floors containing dwelling units | 30 | |

[1] The gross floor area of commercial establishments shall not exceed 15,000 square feet.
[2] The height of adjacent buildings shall not deviate by more than one (1) story.
[3] Pedestrian amenities may locate within the front setback per the requirements of Section 5.08.09, F., 2.
4 The maximum front yard setback may be increased to twelve (12) feet to accommodate green infrastructure and integrated stormwater controls.

### 5.08.07 Accessory Uses

A. Customary accessory uses and structures.

B. Any use or structure customarily incidental to a principal permitted use or structures, or incidental to a conditional use for which a permit has been issued.

C. Signs, as regulated by Article 10 and Section 5.08.14 of this ordinance.

D. Private off-street parking areas, as regulated by Article 7 and the requirements contained in Section 5.08.11 of this ordinance.

E. Fences and walls, as regulated in Article 9 of this ordinance.

### 5.08.08 Streetscape Requirements

Streetscape requirements within the MUC-O Zone shall meet the following standards:

A. Verge/Planting Strips/Street Trees
Along arterial streets, a minimum verge strip of 5 feet shall be maintained with planting types that meet the requirements of the existing landscape regulations. Street trees shall be required adjacent to arterial streets within the MUC-O Zone, with 1 tree every 40 feet on center (maximum). This may be located within

the right-of-way per the approval of an encroachment permit from the City or the Kentucky Transportation Cabinet, whichever applies.

B. Facades with customer entrance, or are visible from streets, sidewalks, or pedestrian amenities, or other public uses: One tree planted within 15 feet of the building, for each 50 ft of façade length. Street trees can count towards this requirement.

C. The clustering of trees may be permitted as long as the same number of trees are planted. Trees must be spaced properly to accommodate tree size and maturity.

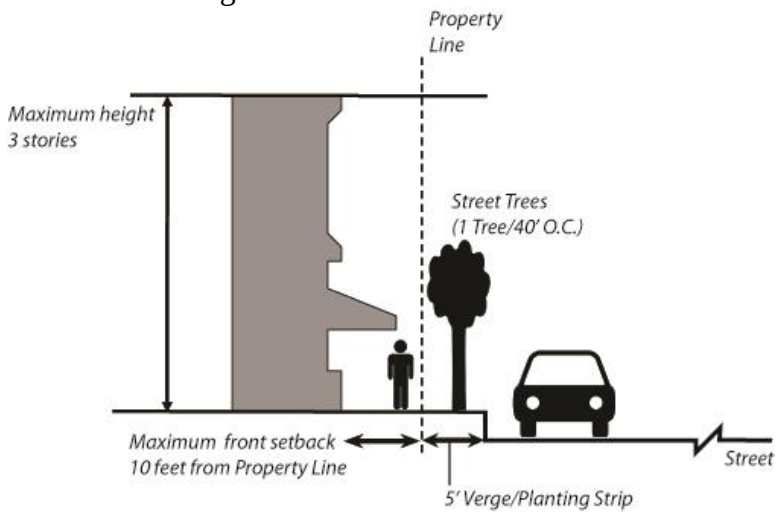
D. The placement and spacing of street trees may be modified to accommodate bioretention and other linear green infrastructure.

### 5.08.09 Building Form Standards

A. Building Placement

1. Buildings shall be placed within 10 feet of the front and street side property lines (Figure 1).

Figure 1

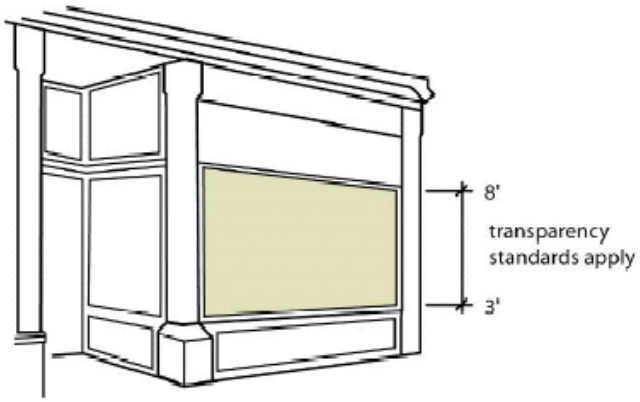



B. Transparency

1. Ground Floor Transparency
Transparent windows and doors shall comprise a minimum percentage of the street-facing façade between 3 and 8 feet in height above grade, as specified in Table 3. Such windows and doors shall allow views into and out of the

building. Materials such as opaque or darkly-tinted glass or glass block are not considered to be transparent (Figure 2).

Figure 2




2. The following minimum standards apply:

Table 3

| Street Frontage (linear feet) | Transparency Percentage | |
|---|---|---|
| | Primary Street | Secondary Street |
| 40 or less | 65 | 30 |
| 41-80 | 60 | 40 |
| 81 or more | 50 | 50 |

3. Upper Story Transparency
Upper story walls facing streets and off-street parking areas shall have between 50 and 65 percent transparency.

4. Display Windows
Display windows that do not provide visual access into the interior of the building count toward the minimum transparency percentage, provided that they are at least 2 feet in depth.

5. Waivers and Modifications
Waivers or modifications of these transparency standards may be approved only through the Design Review procedure of Section 12.15.

C. Building Entrances

1. The main customer entrance for a building shall face a

public or private street. Secondary entrances are permitted if located on the rear wall of the building.

2. All sides of a principal building that directly face an abutting public street shall include at least one customer entrance.
3. Corner building entrances on corner lots shall be provided, unless the corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
4. Customer entrances shall include at least 3 of the following:

   (a) canopies or porticos
   (b) roof overhangs
   (c) recesses/projections
   (d) arcades
   (e) raised corniced parapets over the door
   (f) arches
   (g) integral planters or wing walls that can accommodate landscaped areas or outdoor seating areas.

5. Service entrances for shipping and receiving shall not be visible from a public street.

D. Building Materials and Colors

1. Acceptable exterior building materials include but are not limited to the following:

   (a) Pre-cast concrete
   (b) Brick
   (c) Split face or scored CMU
   (d) Stone
   (e) Granite
   (f) Ceramic tile
   (g) Architectural metals
   (h) Nonreflective glass
   (i) Wood
   (f) Smooth hardie plank

2. The following exterior building materials are not permitted:

   (a) Metal cladding or paneling, except for temporary office management or storage uses during the

construction phase.

(b) Vinyl
(c) Cinder-block
(d) Stone veneer

3. Building colors shall be low-reflecting, muted, and neutral or earth-toned. Roof colors shall be muted and compatible with the dominant building color. High-intensity colors, bright primary colors, metallic colors or fluorescent colors are not permitted. Black may only be used as an accent color, or on windows and window surrounds and trim. It shall not be used as the main color or on major trim elements.

E. Standards for roofs and parapets: Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses.

1. Materials: The following materials are permitted:

(a) Clay or concrete (faux clay)
(b) Tile (barrel or flat roman)
(c) Slate (Equivalent synthetic or better)
(d) Metal (Standing seam 5-v crimp, equivalent or better)
(e) Asphalt shingle or wood shakes

2. Only the following configurations and techniques are permitted:

(a) Roof shapes

(1) Side gabled
(2) Front gabled
(3) Cross gabled
(4) Simple hipped
(5) Pyramidal hipped
(6) Cross hipped
(7) Gable-on-hipped
(8) Flat with parapet

(b) Pitched roofs (exclusive of roofs behind parapet walls)

(1) The primary ridge beam shall run parallel to

the street.

(2) Simple hip and gable roofs shall be symmetrically pitched between 25 and 50 percent.

(3) Mechanical equipment must be screened from view from the ground from all public use areas, adjacent to the site in question.

(4) Sloping roofs with a vertical rise that exceeds one-half the average height of supporting walls as measured along each facade are not permitted.

(c) Overhang

(1) Eaves must overhang at least 24 inches on primary structures.

(2) Rakes (gable end) must overhang at least 18 inches.

(3) Balconies must be minimum of four (4) feet of platform and be accessible from the interior.

3. Parapet Roofs and Other Features

(a) Parapets, towers, or cornices, both incorporating a peaked or a flat-faced elevation shall be incorporated into each building design in the development.

(b) Parapet walls sufficiently high enough to screen rooftop mechanical from viewing shall conceal roofs of building structures that are generally flat. This regulation may not be waived or modified.

(c) Parapet height shall be measured at the top of the Parapet, including any coping. An additional 3 feet in height by 12 feet in width (or 15 percent of the façade, whichever is greater) is permitted for a section of the Parapet emphasizing the building's main street entry or a corner. Any other variations regarding building heights must receive a variance.

(d) Facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet.

4. Minor modifications to the roof colors and materials are permitted to accommodate green roofing systems.

F. Building Façade Treatments

1. Commercial and mixed-use building facades shall not have a blank, uninterrupted length greater than 40 feet without including a change in plane and one additional feature, such as changes in texture or pattern, projections, or recesses, having a depth of at least 3 percent of the entire length of the façade and extending at least 20 percent of the entire length of the façade.
2. Side or rear walls facing walkways or visible from a street shall include false windows defined by frames, sills and lintels, only when actual doors and windows are not feasible because of the building use.

G. Pedestrian Amenities

1. All commercial and mixed-use developments shall provide two or more pedestrian amenities from the following list:

   (a) A plaza, courtyard, square, or extra-wide sidewalk (minimum of 8 feet wide) next to the building entrance.
   (b) Sitting space on benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width).
   (c) Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a sidewalk or other pedestrian space).
   (d) Public art that incorporates seating (e.g. fountain, sculpture, etc.)
   (e) Transit amenity, such as a bus shelter or pullout, in accordance with the Transit Authority of Northern Kentucky's guidelines.
   (f) Any other public amenity approved by the City's Chief Administrative Official or his/her designee.

2. Pedestrian amenities may be located within the front setback or within the public right-of-way per the approval of an encroachment permit from the City or the Kentucky Transportation Cabinet, whichever applies.
3. Pedestrian amenities may also be developed between buildings, thus interrupting the continuous building street wall. Such areas shall be accessible to the public or serve an adjacent business. The design of such spaces shall

ensure that parking to the rear of buildings is effectively screened through the use of fences, walls, or evergreens or a combination thereof. Such screening materials shall be in accordance with the provisions of Article 8 of this ordinance.

**5.08.10 Utilities**

All utilities shall be located underground when any new development or redevelopment occurs. Utilities may be located above ground if the utilities are accessible from the rear lot line and enter the rear of the building. This regulation may not be waived or modified.

**5.08.11 Off-Street Parking, Loading / Unloading and Access Management**

A. The number and design of off-street parking areas shall meet the requirements of Article 7, including provisions for special parking studies, shared parking, and cooperative parking.

B. Location

1. Off-street parking areas shall be located at the rear or side of the building. No off-street parking shall be located on street corners.
2. Parking located on the side of the building shall not be more than 10% the total number of required off-street parking spaces.

C. The required off-street parking for any use may be located on property within 500 feet of the subject site. An agreement providing for the shared/cooperative use of parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Shared/cooperative parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by Article 7.

D. For mixed-use buildings, the total parking requirement shall be determined by a special parking study according to the requirements contained in Section 7.05 of this ordinance, a shared use parking agreement according to the requirements contained in Section 7.08 of this ordinance, or a cooperative parking agreement according to the requirements contained in Section 7.09 of this ordinance.

E. Parking area screening shall be provided, as regulated by Section 8.02.

F. Off-street loading spaces shall be provided and screened, as regulated by Section 7.13.

G. Access to individual parcels shall be regulated by Section 7.12 of this ordinance.

H. Interparcel Access Requirements: For all uses located in the MUC-O Zone, the property owner shall grant an access easement to each adjoining property owner. The purpose of the easement is to facilitate movement of customers and their vehicles from establishment to establishment (lot to lot) without generating additional turning movements on a public or private roadway. Such interparcel access easements shall be recorded and reference to deed book and copy of such recorded easement shall be provided to the city. Setbacks, curb, and perimeter landscaping requirements shall not apply to the interparcel access easement area. The interparcel access easement shall be provided subject to the following provisions:

1. The interparcel access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but the use of parking spaces may be restricted to the owner's customers and tenants only.
2. The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining property owner.
3. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas shall be extended to the point of access on the property line.
4. The location of vehicular connections across a property line should be mutually determined and constructed by both property owners. In the case of coordination problems or any factors preventing construction of an interparcel connection, the city shall determine the location of connection to be constructed by property owners.
5. Where the proposed land use is such that adverse impact of the required easement on the use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the city may waive the requirement for access easements, in whole or in part,

administratively as a minor modification.

I. No new curb cuts onto arterial or collector streets are allowed for lots that abut alleys (i.e. access must be from the alley). This regulation may not be waived or modified.

**5.08.12 Drive-Through Facilities**

A. Drive-through facilities shall only be accessory to banks and other financial institutions and drug store uses, whether such uses are principal or accessory uses.

B. Drive-through facilities shall be located at the rear of buildings only and shall be completely screened from all adjacent right-of-ways.

C. Ingress and egress to the drive-through shall not be provided directly from arterial or collector streets.

D. In no circumstances shall a new curb cut be approved to provide access to a drive-through facility.

E. Only one stacking lane per drive-through facility is permitted.

**5.08.13 Lighting**

Lighting requirements shall meet the following:

A. General Requirements: Light poles shall be consistent in design with the overall architectural theme of the corridor. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while parking area lighting should be at larger scales to light parking areas and vehicular circulation routes.

B. Continuity: All lighting, including but not limited to building lighting, security lights, and architectural lights should be from the same family of fixtures to maintain continuity throughout the MUC-O Zone.

C. Off-Street Parking Areas and Pedestrian Lighting

1. Light fixtures should be spaced at regular intervals and offer continuous ground plane overlap.
2. Light fixtures shall be located at least two (2) feet back from the curb within a public right-of-way. Light poles shall not exceed thirty (30) feet in height.

3. Lighting should be used in combination with signage standards and other elements where possible.
4. Lighting should be coordinated with street tree plantings for proper integration.
5. Lighting should be maintained along the length of both sides of the public and private roadways.
6. Glare Reduction and Lighting Levels

   (a) All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.
   (b) Decorative, pedestrian-scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
   (c) Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
   (d) Lighting located on the building wall shall be fully shielded to direct the light downward.

D. Prohibited Lighting

1. Neon accent lighting is prohibited on buildings and structures.
2. Bare metal light poles and elevated “sonotube” type concrete bases are prohibited.

**Section 5.08.14 Sign Regulations**

A. Article 10 of the Covington Zoning Ordinance applies with the following additional regulations:

1. Façade signs are permitted only within the area between the first story and the second story, but no higher than 25 feet, and no lower than 10 feet above the adjacent grade.
2. Non-illuminated names of buildings, dates of erection, monument statues, tablets when carved into stone, concrete, metal, or any other permanent type of construction and

integral part of an allowed structure are permitted, not larger than five (5) square feet in size.

3. Pole signs and cabinet-type façade signs are not permitted.
4. Flashing, traveling, animated, or intermittent lighting are not permitted.
5. No illuminated signage is permitted that would glare into residential units within multi-use structures.
6. Pedestrian-oriented signs

Figure 3

(a) Pedestrian oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign, as they stand adjacent to the business (see Figure 3).

(b) One (1) pedestrian-oriented sign is permitted per business for facades facing the public street.

(c) Signs of this type shall be erected on or attached to and not parallel to a building.

(d) Signs must not be placed lower than ten (10) foot above grade.

(e) Signs must not exceed four (4) square feet in size and not extend beyond the building wall more than twenty-four (24) inches.

7. Finish Materials

(a) All exterior materials will be of high quality, durable, and easy to maintain, and provide for longevity of use. Permitted finish materials include:

(1) Masonry;
(2) Wood, painted, stained or natural;
(3) Metal; and
(4) Plastic, when used for individual letters and symbols only

8. The regulations established in Section 5.08.14 (A)(1)-(6) may not be waived or modified.

# Article 6. Use Regulations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## Section 6.01 General

This article contains standards that apply to accessory uses, temporary uses, and some principal uses allowed within Residential, Commercial and Industrial Zones. The accessory use standards of Section 6.02 and the temporary use standards apply to all accessory and temporary uses. The other use standards of this article apply only as indicated in the use tables of Sec. 2.02.05 and Sec. 3.03.05 as well as those uses referenced by Special Purpose Zones in Article 4.

# Section 6.02 Accessory Uses and Structures

### 6.02.01 General

Except as otherwise expressly provided in this zoning ordinance, accessory uses and structures are permitted in connection with any lawfully established principal use. Also, unless otherwise expressly stated, accessory uses are subject to the same regulations as the principal use.

**A. Time of Construction**

Accessory structures must be constructed in conjunction with or after the principal building. They may not be built prior to the construction of the principal building.

**B. Subordinate Nature**

1. Accessory uses must be a subordinate part of a principal use and be clearly incidental to a principal use.
2. Accessory structures must be of secondary importance and subordinate to the principal building on a site.

**C. Lot and Building Standards**

The lot and building standards of the base zone apply to principal and accessory structures, unless otherwise expressly stated.

**D. Building Coverage**

In RS and RU zones, the combined footprint of all detached, covered accessory structures may not exceed the footprint of the principal building, or 20 percent of the total area of the lot, whichever is less. In all other zones, a single detached, covered accessory structure may not have a larger footprint than the building footprint of the principal building.

**E. Height of Accessory Structures**

Unless otherwise expressly stated, accessory structures may not exceed 15 feet in height, or the height of the principal building on the same lot, whichever is less.

### 6.02.02 Residential Garages

A. Each detached house, attached house, and two-unit building is limited to one freestanding, accessory garage.

B. Residential garages must be located on the same lot as the principal building.

C. Street-facing garage doors (whether on attached or detached garages) may comprise no more than 40 percent of the width of the front facade of the detached house, attached house, or two-unit building to which it is accessory. Such street-facing garage doors must be recessed at least five feet from the front façade. The intent of these standards is to prevent garages from being the dominant visual feature on the front of the building.

D. Detached garages and carports must be set back at least five feet from rear property lines abutting alleys.

### 6.02.03 Satellite Dish Antennas

A. Satellite dish antennas up to one meter (39.4 inches) in diameter are permitted as accessory uses in all zones. They must comply with all setback requirements of the subject zone, except as expressly indicated in 9.08.09.

B. Satellite dish antennas over one meter in diameter, up to 3 meters (118.2 inches) in diameter, are a permitted as accessory uses in all commercial and industrial zones, subject to the following standards:

1. Antennas may be erected on the roof or attached to a principal building, provided the maximum height of the installation does not exceed the maximum allowable height of the subject zone or more than 15 feet above the top of the building on which it is to be located, whichever is less. Satellite dish antennas that are mounted on the roof or attached to the building must be located in a manner so as to detract as little as possible from the architectural character of the building.

2. Satellite dish antennas must comply with all setback requirements of the subject zone, except as expressly indicated in 9.08.09.

3. A building permit is required for each satellite dish antenna installation.

C. Any satellite dish antenna not expressly permitted by paragraphs A and B above requires conditional use approval.

**6.02.04 Home Occupations**

The following standards apply to permitted home occupations:

A. No persons other than members of the household residing in the premises may be engaged in such operation.

B. The use of the dwelling unit for the home occupation must be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) may be used in the conduct of the home occupation.

C. A home occupation may not change the outside appearance of the building or premises in which it is located and no visible evidence of the conduct or activity of a home occupation may be seen from the exterior of the building that is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate may be permitted, as regulated by Article 10.

D. Home occupations may be conducted only within dwelling units. No activities related to home occupations may be conducted within accessory buildings.

E. Home occupations may not displace any required off-street parking spaces.

F. There may be no exterior storage of any materials on the premises.

G. The retail sale of goods is not permitted on the premises in connection with such home occupation.

H. No traffic may be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

I. No equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot in which the dwelling is located may be used in such home occupation. In the case of electrical interference, no equipment or process that creates visual or audible interference in any radio or

television receivers off the premises, or causes fluctuations in line voltage off the premises, may be used.

## Section 6.03 Animal Services, Sales and Grooming

Overnight animal boarding activities and outside animal runs are prohibited in CN and LGD zones.

## Section 6.04 Bed and Breakfast

Bed and breakfast establishments, where permitted, are subject to the following standards in addition to any additional standards imposed as part of the conditional use approval process.

**6.04.01** Off-street parking must be provided in accordance with Section 7.04, except where the applicant demonstrates to the satisfaction of the Board of Adjustment that on-street parking is readily available;

**6.04.02** The building in which the bed and breakfast is located must have a minimum floor area of 5,000 square feet;

**6.04.03** The establishment must be operated by the owner of the dwelling unit, who must live in the unit; and

**6.04.04** Food service may be provided for resident guests only.

## Section 6.05 Boat Docking Facilities

Temporary or seasonal boat docking areas may not include permanent year-round mooring or boat fueling service or repairs.

## Section 6.06 Body Art Service

No new body art service establishment may be located within 500 feet of a lot containing an existing body art service establishment.

## Section 6.07 Day Care

**6.07.01** Licensed (child) day-care centers (Day Care Type 1 and Day Care Type 2) must comply with all applicable standards for such uses, as set forth by the Cabinet for Health Services, Division of Licensing and Regulation.

**6.07.02** On-site day-care services provided to employees of an industrial or other employment use are allowed as an accessory use in commercial and industrial zones.

## Section 6.08 Entertainment, Indoor

In the CG zone, entertainment uses such as night clubs, theaters, pool halls, billiard parlors, bowling alleys, and similar enterprises are allowed, provided that there are no openings other than stationary windows and fire exits within 50 feet of any residential zone.

## Section 6.09 Entertainment, Outdoor

In the CRL zone, outdoor displays of a theatrical nature that complement permitted uses in the zone are permitted, provided such displays do not interfere with traffic circulation or ingress or egress to adjoining facilities.

## Section 6.10 Financial Service

**6.10.01** No new currency exchange may be established within 1,500 feet of a lot containing an existing currency exchange.

**6.10.02** No new payday loan establishment may be established within 1,500 feet of a lot containing an existing payday loan establishment.

**6.10.03** No new pawn shop may be established within 1,500 feet of a lot containing an existing pawn shop. All activities must be conducted within a completely enclosed building. No outdoor storage or display is permitted.

**6.10.04** No new tax preparation service located in a commercial zone may be established within 1,500 feet of a lot containing an existing tax preparation service located in a commercial zone.

## Section 6.11 Fortune Telling Service

No new fortune telling service may be established within 1,500 feet of a lot containing an existing fortune telling service.

## Section 6.12 Gasoline Stations

**6.12.01** All gasoline pumps must be set back at least 25 feet from road rights-of-way.

**6.12.02** In the CC zone, gasoline stations, including auto repair, may be approved only if:

A. All repair except that of a minor nature (for example, change of fan belt, minor carburetor adjustment, tire removal or replacement, windshield wiper replacement) is conducted wholly within a completely enclosed building; and

B. The service station is located on a lot adjacent to an arterial street, as identified in the adopted comprehensive plan.

## Section 6.13 Group Living

### 6.13.01 Youth Shelter

Youth shelters are subject to the following regulations in addition to any imposed by the Board of Adjustment in approving a particular operation:

A. No more than one youth shelter may be permitted per each 25,000 persons residing in the city.

B. Maximum occupancy may not exceed one person per 125 square feet of gross floor area in the building or 250 square feet of lot area.

C. Twenty-four hour, on-site adult supervision must be provided.

D. Shelters must comply with all building codes and other applicable codes and ordinances.

E. Shelters are appropriate when and where the above criteria can be met, unless clear and convincing evidence is presented that deleterious impacts involving noise, traffic, safety, or property values will result from the establishment of a shelter at a particular location.

### 6.13.02 Addiction treatment facility

Addiction treatment facilities are subject to the following regulations in addition to any imposed by the Board of Adjustment in approving a particular operation:

A. No more than one addiction treatment facility may be permitted per each 25,000 persons residing in the city.

B. The facility must provide for staff offices, sleeping space, meeting rooms, bathrooms, and kitchen and dining facilities.

C. Twenty-four hour, on-site staff supervision must be provided.

D. Facilities must comply with all building codes and other applicable codes and ordinances.

E. Adults or adults with minor children may not reside at the facility for more than 18 consecutive months.

F. Licensure for the program operated at the facility must be obtained in accordance with Non-Medical Alcohol Treatment and Education Center regulations, 908 KAR 1:230 and 240.

G. Facilities are appropriate only when the above criteria can be met, unless clear and convincing evidence is presented that deleterious impacts involving noise, traffic, safety, or property values will result from the establishment of a facility at a particular location.

## Section 6.14 Hospitals and Medical Facilities

Hospitals and medical facilities may be approved as conditional uses in the RU-2 zone only when these uses are part of a larger medical and/or educational complex that is at least nine acres in total area.

## Section 6.15 Junk/Salvage yard

No person may operate any junkyard within 2,000 feet of the centerline of any county, state, federal, or limited access highway or turnpike, including bridges and bridge approaches, unless a permit for such operation is obtained from the State Department of Transportation, Bureau of Highways, in accordance with KRS 177.905 to 177.950. Allowed junk and salvage yards must be screened to from view of all adjacent properties and road rights-of-way. See Section 8.01.

## Section 6.16 Limited Manufacturing, Indoor

In the CG zone, trades such as carpenter, electrical, plumbing and heating, paper hanging, paint, furniture upholstering, decorating or sign painting shops, and similar establishments must be conducted wholly within enclosed buildings. When such buildings are located within 100 feet of any residential zone, no openings are permitted other than stationary windows, fire exits, or garage doors that are open only when necessary to permit immediate vehicle access. No outdoor storage is permitted.

## Section 6.17 Lodges and Private Clubs

In the CG zone, lodges and private clubs are permitted provided that no openings, other than stationary windows and fire exits, are located within 50 feet of any residential zone.

## Section 6.18 Mixed-Use Buildings

Residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of 1,500 square feet of nonresidential floor area is located on the first floor or when all of the following criteria are met:

**6.18.01** The building is a minimum of 2 stories in height;

**6.18.02** Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use; and

**6.18.03** Each ground floor dwelling unit is at least 50 feet from the street right-of-way line (i.e., the edge of the sidewalk).

## Section 6.19 Minor Vehicle Servicing or Repair

Service stations and minor vehicle servicing and repair establishments, where permitted, are subject to the following standards:

**6.19.01** The site must be adjacent to an arterial street.

**6.19.02** All repairs must be conducted within a completely enclosed building

**6.19.03** No outdoor storage of any material (usable or waste) is permitted in a commercial zone except within enclosed containers.

**6.19.04** No vehicle may be stored more than 10 days while awaiting repairs.

## Section 6.20 Neighborhood Retail Sales and Service

Neighborhood retail sales and service uses, where allowed, are subject to the following standards:

**6.20.01** The use must be located in an existing structure, originally constructed for neighborhood business purposes; and

**6.20.02** The gross floor area of the business may not exceed the floor area of the existing structure or 2,400 square feet, whichever is less.

## Section 6.21 Offices

In the CT zone, only professional-use offices may be allowed as permitted uses on the first floor. For purposes of this subsection, “professional use” shall be defined as follows:

**6.21.01** Medical, dental, optometry, or chiropractic clinics or offices.

**6.21.02** Architectural or land-design offices.

**6.21.03** Attorney, land title, or other legal offices.

**6.21.04** Professional services involving real estate, land-use planning, or property management.

**6.21.05** Insurance sales or claims offices.

**6.21.06** Tourism or economic development offices.

**6.21.07** Marketing and/or design firms.

## Section 6.22 Qualified Manufactured Housing Units

### 6.22.01 Purpose

These standards are intended to ensure that when a qualified manufactured housing unit is placed in a residential zone, it is compatible, in terms of assessed value, with existing housing located:

A. Immediately adjacent to either side of the proposed site within the same block front;

B. Immediately adjacent to the rear; and

C. Within a one-eighth mile radius of the proposed location of the qualified manufactured housing unit.

### 6.22.02 Effect of Compliance

A qualified manufactured housing unit that complies with these compatibility standards and other applicable regulations of the zone in which it is proposed is allowed as a permitted use in any residential zone that permits detached houses.

### 6.22.03 Compatibility Determination

A. Applications must be submitted to the Zoning Administrator demonstrating: (a) compliance with the standards of this subsection, and (b) that the proposed construction, installation, or relocation of the qualified manufactured housing unit is generally similar in exterior appearance, building materials, and living area to other dwelling units that have been constructed on adjacent tracts, lots, and parcels.

B. Applications for the placement of qualified manufactured housing units must be submitted with a nonrefundable application fee on a form developed for that purpose to the Zoning Administrator. Qualified manufactured housing units that have been illegally placed upon a lot must be removed before an application may be accepted.

C. The application must include:

1. Information reasonably necessary to make a determination of conformity with the standards of this subsection;
2. Recent photographs of the front, side, and rear of the qualified manufactured housing unit's exterior finish;
3. Photographs taken from the proposed site of the dwelling unit in the northerly, easterly, southerly, and westerly directions, and photographs of any adjacent dwelling units. The photographs must be taken no more than 30 days before submittal of the application.
4. A site plan or plot plan containing appropriate information including, but not limited to, the following:

    (a) location of all existing buildings, structures, easements, and boundary lines;
    (b) north arrow, scale, city and land lot;
    (c) existing use of adjacent property; and
    (d) location of all proposed buildings, structures, and land uses.

D. Applications will be first reviewed for completeness. If the application is rejected as incomplete, the applicant must be notified of the reasons for the rejection. The applicant is responsible for the satisfaction of all of the comments prior to the resubmission of the revised application.

E. Complete applications must be reviewed for compatibility with architectural appearance and similarity with:

1. adjacent development or surrounding developments;
2. development within the same zone or general area; and
3. proposed development permitted in the same zone or general area.

F. Compatibility with architectural appearance will be based on the following:

1. floor living space and setbacks;
2. siding and exterior materials;
3. roof pitch;
4. square footage; and
5. general aesthetic appearance.

G. Compatibility with the orientation and location of existing structures will be based on the following:

1. building height;
2. building width;
3. building depth; and
4. building setbacks.

H. A decision of approval, conditional approval, or disapproval of a complete application must be made and the applicant must be notified in writing. Conditional approval requires that the specific conditions and the reasons therefore be stated in writing and be agreed to by the applicant; such conditions are binding upon the applicant. In the case of disapproval, the reasons must be specifically stated in writing by designating each specific provision of this section or other applicable ordinance that is not met and an explanation as to the reason or reasons why each such provision is not met.

## Section 6.23 Residential Storage Warehouse

Residential storage warehouse uses, where allowed, are subject to the following standards:

**6.23.01** The site must be adjacent to an arterial street.

**6.23.02** The site must have a minimum area of 2 acres.

## Section 6.24 Retail Sales and Service

**6.24.01** No new flea market may be established within 1,500 feet of a lot containing an existing flea market.

**6.24.02** No new consumer furniture rental establishment may be established within 1,500 feet of a lot containing an existing consumer furniture rental establishment.

**6.24.03** No new secondhand store may be established within 1,500 feet of a lot containing an existing secondhand store.

## Section 6.25 Safety Services

In the CBD zone, public buildings and governmental uses, where permitted, may not be essentially similar to private uses permitted only in industrial zones, such as garbage dumps, corporation yards for trucks, or earth-moving equipment.

## Section 6.26 Sexually Oriented Businesses

### 6.26.01 General

The Covington City Commission, along with Kenton County and other municipalities in the county, has adopted ordinances regulating sexually oriented business, including regulating the zoning of such businesses. In the ordinance adopted by the City Commission regulating the zoning of sexually oriented businesses, the City Commission set forth numerous findings regarding these businesses, including the finding that such businesses may have primary and secondary effects involving crimes related to the activities in these establishments, especially prostitution and crimes of violence. The City Commission found that the location and design of such businesses are important variables in the nature and extent of adverse secondary effects of sexually oriented businesses on the community and that location and design are among the types of issues that are typically addressed through zoning, which this Section of the zoning ordinance does.

### 6.26.02 Prohibited Uses

The following uses are prohibited in the City of Covington and county-wide under Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus. No Zoning Permit may be issued for the following prohibited businesses:

A. Sexually oriented motion picture arcade or booth;

B. Sexually oriented encounter center;

C. Sexually oriented motel;

D. Sexually oriented massage parlor or any business offering massages that is operated by a person who is not licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statues §309.350 et seq.;

E. Sexually oriented modeling studio;

F. Sexually oriented nude modeling studio; and

G. Sexually oriented escort bureau.

**6.26.03 Permitted Uses**

The following uses are permitted if they hold an approved Zoning Permit and a valid License approved by Section 111.600 et seq. of the Covington Code of Ordinances (or under the county-wide Kenton County Ordinance No. 451.9 if the City of Covington's ordinance is repealed), establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus:

A. Media store with some sexually oriented media (not subject to licensing);

B. Sexually oriented media store;

C. Sex shop;

D. Service oriented escort bureau;

E. Sexually oriented motion picture theatre; and

F. Sexually oriented cabaret or theatre.

**6.26.04 Permitted Zoning Districts**

A. A media store carrying some sexually oriented media is permitted in any zoning district where other retail establishments are permitted.

B. A sexually oriented media store, sex shop or service oriented escort bureau is permitted in the following zoning districts if it holds an approved Zoning Permit and a valid License approved by Section 111.600 et seq. of the Covington Code of Ordinances (or under the county-wide Kenton County Ordinance No. 451.9 if the City of Covington's ordinance is repealed), establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus:

1. CBD, Central Business District Zone
2. CC, Commercial-Community Zone

C. A sexually oriented business featuring on-premise entertainment such as sexually oriented motion picture theatre, cabaret or theatre is permitted in the following zoning districts if it holds an approved Zoning Permit and a valid City of Covington Sexually Oriented Business License (or Kenton County Sexually Oriented Business License if Covington's ordinance is repealed):

1. CBD, Central Business District Zone
2. CC, Commercial-Community Zone
3. IL, Industrial-Limited Zone
4. IG, Industrial General Zone

**6.26.05 Zoning Permit**

Any application for a sexually oriented business Zoning Permit must be processed in accordance with Section 12.10, with the following additional requirements:

A. Zoning Permit and License Required

1. Permit and license required

   Each sexually oriented business or service oriented escort bureau is required to obtain a Zoning Permit under the City of Covington's Zoning Code and a Sexually Oriented Business License from the City of Covington (or under Kenton County Ordinance No. 451.9 as amended, if the Covington ordinance is repealed) establishing licensing requirements for sexually oriented businesses and service-oriented escort bureaus. However, no license is required for a media store with some sexually oriented media.

2. Order of submissions

   For a new sexually oriented business or service oriented escort bureau, the process is designed for the applicant to apply for a Zoning Permit first and Kenton County License second.

3. Application Contents

   In addition to the other requirements of an application for a Zoning Permit, the applicant must submit to the Zoning Administrator at least the following:

   (a) A complete description of the exact nature of the business to be conducted;

   (b) A location plan, showing the location of the property and the applicant's identification of any school, religious institution, public recreation area, park or day care center within 1,500 feet of the property;

   (c) A sketch of the exterior and interior of the premises, showing all areas that will be open to the public and their purposes, the dimensions of such areas, all entrances and exits, the location of the screen for a

motion picture theatre, the location and dimensions of the stage for a cabaret or theatre;

(d) A parking plan; and

(e) A lighting and signage plan, showing fixtures that are adequate in number, design and location to meet the lighting requirements and applicable provisions of the Covington licensing ordinance (or Kenton County Ordinance No. 451.9 as amended, if the Covington ordinance is repealed) establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus.

**6.26.06 General Standards**

General Standards related to sexually oriented businesses and service oriented escort bureaus.

A. Separation standards

1. Separation distances

(a) No retail-only sexually oriented business (sexually oriented media store or sex shop) or service oriented escort bureau may be located within 500 feet of any area within the zoning districts having the designation of "residential" as the district classification or within 500 feet of any parcel of land occupied by a school, religious institution, park, library, public recreation area, or day care center (considered "protected uses") in any other district.

(b) No sexually oriented business offering on-premise entertainment (sexually oriented motion picture theatre, cabaret or theatre) may be located within 1000 feet of any area within the zoning districts having the designation of "residential" as the district classification or within 1000 feet of any parcel of land occupied by a school, religious institution, park, library, public recreation area, or day care center in any other district.

(c) No sexually oriented business may be located within 1,000 feet of any other sexually oriented business or service oriented escort bureau; such a separation is required regardless of whether it is located within the city or within the county.

2. Single use

There may be no more than one type of sexually oriented business or service oriented escort bureau at any one location.

3. Nonconformity

No legally established and permitted sexually oriented business or service oriented escort bureau will become nonconforming through subsequent establishment of a school, religious institution, park, library, public recreation area, or day care center (protected uses); nor may a Zoning Permit for a sexually oriented business or service oriented escort bureau be denied based on the filing of a Zoning Permit application for a protected use after the filing of such application for a sexually oriented business.

4. Measurement method

Where this section requires that one use be separated from another use, measurements must be made in accordance with this subsection. For a use which is the only use or the principal use on a lot or parcel, the measurement must be made from property line to property line from a point nearest to the use for which the measurement is being made. If the use is located in a multi-tenant building, then the distance must be measured from the portion of the building of the leasehold or other space actually controlled or occupied that is nearest to the use for which the measurement is being made Measurements between properties or spaces under this section must be made by the shortest distance between the 2 properties and/or spaces.

B. Standards for Parking

An Off-Street Parking Plan must be submitted as a part of the application for a Zoning Permit. All off-street parking must be in accordance with Article 7, with specific standards as follows:

1. A sexually oriented media store, sex shop or service oriented escort bureau: 5.5 spaces per 1,000 square feet of gross public floor area.
2. A sexually oriented cabaret or theatre: 1 parking space for each 100 square feet of floor area used for dancing or assembly, or 1 space for each 4 persons based on design

capacity, whichever is greater, plus 1 space for each 2 employees on shift of largest employment.

3. A sexually oriented motion picture theatre: 1 parking space for each 4 seats, based on a maximum seating capacity, plus 1 additional space for each 2 employees on shift of largest employment.

C. Standards for Exterior Lighting and Signage

An exterior lighting and signage plan must be submitted with the application for a Zoning Permit. Lighting must comply with the following standards:

1. Exterior lighting of the entries and private parking areas must be a minimum of 15 footcandles as measured 3 feet from the ground or paving.

   For a business on a single lot or parcel, no lighting may illuminate any property not in control of the business by more than 5 footcandles as measured at the nearest adjacent property.

2. All signage must be in accordance with Article 10.

### 6.26.07 Individual Business Standards

A. Standards for a Service Oriented Escort Bureau

A service oriented escort bureau must be subject to the following additional standards:

1. Room size

   The establishment must operate all business in an open area of at least 600 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices may be used to obscure any part of the room where customers are located.

2. Lighting

   The area occupied by customers must be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.

B. Standards for a Media Store with Some Sexually Oriented Media

A retail book, video or other media store that has sexually explicit media that constitutes more than 10 percent but not more than 40 percent of its inventory or that occupies more than 10 percent but not more than 40 percent of its gross

public floor area is not classified as a sexually oriented business but is subject to the following standards:

1. Separate room
   The sexually explicit media must be kept in a separate room from the rest of the inventory of the store and may not visible outside the room;
2. Age limit
   Persons under 18 years of age may not have access to sexually explicit media;
3. Access
   Access to the room must be through a solid door, accessed by an electronic control device monitored by the clerk or manager on duty through direct visual control;
4. Visibility
   Customers and activities in the room must be visible at all times to the clerk or manager on duty through a video system located at the clerk's or manager's counter; and
5. Lighting
   The area occupied by customers must be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.

C. Standards for a Sexually Oriented Media Store or Sex Shop

A sexually oriented media store or sex shop is subject to the following additional standards:

1. Room size
   The establishment must operate all business in an open area of at least 600 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices may be used to obscure any part of the room where customers are located;
2. Displays
   No displays of sexually explicit media or images may be visible from the exterior of the buildings; and
3. Lighting
   The area occupied by customers must be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.

D. Standards for a Sexually Oriented Motion Picture Theatre

A sexually oriented motion picture theater is subject to the following additional standards:

1. Presentation area

All screenings and presentations of motion pictures, videos or other media must occur in a room open to all customers of the establishment and containing at least 1000 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices may be used to obscure any part of the room.

2. Lighting

The lighting level in the area occupied by customers must be at least 5 footcandles as measured at the floor.

3. Seating

Seating must consist of individual, theater-style chairs, with solid arms separating the chairs. No couches, benches, portable chairs, beds, loose cushions or mattresses, or other forms of seating may be provided. Separate spaces for wheelchairs must be provided in accordance with the applicable provisions of the building code and the Americans with Disabilities Act.

E. Standards for a Sexually Oriented Cabaret or Theatre

A sexually oriented cabaret or theater is subject to the following additional standards:

1. Presentation area

All entertainment must occur in an unobstructed room of at least 600 square feet of floor area with a person in any part of such room having a clear view of all entertainment areas;

2. Performance stage

All entertainment must take place on stage elevated at least 24 inches above the surrounding floor area, with a minimum area of 100 square feet, and with a horizontal separation of at least 60 inches between the edge of the stage and the nearest space to which customers have access—the horizontal separation must be physically enforced by a partial wall, rail, or other physical barrier, which may be located

either on the stage (to keep the entertainers back from the edge) or on the floor (to keep the customers back from the stage);

3. Lighting

The lighting level in the area occupied by customers must be at least 15 footcandles as measured 3 feet from the floor.

4. Seating

Seating must consist of chairs or open booths; no couches, beds, or loose cushions or mattresses, or of any form may be provided.

F. If there are any conflicts between the requirements of this ordinance and the City's licensing ordinance, the requirements of this ordinance control.

### 6.26.08 Zoning Administrator Review and Expiration of Zoning Permit

A. Determination of Completeness

Within 5 business days of submission of the sexually oriented land use permit application, the Zoning Administrator must determine if the application is complete. If the application is incomplete, the Zoning Administrator must return the application to the applicant with a letter or form specifying the items that are missing. The application may not be further processed unless and until the applicant submits a complete application.

B. Review, Decision

If the Zoning Administrator determines that an application is complete, the Zoning Administrator must review the application and, within 20 calendar days of submittal of the complete application, grant or deny the permit. If the permit is denied, the denial must be made in writing, by letter or on a form, and must specify the reasons why the application was denied, citing the specific provisions of this ordinance or other provisions of the City's ordinances that provide the basis for such denial. If the Zoning Administrator fails to act on a complete application within the 20-day period, the application is deemed denied. Upon denial or deemed denial, the applicant may appeal that denial to the Board of Adjustment. The applicant may, at its option, pursue other or additional administrative remedies available under the zoning ordinance; by doing so, applicant will be deemed to have waived any right to a

decision within a particular time period and will be subject to all of the terms, conditions and timelines applicable to such administrative remedies under the zoning ordinance.

C. Expiration of Zoning Permit

The issuance of the Zoning Permit must be conditioned on the applicant obtaining and retaining a Kenton County Occupational License for the use represented by the Zoning Permit. If a no license has been granted within 6 months after the issuance of the Zoning Permit, then the Zoning Permit will expire; provided, however, that the expiration date for the Zoning Permit must be extended until 30 days after the end of any administrative or judicial appeal of the Zoning Permit.

### 6.26.09 Appeal Procedures

A. Appeals to Board of Adjustment

1. Appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal must be taken within 10 calendar days after such action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee must also be paid to the Zoning Administrator at this time. The Zoning Administrator must forthwith transmit to the Board all papers constituting the record on which the action appealed from was taken and must be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, an interested person may appear and enter his or her appearance, and all must be given an opportunity to be heard.
2. The Board of Adjustment must hear the appeal within 30 calendar days of its filing with the Zoning Administrator and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Administrator at least 7 calendar days prior to the hearing. The affected parties may appear at the hearing in person or by an attorney. The Board of Adjustment must

hear the matter and render a decision within 36 days after the filing of the appeal. If the Board of Adjustment fails to act within such time, the application is deemed denied.

B. Appeals from the Board of Adjustment

1. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment may appeal from the action to the circuit court of the county in which the property which is the subject of the action of the Board of Adjustment lies. Such appeal must be taken within 30 calendar days after the final action of the Board of Adjustment. The Board of Adjustment will be a party in any such appeal filed in the circuit court. All final actions which have not been appealed within 30 days are final and not subject to judicial review.
2. After the appeal is taken, the Rules of Civil Procedure will govern. When an appeal has been filed, the Clerk of the Circuit Court must issue a summons to all parties, including the Board of Adjustment in all cases, and must cause it to be delivered for service as in any other law action.

## Section 6.27 Stables and Riding Academies

Stables and riding academies must be located on lots with a minimum area of five acres. All structures associated with such uses must be set back at least 100 feet from all lot lines.

## Section 6.28 Taverns and Restaurants

### 6.28.01 General Regulations

Restaurants or taverns serving beer, wine, or alcohol after 1:00 a.m. cannot abut a residential use in a residential zone and must have sufficient customer parking available in the zone where it is located without impacting adjacent zones.

### 6.28.02 Brewpubs

The area used for brewing, including brewing and kegging, shall not exceed thirty (30%) percent of the total floor area of the commercial space. The brewery shall not produce more than 4,000 barrels or 124,000 gallons of beer or ale per year. No brewing equipment or storage is permitted on the exterior of the building.

### 6.28.03 Microbreweries

The brewing operation does not include the production of any other alcoholic beverage. The brewery shall not produce more than 15,000 barrels or 460,000 gallons of beer or ale per year. No brewing equipment or storage is permitted on the exterior of the building.

## Section 6.29 Vehicle and Equipment Sales, Used

No used vehicle/equipment sales establishment may be established within 1,500 feet of a lot containing an existing used vehicle/equipment sales establishment.

## Section 6.30 Waste-Related Service (Landfills)

**6.30.01** Landfills must comply with all applicable regulations of the Kentucky Department of Natural Resources and Environmental Protection. In addition, all sanitary landfills must comply with the performance standards of the Division of Air Pollution, Division of Water Quality, and other applicable performance standards of the Commonwealth of Kentucky.

**6.30.02** The minimum site area for a landfill is 50 acres.

**6.30.03** Screening areas must be provided along all boundary lines not protected by comparable vegetative screening, in accordance with the applicable requirements of Section 8.01.

**6.30.04** Landfill operations may not be conducted within 100 feet of any dedicated right-of-way or property line that is the exterior boundary of the landfill, or within 300 feet of any existing structure regularly occupied or utilized by any person for the conduct of residential, commercial, industrial, and public and semi-public type activities.

**6.30.05** Site plan requirements. Before a permit is issued, a Stage I Development Plan must be prepared meeting the applicable requirements of Section 12.06 and submitted to the Board of Adjustment and City Commission for approval. In addition, the following information must also be submitted: a plan showing the specific reuse of the area after completion of landfill operations, including the final grades to be established in meeting the needs of the proposed reuse of the landfill and a plan showing the method and procedures for disposing of any methane gas.

## Section 6.31 Home For Adjustment

**6.31.01** Home for adjustments may be permitted when the lot they are located on is not located adjacent to an arterial street. No more than one building housing a home for adjustment may be permitted per each 25,000 persons residing in the

city. No more than two agencies providing home for adjustment services may be permitted per each 20,000 persons residing in the city.

## Section 6.32 Multi-Unit (multi-family) Buildings

**6.32.01** In the RU-2A Zone, conditional uses may be permitted for Multi-Unit (multi-family) Buildings on lots smaller than 6,000 square feet but not smaller than 3,000 square feet, provided that all of the following criteria are met:

A. The building is an existing building
B. The building was not originally built as a single or two-family residential building.
C. Each Dwelling unit provides at least 1,500 square feet of gross floor area.

## SECTION 6.33 Community Garden

**6.33.01** Community Gardens uses, where allowed, are subject to the following standards:

A. No sale of items grown or any other items may take place on-site.
B. In order to privatize or sell plots of the garden the property owner must obtain a valid Occupational License permit
C. Two (2) accessory structures, limited to tool sheds, shade pavilions, plant preparation houses, greenhouses, and other structures that relate to the principal use of a Community Garden with authorization from the Zoning Administrator, is permitted and is subject to regulations of Section 6.02
D. Fences shall not exceed six (6) feet in height, shall be at least fifty percent (50%) open if they are taller than four (4) feet, and shall be constructed of wood or ornamental metal

## SECTION 6.34 Mobile Food Vending Service

**6.34.01** Mobile Food Vending Services may be permitted only in commercial zoning districts, provided that all of the following criteria are met:

A. The mobile food vending service shall not be located in any required setback, sight distance triangle, or buffer.
B. Any operator of a mobile food vending service must receive and display a valid zoning compliance permit from the Zoning Administrator.
C. The maximum duration of a mobile food vending service permit is for 30 days at one location, renewable up to 2 additional times, for a total period of 90 days per calendar year at a single location.

D. The operator of a mobile food vending service shall obtain, in writing, the permission of the property owner to operate on his property and shall submit a copy to Community Development

E. If the operator of a mobile food vending service is issued a notice of any municipal code violation at the location assigned for the permit, then the operator or his/her agent(s) are not eligible to renew the permit at that location for a period of one year.

F. Trash receptacles shall be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located not more than 10 feet from the mobile food vendor.

G. The hours of operation shall be between 10:00 AM and 3:30 PM,

H. The event shall not locate in any minimum required parking spaces for other businesses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site. The Zoning Administrator may require additional parking to alleviate the congestion. If enough parking cannot be provided, the use may not be located on the site.

I. Any person(s) so engaged shall not be relieved from complying with the provisions of this section by reason of association with any local dealer, trader, operator, merchant, organization, or auctioneer, or by conducting the mobile food vending service in connection with, as part of, or in the same name of any local dealer, trader, operator, merchant, organization, or auctioneer.

J. The mobile food vendor must meet all applicable local and state codes.

## SECTION 6.35 Temporary Vendor

**S6.34.01** Temporary Vendors may be permitted only in commercial zoning designations, provided that all of the following criteria are met:

A. Temporary vendors must be located a minimum of 10 feet from all property lines

B. Any operator of a temporary vendor service must receive and display a valid zoning compliance permit from the Zoning Administrator.

C. The maximum duration of a temporary vendor permit is for 30 days at one location, renewable up to 2 additional times, for a total period of 90 days per calendar year at a single location.

1. Temporary firework vendors are allowed only as permitted in KRS 227.715

D. The operator of a temporary vendor service shall obtain, in writing, the permission of the property owner to operate on his property and shall submit a copy to Community Development.

E. If the operator of a temporary vendor service is issued a notice of violation at the location assigned for the permit, then the operator or his/her agent(s) are not eligible to renew the permit at that location for a period of one year.

F. There shall be only one (1) temporary vendor permitted to operate on a property

G. No signs, merchandise, or other elements of a temporary vendor service shall be located in the public right-of-way

# Article 7. Parking and Loading

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## Section 7.01 Purpose

The regulations of this article are intended to ensure that off-street parking, loading, and access demands of various land uses will be met without adversely affecting surrounding areas. In recognition of the fact that different approaches will be appropriate in different areas of the city, the regulations allow flexibility in addressing vehicle parking, loading, and access demand. The regulations are intended to accommodate pedestrians and bicyclists, as well as motor vehicles.

## Section 7.02 Applicability

### 7.02.01 New Development

The parking, loading, and access standards of this article apply to all new buildings constructed and all new uses established in all zones.

### 7.02.02 Expansions and Substantial Modifications

The parking, loading, and access standards of this article apply when an existing structure or use is expanded or enlarged, whether through the addition of dwelling units, floor area, seating capacity, employees, or other units of measurement used for establishing off-street parking and loading requirements. Additional off-street parking and loading spaces to meet minimum ratios are required only to serve the enlarged or expanded area, not the entire building or use.

### 7.02.03 Change of Use

Additional off-street parking spaces must be provided whenever a change in use in any structure creates a need for an increase of more than 10 percent in the off-street parking requirements. The additional spaces required for the new use must be determined by the standards in this article. In case a change in use or unit of measurement creates a need for

an increase of less than 3 off-street parking spaces, no additional off-street parking facilities will be required.

### 7.02.04 Applicability in the Event of Damage or Destruction of Existing Use

When a conforming or nonconforming building or use that does not comply with applicable off-street parking and/or loading regulations is damaged or destroyed, the building may be reconstructed with the same number of parking and loading spaces that existed at the time of damage or destruction.

### 7.02.05 No Reduction Below Minimums

The number of parking and loading spaces existing on a site may not be reduced below the minimum requirements of this article.

### 7.02.06 Effect on Nonconforming Status

A building or use that was legally established is not deemed nonconforming solely as a result of providing fewer than the minimum number or more than the maximum number of off-street parking or loading spaces specified in this article.

## Section 7.03 Off-Street Parking Exemptions

### 7.03.01 CBD, Central Business District, PI, Public & Institutional, & CG-P

Due to the unique characteristics of the central business district, including higher land values, service by public transportation, and the presence of municipal parking lots, allowed nonresidential uses in the CG-P (p suffix, pedestrian), PI Zones, and CBD zones are exempt from providing off-street parking.

### 7.03.02 Historic Districts

No off-street parking or loading spaces are required for rehabilitation or reuse of existing structures within locally designated historic districts.

### 7.03.03 Chapter 99 Development Plan Areas

The minimum off-street parking ratios established in 0 do not apply to redevelopment projects occurring within boundaries of development plan areas, where the city has acquired the property and has contractual agreements for redevelopment with a preferred developer. In these cases, the number of parking spaces required will be governed by the approved redevelopment plan.

### 7.03.04 "P" Suffix (Pedestrian-Oriented) Commercial Zones

A. Existing Buildings

When the intensity of use in any existing building in a commercial zone with a "P" suffix (pedestrian-oriented character) is increased, additional off-street parking is not required if:

1. vacant land area is not available on the subject site or on an abutting site under common ownership to accommodate additional parking and circulation areas;
2. existing vacant land on the subject site or on an abutting site under common ownership is not accessible from any adjoining streets, roads, or alleys; or
3. parking is allowed on the street upon which the building fronts.

B. New Construction

For new construction, in any commercial zone with a "P" suffix (e.g., CN-2P) the first 2,400 square feet of floor area devoted to nonresidential uses is exempt from off-street parking requirements. This means that nonresidential uses with a floor area 2,400 square feet or less are exempt from providing any off-street parking spaces and that nonresidential uses with a floor areas of more than 2,400 square feet are required to provide parking spaces only for the amount of floor area in excess of 2,400 feet. This provision applies only to uses that have a required off-street parking ratio that is based on floor area.

### 7.03.05 "M" Suffix (Mixed-Character) Commercial Zones

When the intensity of use in any existing building in a commercial zone with an "M" suffix (mixed [auto-oriented/pedestrian-oriented] character) is increased, additional off-street parking spaces is not required if:

A. vacant property under common ownership and adjoining the building does not exist;

B. existing vacant property under common ownership and adjoining the building is not accessible from any adjoining streets, roads, or alleys; or

C. on-street parking, with or without parking meters, is available on the street on which the building fronts, or if the street is not open to

vehicular traffic, on the nearest street that is open, within the same zone.

## Section 7.04 Off-Street Parking Schedule

Except as otherwise expressly stated in this article, off-street parking spaces must be provided in accordance with the minimum ratios specified in the following schedule.

| Use Type | Minimum Number of Vehicle Parking Spaces Required |
|---|---|
| **RESIDENTIAL** | |
| **Household Living** | 2 per dwelling unit in RR and RS zones; 1 per dwelling unit in all other zones<br>0.5 per dwelling unit for elderly housing |
| **Group Living** | 1 per 2 employees or 1 per 4 residents/beds, whichever is greater |
| **PUBLIC AND CIVIC** | |
| **Colleges and Universities** | See Sec. Section 7.05 |
| **Cultural Exhibits and Libraries** | 1 per 300 square feet |
| **Day Care** | |
| Babysitting Service (1-3) | None, other than required for residential use |
| Family Day Care Home (4-6) | 1 space plus spaces required for residential use |
| Day Care, Type 2 (7-12) | 1 per 6 person-capacity or 1 per 400 square feet, whichever is greater |
| Day Care, Type 1 (13+) | 1 per 6 person-capacity or 1 per 400 square feet, whichever is greater |
| **Hospital** | See Sec. 7.05 |
| **Lodge or Private Club** | 1 per 4 seats in the main assembly area |
| **Parks and Open Space** | See Sec. 0 |
| **Public Safety Services** | 1 per 2 employees |
| **Religious Assembly** | 1 per 4 seats |
| **Schools** | Elementary/middle: 2 per class room plus 1 per 4 seats in auditorium<br>High: 1 per 5 students |
| **Utilities** | 1 per 2 employees |
| **COMMERCIAL** | |
| **Animal Services** | 1 per 400 square feet, not including space used for animal pens and other non-public areas |
| **Building Maintenance Services** | 1 per 500 square feet |
| **Business Equipment Sales and Service** | 1 per 500 square feet |
| **Business Support Service** | 1 per 500 square feet |
| **Communication Service Establishments** | 1 per 500 square feet |
| **Construction Sales and Service** | 1 per 400 square feet of indoor area |
| **Consumer Repair** | 1 per 500 square feet |
| **Eating/Drinking Establishments** | 1 per 400 square feet in “P” and “M” suffix zones<br>1 per 200 square feet in “A” suffix zones |
| **Entertainment, Indoor** | |
| Theater/Cinema | 1 per 4 seats |
| Bowling center | 4 per lane |
| Health clubs | 1 per 200 square feet |

| Use Type | Minimum Number of Vehicle Parking Spaces Required |
|---|---|
| All other | 1 per 4 seats or 1 per 4-person seating capacity, whichever is greater |
| **Entertainment, Outdoor** | See Sec. 0 |
| **Financial Services** | 1 per 500 square feet |
| **Food and Beverage Sales, Retail** | 1 per 500 square feet |
| **Funeral Services** | 1 per 4 seats |
| **Gasoline Stations** | 1 per gas pump island, plus 2 per service bay |
| **Lodging** | |
| Bed and breakfast | 1 per 4 rooms |
| Hotel/motel | 1 per room |
| **Medical Service** | 1 per 250 square feet |
| **Office** | 1 per 500 square feet |
| **Personal Improvement Service** | 1 per 400 square feet |
| **Retail Sales and Service** | 1 per 400 square feet |
| **Vehicle Sales and Service** | |
| Accessory sales | 1 per 400 square feet |
| Boat/RV sales | 1 per 10 display boats/vehicles |
| Body shop | 1 per 200 square feet |
| Car wash | 1 per bay |
| Motor vehicle sales | 1 per 10 display vehicles |
| Repairs (no body shops/painting) | 1 per 200 square feet |
| **INDUSTRIAL** | |
| **Junk/Salvage Yard** | 1 per employee |
| **Manufacturing, Production, and Industrial Service** | 1 per 3 employees |
| **Mining/Excavation** | 1 per 3 employees |
| **Recycling Facilities** | 1 per employee |
| **Warehouse and Freight Movement** | 1 per employee, plus one parking space for each company vehicle operating from the premises. |
| **Waste-related Service** | 1 per employee |
| **OTHER** | |
| **Marine-related Use** | See Sec. Section 7.05 |

## Section 7.05 Special Parking Studies

Certain uses have widely varying parking demand characteristics, making it impossible to specify a single off-street parking standard.

**7.05.01** Upon receiving a development application for a use subject to the special parking study standards of this section, the Zoning Administrator must apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking study prepared by the applicant.

**7.05.02** The special parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Zoning Administrator and include other reliable data collected from uses or combinations of uses that are the same as or

comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

## Section 7.06 Calculation Rules

The following rules apply when calculating off-street parking requirements.

### 7.06.01 Multiple Uses

Unless otherwise approved, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses. (See the shared and cooperative parking provisions of 0 and 0 for possible exceptions)

### 7.06.02 Fractions

When measurements of the number of required spaces result in a fractional number, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. For example, if a minimum ratio of 2 spaces per 1,000 square feet is applied to a use with 1,900 square feet of floor area, the result (3.8) must be rounded up to 4 spaces.

### 7.06.03 Area Measurements

A. Unless otherwise expressly stated, all area-based (square feet) parking standards must be computed on the basis of gross floor area, which is to be measured as the sum of the gross horizontal area devoted to such use, including accessory storage areas located within sales or working spaces, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. Except as noted in the preceding sentence, “floor area” for purposes of calculating off-street parking requirements does not include: floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

B. For outdoor areas, calculations will be based on the portion of the lot actually being used for the specified purpose.

### 7.06.04 Occupancy- or Capacity-Based Standards

For the purpose of calculating parking requirements based on employees, students, or occupants, calculations are to be based on the greatest number of persons working on any single shift, the maximum enrollment or the

maximum occupancy load as determined by the building code, whichever is applicable and whichever results in the greater number of spaces.

### 7.06.05 Bench Seating

When seating consists of benches, pews, or other similar seating facilities, each 30 linear inches of seating space counts as 1 seat.

### 7.06.06 Unlisted Uses

Upon receiving a permit or development application for a use not specifically addressed, the Zoning Administrator must apply the off-street parking standard specified for the use that the Zoning Administrator deems most similar to the proposed use or require that the applicant follow the requirements of Sec. Section 7.05.

## Section 7.07 Location of Off-Street Parking Facilities

### 7.07.01 Residential Zones

The following standards apply in all RR, RS, and RU zones.

A. Required off-street parking spaces must be located on the same lot as the use served, except that off-site parking may be approved as a conditional use.

B. Unenclosed off-street parking spaces are permitted in required front, side, or rear setbacks.

### 7.07.02 Nonresidential Zones

A. In all zones other than RR, RS, and RU zones, required off-street parking spaces for permitted uses must be located on the same zoning lot as the building or use served, except that off-site parking may be approved by the Zoning Administrator. In such cases, off-site parking facilities must be located within 600 feet walking distance of the main entrance to the use served. Off-site parking spaces accessory to a use in nonresidential zones may be located in any other nonresidential zone but may not be located in any RR, RS, or RU zone.

B. Off-street parking for conditional uses may be located on another lot than the building or use being served is located, when approved as part of the conditional use application, provided that the parking is located 600 feet walking distance of the main entrance to the use served.

C. Permitted uses in the CRG and CRL zones may utilize off-street parking as is available within 1,000 feet of the use served. Public parking in this area may be used to fulfill parking requirements. If parking is not exclusively available for the use, the owner or operator must provide a study documenting that adequate parking is available for the use, recognizing the specific peak hour and turnover characteristics of the use in question and other users of the parking facilities.

### 7.07.03 Driveways

Entrances, exits, or driveways may not be computed as any part of a required parking lot or area, except in the case of residential zones, where access driveways may be used to satisfy off-street parking requirements.

## Section 7.08 Shared Parking

### 7.08.01 Description

Shared parking represents an arrangement whereby 2 or more nonresidential uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

### 7.08.02 Authorization and Criteria

A. The Zoning Administrator is authorized to approve shared parking arrangements for nonresidential uses with different hours of operation.

B. The Zoning Administrator may permit up to 100% of the parking required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or weekend use and vice-versa.

C. To approve shared parking, the Zoning Administrator must find, based on competent evidence provided by the applicant, that no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed exists.

### 7.08.03 Uses with Different Hours of Operation

A. For the purposes of this section, the following uses are considered daytime uses:

1. Office uses;
2. Retail uses,
3. Industrial uses; and

4. Other similar uses with operating hours generally limited to daytime hours, when authorized by the Zoning Administrator.

B. For the purposes of this section, the following uses are considered nighttime or weekend uses:

1. Auditoriums accessory to schools;
2. Religious assembly facilities;
3. Entertainment uses;
4. Eating and drinking establishments; and
5. Other similar primarily nighttime or weekend uses, when authorized by the Zoning Administrator.

### 7.08.04 Location of Shared Parking Facility

A use for which an application is being made for shared parking must be located within 600 feet walking distance of the shared parking, measured from the entrance of the use to the nearest parking space within the shared parking lot.

### 7.08.05 Agreement

An agreement providing for the shared use of parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this article.

## Section 7.09 Cooperative Parking

### 7.09.01 Description

Cooperative parking represents an arrangement whereby 2 or more commercial uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking.

### 7.09.02 Authorization

The following reductions in the number of off-street parking spaces required are allowed when multiple commercial uses provide their off-street parking in the same parking lot, as follows:

A. a 20% reduction is allowed when 4 or more commercial uses are involved;

B. a 15% reduction is allowed when 3 commercial uses are involved; and

C. a 10% reduction is allowed when 2 commercial uses are involved.

**7.09.03 Location of Cooperative Parking Facility**

A use for which an application is being made for cooperative parking must be located within 600 feet walking distance of the cooperative parking facility, measured from the entrance of the use to the nearest parking space within the cooperative parking lot.

**7.09.04 Agreement**

An agreement providing for cooperative use of parking must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Cooperative parking privileges will continue in effect only as long as the agreement remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this chapter.

## Section 7.10 Use of Required Parking Spaces

**7.10.01** Required off-street parking spaces must be used for parking only. Any other use of such space, including storage, repair work, or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, will be deemed to constitute a separate commercial use in violation of the provisions of this article.

**7.10.02** No building of any kind may be erected in any off-street parking lot except a parking garage containing parking spaces equal to the requirements set forth in this section or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.

## Section 7.11 Off-Street Parking Area Design

**7.11.01 Parking Plan Approval Required**

Plans for all parking lot facilities, including parking garages, must be submitted to the Zoning Administrator for review and for compliance with the provisions of this article and such other pertinent ordinances of the city. Such plans must show the number of spaces and arrangements of parking aisles, location of access points onto adjacent streets, provisions for vehicular and pedestrian circulation, location of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, locations of signs, typical cross sections of pavement, including base and subbase, proposed grade of parking lot, storm drainage facilities,

location and type of lighting facilities, and such other information or plans as the circumstances may warrant.

**7.11.02 Size of Off-Street Parking Areas**

For the purposes of this article, one parking space for one surface parking facility must be a minimum of 9 feet wide and 18 feet long. One parking space for structured parking facilities (parking garages) must be a minimum of 8.5 feet wide and 16 feet long. Parking space dimensions are exclusive of access drives or aisles. All parking spaces must have a vertical clearance of at least seven feet.

**7.11.03 Width of Access Drives**

A. All off-street parking areas must be laid out with the following minimum aisle or access drive widths:

1. 90 degree (perpendicular) parking, 22 feet (either one- or two-way circulation only);
2. 60 degree (angle) parking, 15 feet (one-way circulation only);
3. 45 degree (angle parking), 12 feet (one-way circulation only);
4. 30 degrees (angle parking), 11 feet (one-way circulation only);
5. 0 degree (parallel parking), 12 feet (one-way circulation).

B. When any combination of these types of parking is used (facing the same aisle), the most restricted aisle or access drive width requirements will prevail. In addition, a 2-foot overhang is permitted on the external sides of a parking area.

C. If the width of the parking space is increased (over 8.5 feet), the drive aisle width may be decreased proportionally (2 foot width in drive aisle per one- foot increase in space width, except that a drive aisle for two-way traffic may not be decreased below 20 feet in width and a drive aisle for one-way traffic may not be decreased below 11 feet in width).

**7.11.04 Access to Off-Street Parking Spaces**

A. Each required parking space must be connected with a dedicated, improved public right-of-way by means of aisles or access drives. The parking area must be so designed to ensure that all maneuvering into and out of each parking space must take place entirely within property lines of lots, garages, or storage areas.

B. All parking areas for multi-unit residential, commercial, industrial or mixed-use (residential and nonresidential) uses must have a protective wall or bumper blocks around the perimeter of the parking area and must be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic.

C. All such parking areas must be effectively screened on each side adjoining or fronting on any property situated in an RR, RS, or RU zone in accordance with Section 8.01. Ground cover shrubs and trees must be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

**7.11.05 Landscaping**

Vehicular use area landscaping must be provided in accordance with Section 8.02.

**7.11.06 Lighting**

Any lighting used to illuminate off-street parking areas may not glare on any right-of-way or adjacent property.

**7.11.07 Paving of Off-Street Parking Areas**

A. All off-street parking areas must be paved with asphalt concrete or Portland cement concrete.

B. Alternative hard surface paving systems, including decorative pavers, may be approved, provided that the system and materials used will have the same or greater load-bearing strength as asphalt concrete or cement concrete.

C. The Zoning Administrator may allow parking lots to be paved with gravel (only) for a period of up to six months to allow settling when such lot is constructed on a former building site, or when weather conditions prevent immediate paving with a hard surface. Under no circumstances may a parking lot be used for more than six months without being paved in accordance with the above requirements.

D. An access drive serving a single-family residential dwelling may be paved with gravel, provided that the following criteria are met:

1. The property is located in a residential zone;
2. The subject property is not a flag lot;

3. The front setback depth is more than 100 feet; and
4. Any subsequent subdivision of property creating front yards of less than 100 feet in depth will require such drives to be paved with asphalt concrete or Portland cement concrete.

## Section 7.12 Driveways and Vehicle Access

To promote greater safety of passage between highway and land, improve the convenience and ease of movement of travelers on the highway, permit reasonable speeds and economy of travel, and increase and protect the capacity of the highway, the location and design of driveways and vehicle access points on to streets and roadways must comply with the following access control requirements. These requirements apply along all arterial and collector streets, as identified in the adopted comprehensive plan.

### 7.12.01 Provision of Reserved Turning Lanes

At those access points where vehicles turning to and from the arterial and collector streets will affect the roadway capacity, turn lanes must be constructed by the developer.

### 7.12.02 Coordination of Access Points

Major access points on opposite sides of arterial and collector streets must be located opposite each other, otherwise turning movement restrictions may be imposed by the Planning Commission or Zoning Administrator, whichever is applicable. In addition, to maximize the efficient utilization of access points, access drives must be designed, located, and constructed in a manner to provide and make possible the coordination of access with, and between, adjacent properties developed (present or future) for similar uses. As a condition of approval for construction, use, or reuse of any access road, the Zoning Administrator may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties.

### 7.12.03 Spacing Restrictions for Signalized Access Points

A. Access points that will warrant signalization must be spaced a minimum distance of 0.25 miles apart. The exact location of the signal light must be determined by a traffic engineering study, which must at least account for the following variables:

1. Speed;
2. Traffic signal phasing;
3. Traffic signal cycle length;
4. Roadway geometrics; and
5. Accident experience

B. Turning movements must maintain the design capacity of the roadway.

**7.12.04 Sight Distance**

The centerline of all access points must intersect as nearly at a 90-degree angle as possible, but in no case may the angle of intersection be less than 75 degrees or greater than one 105 degrees, unless approved by the Planning Commission or Zoning Administrator, whichever is applicable, due to certain exceptional conditions.

**7.12.05 Location of Unsignalized Access Points**

A. Arterial Streets

1. Unsignalized access points must be spaced a minimum distance of 600 feet apart. Turning restrictions and/or reserved lanes may be required.
2. One access point per existing tract will be permitted. However, if the 600-foot spacing requirement for a direct access point onto an arterial street (as provided in A.1, above) cannot be met, then an access point may be located on a frontage road, or on an intersecting local street, or share a common driveway that meets the spacing requirements. For the intersecting local street or frontage road to function properly, access onto them will be controlled as follows:

   (a) Access points onto local streets intersecting an arterial street must be spaced a minimum distance of 100 feet, measured from point of curb return to point of curb return, from the arterial street.
   (b) In areas zoned to permit commercial, industrial, or multifamily residential uses, access points from adjacent properties onto frontage roads must be no less than 100 feet, measured from point of curb return to point of curb return, from intersections of the frontage road with local or collector streets.

3. Where the frontage of a tract is greater than 500 feet, an additional access point may be permitted. However, the type of access will depend on the driveway spacing requirement. If the frontage of the tract is large enough, then at least one of the access points may have direct access onto the arterial street, provided the spacing between the

adjacent access points meet the requirements of paragraph A.1 above and all other requirements of this ordinance. In the case where the frontage allows only one point of direct access, due to spacing restrictions as provided herein, the second access point will be via a frontage road, or an intersecting local street, or share a common driveway that meets the spacing restrictions, as provided along the arterial street.

4. If a tract of land has no means of access that would meet the requirements of this ordinance, one access point must be provided. However, all such access points must be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Zoning Administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, or an intersecting local street, or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements may be required as a condition to approval to minimize the number of access points and congestion to the adjacent street. In all cases where access points are classified as temporary, such designation must be noted on the site plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

B. Collector Streets

1. On two-lane roadways, one access point per existing tract will be allowed. However, if the frontage is greater than 500 feet, an additional access point may be permitted. Furthermore, the minimum spacing between adjacent access points on this type of facility must be 100 feet, measured from point of curb return to point of curb return, except in the case where the street intersects another collector street or arterial street, then access points must be spaced a minimum of 300 feet from the intersection.
2. On multi-lane roadways, the spacing is dependent on whether or not a barrier median exists (prohibiting left-turn movements). If a barrier median exists, access points may be spaced as close as 300 feet. However, certain turning movements will be prohibited. If a barrier median does not exist, then the minimum spacing of access points must be

600 feet. In addition, some turning movements may be prohibited.

3. One access point per existing tract will be allowed. However, if the spacing requirements for a direct access point cannot be met, then an access point may be located on a frontage road, or on an intersecting street, or share a common driveway that meets the spacing requirements.

4. If a tract of land has no means of access that would meet the requirements of this ordinance, one access point must be allowed. However, all such access points must be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Zoning Administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, or an intersecting local street, or sharing of a common driveway. Provisions for the construction of a frontage road, restricted turning movements, or other improvements may be required, as a condition to approval, to minimize the number of access points and congestion to the adjacent street. In all cases where access points are classified as temporary, such designation must be noted on the site plan or site plan submitted for a zoning permit and also upon the deed of the property in question.

### 7.12.06 Width of Access Points

A. In single-family residential zones, no access point may be more than 20 feet in width. In all other zones, access points may not be less than 12 feet nor more than 28 feet in width. The width must be as measured from the point of curb return to point of curb return, or edge of pavement if no curb exists, excluding the curb radius.

B. The Zoning Administrator may modify (enlarge or reduce) the width to provide for a more efficient and safe channelization and/or flow of traffic.

### 7.12.07 Exceptions to Access Point Requirements

Where situations develop that may require special treatment, the requirements of this section may be varied, provided that a traffic engineering report is prepared by a qualified traffic engineer, establishing that the special treatment will have no adverse effects on the roadway safety and capacity.

### 7.12.08 Access Point Problem Areas

If, after special study, it is determined that the type of use or activity proposed would have an adverse effect on the safety and capacity of the adjacent roadway, the access point spacing requirements, as contained in this section, may have to be increased to adequately address traffic safety and circulation issues.

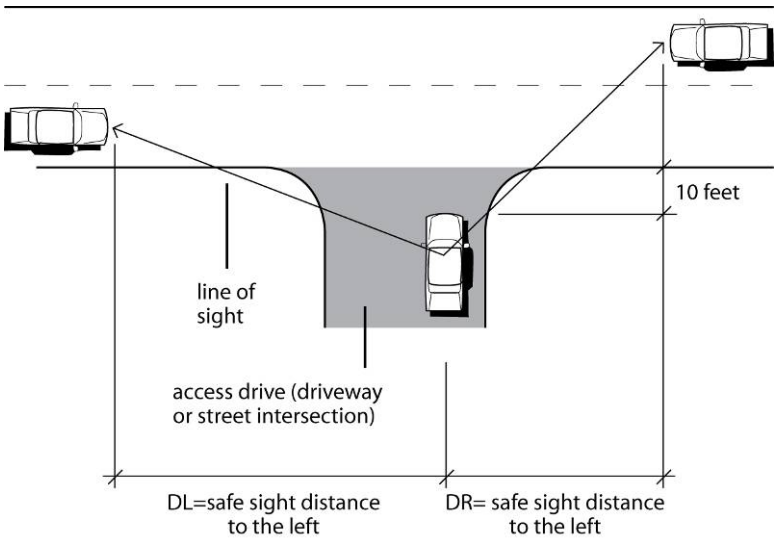
### 7.12.09 Approval of Access Points Required

Plans for all access points and modifications thereto (including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, thus producing an adverse effect on the adjacent roadway) must be submitted to the Zoning Administrator and the Planning Commission staff, at a scale not less than 1 inch = 100 feet. No action of approving or rejecting these plans by the Zoning Administrator must be taken until a review and recommendation of the plans has been made by the Planning Commission staff. Such plans must show the location of all access points and access points within 600 feet in either direction. The proposed access point must include typical cross-sections of pavement, the base and subbase, proposed grade, storm drainage, and such other information or plans as the circumstances may warrant. If such access points are being located in conjunction with off-street parking and/or loading and unloading facilities, then the plans must also include parking and off-street loading and/or unloading plans in accordance with this ordinance.

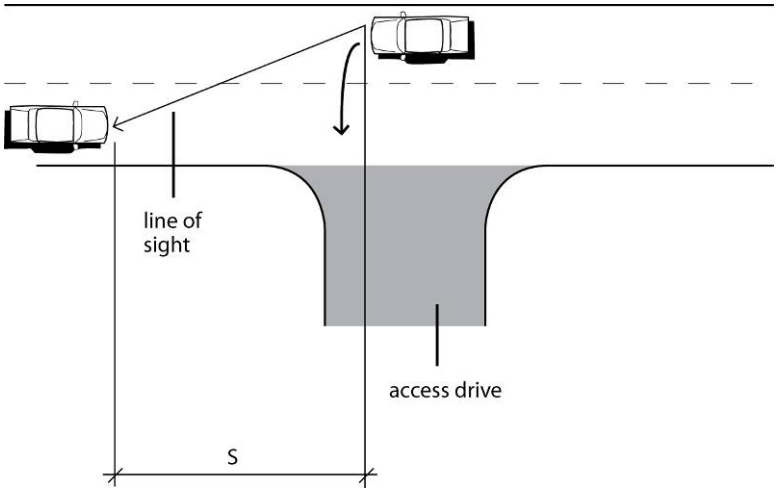
### 7.12.10 Approval of Access Points Along State Maintained Routes by Kentucky Department of Transportation

A copy of the plans for all access points to be constructed along a state-maintained route must also be submitted to the Kentucky Transportation Cabinet for review and approval during the same time as plans are submitted to the Zoning Administrator. No access point plans will be approved, or permits issued for construction by the Zoning Administrator, until the access point plans have been approved by the Kentucky Transportation Cabinet.

## Sight Distance for Vehicles Exiting from Access Points




## Left Turn Sight Distance for Vehicles Entering Access Points



## Section 7.13 Off-Street Loading

### 7.13.01 Loading Schedule

Off-Street loading spaces must be provided in accordance with the minimum ratios of the following table:

| Use | Building Floor Area (gross sq. ft.) | Required Loading Spaces | Space Size (feet) |
|---|---|---|---|
| Public and Civic | 1–9,999 | None | N/A |
| | 10,000+ | 1 + 1 per 50,000 sq. ft. above 50,000 sq. ft. | 10 x 25 |
| Commercial (except Retail Sales, General) | 1–9,999 | None | N/A |
| | 10,000+ | 1 + 1 per 50,000 sq. ft. above 50,000 sq. ft. | 10 x 25 |
| Retail Sales, General | 1–4,999 | None | N/A |
| | 5,000+ | [1] | [1] |
| Industrial | 1–4,999 | None | N/A |
| | 5,000+ | 1 up to 40,000 sq. ft. + 1 additional up to 100,000 sq. ft. + 1 per 100,000 sq. ft. above 100,000 | 10 × 25; 10 × 50 for building over 20,000 square feet |

[1] The following standards apply:

| Building Floor Area (square feet) | Required Loading Spaces | Space Size (feet) |
|---|---|---|
| 5,000 to 10,000 | 1 | 10 × 25 |
| 10,001 to 25,000 | 2 | 10 × 25 |
| 25,001 to 40,000 | 2 | 10 × 50 |
| 40,001 to 100,000 | 3 | 10 × 50 |
| 100,001 to 250,000 | 4 | 10 × 50 |
| +250,000 | 1 per 200,000 above 250,000 | 10 × 50 |

### 7.13.02 Location

All loading or unloading spaces must be located on the same lot as the use served. However, permitted uses located in industrial zones may provide parking areas for the storage of trucks waiting to be loaded or unloaded within 600 feet from each lot served on the approval of the Zoning Administrator, provided that the off-street storage of trucks are unable to be provided on the same lot or contiguous to the same lot as the use being served and further provided that the storage of trucks are located in the same zone as the use being served. Loading or unloading areas may be located in the side and minimum required rear setbacks, provided that all loading or unloading facilities must be set back a minimum of 10 feet from the rear lot line and minimum side setback clearances are maintained.

### 7.13.03 Driveways

Entrances, exits, or driveways may not be computed as any part of a required loading or unloading space.

### 7.13.04 Use of Off-Street Loading Space

A. Any loading or unloading space must be used for loading or unloading only. Any other use of such space, including repair work or servicing of any kind other than in an emergency or the requirement of any payment for the use of such space, will violate the provisions of this article.

B. No building of any kind may be erected in any off-street loading or unloading space.

### 7.13.05 Design and Layout

A. Loading or Unloading Plan Approval Required

Plans for all loading or unloading facilities must be submitted to the Zoning Administrator for review and for compliance with the provisions of this article and such other pertinent ordinances of the legislative body. Such plans must show the number and location of loading or unloading spaces, including necessary maneuvering of trucks and dock and apron approaches, and arrangements of access aisles, location of access points onto adjacent streets, provisions for truck circulation, location of curbs on or adjacent to the property, utilities, location of signs, typical cross sections of pavement, including base and subbase, proposed grade of lot, storm drainage facilities, location and type of lighting facilities, and such other information or plans as the circumstances may warrant. Where such loading or unloading plans include provisions for access points to adjacent streets, then the plans must also be prepared in accordance with the requirements of this article.

B. Access

1. Each required off-street loading or unloading space must be designed with direct access via an approved access drive to a deeded right-of-way that offers efficient ingress, egress, and safety for trucks. Access drives or aisles must be laid out with a width of at least 12 feet for one-way circulation and at least 22 feet for two-way circulation with intersection radii not to be less than 50 feet.

2. Off-street loading or unloading space must be designed and constructed so that all maneuvering for loading or unloading can take place entirely within the property lines of the premises being served. Such off-street loading or unloading space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk or street.

C. Other Design Features

Docks are to be designed to facilitate efficient loading or unloading. Platform heights should be 44 inches for light pickup and delivery trucks and 48 to 52 inches for heavy trucks and trailers. The dock area should be at least twice the total body floor area of the largest number of trucks that can be docked at one time. Minimum dock overhead clearance (including pipes and lights) should be 12 feet.

D. Paving of Off-Street Loading or Unloading Areas

All off-street loading or unloading areas, including spaces, maneuvering, and storage areas for truck parking must be paved with asphalt concrete or Portland cement concrete.

E. Lighting

Any lighting used to illuminate off-street loading or unloading areas may not glare on any right-of-way or adjacent property.

F. Screening and Landscaping

All loading or unloading areas, including storage of parked trucks, must be effectively screened on each side adjoining or fronting on any property situated in a residential zone, as regulated by Section 8.01. Ground cover shrubs and trees must be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

# Article 8. Landscaping

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## Section 8.01 Screening Area

Screening areas must be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

### 8.01.01 Screening Area Requirements

All screening areas must be approved by the Zoning Administrator (or Planning Commission, where required by this section), according to submitted plan as regulated by the requirements of Section 12.06. Screening areas must be designed, provided, and maintained according to the following:

A. Where vegetative or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort must be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such conditions to the satisfaction of the Zoning Administrator or Planning Commission, as required by this section.

B. Whenever screening is required, it must be provided as follows:

1. All screening must be provided by the construction of a Class 1 or Class 5 fence, as regulated by Section 9.02 of this chapter and/or evergreen trees;
2. All trees must be a minimum of 10 feet in height when planted; however, smaller trees (a minimum of five feet in height) may be utilized in combination with berms (e.g., earthen mounds) to provide the minimum 10-foot height requirement; berms must be covered with suitable vegetation, such as grass, ivy, and shrubs, to preclude erosion of the berm;
3. Trees that are intended to provide screening to a separate multi-family development from a single-family development may not be planted further than 15 feet apart; parking facilities that are located adjacent to the single-family areas must be additionally screened to a minimum height of 3 feet (via an earth berm, depressed parking, solid

fence, etc.) to reduce automobile headlight glare onto adjacent property;

4. Trees that are intended to separate commercial and industrial development from residential development (single-family and multi-family) may not be planted further than 10 feet apart; parking facilities that are located adjacent to residential areas must be additionally screened to a minimum height of 3 feet (via an earth berm, depressed parking, solid fence, etc.) to reduce automobile headlight glare onto adjacent property.

C. All trees, shrubs, and other planting materials must be living plants (not artificial) and must be suitable to the Northern Kentucky area and the specific conditions of the site in question, such as but not limited to soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The legislative body may require review of the proposed screening plan from the United States Soil Conservation Service, or the applicable County Agricultural Extension Service.

D. Screening areas are to be provided within the required minimum setbacks as required in each zone's regulations. In the case where property is located adjacent to another governmental jurisdiction, screening requirement must be the same as if the zone in the adjacent legislative body (or a zone containing the most similar types of permitted uses as provided herein) were located within this legislative body.

E. In the case where a zoning map amendment occurs resulting in adjacency to a different zone than was previously the case, and where development has already occurred on property in the unchanged zone, required additional setbacks and screening requirements (as required in each zone regulation) must be provided for the property in the zone where the zone change occurred.

**8.01.02 Provision and Maintenance**

Required screening areas must be provided as a condition of development by the owner or developer. All required screening, including the planting of trees and other vegetation, must be maintained by the property owner.

**8.01.03 Plans**

Areas to be set aside as screening areas must be identified on required plans, as regulated in Section 12.06 and where applicable, on the improvement drawings as regulated by the subdivision regulations.

Sufficient bond, adequate to cover the required improvements as determined by the legislative body, may be required to be posted. It is unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

## Section 8.02 Vehicular Use Areas

### 8.02.01 Applicability

Unless otherwise expressly stated, the standards of this section apply to all of the following in all zones:

A. The construction or installation of any vehicular use area.

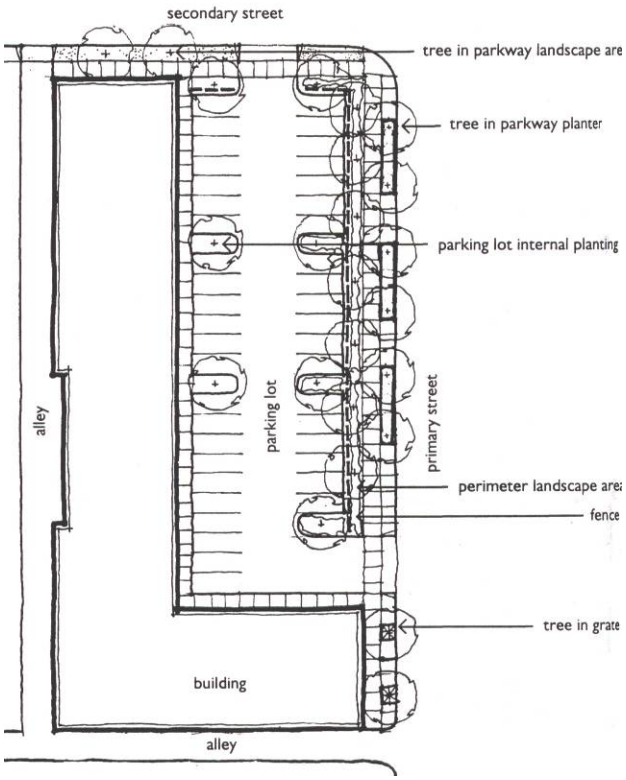
B. Any existing vehicular use area that is accessory to an existing principal building, if such building or any portion thereof is repaired or rehabilitated (including interior alteration and remodeling) and the cost of such repair or rehabilitation exceeds 150 percent of the property's assessed value;

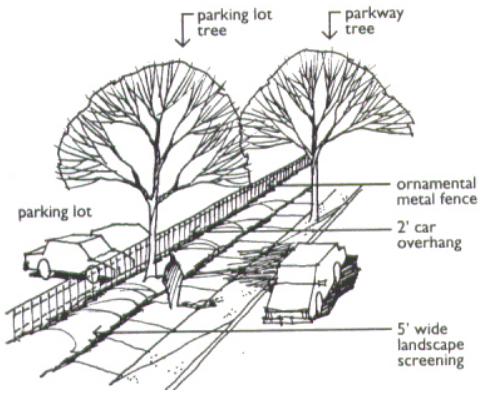
C. The repair, rehabilitation, or expansion of any existing vehicular use area, if such repair, rehabilitation, or expansion would increase the number of existing parking spaces by more than 25 percent or 4 spaces, whichever is less;

D. Any existing vehicular use area which is accessory to an existing principal building, if such building or any portion thereof is expanded or enlarged and the expansion increases the existing floor area on the zoning lot by 50 percent or 5,000 square feet, whichever is less; and

E. The excavation and reconstruction of an existing vehicular use area if such excavation and reconstruction involves the removal of 50 percent or more of the asphalt, concrete, or other pavement devoted to vehicular use. This provision does not apply to the resurfacing of asphalt or concrete or to emergency work on underground storage tanks if such work is intended to maintain the integrity and safety of such tanks and is subject to review under other federal, state, or local laws.

### 8.02.02 Perimeter Landscaping, Screening, and Fencing




A. Screening from Abutting Residential and Institutional Uses

1. The perimeter of all vehicular use areas larger than 1,500 square feet must be effectively screened from all abutting R-zoned property and from all abutting property that is improved with a hospital, nursing home, religious assembly, community center, school, college, or other similar institutional use.
2. Such screening must consist of a wall, fence, or hedge not less than 5 feet in height and not more than 7 feet in height.
3. Screening fences must be masonry or wood and must be planted with vines. Chain-link fences are prohibited.

B. Screening from Streets

1. The perimeter of all vehicular use areas larger than 1,200 square feet must set back at least 7 feet from front and street side (corner) property lines and effectively screened from view of such street.
2. The view of such vehicular use areas from all abutting streets must be visually screened either by permitted buildings (other than fences or walls) or by a hedge, not

less than 3 feet in height and not more than 4.5 feet in height, or by a combination of buildings and hedges.

(a) This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings reasonably necessary for access drives and walkways.
(b) Visual screening must be located between the perimeter of the vehicular use area and the front property line.
(c) Hedges used to satisfy the standards of this section must consist of individual shrubs with a minimum width of 24 inches, spaced no more than 36 inches on center.

3. The remainder of the required 7-foot vehicular use area setback must be landscaped and must include at least one tree for every 25 linear feet of street frontage. Trees must have a minimum caliper size of 2.5 inches.
4. Notwithstanding the other provisions of this zoning ordinance, the front or rear bumper overhang of vehicles parked within the vehicular use area may encroach upon the required front setback up to a maximum distance of 2 feet. This allowed overhang area may be included in the calculation of the required depth of each abutting parking space.

C. Fences

Ornamental fencing is required to be installed along the perimeter of vehicular use areas adjacent to front and street side (corner) property lines and abutting any existing front yard of property located within an R zone.

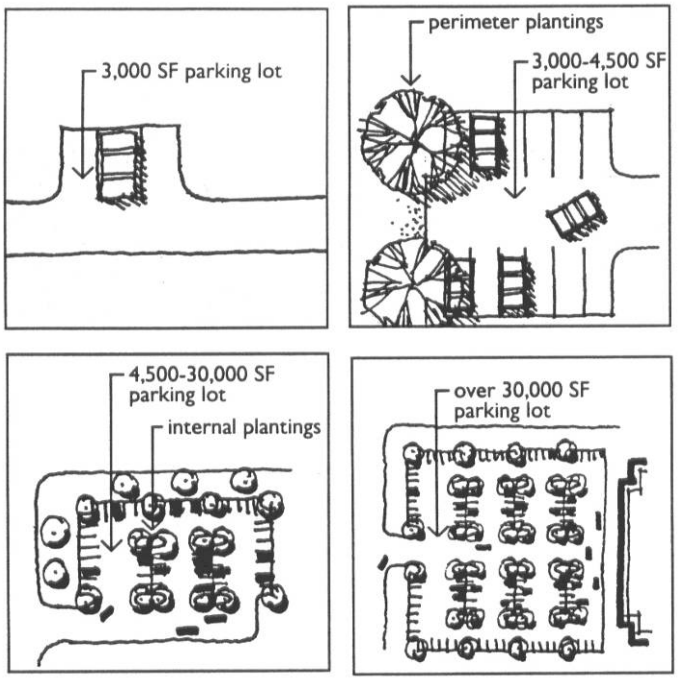
1. The required ornamental fencing must be installed behind the required perimeter landscape area, at least 5 feet from abutting property lines.
2. Required fences are limited to a height of no more than 4.5 feet above grade unless the Zoning Administrator determines that the fence is necessary for security purposes, in which case the fence may be a maximum of 6 feet in height.

### 8.02.03 Interior Landscaping

All lots containing vehicular use areas with an area 3,000 square feet or more must provide interior landscaping in accordance with the requirements of this section.

A. The area of interior landscaping must be equal to:

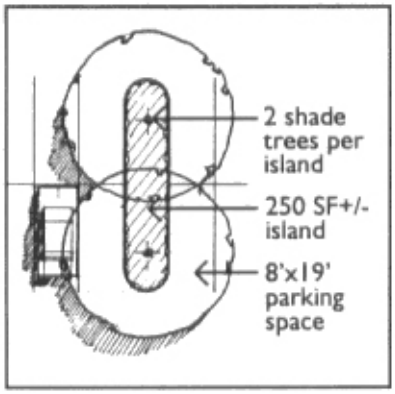
| **Area of Vehicular Use Area** (square feet) | **Minimum Interior Landscaped Area** |
|---|---|
| 3,000–4,500 | 5% of vehicular use area |
| 4,501–30,000 | 7.5% of vehicular use area |
| More than 30,000 | 10% of vehicular use area |




B. Required interior landscaping must comply with the following standards:

1. The area of setbacks and landscaping provided to comply with the perimeter landscape standards of Sec. 0 may not be counted toward satisfying interior landscaping standards.
2. Interior landscaped areas must be designed to enhance the appearance and safety of the vehicular use areas. Such areas must be reasonably dispersed throughout vehicular use area.

3. Existing plant material may be counted towards satisfaction of this requirement.
4. One tree must be planted for each 125 square feet of required interior landscape area. Trees must have a minimum caliper size of 2.5 inches.
5. Existing trees that have a minimum caliper size of 2.5 inches may be counted towards satisfying interior landscaping requirements if such trees are preserved and adequately protected through all phases of construction. Each 2.5 caliper inches of any existing tree that is preserved will be deemed to be the equivalent of one 2.5-inch caliper tree.
6. Each separate landscaped island or area must contain a minimum of 165 square feet of area, have a minimum dimension of 8 feet in any direction, and include at least one tree. Within vehicular use areas with an area of less than 4,600 square feet, required trees may be installed along the perimeter of the vehicular use area instead of within interior islands.
7. The trees required to be planted within interior landscaping areas must be canopy trees.
8. The soil volume and composition for trees required within interior planting islands must have 2-foot minimum depth and topsoil must be backfilled and mounded.




**8.02.04 Landscape and Tree Protection**

All required landscaping areas must be protected from vehicular encroachment by curbs or wheel stops. All trees must be installed and trimmed to ensure that no tree limb or portion thereof extends below the level of 6 feet above the ground.

### 8.02.05 Sight Triangles

Landscaping must comply with the sight triangle standards of Section 9.01.

## Section 8.03 Trash Storage Area Screening

### 8.03.01 Applicability

All of the following uses and developments must provide for the enclosure and screening of dumpsters and trash collection bins:

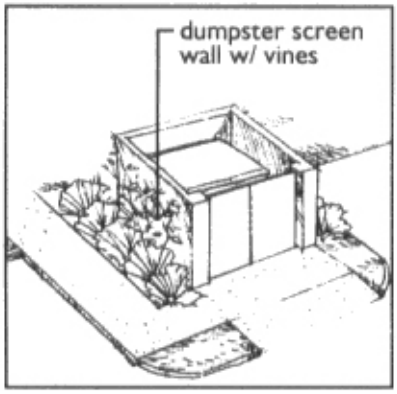
A. multi-unit buildings;

B. business, commercial, or manufacturing development; and

C. substantial rehabilitation of such developments, where the cost of such repair or rehabilitation exceeds 150 percent of the property's assessed value.

### 8.03.02 Screening Methods

A. Required trash storage area screening may be achieved by designating an enclosed space for trash facilities within a principal building or within an accessory structure such as a garage.




B. When trash storage areas are not enclosed within a principal or accessory structure, they must be screened on all sides by masonry walls with a minimum height of 6 feet. One side of the storage area must be furnished with an opaque, lockable gate.

C. The screening walls required by this section must be planted with vines.

## Section 8.04 Installation and Maintenance

**8.04.01** Property owners are responsible for installing landscape materials required by this article. Such materials must be installed in accordance with standard practices of horticultural professionals and in good and workmanlike manner and must be maintained by the property owner in good condition.

**8.04.02** Any damaged or dead trees, shrubs, or ground cover must be promptly replaced.

**8.04.03** Maintenance of landscaping must include continuous removal of weeds; mowing; trimming; edging; cultivation; reseeding; plant replacement; appropriate fertilization; spraying; control of pests, insects, and rodents by nontoxic methods whenever possible; watering; and other operations necessary to assure normal, healthy plant growth.

**8.04.04** The obligation for continuous maintenance is binding on the applicant for landscape plan approval to any subsequent owners of the property or any other parties having a controlling interest in the property.

**8.04.05** When weather conditions do not permit planting, installation of plant material may be delayed until the start of the next growing season. In such cases, the Building Inspector is authorized to issue a temporary certificate of occupancy for a period of up to 8 months. Required landscaping must be in place prior to expiration of the temporary certificate of occupancy. A permanent certificate of occupancy may be issued once required landscaping is in place.

## Section 8.05 Administrative Adjustments

### 8.05.01 Fence Standards

The Zoning Administrator is authorized to approve an Administrative Adjustment waiving or modifying the fence standards of Sec. 8.02.02, C. when:

A. the vehicular use area is located within an Industrial zone; and

B. the Zoning Administrator determines that the vehicular use area is isolated from R zones and residential uses.

### 8.05.02 Screening of Vehicular Use Areas from Streets

A. The Zoning Administrator is authorized to approve an administrative adjustment allowing alternative landscape treatments to partially or wholly satisfy the standards of 8.02.02, B.

that require the installation and maintenance of hedges as vehicular use area screening.

B. The Zoning Administrator is expressly authorized to approve such alternative landscape treatments as:

1. landscaped earth berms;
2. elevation changes;
3. vine-covered fences, walls or trellises; and
4. brick walls.

C. The Zoning Administrator may authorize such administrative adjustment only upon finding that the proposed alternative landscape treatment would:

1. provide an effective visual screen of the parking areas and parked automobiles;
2. promote the physical definition of a continuous street wall;
3. provide a visual effect that promotes and enhances the vehicular and pedestrian experience through the use of quality architectural and urban design; and
4. is appropriately designed and maintained to satisfy applicable building and/or landscape industry standards.

**8.05.03 Hardships**

A. The Zoning Administrator is authorized to approve an administrative adjustment waiving or modifying the requirements of this Article, provided that the Zoning Administrator finds that the:

1. strict application of the provisions would deprive the applicant of the reasonable use of the land or would otherwise impose an unreasonable hardship upon the applicant;
2. conditions and circumstances upon which the waiver or modification is sought are not caused by the applicant; and
3. alternative landscape treatments will be provided to off-set the waiver or reduction in otherwise applicable standards.

B. The Zoning Administrator is expressly authorized to approve alternative landscape treatments, such as:

1. landscaped earth berms;
2. raised planters;

3. hanging baskets;
4. flower boxes;
5. planting trellises;
6. roof-top gardens;
7. perimeter plantings on roof-tops, decks, or balconies;
8. pedestrian lighting;
9. flag or banner poles;
10. benches and seating areas;
11. vine-covered fences, walls, or trellises;
12. brick walls; and
13. additional landscaping and tree planting elsewhere on the site that will be visible from public right-of-way.

# Article 9. General Regulations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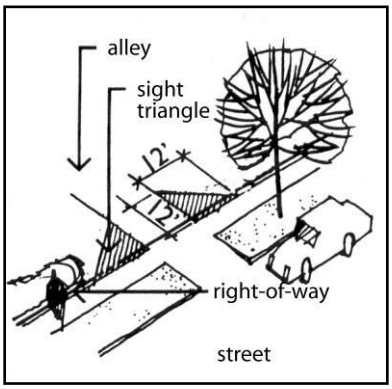
## Section 9.01 Sight Triangles

**9.01.01** No fence, wall, sign, landscape material, or other visual obstruction, other than a building, more than 36 inches in height may be installed or allowed to remain within any sight triangle.

**9.01.02** A sight triangle is the triangular area bounded as follows:

A. at the intersection of a street and an alley, by the edges of the alley and the edge of the street right-of-way for a distance of 12 feet from the point of intersection and by a line connecting the ends of the 2 sides; or




B. at the intersection of 2 or more streets or a street and a railroad for a distance of 30 feet from the point of intersection and by a line connecting the ends of the 2 sides.

**9.01.03** No sign, structure, tree, planting, or vegetation or any portion thereof may protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic signs or signals of any kind.

## Section 9.02 Fences and Walls

### 9.02.01 Classification of Fences and Walls

Fences and walls are classified as follows:

A. Class 1: Masonry walls

B. Class 2: Ornamental metal, 80% or more open

C. Class 3: Woven wire, including chain link, 80% or more open

D. Class 4: Wood or other materials (excluding woven wire and chain link), 50% or more open

E. Class 5: Wood or other materials less than 50% open, including solid fences

F. Class 6: Hedges

G. Class 7: Barbed wire or sharp pointed fences

H. Class 8: Earthen or concrete walls intended to contain or redirect flooding waters

### 9.02.02 Conservation and Residential Zones

Fences or walls within the Resource Protection (RP) zone and the Residential (R) zones are subject to the following standards:

| Zones | Fence or Wall Class | Maximum Fence Height by Yard/Setback Type (feet) | | | |
|---|---|---|---|---|---|
| | | **Front Yard** | **Side Yard** | **Rear Yard** | **Sight Triangle** [1] |
| **Resource Protection** | 1 | - | 8 | 8 | - |
| | 2 | 8 | 8 | 8 | 3 |
| | 3 | 8 | 8 | 8 | 3 |
| | 4 | 8 | 8 | 8 | 3 |
| | 5 | - | 8 | 8 | - |
| | 6 | 8 | 8 | 8 | 3 |
| | 7 | - | 5 foot minimum, 2 foot max above primary fence | | - |
| | 8 | According to engineering requirements | | | |
| **Residential** | 1 | 4 | 6 | 7 | - |
| | 2 [2] | 4 ½ | 6 | 7 | 3 |
| | 3 | - | 6 | 7 | - |
| | 4 | 4[3] | 6[3] | 7 | 3 |
| | 5 | - | 6 | 7 | - |
| | 6 | 4 | 6 | 7 | - |
| | 7 | - | - | - | - |
| | 8 | According to engineering requirements | | | |

| | Fence or | Maximum Fence Height by Yard/Setback Type (feet) | | | |
|---|---|---|---|---|---|
| **Residential-recreation** *General purpose recreation areas in Residential Zones* | 1 | 8 | 8 | 8 | - |
| | 2 | 8 | 8 | 8 | 3 |
| | 3 [4] | 8 | 8 | 8 | 3 |
| | 4 | 8 | 8 | 8 | 3 |
| | 5 | 8 | 8 | 8 | - |
| | 6 | 8 | 8 | 8 | - |
| | 7 [4] | 8 | 8 | 8 | - |
| | 8 | Army Corps of Engineers | Army Corps of Engineers | Army Corps of Engineers | Army Corps of Engineers |

[1] Triangular portion at corner, 50 feet from intersection of rights-of-way
[2] Class 2 fence with maximum height of 8 feet is allowed across a former alley or street.
[3] The wooden slats on these fences must be a minimum of 3 inches wide.
[4] Tennis court or baseball fences can be Classes 3 and 7, and be 12 feet in height**

### 9.02.03 Commercial and Industrial Zones

Fences or walls within all Commercial and Industrial zones are subject to the following standards:

| Zones | Fence or Wall Type | Maximum Fence Height by Yard/Setback Type (feet) | | | |
|---|---|---|---|---|---|
| | | **Front Yard** | **Side Yard** | **Rear Yard** | **Sight Triangle** [1] |
| Commercial | 1 | 4 | 6 | 7 | - |
| | 2 | 4 | 6 | 7 | 3 |
| | 3 | - | 6 | 7 | - |
| | 4 | 4 | 6 | 7 | 3 |
| | 5 | - | 6 | 7 | - |
| | 6 | 4 | 6 | 7 | - |
| | 7 | - | - | - | - |
| | 8 | According to engineering requirements | | | |
| Industrial | 1 [2] | 6 | 7 | 7 | - |
| | 2 [2] | 6 | 7 | 7 | 3 |
| | 3 [2] | 6 | 7 | 7 | 3 |
| | 4 [2] | 6 | 7 | 7 | 3 |
| | 5 [2] | 6 | 7 | 7 | - |
| | 6 [2] | 6 | 7 | 7 | - |
| | 7 | 5 foot minimum, 2 foot max above primary fence | | | |
| | 8 | Army Corps of Engineers | | | |

[1] Triangular portion at corner, 50 feet from intersection of rights-of-way
[2] Barbed wire may be placed on top of fence lasses 1-6, as long as such fence is located in an industrial zone and the barbed wire is at least 5 feet above grade, and no higher than 2 feet above other fence

### 9.02.04 Other Districts

Fences or walls within other zones are subject to the following standards:

A. Linden Gateway District

| Zone | Fence or Wall Type | Maximum Fence Height by Yard/Setback Type (feet) | | | |
|---|---|---|---|---|---|
| | | Front Yard | Side Yard | Rear Yard | Site Triangle [1] |
| Linden Gateway District | 1 | 4 | 6 | 7 | 3 |
| | 2 | 4 | 6 | 7 | 3 |
| | 3 | – | – | – | – |
| | 4 | 4 | 6 | 7 | 3 |
| | 5 | – | 6 | 7 | – |
| | 6 | 4 | 6 | 7 | 3 |
| | 7 | – | – | – | – |
| | 8 | According to engineering requirements | | | |

[1] Triangular portion at the corner, 50 feet from the intersection of right-of-ways

### 9.02.05 Fence and Wall Measurements

A. All fences or wall heights must be measured from ground level where the fence or wall meets the ground to the highest point of the fence or wall.

B. Fence post finials are permitted to extend a maximum of 8 inches above the maximum height of any permitted fence.

### 9.02.06 Barbed Wire or Sharp Pointed Fences

Where permitted, barbed wire or sharp-pointed fences must start a minimum of 60 inches above ground level and may not exceed 2 feet in height above the top of the primary fence or wall. Fences used in conjunction with permitted agriculture uses are exempt from these standards and all other fence and wall height limits.

### 9.02.07 Height of Fences Atop Retaining Walls

A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to a level no higher than the highest finished grade. The fence portion must be of the class and height permitted within the subject zone.

### 9.02.08 Electrified Fences

Fences carrying an electrical charge are permitted only when used in conjunction with an agriculture use. Such fence must be set back at least 5 feet from all adjacent property lines.

### 9.02.09 Permit Required for Erection of Fences

No fence may be erected, except as exempted or specified within this chapter, until all required fees have been paid to the proper authorities or their agents and the necessary permits have been issued in accordance with Section 12.10.

**9.02.10 Structural Elements of Fences**

Fences must be constructed so that all structural members must be located on the inside of the fence. The inside must be the side which faces the property owned by the person building the fence.

**9.02.11 Liability**

The construction of walls or fences in accordance with this zoning ordinance does not release the property owner from liability related to the construction or to injuries that occur as a result of the wall and/or fence.

**9.02.12 Pools**

Private in-ground and above-ground swimming pools must be enclosed by a class 1, 3, or 5-type fence or wall. The fence or wall must be at least 4 feet in height, but no more than 7 feet in height. All gates or doors in the fence or wall must be self-latching.

**9.02.13 Fences on Vacant Properties**

The construction of walls or fences is allowed on a property with no principal structure provided that a principal structure or principal use with the same ownership as the vacant property abuts the vacant property (without a street or alley separating). The fence constructed must meet all regulations of Section 9.02. No accessory structure other than a fence may be constructed on a vacant property.

A. Fence material must be consistent all the way around the property.

B. Chain-link fences are prohibited on vacant properties in all Residential and Commercial Districts.

## Section 9.03 Excavation and Grading

**9.03.01** No governmental entity or other person or entity may strip, excavate, fill, remove existing structures or otherwise move soil, trees, or other vegetation except for minor changes such as the filling of small depressions, or the removal of vegetation that is diseased or endangering the public safety (activities collectively referred to as “excavation and grading”), without first ensuring that all requirements of this section and any applicable subdivision regulations have been fulfilled.

**9.03.02** All persons or other entities proposing to conduct excavation or grading must submit an erosion and sedimentation control plan demonstrating compliance with the following:

A. The smallest practical area of land must be exposed at any one time during excavation and grading.

B. When land is exposed during excavation and grading, the exposure must be limited to the shortest practical period of time.

C. Temporary vegetation, mulching, and erosion control fencing must be used to protect critical areas exposed during excavation and grading.

D. Sediment basins (debris basins or silt traps) may be installed and maintained to remove sediment from run-off waters from land undergoing excavation and grading.

E. Provisions must be made on-site to accommodate increased stormwater runoff caused by changed soil and surface conditions during and after excavation and grading, and sites of one acre or more are subject to the stormwater management regulations of Sanitation District No. 1.

F. The development and attendant excavation and grading must be fitted to the topography and soils so as to create the least erosion potential.

G. Wherever feasible, natural vegetation must be retained and protected.

H. Permanent final vegetation and structures must be installed as soon as practical in disturbed areas after excavation and grading. For any sites to be developed within 6 months of the issuance of an excavation and grading permit, a landscape plan must be submitted pursuant to Article 8. Any subsequent change to the landscape plan approved pursuant to this requirement will require re-review and approval.

**9.03.03** The Building Inspector may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this chapter. The provisions of this section may not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this chapter.

## Section 9.04 Outdoor Storage/Display

### 9.04.01 Outdoor Display

Outdoor retail sales and display areas must comply with the following standards:

A. Location of Sales Area

Outdoor sales areas must be contiguous, located entirely on private property, and outside of any required setback, unless otherwise specified below. In zones without required setbacks, outdoor sales areas may not be located within 10 feet of any street-facing lot line.

B. Maximum Size

Except for vehicle-sales uses, outdoor sales areas may not exceed 15 percent of the floor area of the uses they serve, unless otherwise expressly stated in this zoning ordinance.

C. Location of Merchandise

Merchandise may not be displayed where it will encroach upon parking areas, driveways, walkways, sidewalks, or landscaped areas, unless otherwise specified below. Merchandise may not obstruct sight distance or otherwise create hazards for vehicular or pedestrian traffic.

D. Height of Merchandise

Individual items displayed may not exceed 10 feet in height above grade. Stacked items may not exceed a total of 6 feet in height above grade.

E. Litter

A permanent trash receptacle must be installed at each entrance and exit to an outdoor sales area.

F. Screening

All outdoor sales areas must be screened from adjacent public streets by decorative solid walls, fences, or landscaped berms that are at least 3 feet in height and located in a landscaped area at least 10 feet in width adjacent to a street property line, unless otherwise expressly stated in this zoning ordinance.

G. Exceptions

Only merchandise for sale may be permitted to encroach in the sidewalks within the following zoning designations:

Central Business District (CBD), Commercial-General with a "P" Designation (CG-P), and Commercial-Tourist (CT) per City of Covington Code of Ordinances 96.01 with the following restrictions:

1. Displays are limited to the area directly in front of a commercial establishment offering the items for sale.
2. Merchandise and supporting structures shall not project more than 4 feet from the front of the structure housing the retail operation.
3. Displays shall not block ingress or egress to any entrances or exits of the retail business structure or adjoining buildings or properties.
4. Merchandise may not be displayed more than one-half hour prior to opening of the business and must be removed within one-half hour after closing the business each day. Notwithstanding the above, no merchandise can be displayed before 6 a.m. or after 10 p.m.
5. No such displays shall engage the use of electricity, nor shall such displays be animated or use lights or noise-making devices.
6. Placement of merchandise must be in compliance with the Americans with Disabilities Act and any other law. A walking space of at least 4 feet wide shall be provided.
7. Merchandise displays may not contain vending machines, liquor, beer, wine, or any other alcoholic beverages, tobacco, fireworks, any item which a minor is prohibited from purchasing, or any other item restricted by a fire code or other law. No merchandise requiring a separate permit or license shall be displayed unless the permit or license is in place.

### 9.04.02 Outdoor Storage

Outdoor storage is allowed only in IP, I1 and I2 zones, and is subject to the standards of Sec. 3.06.02, C.

## Section 9.05 Swimming Pools

### 9.05.01 Private Swimming Pools

All private swimming pools must comply with the following requirements:

A. Except as herein provided, no swimming pool or associated equipment is permitted within any required setback or within any public utility right-of-way easement.

B. Swimming pools, whether constructed in-ground or above ground, must have a fence or wall, including a self-closing or self-latching door or gate, with the latches placed at least 4 feet above ground, around the pool or the property on which the pool is located. Such fence or wall must be at least 4 feet, but not more than 6 feet in height. Such fences or walls must be constructed in such a manner that any openings do not allow the passage of a 4-inch diameter sphere.

C. The side or wall of an above-ground pool may serve as the wall or fence referenced in this section, provided that the side or wall is at least 4 feet in height above the surrounding ground level. Any access to above-ground pools by means of a ladder or stairway must be provided with a self-closing or self-latching door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.

D. Glare from lights used to illuminate the swimming pool area must be directed away from adjacent properties.

E. All swimming pools and associated equipment must be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the legislative body. Water used in the swimming pool that is obtained from other than a public source must be approved by the Northern Kentucky District Health Department.

F. All existing swimming pools that are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, must immediately be brought into compliance with the provisions of this zoning ordinance.

G. No swimming pool shall be located forward of the principal structure, or in the front yard of any lot.

**9.05.02 Public Swimming Pools**

All public, semi-public, and commercial swimming pools must be regulated according to the following requirements:

A. Except as herein provided, no swimming pool and associated equipment is permitted within any required setbacks or within the limits of any public utility right-of-way easement.

B. The swimming pool or the property on which the pool is located must be surrounded by a fence or wall, including a self-closing and self-latching door or gate (only Classes 1, 3, and 5 fences are permitted, as regulated by Section 9.01 and Section 9.02). Such fence or wall must be at least 5 feet in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.

C. Glare from lights used to illuminate the swimming pool area must be directed away from adjacent properties.

D. All swimming pools and associated equipment of the swimming pool must be constructed and erected in accordance with all applicable codes, ordinances and regulations of the legislative body. Water used in the operation of the swimming pool which is obtained from other than a public source must be approved of by the Northern Kentucky District Health Department.

E. No mechanical device for the reproduction or amplification of sounds use in connection with swimming pools may create a nuisance to adjacent residential properties.

## Section 9.06 Water and Sanitary Sewer Service

**9.06.01** No building may be constructed in any zone except the RR-40 zone unless such building is connected to a public water and sanitary sewer system of adequate capacity and design, and approved by the proper authorities, or unless the building is constructed on a single lot of record existing on October 2, 1984, that meets the minimum lot area and width requirements of the RR-40 zone. In the case of the RR-40 zone or construction on single-lot parcels of record meeting the requirements of the RR-40 zone, private sewage disposal systems are permitted, provided they are approved in accordance with the requirements of the Northern Kentucky District Board of Health.

**9.06.02** Where existing buildings are presently unserved by a public sanitary sewer system and a sanitary sewer line is extended to the location of these buildings, as determined by the legislative body or the Northern Kentucky District Board of Health, the building is required to connect with the public sanitary sewer system and a private sewage disposal system is prohibited.

## Section 9.07 Public Improvements

Any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and storm), water lines, or other improvements, which does not constitute a subdivision, as herein defined, must be designed and constructed in accordance with the applicable subchapters and sections of the subdivision regulations, unless specifically waived. In downtown business district, public improvements must be constructed in accordance with the adopted Streetscape Master Plan, and in urban redevelopment areas, public improvements must be constructed in accordance with design guidelines adopted in connection with redevelopment plans approved by the City.

## Section 9.08 Measurements and Exceptions

### 9.08.01 Lot Area

A. Measurement

Lot area includes the total land area contained in the property lines of a lot.

B. Exceptions for Nonconforming Lots of Record

Nonconforming lots of record may be exempt from lot area requirements. See Section 14.02 for rules regarding nonconforming lots of record.

### 9.08.02 Lot Area per Dwelling Unit (non-Cluster Development)

A. Measurement

For residential development outside of approved cluster developments, dwelling unit density is controlled through a minimum lot-area-per-dwelling-unit standard. Lot area per unit refers to the total land area contained in the property lines of a lot divided by the total number of dwelling units on the property.

B. Rounding

When the number of dwelling units yielded by the density calculation results in a fraction, the fraction must be rounded down to the previous whole number. For example, if a minimum lot-area-per-unit standard of 1,000 square feet is applied to 3,125 square foot lot, a maximum of 3 dwelling units would be allowed on the property.

### 9.08.03 Density of Cluster Developments

A. Measurement

For residential development in approved cluster developments, dwelling unit density is controlled by a maximum density standard. Density refers to the number of dwelling units allowed per net acre of site area, after subtracting public and private streets and rights-of-way.

B. Calculation

To calculate the maximum number of dwelling units allowed on a site, first subtract public and private streets and rights-of-way from the gross area of the parcel (in acres), then multiply the resulting figure by the subject zone's maximum density standard. For example, a 27.5-acre parcel in the RS-7.5 zone would be allowed a maximum of 159 dwelling units [27.5 × 5.8 =159].

C. Rounding

When the number of dwelling units yielded by the density calculation results in a fraction, the fraction must be rounded down to the previous whole number.

### 9.08.04 Floor Area Ratio

A. Measurement

For the purpose of calculating floor area ratios, the floor area of the building is the sum of the gross horizontal areas of all floors in the building measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings. Floor area expressly includes all of the following:

1. floor area of any floor located below grade or partially below grade that is not a basement;
2. elevator shafts and stairwells on each floor;
3. floor area used for mechanical equipment;
4. attic space having clear height (head-room) of 6 feet 9 inches or more;
5. mezzanines;
6. porches that are enclosed by walls on 3 or more sides; and
7. floor area within the principal structure that is occupied by accessory uses.

B. Calculation

The floor area ratio standards of Section 3.04 establish the maximum ratio of building floor area to lot area. The maximum floor area permitted on a lot is calculated by multiplying the applicable floor area ratio standard by the area of the lot upon which the building is located.

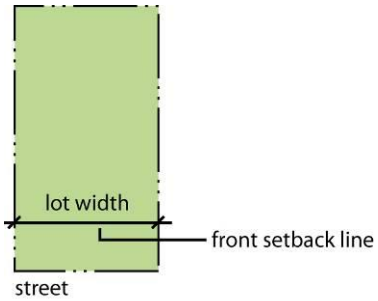
C. Exceptions

For the purpose of calculating floor area ratios, enclosed floor area devoted to required parking and the drive aisles and circulation area associated with such parking are not to be counted as floor area. The enclosed floor area of non-required parking spaces will be counted as floor area for the purpose of calculating floor area ratios.

### 9.08.05 Lot Width

A. Measurement

Lot width is measured between side property lines at the point of the required front setback.




B. Exceptions for Lots of Record

Nonconforming lots of record may be exempt from lot width requirements. See Section 14.02 for rules regarding nonconforming lots of record.

### 9.08.06 Front Setback

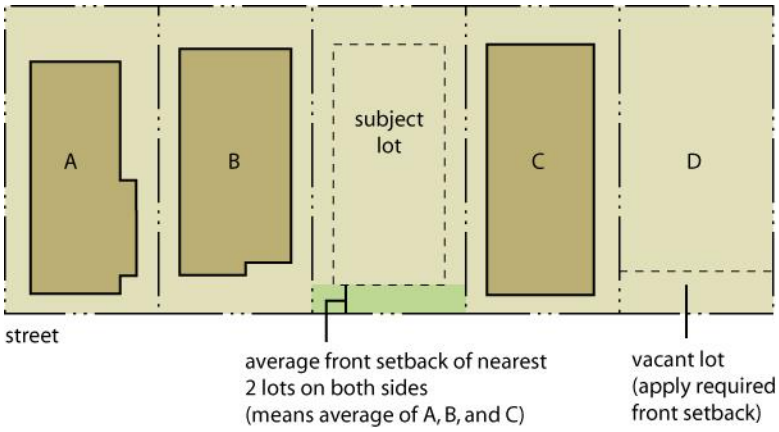
A. Measurement and Use

1. Measurements of required front setbacks and existing front yards are to be taken from the front property line to the furthermost projection of the structure, not including those projections and features allowed in such setback pursuant to Sec. 9.08.09.

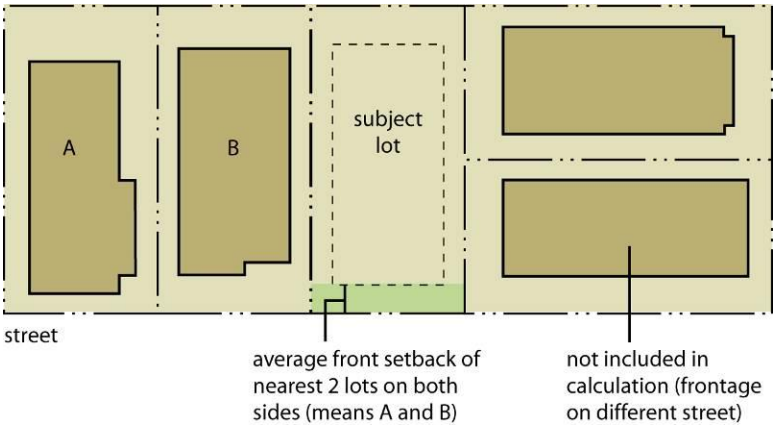
2. Front setbacks and front yard areas may be used for parking and may not be paved except for permitted driveways, provided that such areas are set back a minimum of one (1) foot from adjoining property lines. Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Sec. 9.08.09.

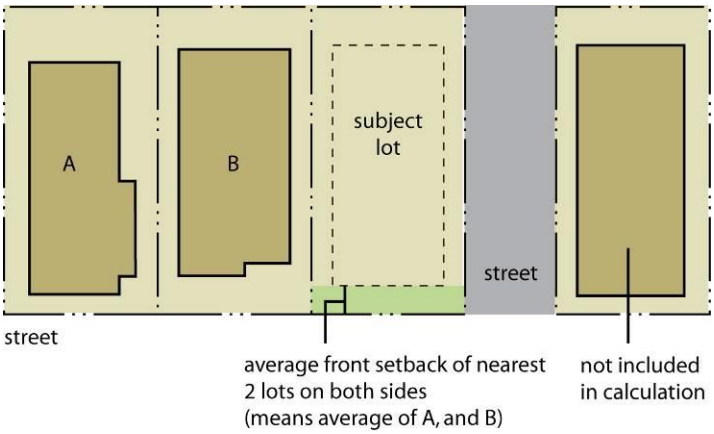
B. Contextual Front Setbacks

1. The contextual front setbacks of this section may be used whenever buildings exist on one or more abutting lots.
2. Contextual front setbacks must be at least as deep as the average front setback that exists on the 2 lots on both sides of the subject lot, in accordance with the following rules:

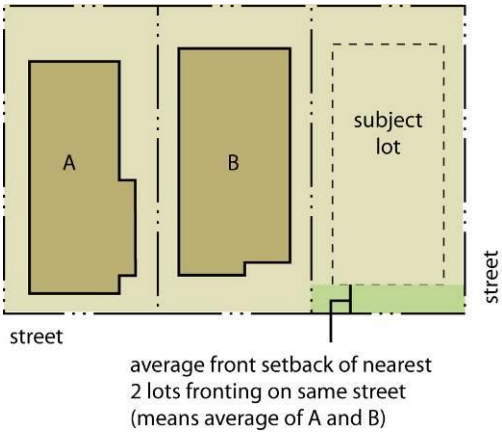



(a) lots that front on a different street than the subject lot or that are separated from the subject lot by a street may not be used in computing the average;

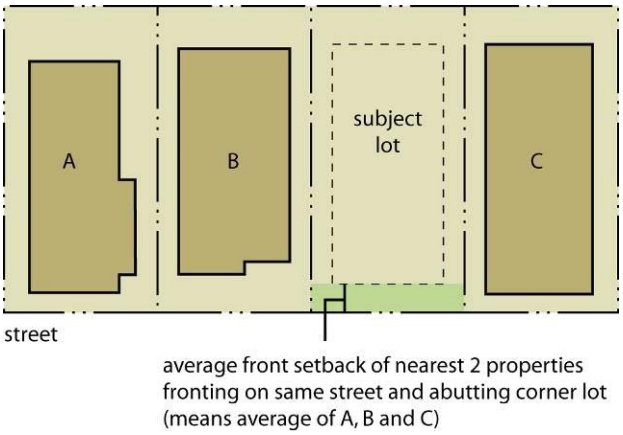





(b) when the subject lot is a corner lot, the average setback will be computed on the basis of the 2 nearest developed lots that front on the same street as the subject lot;




(c) when the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest 2 lots that front on the same street as the subject lot; and




(d) the setback of vacant lots is assumed to be the front setback required by Sec. 2.03.01.

### 9.08.07 Rear Setback

A. Measurement and Use

1. Required rear setbacks are to be measured from the rear property line of the lot on which such structure is located to the furthermost projection of the structure, not including those projections and features allowed in such setback pursuant to Sec. 9.08.09.
2. Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Sec. 9.08.09.

B. Through Lots

On through lots both (opposing) street lines are considered front property lines and front setback standards apply. Rear setback standards do not apply. Accessory structures on through lots may be located anywhere outside of required front or side setbacks.

### 9.08.08 Side Setback

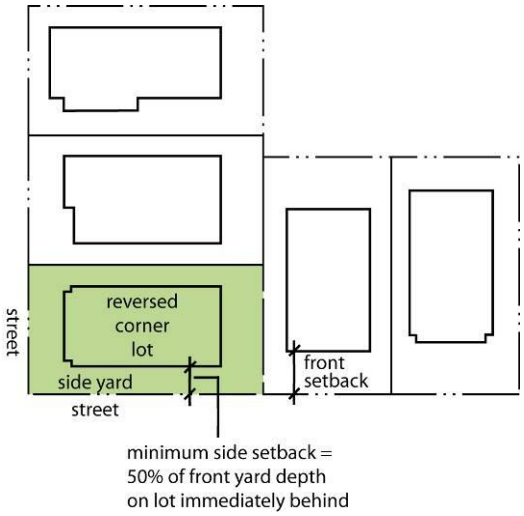
A. Measurement and Use

1. Required side setbacks are to be measured from the side property line of the lot on which such structure is located to the furthermost projection of the structure, not including those projections and features allowed in such setback pursuant to Sec. 9.08.09.

2. Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed in Sec. 9.08.09.

B. Reversed Corner Lot Setback Standards

In all RR, RS, and RU zones, the minimum side setback on a reversed corner lot must be equal to at least 50 percent of the front setback area that exists on the lot abutting the rear of the reversed corner lot. If the abutting lot to the rear is vacant, no special reversed corner lot standards applies.




### 9.08.09 Features Allowed to Encroach in Setbacks

Required setbacks must be unobstructed and unoccupied from the ground to the sky except that certain building features and structures are allowed to encroach into required setbacks to the extent expressly indicated in this section:

| Encroachment into Required Setback | Front | Side | Rear |
|---|---|---|---|
| Accessory buildings and structures | No | No | Yes[1] |
| Air conditioning units | Yes[5] | Yes[2] | Yes[2] |
| Arbors | Yes | Yes | Yes |
| Awnings and canopies | Yes[6] | Yes[2][4] | Yes[2][4] |
| Bay windows | Yes[5] | Yes[5] | Yes[5] |
| Bird baths | Yes | Yes | Yes |
| Chimneys | Yes[4] | Yes[4] | Yes[4] |
| Driveways | Yes[7] | Yes[7] | Yes[7] |
| Eaves and gutters | Yes[5] | Yes[3] | Yes[5] |
| Fences and walls | [8] | [8] | [8] |
| Fire escapes | Yes[4] | Yes[4] | Yes[4] |
| Flagpoles | Yes | Yes | Yes |
| Furniture, Outdoor | Yes | Yes | Yes |
| Parking spaces, unenclosed if provided for in Section 7.07 | [9] | [9] | [9] |

| Encroachment into Required Setback | Front | Side | Rear |
|---|---|---|---|
| Patios, uncovered | No | No | Yes |
| Porches, decks and balconies | No | No | Yes[10] |
| Recreational equipment (e.g., swing sets and playhouses) | No | No | Yes |
| Satellite dish antennas | Yes[11] | Yes[11] | Yes[12] |
| Sills, belt courses, cornices, buttresses and other architectural features | Yes[5] | Yes[5] | Yes[5] |
| Stoops and steps | Yes[13] | Yes[13] | Yes[13] |
| Trees, plants and landscaping | Yes | Yes | Yes |
| Trellises | Yes | Yes | Yes |
| Utility poles and wires | Yes | Yes | Yes |
| Wheelchair lifts and ramps | Yes[14] | Yes[14] | Yes[14] |

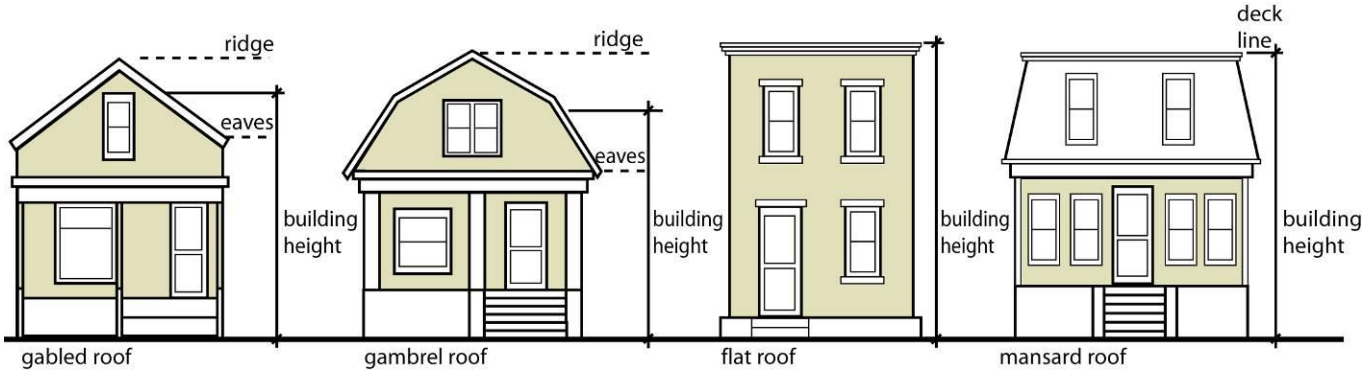
[1] Must be set back at least 1 foot from property line; detached garages and carports must be set back at least 5 feet from rear property lines abutting alleys
[2] Must be set back at least 3 feet from property line
[3] May not encroach more than 18 inches into required setback
[4] May not encroach more than 30 inches into required setback
[5] May not encroach more than 3 feet into required setback
[6] May not encroach more than 6 feet into required setback
[7] Must be set back at least 1 foot from property lines to which they run approximately parallel; common driveways serving 2 or more lots are not required to be set back from property line
[8] Fences and walls are subject to the regulations of 0
[9] See Section 7.07 for rules governing parking location.
[10] May be no more than 3 feet above grade and must be uncovered and open on at least 3 sides
[11] Maximum diameter: 1 meter (39.4 inches)
[12] Maximum diameter: 3 meters (118.2 inches)
[13] May not be more than 4 feet above grade and may not project more than 4 feet into the required setback
[14] Must comply with federal, state, and local accessibility standards

### 9.08.10 Building Height

A. Measurement

Building height is to be measured as the vertical distance measured from average elevation of the finished grade adjoining the building at the front of the building to

1. the average height level between eaves and ridge for gable, hip, and gambrel roofs.
2. the highest point of the roof surface for a flat roof; and
3. the deck line of a mansard roof.




B. Exceptions to Maximum Height Standards

1. The height limitations of this zoning ordinance do not apply to mechanical equipment and electrical penthouses, church spires, towers, smoke stacks, and other similar features, provided they comply with all other applicable city standards and FAA regulations.
2. In residential zones, mechanical equipment, electrical penthouses, stairway enclosures, and elevator penthouses that exceed maximum building height standards must:

   (a) be set back at least 20 feet from the front of the building, and
   (b) not exceed 9 feet in overall height or extend more than 5 feet above the building parapet, whichever results in a lesser height.

### 9.08.11 Exception to area and yard regulations

A. Where existing or proposed development within a residential (non-cluster development), commercial, or industrial zone is to be subdivided, the minimum area and yard requirements may be less than required by this chapter provided that:

1. The maximum density of the zone is not exceeded or the minimum site for the total development must not be less than that required by the respective zone.
2. A community association or other responsible entity is established prior to the approval by the Planning Commission of any subdivision of land. The association shall be obligated and empowered to own and maintain all common areas including such items as open spaces, recreational facilities, access drives, parking areas,

pedestrian walkways, and all improvements constructed thereon.

3. A development plan, as regulated by Section 12.06, including the proposed area and yard requirements for the development is submitted for review and approval by the Planning Commission.

B. The Planning Commission may waive the requirement that all lots abut a minimum frontage along a dedicated right-of-way provided that those lots that do not abut a dedicated right-of-way are assured an unencumbered and maintained accessway by the association to a dedicated right-of-way.

## Section 9.09 Hillside Protection Regulations

### 9.09.01 Purpose

The Hillside Protection Regulations are intended to protect and enhance the City of Covington's unique natural heritage. Hillside areas are places of special character that affect and are affected by their surroundings. Standards and guidelines that take into consideration the natural constraints of a site will result in a development that is sensitive to the environment, incorporates safeguards to maximize public health, safety, and general welfare, and minimize changes to the visual quality of the hillside.

### 9.09.02 Site Plan Review

A. Site plan review and approval by the City Engineer is required before the issuance of any zoning, building or grading permits, or the commencement of any construction or enlargement of any building or structure.

B. The site plan and other information required in this section must be reviewed by the City Engineer, to determine to the best of his personal knowledge and based on the information that has been provided by the permittee, what effect, if any, the proposed development may have on hillside slippage, soil erosion, water quality and water quantity related to storm water runoff, and riparian corridors.

C. Within 30 days of the time that all required plans have been submitted by the permittee, the City Engineer shall advise the Zoning Administrator of his/her findings, and the Zoning Administrator may authorize use of the site in accordance with the submitted plans.

D. If, after review of the plans required by this section, the City Engineer determines that the proposed plan is likely to cause hillside slippage, the Zoning Administrator is authorized to deny the permit for development.

**9.09.03 Standards**

A. The standards of this section are intended to ensure, when development is proposed in those areas of the city that have physical characteristics limiting development (Developmentally Sensitive Areas (DSA)) and hillside slopes of 20% or greater), that development occurs in a manner that minimizes the adverse environmental and visual problems associated with drainage, erosion, earth movement, vegetation removal, and adverse environmental and visual impacts.

B. Areas of land considered physically restrictive, including hillside slopes of 20% or greater, are subject to the following requirements:

1. Development proposed on land areas identified on the Comprehensive Plan as Developmentally Sensitive Areas (DSA) and any other areas that have slopes of 20% or greater require approval before development may occur. In those areas which are identified in the Comprehensive Plan as DSA and containing slopes less than 20%, the requirements contained herein may be waived if, after review of the proposed site plan by the City Engineer, it is determined that the development will not result in any significant hillside slippage or soil erosion.
2. No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified as Developmentally Sensitive Area, or the cutting of trees more than eight (8) inches in diameter at Diameter Breast Height (DBH) may occur within areas designated as DSA, including hillside slopes 20% or greater, until plans and specifications for such work have been submitted in the form of a site plan and without first ensuring that all requirements of this Section and Section 9.03, Excavation and Grading, have been fulfilled. (DBH is the diameter of a tree 4-1/2 feet above average ground level.)

Note: The basis for review of a development plan related to the preservation of trees is to protect and

preserve the greatest number of trees as is reasonable and practical. Individual trees should be removed only as necessary to carry out permitted development under the approved zoning of the site, to achieve the objectives of the Comprehensive Plan, to provide continuity in the design of collector streets, stormwater facilities, or similar infrastructure elements.

In addition to site plan requirements, the following must also be submitted:

(a) Plans showing existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling), compaction, erosion sedimentation basins, areas to be cleared of trees and other vegetation, and any other pertinent information that will change the natural physical features of the site or general area.

(b) Information defining results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigation must be made by a qualified registered geotechnical civil engineer (not the City Engineer) indicating that any structural or physical changes proposed in the area will be completed in a manner that will minimize hillside slippage or soil erosion. The City Engineer will rely on the information, documentation, and opinion submitted by the person submitting the proposed development plan, and the geotechnical civil engineer. The permittee shall assume all liability for damages, personal injury, or property damage resulting from any work performed by the permittee, or his or her agent under the permit, or resulting from failure of the permittee to perform each obligation under the permit. If any claim of liability is made against the City of Covington, its officers, employees or agents, the permittee shall defend, indemnify, and hold them and each of them harmless from such claim.

(c) Plans that show the approximate location, species, and size of all trees more than eight (8) inches in diameter at DBH that are within the area to be affected by the proposed development. These plans

shall further designate between trees that will remain and those that will be removed due to construction.

Note: This tree inventory plan shall be used to guide Section 9.09.04, D.

**9.09.04 Guidelines**

The guidelines contained in this section shall apply to all developments that fall under Section 9.09.03 (B) (1). Applicants must make every reasonable effort to comply with these guidelines.

A. General

1. The design of developments must address the following elements:

   (a) preservation of existing topography;
   (b) vehicular circulation and how it relates to existing contours; and
   (c) preservation of existing vegetation.

2. Disturbance to existing topographical features and vegetation must be minimized. Development must be designed to fit into the hillside rather than altering existing topography to create a "flat land" type of development.
3. Roads and driveways must be sited and constructed to be sensitive to existing contours.

   Note: Removal of non-native invasive vegetation (such as bush honeysuckle) is allowed.

B. Construction Techniques (Earthwork)

Grading must minimize disturbance to natural landforms; not destroy visual quality; and not create conditions that may result in landslides, slope failures, excessive erosion or drainage, or flooding or erosion. All earthwork required for proposed developments must comply with the following guidelines:

1. Grading

   (a) "Contour grading" techniques must be employed where feasible. "Contour grading" means grading that creates artificial slopes with curves and varying slope ratios in the horizontal plane designed to

simulate the appearance of the surrounding natural terrain.

(b) Long linear slopes must be avoided, except in cases where the natural slope configuration displays this type of form. When appropriate, cut-and-fill slopes must have curved configurations that reflect the surrounding topographical context. The toe and top of slope must be "rounded" to avoid angular forms at the convergence of manufactured and natural slopes.

(c) Varied cut-and-fill banks and drainage terraces to alleviate monotony and allow for "naturalistic" landscaping are encouraged.

(d) Berms at the top of slopes and other locations used to screen, vary profile, and insure drainage away from slopes are encouraged.

2. Retaining Structures

The use of retaining structures when they will significantly reduce grading and land disturbance is encouraged.

C. Roads and Driveways

Design of roadways, driveways, and other circulation elements must comply with the following guidelines:

1. Contours

(a) Roadways and driveways must be aligned to follow natural contours where feasible. Long stretches of straight road should be avoided by using gentle horizontal and vertical curves where feasible.

(b) Roadways should not be parallel to one another to avoid a "shelving" effect on hillsides.

2. Grading

(a) The use of cul-de-sacs, loop streets, and common driveways is encouraged if grading is reduced significantly by their use. Cul-de-sacs must incorporate adequate turning radii to accommodate emergency vehicles.

(b) Development should be kept as close as possible to the street serving it to minimize the need for long driveways.

(c) A reduction in roadway width is encouraged if such a design minimizes the amount of necessary

earthwork. Approval of the Zoning Administrator must be obtained.

3. Parking

(a) Whenever possible, parking should be provided within structures. When this is not feasible, lots and streets must be planned to maximize parking that is located on the uphill side of buildings.

(b) Parking areas located on existing flat portions of the site are encouraged.

D. Vegetation

Existing vegetation must be preserved to the maximum extent reasonably practicable and disturbed areas revegetated in conformance with the following guidelines:

Note: Removal of non-native invasive vegetation (such as bush honeysuckle) is allowed.

1. Tree Protection

(a) Development often necessitates the removal of trees to accommodate roads, parking, buildings, and other facilities. Every effort must be made through the design, layout, and construction of development to incorporate and preserve as many trees as possible. Special attention must be directed towards preserving trees with a diameter of eight (8) inches or greater at DBH.

(b) Cutting of trees eight (8) inches or greater at DBH is prohibited until: (1) the site review process, as set forth in Section 9.09.02 is completed; and (2) the standards requirements, as set forth in Section 9.09.03 are completed; and (3) that all requirements of Section 9.03, Excavation and Grading, have been fulfilled; and (4) the development is approved by the Zoning Administrator. Clear-cutting of trees pursuant to an approved development plan will require the planting of replacement trees. Clear-cutting of trees means the cutting of more than 50% of the trees that are eight (8) inches or greater at DBH on the site. No person may cut or clear land for the sole purpose of offering land for sale.

(c) Considerable damage to or the death of trees may result if more than four (4) inches of soil is added around the base of a tree, if more than 30 percent of

circumferential bark is removed, or more than 30 percent of the root system is removed. In addition, asphalt paving, building construction, and soil compaction within the drip line of a tree may cause their destruction. Accordingly, the potential loss of vegetation due to these conditions must be minimized through appropriate site planning and construction practices.

(d) Trees with a diameter of eight (8) inches or greater at DBH and designated for preservation must be marked with bright ribbons encircling the tree trunk at a height of four (4) feet above the ground, and must be surrounded by tree protection barriers, which are barricades at least four (4) feet in height around the critical root zone (CRZ) line installed prior to the commencement of construction. Tree protection barriers can be typical orange construction fencing, continuous rope or flagging, or other barriers approved by the Covington Urban Forester, or in his or her absence, the City Engineer. All tree protection barriers must be accompanied by "Tree Save Area" signage placed upon the barriers not more than every 20 feet.

(1) Critical root zone (CRZ) means the minimum area beneath a tree that must be left undisturbed to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and one-half times the number of inches of the trunk diameter at the diameter breast height (DBH). DBH is the diameter of the tree four and one-half feet above the average ground level.

(e) All trees to be saved outside the buildable area of a development shall be conspicuously designated with suitable protective tree barriers as pursuant to the following guidelines.

(1) The use of tree protection zones is encouraged rather than the protection of individual trees.

(2) Construction site activities, including, but not limited to, material storage, parking, or concrete washout shall not encroach into any tree protection zone without the prior approval of a Certified Arborist, or in his or her absence, the City Engineer, or his/her designee. Any tree irreparably damaged or killed within a tree protection zone, as a result of construction activity, shall be removed and replaced by the owner and/or the developer at a rate of two trees for every tree irreparably damaged or killed. Tree replacement plans must be approved by the City Engineer.

2. Slopes

(a) After construction is finished, slopes that are not vegetated must be landscaped to mitigate adverse impacts, such as hillside instability and uninteresting landscapes.

(b) When land is terraced, the areas between terraces must be planted with dense plantings of trees, shrubs, and ground cover. Natural landscaping is desired, using native trees, shrubs, and ground cover.

3. Landscaping and Tree Planting

(a) Trees should be planted in random clusters, not in rows, to complement the natural tree distribution. Row planting of trees along property lines and roads is discouraged.

(b) To minimize the visual obtrusiveness of buildings, plantings that screen building edges and foundations are encouraged.

(c) Existing vegetation should be taken into consideration when landscaping the developed area. New landscaping should be compatible with existing vegetation and the scenic character of the surrounding area.

(d) When new development occurs near the crest of a hill, the crest's natural appearance should be maintained by tree planting and other landscape measures.

Note: The City of Covington has an Urban Forestry Board that has been given responsibility through Covington's Urban Forestry Ordinance. The Ordinance calls for review of development and landscape plans by Covington's Urban Forester or Urban Forestry Board.

# Article 10. Signs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## Section 10.01 Short Title

This Article shall be known as the Sign Article of the City of Covington.

## Section 10.02 Purpose And Interest Served

**10.02.01** The purpose of this Article is to establish a comprehensive scheme for the regulation of signs within the jurisdiction of the City of Covington. These regulations are designed to protect and promote the public health, safety and welfare by controlling the type, number, location and physical dimensions of signs, to prevent the disruptions, obstructions and hazards to vehicular and pedestrian traffic that signs may cause, and to enhance the quality of the environment in residential and nonresidential districts. More specifically, it is the purpose of this Article to:

A. Implement the plans and planning policies of the City of Covington, together with any subsequent adopted amendments;

B. Provide liberally for the free expression of ideas through signs in residential and other areas;

C. Encourage the effective use of signs as a means of communication and to facilitate way-finding in the area planned and regulated by the City of Covington;

D. Balance the desire and need of individuals to express their creativity in signs with the desire to maintain a pleasing visual environment for residents and the many visitors who come to the area each year;

E. Protect and enhance the value of properties and to have signage appropriate to the planned character and development of each area in the City of Covington;

F. Balance the need for information for motorists and pedestrians with the need for traffic safety by limiting signs or characteristics of signs that may be particularly distracting to drivers;

G. Provide clear and objective sign standards;

H. Provide a clear and efficient review procedure for sign applications; and

I. Enable fair and consistent enforcement of the regulations set forth in this Article.

## Section 10.03 Temporary Signs

**10.03.01** One temporary sign will be permitted on each lot in a non-residential zone, subject to the following standards and conditions:

A. It shall not exceed twelve (12) square feet in area;

B. It shall be attached at all four corners or otherwise firmly affixed to a wall of the principal building or it may be freestanding;

C. If it is freestanding, it shall be supported by one or more posts or similar devices in the ground and shall not exceed six (6) feet in height;

D. In no case shall such a sign be affixed to a tree or other natural feature, a fence, a utility pole, or a fixture or structure on the property other than the principal building;

E. If the message relates to an event, such sign shall be removed within seven (7) days following the conclusion of the event;

F. Such a sign may bear any noncommercial message or a commercial message related to a commercial activity lawfully conducted on the lot where the sign is located; the sale or lease of the premises shall be considered a lawfull use of any premises for purposes of this regulation.

## Section 10.04 Scope, Authority And Applicability

### 10.04.01 Scope

This Article is adopted pursuant to KRS 100.

### 10.04.02 Authority

This Article regulates signs, as defined herein, when mounted, located, or displayed on property located within the incorporated limits of the City of Covington, on land that is either private land or public land over which the City of Covington has land use regulatory authority.

### 10.04.03 Applicability, General

This Article shall apply to all signs erected, placed, painted, installed or otherwise made visible on private or public property in the City of Covington, except as otherwise provided herein. All signs displayed in the City of Covington shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the City of Covington, except as specified herein. No sign, outdoor advertising, structure, billboard or display shall be erected, installed, located or maintained in any zoning district of the City of Covington, except in conformity with these regulations. New signs, additional signs, relocations or structural alterations of existing signs also require sign permits.

### 10.04.04 Compliance Required

It shall be unlawful and a violation of this Article for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curb-stone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest room, bus stop kiosk or shed, station building, tree, or in or upon any portion of any public sidewalk, street, or sign, except as specifically allowed within this Article.

### 10.04.05 Exemptions

The following signs or sign elements are exempt from the provisions of this Article but are subject to any other applicable laws and regulations:

A. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located;

B. Any sign with a sign area of less than four square feet in area and less than four feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than the property on which it is located;

C. Signs on mass transit vehicles operating in or passing through the City of Covington; and

D. Signs on vehicles and watercraft which are regularly used in the operation of a business; signs on vehicles which are parked for long periods of time, which are not operational and/or which are not regularly used in the operation of a business at the same location where the vehicle is most frequently parked shall be considered detached signs and subject to regulation under this Article. For purposes of this subsection, a "long period of time" shall be a continuous period of 30 days or separate periods that total 40 days or more out of any 60-day period.

**10.04.06 Signs Subject To Other Standards**

Signs listed in this Section shall be exempt from the permit requirements of this Article; but, shall, to the maximum extent allowed by law, be subject to the other standards of this Article. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this Article or otherwise deviate from the standards set forth in this Article to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Article. This subsection shall apply to the following types of signs:

A. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;

B. Signs bearing no commercial message and installed by employees or officials of the City of Covington, Kenton County, a state or federal agency in the course of their governmental duties;

C. Signs required by a state or federal statute;

D. Signs required by an order of a court of competent jurisdiction;

E. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and

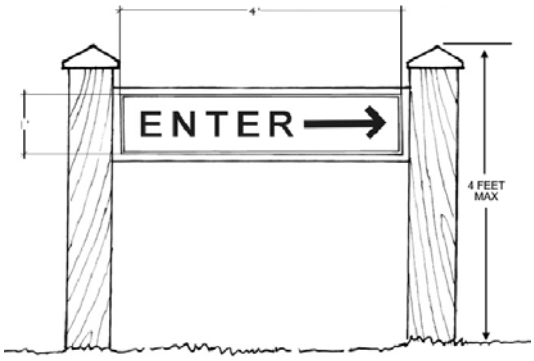
F. Signs installed by a transit company with a franchise or other right to operate in the City of Covington, where such signs are installed along its routes and relate to schedules or other information about the transit route.

**10.04.07 Signs Allowed Without A Permit**

The following signs or sign-like devices are allowed in all zoning districts without a sign permit and are not to be included in determination of the allowable numbers, type and area of a sign that requires a sign permit. If a sign otherwise falling under this Section is electrified, it will require an electrical permit. Signs subject to this Section shall conform to the requirements specified:

A. Address Numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;

B. Detached signs smaller than four square feet in area and less than four feet in height, and containing no commercial message (e.g., “Enter” or “Exit” signs);



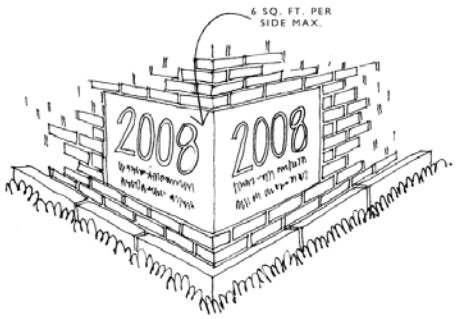

C. Detached signs smaller than seven square feet, allowed in residential zoning districts in accordance with Sections 10.08 and 10.09;

D. Temporary signs not greater than twelve (12) square feet, allowed in non-residential zones;

E. Wall signs containing no commercial message and not larger than four square feet in area;

F. Cultural decorations or displays of noncommercial nature, mounted on private residential property, which pertain to cultural observances;

G. Cornerstones, foundation stones and memorial signs or tablets displaying the names of buildings and date of



erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six square feet in area nor shall any such sign be separately illuminated;

H. Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building;

I. Gravestones not containing a commercial message, when erected in a lawful cemetery or graveyard; and

J. Graphic images which are visible only from aircraft flying above.

**10.04.08 Other Actions Allowed Without A Permit**

The following signs and actions related to signs shall be exempt from the permit requirements of this Article but shall be subject to all other standards of this Article.

A. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar compliant sign, whether electrical, illuminated, electronic message center or non-illuminated painted message, provided that the copy on an electronic message board shall not change more frequently than allowed under Section 10.06.04;

B. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations;

C. Installation of permanent signs smaller than four square feet where such signs are allowed by this Article, contain no commercial message and involve no electrical installation; and

D. Installation of temporary signs not larger than four square feet, where such signs are allowed by this Article and conform with this Article in all respects.

**10.04.09 Product Displays, Sales Devices, Menus Boards**

A. Nothing in this Article shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular product may be a thing which would be prohibited by this Article if used as a sign and although one or more such

products may have on them permanent labels that might otherwise fall under this Article. This Article shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label "Chevrolet" on an automobile or "John Deere" on a tractor shall not be considered a sign for purposes of this Article, but a separate sign attached to such a product shall be considered a sign and subject to regulation.

B. Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products shall be allowed without a sign permit if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the site on which the sign is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height. All other signs on vending machines, gas pumps, news racks and similar machines and devices shall be considered "signs" and shall be subject to all of the regulations of this Article.

C. In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such device is less than 12 square feet in size, and that the only words, numerals, symbols or pictures on such device that are legible from any location other than the site on which it is located shall include no commercial message but shall simply identify the device as a "menu," "directory," "instructions," "information" or something similar. If such a menu board or other device is larger than four square feet or if it is electrified, it shall require a permit.

## Section 10.05 Prohibited Sign Types

**10.05.01** Unless specifically authorized by another section of this Article, or by other law, the following sign types are prohibited at all times and in all zones.

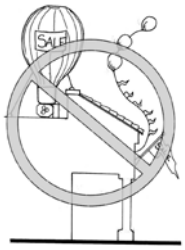
A. New billboards;

B. Portable signs, including folding portable signs and flashing portable signs;

C. Pennants, banners, streamers, balloons, and similar devices;

D. Animated, projecting, revolving, and moving signs, including those which create the appearance of animation, projection, revolving or other movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity; automatic changeable copy signs that conform with section 10.06.04 are not subject to this limitation;

E. Signs which are not traffic, control or safety signals, but by their shape, color, or manner of mounting or display, appear to be traffic, control or safety signals, and thus create confusion for drivers and pedestrians, as well as signs which create or constitute traffic hazards;




F. Signs on vacant lots bearing commercial messages other than those messages related to the sale or lease of the property;

G. Signs for which a separate structure is mounted on a roof or parapet; this provision does not prevent signs which are integral to the building; and

H. Signs using sounds, music, sound effects, noises, or other sound or noise-making or transmitting device or instruments.

## Section 10.06 Installation, Design And Construction Standards

### 10.06.01 Location

A. No sign shall be located so that it obstructs access to or from a doorway, fire escape or required escape window.

B. No sign shall be located so that it blocks the free air flow through windows in residential units.

C. No sign located within a clear sight triangle shall obstruct the vision of motorists or pedestrians between a height of 30 inches and 108 inches off the ground.

D. No sign shall be located within eight vertical feet or four horizontal feet of overhead electrical or other wires.

### 10.06.02 No Projections Over Streets Or Alleys

Projecting signs are allowed in some zoning districts. No sign shall project over a public right-of-way unless the sign owner has obtained an

encroachment permit for such sign. No sign shall project over any portion of a right-of-way used as a street, alley or other way for vehicular travel; encroachment permits are limited to allowing projecting signs to extend over sidewalks.

### 10.06.03 Sign Maintenance

A. The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign.

B. Nothing in this Article shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

### 10.06.04 Flashing Signs, Moving Signs, And Changeable Copy Signs

A. General Rule: Signs that move, flash or simulate movement are prohibited except as allowed under this section. A changeable copy sign is considered a different classification of sign under this Article; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this Section and with all other applicable standards related to the location, height, size and other characteristics of the sign.

B. Rules for Changeable Copy Signs Allowed under this Article: Automatic changeable copy signs shall be allowed only in those districts in which “changeable copy sign, automatic” is listed as a permitted sign type and shall be subject to the following additional restrictions:

1. Such technology shall be programmed so that the message or image on the sign changes no more often than every eight seconds.
2. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
3. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
4. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or

other darkened conditions, in accordance with the following standards.

(a) All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.

(b) Maximum brightness levels for electronic or digital display boards shall not exceed 5,000 nits when measured from the billboard's face at its maximum brightness, during daylight hours and 500 nits when measured from the board face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.

5. Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.

6. The area of a sign consisting of electronic or electro-mechanical message board elements shall not constitute more than 200 square feet of a sign.

7. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:

(a) A sign on which the electronic or electro-mechanical message board includes 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of the City of Covington residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential uses.

(b) A sign on which the electronic or electro-mechanical message board includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City of Covington residential zoning districts, although this restriction shall not apply to mixed use districts and commercial districts allowing residential use.

(c) A sign on which the electronic or electro-mechanical message board includes less than 20 square feet of sign area shall not be erected within 100 feet of property zoned and used exclusively for single family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained between the sign and any property zoned and exclusively used for a single-family use.

## Section 10.07 Signs Allowed In Conservation, Agricultural And Rural Districts (RP, OG, and REC Zones)

### 10.07.01 Wall Signs

A. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be illuminated.

B. For permitted uses other than single-family residences, one wall sign per use, not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

10.07.02 Detached Signs

A. Each occupied lot shall be allowed a total of four detached signs, including not more than one permanent detached sign, and temporary detached signs (up to a total of four detached signs at any time), each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the sale of agricultural products, the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

B. Signs related to the sale of personal property (not including agricultural products) shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a

commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

**10.07.03 Incidental Signs**

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

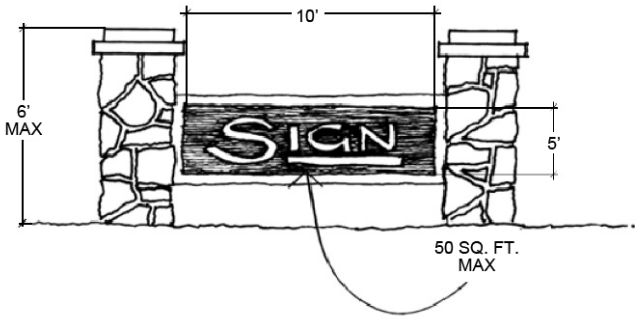
**10.07.04 Temporary Subdivision Signs**

A. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:

1. Installation of a permanent neighborhood identification sign;
2. Sale of more than ninety percent (90%) of the lots in the subdivision; or
3. A period of two (2) years from the date of installation.

**10.07.05 Permanent Entrance Signs**

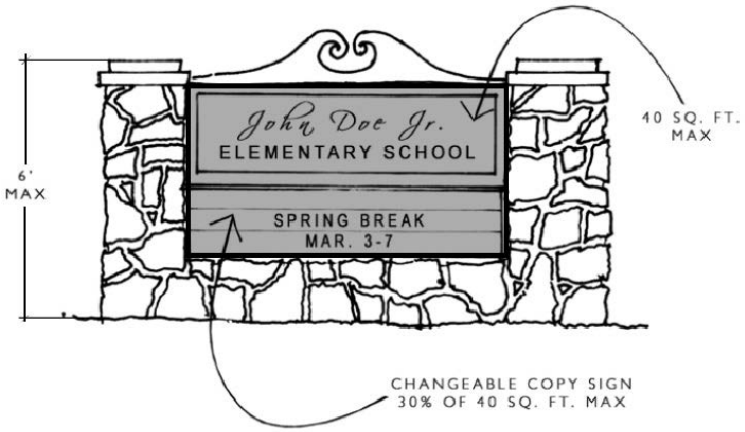
A. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty



(50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.

**10.07.06 Institutional Signs**

A. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.




B. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

10.07.07 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

## Section 10.08 Signs Allowed In Single-Family And Two-Family Residential Districts (RR-40, RS-20, RS-12.5, RS-7.5, RU-5, RU-3.5, RU-2, and RU-2A Zones)

**10.08.01 Wall Signs**

A. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.

B. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

**10.08.02 Detached Signs**

A. Each occupied lot in a residential district shall be allowed an unlimited number of detached signs, including not more than one permanent detached sign, each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

B. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

**10.08.03 Incidental Signs**

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

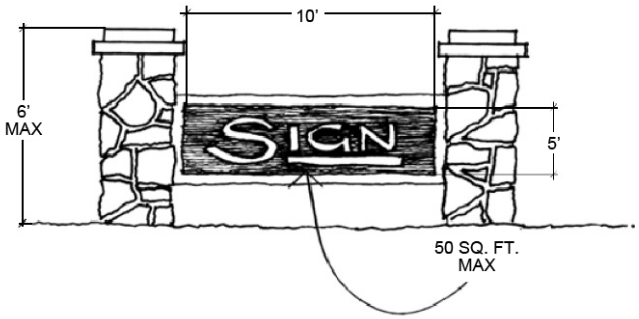
**10.08.04 Temporary Subdivision Signs**

A. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:

1. Installation of a permanent neighborhood identification sign;
2. Sale of more than ninety percent (90%) of the lots in the subdivision; or
3. A period of two (2) years from the date of installation.

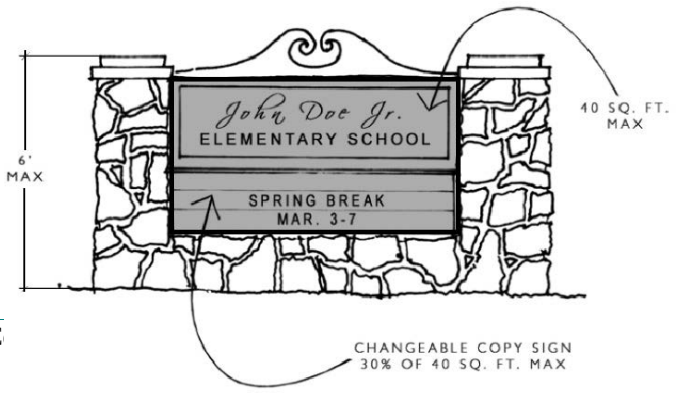
**10.08.05 Permanent Entrance Signs**

A. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.




**10.08.06 Institutional Signs**

A. Any school, house of worship, recreation center or other institutional use permitted in



the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

B. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

### 10.08.07 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

## Section 10.09 Signs Allowed In Multi-Family Residential Districts (RU-2B, RU-1, and RU-0.5 Zones)

### 10.09.01 Wall Signs

A. One wall sign, not exceeding one (1) square foot in area, is allowed for each dwelling unit. Such sign may contain a noncommercial message or a commercial message related to an activity lawfully conducted on the premises, including a lawful home occupation. The sign shall not be separately illuminated.

B. For permitted uses other than single-family residences, one wall sign per use not more than two (2) square feet in area is allowed, provided that such sign contains no commercial message and is not illuminated.

C. For any building containing three or more dwelling units sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance. Such sign shall bear no commercial message. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message.

### 10.09.02 Detached Signs

A. Permanent detached signs are allowed in these zoning districts subject to the following limitations. The principal detached sign may contain a commercial message related to the rental, lease or

occupancy of the premises. No other commercial message is allowed on the permanent signs allowed under this table.

| | **Principal** | **Directory** | **Additional** |
|---|---|---|---|
| Maximum number | One per street frontage per site | One per vehicle entrance | One per public entrance per building |
| Maximum size | 25 square feet | Six square feet | Six square feet |
| Maximum height | 6 feet | 4 feet | 4 feet |
| Minimum setback from nearest property line | 5 feet from front property line; 10 feet from any other property line | 15 feet | 25 feet |
| Permitted illumination | External or internal, direct or concealed source | Concealed source only | Concealed source only |
| Changeable copy | Not allowed | Not allowed | |

B. In addition to these permanent detached signs, each separately owned or controlled lot in such a residential district shall be allowed an unlimited number of detached signs, including not more than one permanent detached sign, and temporary detached signs, each not exceeding six (6) square feet in area and not exceeding six (6) feet in height. Such signs shall not be illuminated. The permanent sign shall not contain a commercial message, and no more than two (2) signs on a lot in a residential district at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages. The only commercial messages allowed on such signs are messages related to commercial activity lawfully conducted on the premises, including the lawful, occasional sale of personal property (such as through a garage sale or yard sale) or the sale, rental or lease of the premises.

C. Signs related to the sale of personal property shall be removed within twenty-four hours after the end of the sale. Signs related to the sale, lease or rental of the premises shall be removed no later than the date on which the deed, lease or other document representing the transaction is completed. Any such sign may contain any message other than a commercial message. If a message relates to an election or special event, such sign shall be removed within seven (7) days following the conclusion of such election or other event.

### 10.09.03 Incidental Signs

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

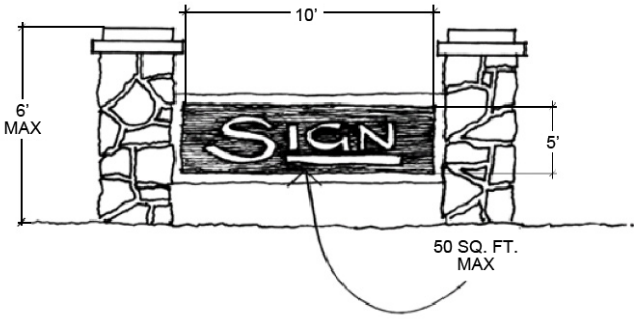
**10.09.04 Temporary Subdivision Signs**

A. As a temporary use accessory to the permitted activity of lawful subdivision development, one temporary sign at each principal entrance to a subdivision is allowed. There shall in no case be more than one such sign for each fifty (50) dwelling units in a proposed development. Such sign shall not be illuminated and shall not exceed thirty-two (32) square feet in area. Such sign shall be removed upon the earlier of the following:

1. Installation of a permanent neighborhood identification sign;
2. Sale of more than ninety percent (90%) of the lots in the subdivision; or
3. A period of two (2) years from the date of installation.

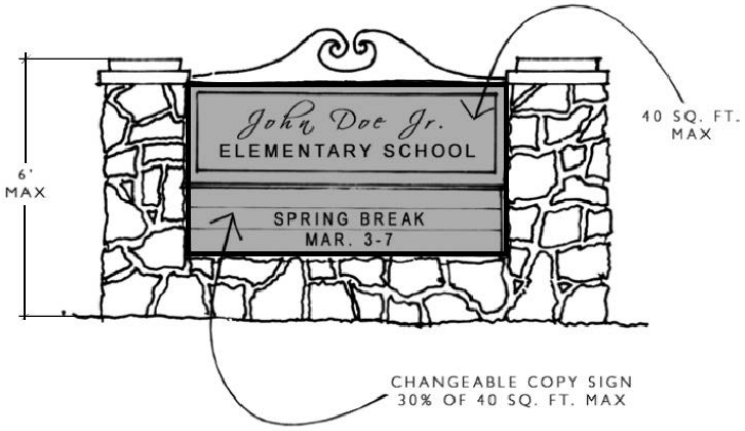
**10.09.05 Permanent Entrance Signs**

A. Permanent neighborhood, multi-family or mobile home park monument signs, either illuminated or non-illuminated, are allowed. Such signs may include a masonry wall, landscaping or other similar materials or features. Such signs shall only be located at the principal entrance(s) to the neighborhood from a street classified on the comprehensive plan as an arterial or collector street. There shall be a maximum total sign area of fifty (50) square feet which may be used in a single sign or may be divided between a maximum of two (2) signs located on opposite sides of the same entrance. Such sign(s) shall not exceed six (6) feet in height.




**10.09.06 Institutional Signs**

A. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.




B. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

### 10.09.07 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

## Section 10.10 Signs Allowed In Institutional Districts (PI Zone)

### 10.10.01 Wall Signs

A. Each institutional use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

### 10.10.02 Detached Signs

A. Each institutional use may have one detached sign, not to exceed forty (40) square feet in area and eight (8) feet in height. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.

### 10.10.03 Detached Signs Not Legible From The Right-Of-Way

A. To improve wayfinding on institutional sites with multiple buildings, the following detached signs are allowed in addition to those allowed under subsection B of this Section. One detached sign not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each three separate buildings or per vehicle entrance, whichever is more. Such sign shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

**10.10.04 Banners**

A. Any institutional use on a site larger than five acres may erect banners on the site, subject to the following conditions:

1. Such banners shall be anchored to a pole or building at the top and bottom, so that the end of the banner does not flap in the wind, like a flag or pennant;
2. Such banners may be attached to poles serving another purpose, such as supporting parking lot or street lights, or to separate poles used only for the banners;
3. If the banners are attached to separate poles, those poles shall not exceed 24 feet in height, and no two such poles shall be closer to one another than 75 feet, measured in a straight line;
4. Such banners shall not exceed 16 square feet in area on one side;
5. Each such banner may contain a message on each side. Messages on such banners may include messages related to the activities or services of the institution or other non-commercial messages. No such banner shall in any case include any commercial message unrelated to the institutional use;
6. Such banners shall not be separately illuminated; and
7. Such banners may be visible from the public right-of-way but shall not be legible from any location except the site used by the institution.

**10.10.05 Incidental Signs**

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message

and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

### 10.10.06 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

## Section 10.11 Signs Allowed In Office Districts (CO Zone)

### 10.11.01 Window And Wall Signs

A. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

| | **Window** | **Wall** | **Total** |
|---|---|---|---|
| Maximum size | 25 percent of window area on that building wall | See total | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number | Area limit only | One per building street frontage | N/A |
| Permitted illumination | No separate illumination | Indirect white light | N/A |
| Changeable copy | Not allowed | Not allowed | N/A |

For any building containing three or more offices or other tenants sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message related to commercial activities not conducted on the premises.

### 10.11.02 Detached Signs

A. Permanent detached signs are allowed in these zoning districts subject to the following limitations.

| | **Principal** | **Directory** | **Other** |
|---|---|---|---|
| Maximum number | One per street frontage per site | One per vehicle entrance | One per public entrance |
| Maximum size | 25 square feet | Six square feet | Six square feet |
| Maximum height | 8 feet | 4 feet | 4 feet |
| Minimum setback from nearest property line | 5 feet from front property line; 10 feet from any other property line | 15 feet | 25 feet |
| Permitted illumination | External or internal, direct or concealed source | Concealed source only | Concealed source only |
| Changeable copy | Automatic allowed; may cover up to 25 percent of sign face | Not allowed | Only manual changeable copy is allowed; may cover entire sign face |

### 10.11.03 Detached Signs Not Legible From The Right-Of-Way

A. To improve wayfinding, the following detached signs are allowed in addition to those allowed within this Section. Detached signs not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding seven feet in height shall be allowed for each vehicle entrance. One such sign shall be allowed for each two drive-through lanes. Such signs shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such signs shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

### 10.11.04 Directory (Wall) Signs

A. One directory sign on a wall, not exceeding six square feet in area, is allowed per public entrance for a nonresidential building. Such sign shall not be legible from the public right-of-way and shall be illuminated by direct white light only.

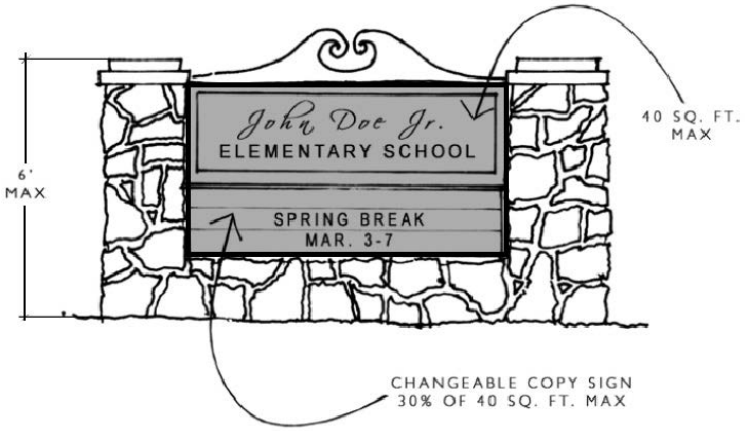
### 10.11.05 Incidental Signs

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”,

"beware of dog", "rest rooms', but such signs may bear any message that is not a commercial message.

### 10.11.06 Institutional Signs

A. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.




B. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

### 10.11.07 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

## Section 10.12 Signs Allowed In General Business And Commercial Districts

### 10.12.01 Window And Wall Signs

A. CN Zoning Districts

1. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

| | **Window** | **Wall** | **Total** |
|---|---|---|---|
| Maximum size | 25 percent of window area on that building wall | See total | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number | Area limit only | One per building street frontage | N/A |
| Permitted illumination | No separate illumination | Illumination from a concealed source only | N/A |
| Changeable copy | Not allowed | Not allowed | N/A |

B. CG Zoning Districts

1. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

| | **Window** | **Wall** | **Total** |
|---|---|---|---|
| Maximum size | 25 percent of window area on that building wall | See total | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number | Area limit only | One per building street frontage | N/A |
| Permitted illumination | External or internal, concealed or direct source | External or internal, concealed or direct source | N/A |
| Changeable copy | Not allowed | Automatic allowed; may cover up to 25 percent of area of sign face | N/A |

C. CC Zoning District

1. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

| | **Window** | **Wall** | **Total** |
|---|---|---|---|
| Maximum size | 25 percent of window area on that building wall | See total | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number | Area limit only | One per building street frontage | N/A |
| Permitted illumination | No separate illumination | Concealed source only | N/A |

| | Window | Wall | Total |
|---|---|---|---|
| Changeable copy | Not allowed | Automatic allowed; may cover up to 25 percent of area of sign face | N/A |

### 10.12.02 Pole Or Ground Signs

A. CN Zoning Districts

1. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

| | Principal | Other |
|---|---|---|
| Maximum number | One per street frontage | Not allowed in CN district |
| Maximum size | 25 square feet | Six square feet |
| Maximum height | 20 feet | 4 feet |
| Minimum setback from nearest right-of-way | 5 feet | 25 feet |
| Minimum setback, other | Five feet from any other property line; 50 feet from nearest single-family residential district | Five feet from any other property line; 15 feet from nearest single-family residential district |
| Permitted illumination | Concealed source only | Concealed source only |
| Changeable copy | Not allowed | Not allowed |

B. CG Zoning Districts

1. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

| | Principal | Other |
|---|---|---|
| Maximum number | One per street frontage | One per vehicle entrance |
| Maximum size | 60 square feet | Four square feet |
| Maximum height | 20 feet | 4 feet |
| Minimum setback from nearest right-of-way | 5 feet | 5 feet |
| Minimum setback, other | Five feet from any other property line; 50 feet from nearest single-family residential district | Five feet from any other property line; 15 feet from nearest single-family residential district |
| Permitted illumination | External or internal, exposed or concealed source | Concealed source only |
| Changeable copy | Automatic allowed; may cover up to 25 percent of sign face allowed | Not allowed |

C. CC Zoning District

1. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

| | **Principal** | **Other** |
|---|---|---|
| Maximum number | One per street frontage | One per vehicle entrance |
| Maximum size | Two square feet per 1000 square feet of gross leasable area, not to exceed 300 square feet per sign | Eight square feet |
| Maximum height | 30 feet | 10 feet |
| Minimum setback from nearest right-of-way | 15 feet | 5 feet |
| Minimum setback, other | 20 feet from any other property line; 50 feet from nearest single-family residential district | Five feet from any other property line; 15 feet from nearest single-family residential district |
| Permitted illumination | External or internal, exposed or concealed source | Concealed source only |
| Changeable copy | Automatic allowed; may cover up to 25 percent of sign face allowed | Not allowed |

### 10.12.03 Detached Signs Not Legible From The Right-Of-Way

A. CG Zoning Districts

1. To improve wayfinding on multi-user sites, the following detached signs are allowed in addition to those allowed under subsection B of this Section. One detached sign not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each ten separate nonresidential uses or per vehicle entrance, whichever is less. One additional such sign shall be allowed for each two drive-through lanes. Such sign shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

B. CC Zoning District

1. One detached sign not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each ten separate nonresidential uses or per vehicle entrance, whichever is less. One additional such sign shall be allowed for each two drive-through lanes. Such sign shall

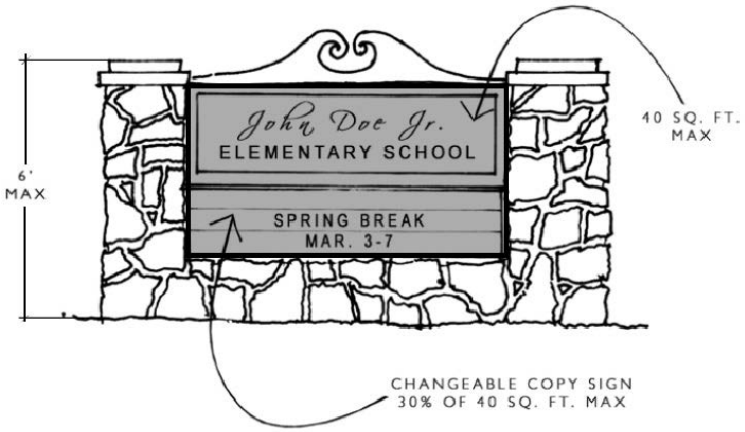
be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

**10.12.04 Wall Signs Not Legible From The Right-Of-Way**

A. For any building containing three or more uses of any type sharing a common entrance or hallway, one additional wall sign shall be allowed at each public entrance providing access to such uses. Such sign shall bear no commercial message related to activities, goods or services not offered on the premises. The sign shall not be legible from the public right-of-way. The sign shall not be separately illuminated. The sign shall not be more than four square feet in area. The purpose of this section is to allow for directory signs, listing tenants or occupants, but the sign may bear any message other than a commercial message not related to commercial activities on the premises.

**10.12.05 Institutional Zones**

A. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.




B. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

**10.12.06 Incidental Signs**

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

### 10.12.07 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

### 10.12.08 Projecting Signs

A. Projecting signs that conform to the standards found in Section 10.13.03.

## Section 10.13 Signs Allowed In Downtown Districts (CBD, CT, and LGD Zones)

### 10.13.01 Wall And Window Signs

A. Window and permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

| | **Window** | **Wall** | **Total** |
|---|---|---|---|
| Maximum size | 25 percent of window area on that building wall | See total | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number | Area limit only | One per street frontage | N/A |
| Permitted illumination | No separate illumination | Illumination from a concealed source only | N/A |
| Changeable copy | Not allowed | Not allowed | N/A |

### 10.13.02 Additional Wall Signs On Tall Buildings

A. In addition to wall signs permitted for all buildings in these districts, any building that is taller than five stories or 50 feet, whichever is less, may have one additional wall sign on each building facade, subject to the following limitations:

1. Such sign shall be located at or above the highest story on the building but shall not extend above the top of the wall of the building, including parapets and architectural extensions;
2. No such sign shall exceed 150 square feet in area, plus an additional one square foot in area for each one foot by which the top of the sign exceeds 50 feet above the sidewalk;

   Example: A building that is 50 feet tall is allowed a 150-sq. ft. sign at the top of the building; a building that is 75 feet tall, with the top of the sign located at the top of the building, is allowed a 175 s.f. sign at the top of the building (150 s.f. plus (75 minus 50) s.f.);

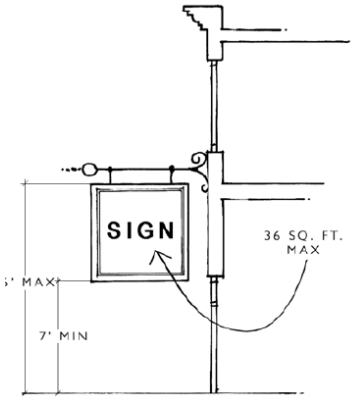
3. The wall signs allowed under this sub-section are allowed in addition to the wall signs allowed under sub-section A of this section, but the total area of wall signs on one face of the building shall in no case exceed 20 percent of the building face;
4. Lighting for the signs allowed under this sub-section shall be by concealed source only; and
5. Signs allowed under this sub-section shall not include any form of changeable copy.

### 10.13.03 Projecting Signs

A. In addition to permitted wall signs, but as an alternative to a ground sign, each business establishment with a ground-floor entrance in these zoning districts shall be allowed a projecting sign, subject to the following standards and limitations:

| | **Projecting** |
|---|---|
| Maximum size | 36 square feet or the maximum size possible in conformance with other standards in this Section, whichever is smaller; measurement is for one face, but sign may have two equal faces |
| Maximum number | One per business establishment with a ground-floor |

| | **Projecting** |
|---|---|
| | entrance |
| Height of bottom of sign | Not less than seven feet measured from sidewalk |
| Maximum height of top of sign | 16 feet above sidewalk, or bottom of second-floor window(s) or top of wall, whichever is less |
| Permitted illumination | Internal, external, direct, indirect, exposed or any combination |
| Changeable copy | Automated allowed; may cover up to 50 percent of any sign face |
| Maximum projection from face of building | Six feet, or two-thirds of the distance from the façade of the building to the street-side edge of the sidewalk, whichever is less |




1. Cumulative Area Limitation

   (a) The total area of any wall and/or window signs and any projecting sign on one street frontage of a building shall not exceed two square feet of sign area per lineal foot of building frontage.

2. Other Limitations

   (a) A projecting sign shall be placed on the middle 10 percent of the building face where the sign is to be installed, measured horizontally, provided it does not interfere with any architectural feature of the building, and the sign may not be closer than 15 feet to another projecting sign, except on a corner lot, where a projecting sign may be placed at the corner of the building.

   (b) A projecting sign may not project over a street, alley or driveway.

(c) An application for a permit for a projecting sign shall bear the seal of an architect or engineer registered in the Commonwealth of Kentucky.

B. The Zoning Administrator is authorized to approve an administrative adjustment, permitting a second projecting sign to business establishments located in an existing building, provided that the Zoning Administrator finds that:

1. The business establishment has a ground floor entrance;
2. The business establishment is located on a corner lot;
3. The placement of a single projecting sign at the corner of the building pursuant to the standards and limitations provided under Section 10.13.03(A) would interfere with or impact a significant architectural feature of the building. For the purposes of this section, significant architectural feature shall include, but not limited to, transom windows, awnings, ornamentation, and light fixtures;
4. That relief in the form of a variance to increase the maximum height of the top of a project sign above the sidewalk would be incompatible with the placement of other projecting signs found within the district.

C. Should the Zoning Administrator make the findings necessary to approve an administrative adjustment as provided under Section 10.13.03(B) above, then the business establishment shall be allowed two (2) projecting signs, one to be placed on each street frontage, subject to the standards set forth in Section 10.13.03(A), with the exception that each projecting sign may be no more than 18 square feet in area or the maximum area possible in conformance with the other standards in this section, whichever is smaller; measurement is for one face, but sign may have two equal faces.

### 10.13.04 Pole Or Principal Ground Signs

A. Intent/Purpose

1. The downtown district generally consists of buildings that are built at or near the sidewalk, leaving no space for a pole or principal ground sign. This section is intended to apply to those establishments that have lawfully been set back far enough from one or more right-of-way lines, thus making it more difficult for drivers and pedestrians to see wall signs on the building.

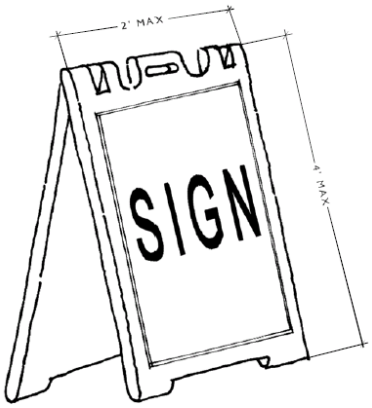
B. Where Allowed

1. Any site on which the principal building is set back twenty (20) or more feet from a right-of-way line along the entire length of the building facing that right-of-way shall be allowed a pole or principal ground sign in accordance with this Section, except that no site may have both a principal ground sign and a projecting sign on the same street frontage. One pole or principal ground sign, not exceeding 12 square feet in area or 20 feet in height is allowed per street frontage of a nonresidential building. Such sign shall be set back from the public right-of-way a minimum of ten feet, from any other property line a minimum of five feet, and from a residential zoning district a minimum of 50 feet. Such sign shall not contain changeable copy and may be illuminated only from a concealed source.

**10.13.05 Sidewalk Signs**

A. In the Covington downtown and Mainstrasse zoning districts, sidewalk signs shall be allowed, subject to the following standards and limitations:

1. One such sign shall be allowed for each business establishment with a public entrance onto a public sidewalk, provided that such sign can be placed in a way that conforms with the other standards of this subsection;
2. The sidewalk sign shall be placed only on the sidewalk directly in front of the establishment;
3. A sidewalk sign shall be an A-frame or other self-supporting design, without separate structural members;
4. A sidewalk sign shall not be more than four feet in height or two feet in width;
5. A sidewalk sign shall be placed so that it does not block any public entrance or required emergency exit from a building and so that, when considering the sign in combination with other obstacles such as parking meters, street signs, newspaper vending boxes, fire hydrants, planters and bus stop benches, there is a clear passage of at least six feet;
6. A sidewalk sign may have two faces, neither of which shall exceed six square feet in area. If a sidewalk sign of this size cannot be placed in front of the establishment in such a way that it meets the



requirements of the immediately preceding paragraph, then the sidewalk sign shall be reduced in size to allow such standards to be met, or no sidewalk sign shall be allowed;

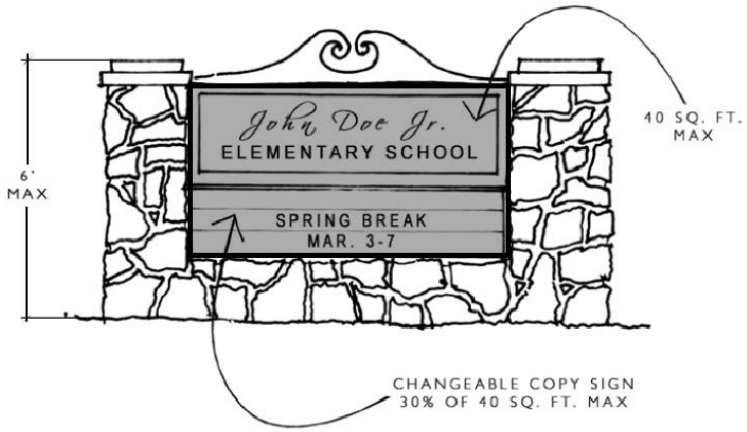
7. A sidewalk sign may contain provisions for manual changing of copy, including blackboards and whiteboards, but shall not include electronic changeable copy;
8. A sidewalk sign may be placed on the sidewalk only during hours when the establishment to which it pertains is open for business; a sidewalk sign located in front of a business that is not open shall be considered an abandoned sign and may be removed by City of Covington without notice and without liability for its value;
9. A sidewalk sign may not be separately illuminated or electrified in any way; and
10. A sidewalk sign may bear any noncommercial message or a commercial message related to goods or services available in the premises that fronts on the sidewalk.

### 10.13.06 Incidental Signs

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

### 10.13.07 Institutional Signs

A. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated. Where the physical characteristics of the site or the



application of setback and clear site triangle provisions do not permit a detached sign, the institutional use shall be allowed an additional wall sign equal in size to the detached sign to which it would otherwise be entitled.

B. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

### 10.13.08 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

## Section 10.14 Signs Allowed In Historic Districts

### 10.14.01 Signs Allowed

A. The signs allowed on a site in a Historic Preservation Overlay District shall be the same as those allowed in the underlying zoning district, as limited and modified by this Section.

### 10.14.02 Review Process

A. Purpose

1. New buildings, additions to buildings and significant alterations to buildings in the Historic Preservation Overlay District are all subject to review by the Urban Design Review Board. Larger signs and lighted signs are often as large a factor in defining the physical character of a streetscape as are buildings. Thus, to maintain the historic and visual integrity of the historic districts, it is essential that such signs also be subject to review.

B. Process

1. The application and review process for review of a proposed sign shall be the same as that for buildings and building modifications under §12.15 of the Covington Zoning Ordinance, with the following modification. If an application for a certificate of appropriateness for a sign is complete, the Urban Design Review Board shall act on that application at its first meeting occurring at least ten days after the receipt of such application or within sixty days,

whichever first occurs. If a decision is not provided within such period, the application as submitted shall be deemed approved.

C. Review Criteria

1. The review criteria for an application for an application certificate for a proposed sign shall be the following:

(a) The size, scale and design of the sign shall be compatible with the size, scale and design of the property, building or site upon which it is to be located, as set forth in the Covington Design Guidelines;

(b) The sign's materials shall be compatible with the period and style of the property, building or site, in accordance with the Covington Design Guidelines;

(c) The sign shall not use lighting or technology that appears significantly different from lighting used on signs in the period that defines the building or the site, unless the Urban Design Review Board or another official review body has allowed the use of different lighting or technology on other signs in the same block, in which case lighting and/or technology similar to that previously allowed on the same block may be used;

(d) The sign's location shall not obscure any significant architectural features of the building or site, as defined and clarified by the Covington Design Guidelines;

(e) The sign's installation shall not irreparably damage any cornice, ornament or similar architectural detail and shall be the least damaging method feasible for the property, building or site, in accordance with the Covington Design Guidelines; and

(f) The size, height and number of signs allowed shall in no case exceed the size, height and number allowed for the underlying zoning district.

## Section 10.15 Signs Allowed In Industrial Districts (IP, IL, and IG Zones)

### 10.15.01 Wall Signs

A. Permanent wall signs are allowed for nonresidential uses in these districts, subject to the following limits. No wall sign shall extend

above the top of the wall of the building, including parapets and architectural extensions.

| | **Window** | **Wall** | **Total** |
|---|---|---|---|
| Maximum size | Not allowed | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located | Two (2) square feet of sign area per lineal foot of building width on the side of building on which sign is located |
| Maximum number | Not allowed | One per street frontage | N/A |
| Permitted illumination | Not allowed | Illumination from a concealed source only | N/A |
| Changeable copy | Not allowed | Not allowed | N/A |

### 10.15.02 Pole Or Principal Ground Signs

A. Pole or principal ground signs are allowed in these zoning districts subject to the following limitations.

| | **Principal** | **Directory** |
|---|---|---|
| Maximum number | One per street frontage | One per vehicle entrance and one per public entrance per building |
| Maximum size | IP: 40 square feet<br>IL and IG: 80 square feet | Six square feet |
| Maximum height | IP: 10 feet<br>IL and IG: 20 feet | Six feet |
| Minimum setback from nearest right-of-way | 15 feet | 15 feet |
| Minimum setback, other | 20 feet from any other property line; 100 feet from nearest single-family residential district | 20 feet from any other property line; 50 feet from nearest single-family residential district |
| Permitted illumination | Concealed source only | Concealed source only |
| Changeable copy | Automatic allowed; may cover up to 25 percent of sign face allowed | Not allowed |

### 10.15.03 Detached Signs Not Legible From The Righ-Of-Way

A. To improve wayfinding on multi-user sites, the following detached signs are allowed in addition to those allowed under subsection B of this Section. One detached sign not legible from the right-of-way, not exceeding twenty (20) square feet in area and not exceeding six feet in height shall be allowed for each four separate nonresidential uses or per vehicle entrance, whichever is less. One additional such sign shall be allowed for each two drive-through lanes. Such sign shall be set back from the public right-of-way a minimum of fifty (50) feet, from any other property line a

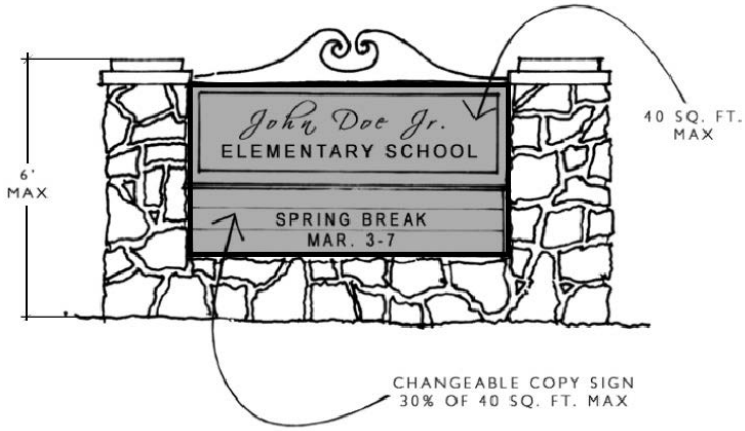
minimum of thirty (30) feet, and from a residential zoning district a minimum of fifty (50) feet. Such sign shall not contain changeable copy and the sign may be internally illuminated or externally illuminated from an exposed or concealed source.

### 10.15.04 Incidental Signs

A. Additional detached signs, permanent or temporary, of not more than two (2) square feet in area and four (4) feet in height are allowed, provided that such signs contain no commercial message and are not illuminated. The intent of this regulation is to provide for signs that provide messages like “no parking”, “no dumping”, “beware of dog”, “rest rooms’, but such signs may bear any message that is not a commercial message.

### 10.15.05 Institutional Signs

A. Any school, house of worship, recreation center or other institutional use permitted in the zoning district may have one detached sign, not to exceed forty (40) square feet in area. This may include changeable copy signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated.




B. Each such use shall also be allowed one wall sign for each public entrance to a building; such wall signs shall not exceed four (4) square feet each and shall not be illuminated.

### 10.15.06 Traffic Control Signs

A. Signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message are allowed in required off-street parking areas.

## Section 10.16 Master Signage Plans

### 10.16.01 Purpose And Intent

A. It is the purpose of the City of Covington to require owners, lessees and managers of sites containing multiple signs requiring permits to plan and design signs that are compatible with the buildings on the site, thus enhancing the appearance of the site and of the streetscape that includes it. This Section spells out specific criteria for review for compliance with the section, but the City of Covington recognizes that the consideration of issues of design necessarily requires some exercise of judgment, within the specific criteria set out in this Section. Although the City of Covington has provided a remedy of appeal for an applicant aggrieved by an action on a proposed master signage plan, it is the intent of the City of Covington that the primary remedy for such an applicant is the erection and installation of all of the signs allowed by right, under other sections of this Article. It is thus the intent of the City of Covington, that, to the extent that it can guide the scope of review of a court considering an appeal, a court considering an appeal under this Section reverse or remand the decision of the Zoning Administrator only if it finds that such action is arbitrary and capricious.

### 10.16.02 Applicability

A. The owner of any site that includes more than one tenant or occupant shall apply for approval of a Master Signage Plan before applying for a sign permit for any detached sign.

### 10.16.03 Procedure

A. The submittal of a Master Signage Plan shall be considered a Stage II Development Plan.

B. The owner(s) shall apply to the planning commission's duly authorized representative.

C. Where an application for approval of a Master Signage Plan is submitted simultaneously or as part of another Stage II Development Plan, the two shall be processed together. Where an application includes properties not under common ownership, all property owners shall sign the application or shall submit documents granting the applicant the authority to process such an application.

D. The planning commission's duly authorized representative shall review the submitted Stage II Development Plan with regard to its

compliance with the required elements of this Section, for Master Signage Plans, other applicable elements of this Article, and other applicable regulations, and its conformity with any approved Stage I Development Plan for the property. In approving the Master Signage Plan, the planning commission's duly authorized representative may authorize minor adjustments from the Stage I Development Plan.

E. If a Master Signage Plan application is denied, the applicant may submit a new application with a revised plan at any time.

F. Any person aggrieved by the action of the planning commission's duly authorized representative on a Master Signage Plan may appeal the decision by filing an application with the Planning Commission.

**10.16.04 Application Contents**

A. The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for a Stage II Development Plan approval, the Master Signage Plan may refer to portions of the Stage II Development Plan application or approved Stage I Development Plan for related requirements:

1. If the site has not been improved, all information required by Section 12.05.03 (A) (4) for a Stage II Development Plan;
2. If the site has been improved, as-built conditions, showing all buildings and other improvements and all parking areas and vehicle entrances;
3. A proposed design plan showing signage design at a scale of ½" = 1 ft.
4. Computation of the maximum area for all signs, the height of signs and the number of detached signs allowed on the development site(s) included in the plan under this Article, including incentives authorized below;
5. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the allowed signage among the eligible tenants or users;
6. An accurate indication on the plot plan of the current or proposed location of each present and future sign of any type, whether requiring a permit or not, except that signs not requiring permits need not be shown;
7. The color schemes and design features (excluding specific messages) for proposed signs; and

8. The signatures of all owners or their authorized agents in such form as the legislative body may require.

**10.16.05 Amendments**

A. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this Section in effect at the time of submittal.

**10.16.06 Provisions For Nonconforming Signs**

A. A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

**10.16.07 Criteria For Approval**

A. A Master Signage Plan shall be approved if and only if the planning commission's duly authorized representative finds that the proposed plan meets all of the standards set out in this Article. If the planning commission's duly authorized representative finds that the proposed plan substantially meets such standards, it may approve the proposed plan subject to conditions that will cause it to meet these standards. Otherwise, the planning commission's duly authorized representative shall deny the application for plan approval:

1. Each proposed sign conforms with all applicable standards of this Article;
2. The total amount of signage proposed for any building, wall, site, or portion of a site, conforms with all applicable standards of this Article;
3. The proposed plan contains all of the information required by subsection D of this Section
4. The proposed allocation of allowed signage among eligible tenants, which shall be proportional to one of or a combination of the following criteria:

    (a) The number of public entrances to space leased to or controlled by each tenant or occupant;
    (b) The linear feet of frontage of the space leased to or controlled by each tenant or occupant along the wall(s) containing public entrances; and/or

(c) The façade area of the building elevation(s) containing the public entrances to the spaces leased to or controlled by each tenant or occupant.

5. All proposed signs shall be part of a common design scheme, meeting at least the following criteria:

(a) The materials and design of all wall signs shall follow one design scheme;
(b) The materials and design of freestanding signs bearing commercial messages shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;
(c) Each design scheme shall require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; proportion; and/or type faces;
(d) If the design schemes for the wall signs and freestanding signs are different, they shall have in common at least two of the following criteria: lighting design; color schemes; materials; proportion; and
(e) The design scheme for freestanding signs shall use building materials, colors and, where applicable, architectural design features consistent with the materials, colors and architectural design features of the principal building on the site.

**10.16.08 Effect**

A. After approval of a Master Signage Plan, no permit shall be issued for a sign on the site(s) subject to the Master Signage Plan except in accordance with such plan, and no sign shall be erected, placed, painted, or maintaine*d*, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Article. In case of any conflict between a provision of a Master Signage Plan and one or more provisions of this Article, this Article shall prevail.

**10.16.09 Special Severability Provisions**

A. The severability provisions of Section 10.20.01, K., are limited by this subsection. If any procedural aspect of this Section is found by a court of competent jurisdiction to be unconstitutional, it is the intent of the City of Covington that this entire Section, but only this Section, should be stricken as unconstitutional, but that any

plans previously approved under it should remain in effect, allowing the signs shown on such plans as lawful nonconforming signs, regardless of whether such signs have been erected on the date of such decision. If any substantive part of the standards and criteria for approval of this Section is found by a court of competent jurisdiction to be unconstitutional it is the intent of the City of Covington that such part be stricken and that the rest of this Section remain in full force and effect, in accordance with the principles set out in more detail in Section 10.20.01, K.

## Section 10.17 Permit Requirements And Procedures

**10.17.01** Unless a particular sign is exempt from the permit requirement under an explicit provision of this Article or other applicable law, then a permit for such sign is required.

A. WHEN REQUIRED

1. Replacements

(a) If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements enumerated herein.

2. Maintenance

(a) If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.

3. Relocation of Signs

(a) If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

4. Alteration

(a) Alteration or enlargement of any sign shall require a permit the same as for a new sign. Any change in technology for a sign shall be considered an alteration; this shall expressly apply but not be limited to the conversion of a sign to changeable copy technology of any type.

B. APPLICATION

1. No permit shall be granted until and after an application has been filed with the designated administrative official, showing the plans and specifications, including application fees, dimensions, materials, and details of construction of the proposed structure and meeting all provisions of this Article.

C. APPLICATION FORM

1. The Zoning Administrator shall prepare and provide a form to be used as an application for a sign permit. The same form may constitute a permit, when duly approved. Multiple signs may be listed on a single permit only when they are all on the same lot or parcel, or are part of a single, comprehensive development.

D. INFORMATION ON APPLICATION

1. The sign application form shall include the following information:

(a) Name and contact information for the applicant, and if separate, the name, address and consent of the property owner;
(b) Street address and Property Identification Number (PIDN) of the site;
(c) Accurate site plan to scale describing the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign(s), including the location of existing buildings, signs and other structures on the same site as the proposed sign(s);
(d) If the plans and drawings require an engineer's or architect's seal, signature or certificate, such shall show current Kentucky registration or licensure;
(e) Any signs or other structures to be removed or relocated;
(f) Dimensions and heights of all existing and proposed sign(s);
(g) Information regarding electrification, trenching, demolition, plumbing, temporary street closure, or encroachment into the public right of way;

(h) Any known uncorrected violations of zoning laws on the site;

(i) Name, address and any licensing/bonding information for any sign contractors;

(j) Technical drawings, specifications, structural safety calculations for the sign structure;

(k) An expressed representation that the sign will not be used for the display of offsite commercial messages;

(l) The graphic design or proposed message of the sign is optional with the applicant;

(m) If the sign is subject to any of the safety codes (building, electrical, etc.), then all information required to determine compliance with such codes or to satisfy the requirements of such codes;

(n) The length of each occupant's/tenant/s lineal wall frontage;

(o) Workers' compensation and liability documents and occupational licenses for all contractor's.

E. INITIAL REVIEW

1. Unless a given sign is exempt from the permit requirement, all sign permit applications shall be reviewed by the Zoning Administrator, and approved or denied on the basis of whether the proposed sign satisfies all requirements of this Article, and all other applicable laws, rules and regulations. If it does, then the permit shall be issued. If it does not, then the denial notice shall specify the point(s) of noncompliance. Decisions on sign permit applications shall be made in writing by the Zoning Administrator, and are subject to the appeal procedures provided herein. When applicable, permits under building and electrical codes then in effect are also required; sign permits may be approved subject to compliance with building and electrical code requirements.

F. COMPLETENESS

1. Initial review of an application will be for the purpose of determining if the application is complete. If the application is found incomplete, written notice of the finding of incompleteness will be given to the applicant within fifteen working days of submission, detailing the points of incompleteness. Notice is deemed effective when mailed or personally delivered. After notice of

incompleteness, the applicant shall have thirty calendar days in which to resubmit the application, with all noted items of incompleteness cured. If the application is resubmitted within that time, no additional fee shall be required, and the application, if complete, shall then be processed in accordance with this Section. If no notice of incompleteness is timely provided, the application shall be deemed complete as of the last day on which the notice of incompleteness could have been given.

G. TIME FOR DECISION

1. The Zoning Administrator shall render a decision on each complete sign permit application within five working days of when the application was complete.

H. NONCOMPLIANCE WITH PERMIT

1. All signs shall conform to the requirements of the permit, and all other applicable laws. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this Article. Any noncomplying sign which is not removed or corrected within the required time shall be a deemed public nuisances and a violation of the zoning ordinance, and may be abated in the same manner as any public nuisance or zoning ordinance violation.

## Section 10.18 Appeals

**10.18.01** Decisions on sign permit applications, as well as directives, orders, notices and all other sign-related decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

A. INITIATION OF APPEAL

1. An appeal under this Article may be initiated by following the procedures set forth in KRS §100.261, within the time allowed by that section.

B. HEARING ON APPEAL

1. Within 60 working days of timely receipt of a notice of appeal, the Board of Adjustment shall hear the appeal in an

open, public, duly noticed hearing. The appellant and all other persons wishing to be heard shall be allowed to present evidence and argument. The Board will base its decision on the law and the evidence presented at the hearing. The Board will issue a written decision within 30 calendar days of the hearing, and the written decision shall state the decision and the facts and law supporting the decision.

C. WAIVER OF TIME

1. Any of the timeliness requirements of this Section may be waived by the appellant.

D. JUDICIAL REVIEW

1. The decision of the Board of Adjustment is final. Further review may be had in Kenton County Circuit Court, pursuant to the Kentucky law of civil procedure.

E. STATUS PENDING APPEAL

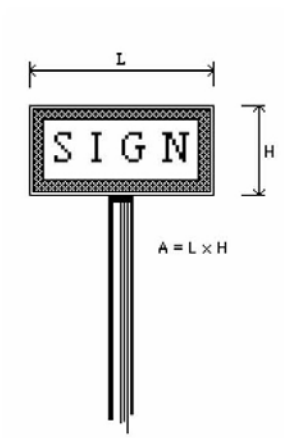
1. While any sign related matter is on appeal, the status quo of the subject sign(s) shall be maintained, except when, by virtue of physical condition, the sign poses an immediate threat to the public health, safety and welfare, in which case the threat may be abated in the same manner as any other immediate threat to the public health, safety and welfare.

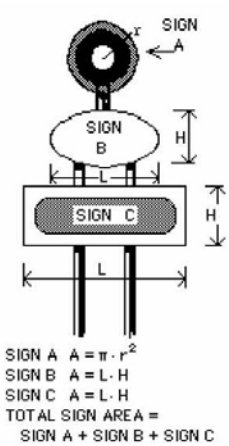
## Section 10.19 Definitions And Measurements

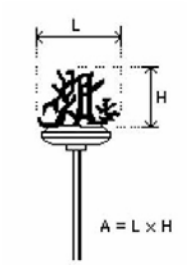
### 10.19.01 Measurements

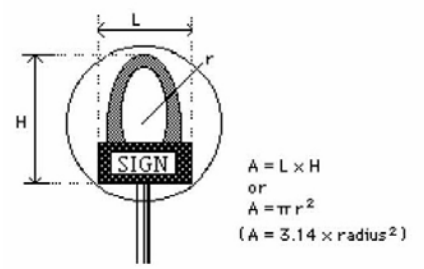
A. Area of Signs Other than Wall Signs

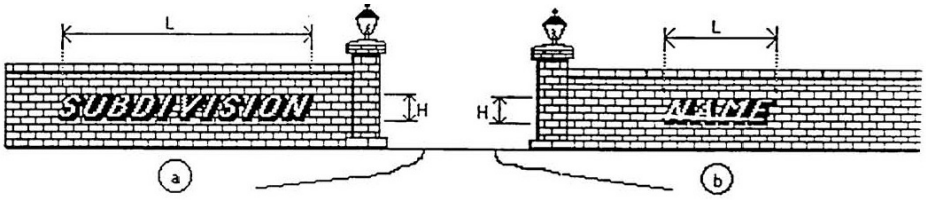
1. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.

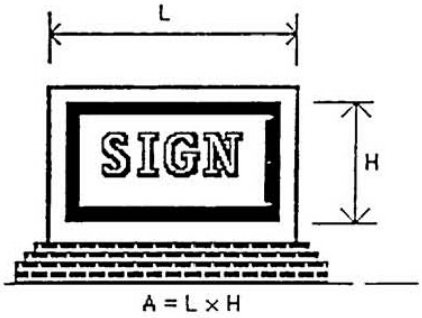


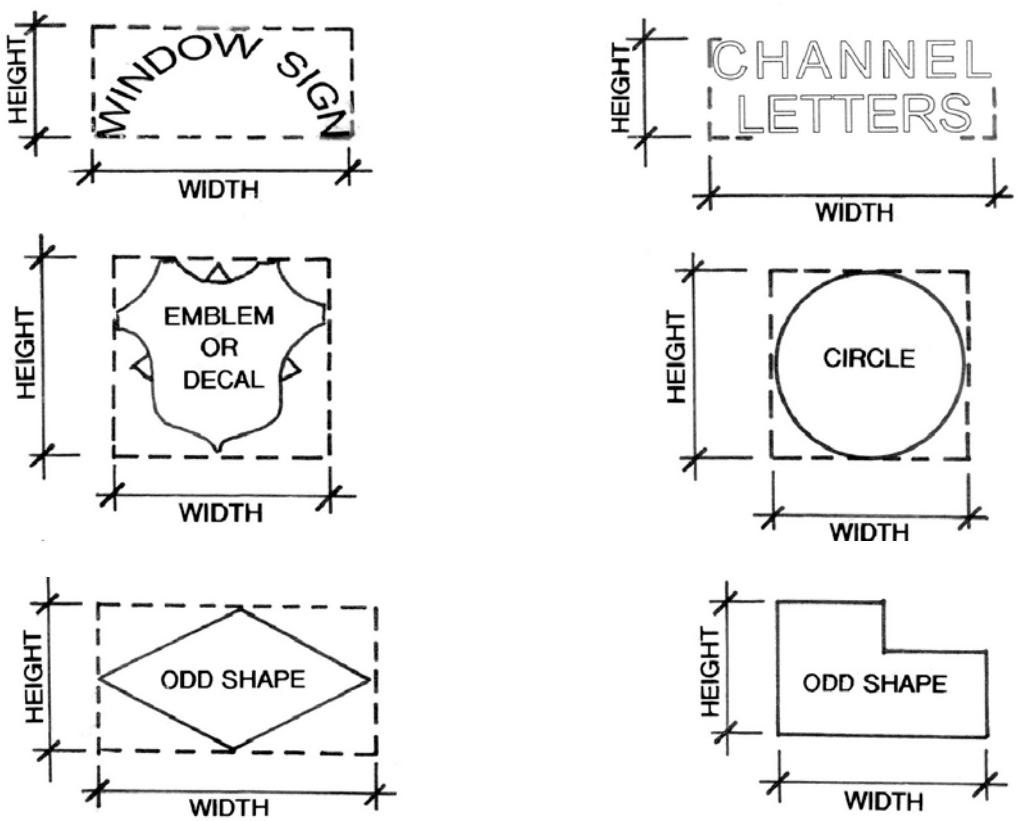

2. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

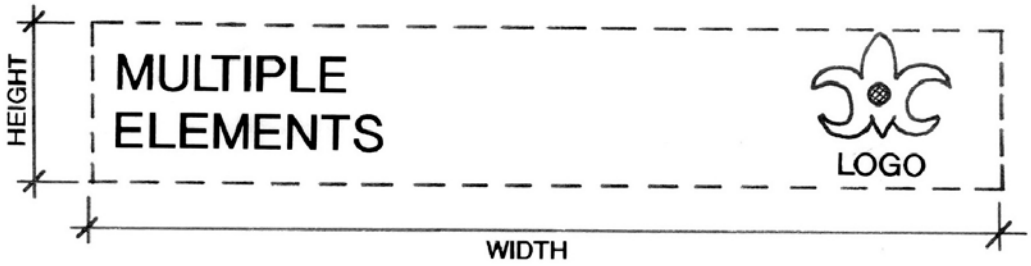
B. Area of Wall Signs

1. The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, color or embellishment, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined area of the individual figures shall be considered the total sign area.

C. Computation of Area of Multifaced Signs

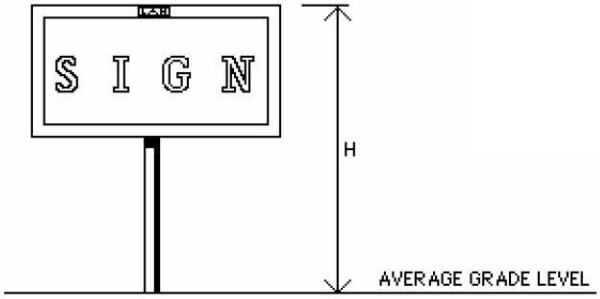
1. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.






D. Measurement of Height of Sign

1. Sign height shall be measured from the elevation at the base of the sign to the highest point of the highest element of the sign, excluding any incidental structural element, such as an uplift cable for a projecting sign. Where the sign is located on a mound or berm, the average elevation of the land 20 feet to each side of the sign shall be used as a basis for measuring height.



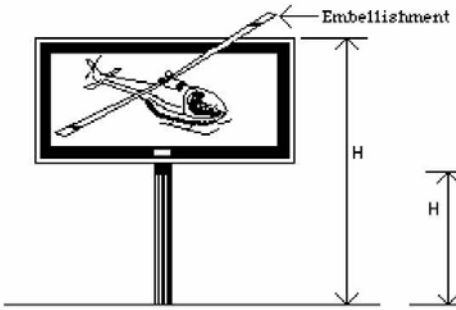




fig. 3
HEIGHT OF SIGN

fig. 4
HEIGHT OF SIGN

## Section 10.20 Policies And Rules Of Construction

**10.20.01** This Article shall be administered, enforced and construed in accordance with the following policies.

A. DISCRETIONARY REVIEW

1. When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, then the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative aspects of the sign. This provision does not override the billboard policy.

B. MESSAGE NEUTRALITY

1. It is the City of Covington policy to regulate signs in a constitutional manner.

C. REGULATIONS ON OFF-SITE MESSAGES

1. This Article distinguishes in some cases between commercial messages that relate to products or services not offered at the location of the sign ("off-site commercial messages"). The purpose of that distinction is to acknowledge the need of businesses for identification and notice of their businesses at a business location while limiting the proliferation of commercial messages generally. There is no intent to limit noncommercial messages in any way with this distinction.

D. BILLBOARD POLICY

1. New billboards, as defined herein, are prohibited. The City of Covington completely prohibits the construction, erection or use of any billboards, other than those which legally exist within the regulatory zoning jurisdiction of the City of Covington, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City of Covington will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City

of Covington affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The City of Covington intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.

E. MESSAGE SUBSTITUTION

1. Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

F. REGULATORY INTERPRETATIONS

1. All regulatory interpretations of this Article are to be exercised in light of the City of Covington message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a "structure" as defined in the building code then in effect, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this Section.

G. NONCOMMUNICATIVE ASPECTS

1. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

H. MIXED USE ZONES AND OVERLAY ZONES

1. In any zone where both residential and non residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific sign regulations are provided in the zoning district, those regulations shall be applied; or (2) if no sign regulations are provided in the zoning district, residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

I. PROPERTY OWNER'S CONSENT

1. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. The signature of the property owner or authorized agent will be required on all applications for sign permits.

J. LEGAL NATURE OF SIGN RIGHTS

1. As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign

structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.

K. SEVERABILITY

1. Generally

(a) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as limited by Section 10.20.01, K., 2.

2. Severability Where Less Speech Results

(a) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section or elsewhere in this Article or this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

3. Severability of Provisions Pertaining to Prohibited Signs

(a) Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section, or elsewhere in this Article or in this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such

unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 10.05 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or of any part of the Zoning Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as expressly provided in Section 10.20.01, K., 2.

4. Severability of Prohibition on Off-premise Signs

(a) If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or an other provisions of this Article or other provisions of Zoning Ordinance or this Code are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.

# Article 11. Flood Damage Prevention

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## Section 11.01 Statutory Authorization, Finding of Fact, Purpose and Objectives

### 11.01.01 Statutory Authorization

The Legislature of the Commonwealth of Kentucky has in Kentucky Revised Statutes 151.230 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Commission of Covington, Kentucky, hereby adopts the following floodplain management ordinance, as follows:

### 11.01.02 Finding of Fact

A. The flood hazard areas of Covington are subject to periodic inundations which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.

### 11.01.03 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

D. Control filling, grading, dredging, and other development which may increase erosion or flood damage, and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

### 11.01.04 Objectives

The objectives of this ordinance are to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;

G. Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and,

H. Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

## Section 11.02 Definitions

A. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. A Zone - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are not determined.

2. Accessory structure (Appurtenant structure) - A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

3. Accessory use - A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

4. Addition (to an existing structure) - Any walled and roofed expansion to the perimeter or height of a structure.

5. AE zones - Special Flood Hazard Areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

6. AH zone - An area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are determined.

7. AO zone - An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain). Flood depths are determined.

8. Appeal - A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or from the floodplain administrator's ruling on a request for a variance.

9. AR/A1 – A30, AR/AE, AR/AH, AR/AO, and AR/A zones - Special Flood Hazard Areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that

is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

10. A99 zone - That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a Federal flood protection system under construction. No base flood elevations are determined.

11. Area of shallow flooding - A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

12. Base flood - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

13. Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

14. Basement - any area of a structure having its floor sub-grade (below ground level) on all sides.

15. Building - See definition for structure.

16. Community - A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

17. Community Rating System (CRS) - A program developed by the Federal Insurance Administration to provide incentives to those communities in the Regular Program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

18. Community Flood Hazard Area (CFHA) - An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and

reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

19. Critical facility - Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. Critical facilities include, but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials or hazardous waste.

20. D zone - An area in which the flood hazard is undetermined.

21. Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

22. Elevated structure – For insurance proposes, a non-basement structure built to have the lowest floor elevated above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

23. Elevation Certificate - A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure’s elevation and other related information to verify compliance with this ordinance.

24. Emergency Program - The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

25. Enclosure - That portion of a structure below the lowest floor used solely for parking of vehicles, limited storage, or access to the structure.

26. Encroachment - The physical advance or infringement of uses, plant growth, fill, excavation, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

27. Existing construction - Any structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

28. Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by a community.

29. Expansion to an existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

30. Five-Hundred Year Flood - The flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate risk of flooding.

31. Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

    a. The overflow of inland or tidal waters.
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
    c. Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
    d. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high

water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

32. Flood Boundary and Floodway Map (FBFM) - A map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and the regulatory floodway.

33. Flood Hazard Boundary Map (FHBM) - A map on which the boundaries of the flood, mudslide (i.e. mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA).

34. Flood Insurance Rate Map (FIRM) - A map on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk premium zones.

35. Flood Insurance Study - The report provided by the Federal Emergency Management Agency (FEMA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

36. Floodplain or flood-prone area - Any land area susceptible to being inundated by flood waters from any source.

37. Floodplain Administrator - The individual appointed by the community to administer and enforce the floodplain management ordinances.

38. Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

39. Floodplain Management Regulations - This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes

federal, state and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

40. Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

41. Floodproofing Certificate - A certification by a registered professional engineer or architect, the FEMA form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

42. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the “regulatory floodway”.

43. Floodway fringe - That area of the floodplain on either side of the regulatory floodway.

44. Freeboard - A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. Freeboard must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, etc.

45. Fraud and victimization - As related in Article 6, **Appeals and Variance Procedures**, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Commission will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for fifty to one hundred years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to

increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

46. Functionally dependent use facility - A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

47. Governing body - The local governing unit, i.e. county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety and general welfare of its citizenry.

48. Hazard potential - The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g. safety, structural integrity, flood routing capacity).

49. Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

50. Historic Structure - Any structure that is:

    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   i. By an approved state program as determined by the Secretary of the Interior, or

   ii. Directly by the Secretary of the Interior in states without approved programs.

51. Increased Cost of Compliance (ICC) – Increased cost of compliance coverage means under the standard flood insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are floodproofing (nonresidential), relocation, elevation, demolition, or any combination thereof.

    ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

52. Letter of Map Change (LOMC) – An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's include the following categories:

53. Letter of Map Amendment (LOMA) – A revision based on technical data showing that a property was inadvertently included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

54. Letter of Map Revision (LOMR) - A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

55. Letter of Map Revision – Based on Fill (LOMR-F) – A determination that a structure or parcel has been elevated by

properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

56. Levee - A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

57. Levee System - A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

58. Limited storage - An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

59. Lowest adjacent grade – The lowest elevation of the sidewalk, patio, attached garage, deck support, basement entryway or grade immediately next to the structure and after the completion of construction.

60. Lowest Floor - The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

61. Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term "manufactured home" does not include a "recreational vehicle" (see Recreational Vehicle).

62. Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

63. Map - The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

64. Map Panel Number - The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

65. Market value - The property value (as agreed between a willing buyer and seller), excluding the value of the land as established by what the local real estate market will bear. Market value of the structure can be established by independent certified appraisal; replacement cost depreciated by age of structure (Actual Cash Value) or adjusted assessed values.

66. Mean Sea Level (MSL) - The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on the community's FIRM. For purposes of this ordinance, the term is synonymous with either National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988.

67. Mitigation - Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

68. Mudslide (i.e. mudflow) - Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A mudslide (i.e. mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

69. Mudslide (i.e. mudflow) area management - The operation of and overall program of corrective and preventative measures for reducing mudslide (i.e. mudflow) damage, including but not

limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

70. Mudslide (i.e. mudflow) prone area - An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

71. National Flood Insurance Program (NFIP) - The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

72. National Geodetic Vertical Datum (NGVD) - As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

73. New Construction - Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

74. New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

75. Non-Residential – Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

76. North American Vertical Datum (NAVD) – As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and Digitally Referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM panel legend for correct datum.)

77. Obstruction - Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

78. One-Hundred Year Flood (100-Year Flood) (see Base Flood) - The flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to inundation by the 100-year flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood with the SFHA.

79. Participating Community - A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

80. Pre-FIRM Construction - New construction or substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

81. Post-FIRM Construction – New construction or substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

82. Probation – A FEMA imposed change in community's status resulting from violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

83. Program Deficiency - A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards.

84. Public Safety and Nuisance - Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free

passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

85. Recreational Vehicle - A vehicle that is:

    a. Built on a single chassis;
    b. 400 square feet or less when measured at the largest horizontal projection;
    c. Designed to be self-propelled or permanently towable to a light duty truck; and
    d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

86. Regular Program - The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and flood elevations determined in the FIS.

87. Regulatory floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See Base Flood.

88. Remedy a violation - The process by which a community brings a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

89. Repair - The reconstruction or renewal of any part of an existing structure.

90. Repetitive Loss - Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

91. Repetitive Loss Property - Any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

92. Riverine - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

93. Section 1316 - That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

94. Severe Repetitive Loss Structure - Any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

    a. Four or more separate claim payments of more than $5,000 each (including building and contents payments); or
    b. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

95. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

96. Sheet flow area - see "Area of shallow flooding”.

97. Special flood hazard area (SFHA) - That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1 – A30, AH, AO, or AR.

98. Start of Construction (includes substantial improvement and other proposed new development) - The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within

180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

99. **S**tructure - A walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

100. Subdivision - Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.

101. Subrogation – A legal action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

102. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

103. Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 1-year period in which the cumulative percentage of improvements equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or

b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

104. Substantially improved existing manufactured home parks or subdivisions - Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

105. Suspension - Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP.

106. Utilities – Include, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment that service the structure and the site.

107. Variance - Relief from some or all of the requirements of this ordinance.

108. Violation - Failure of a structure or other development to fully comply with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

109. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically.

110. Water surface elevation - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

111. Watershed - All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable

materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

112. X (shaded) and B zones - Areas of the 0.2% annual chance (500-year) flood that are outside of the SFHA, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood

113. X (unshaded) and C zones - Areas determined to be outside the 500-year floodplain.

114. Zone - A geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

## Section 11.03 General Provisions

### 11.03.01 Lands to Which This Ordinance Applies

This ordinance shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the City Commission of Covington from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City Commission of Covington which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of the City of Covington.

### 11.03.02 Basis for Establishing the Special Flood Hazard Areas

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Kenton County, dated May 16, 2013, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by Covington, and for those land areas acquired by Covington through annexation. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator and are enacted by City Council pursuant to statutes governing land use management regulations. The FIS and/or FIRM are permanent records of Covington and are on file and available for review by the public during regular business hours at Covington City Hall at 638 Madison Avenue, Covington, KY 41011.

### 11.03.03 Establishment of Development Permit

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the special flood hazard areas (SFHA). See Article 4, Section B for instructions and explanation.

Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator.

### 11.03.04 Compliance

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Commission from taking such lawful action as is necessary to prevent or remedy any violation.

### 11.03.05 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### 11.03.06 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

### 11.03.07 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas

will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City Commission of Covington, any officer or employee, thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

### 11.03.08 Enforcement, Violation Notice and Penalties

A. Civil Offense: If, at any time, development occurs which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications, such development shall constitute a civil offense.

B. Notice of Violation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this ordnance and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

C. Notice of Citation: If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this ordinance including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this ordinance or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the

citation within seven (7) days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven (7) days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

D. Penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than $100 or imprisoned for not more than ten (10) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

## Section 11.04 Administration

### 11.04.01 Designation of Local Administrator

The City Commission of Covington hereby appoints the Zoning Administrator to administer, implement, and enforce the provisions of this ordinance by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

### 11.04.02 Establishment of Development Permit

A Development Permit shall be obtained before any construction or other development begins within any special flood hazard area established in Article 3, Section B. Application for a Development Permit shall be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of floodplain administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

A. Application Stage

1. Proposed elevation in relation to Mean Sea Level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or
2. Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
3. All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2) and Section D (2);
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction Stage:

1. Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the State a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. In AE, A1-30, AH, and A zones where the Community has adopted a regulatory Base Flood Elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
2. When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### 11.04.03 Duties and Responsibilities of the Local Administrator

The Floodplain Administrator and/or staff is hereby appointed, authorized and directed to administer, implement and enforce the provisions of this ordinance. The Floodplain Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review: Review all development permits to ensure that:

1. Permit requirements of this ordinance have been satisfied;
2. All other required state and federal permits have been obtained: review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.;
3. Flood damages will be reduced in the best possible manner;
4. The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data: When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer the provisions of Article 5. Any such information shall be submitted to the City Commission for adoption.

C. Notification of Other Agencies:

1. Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse; and
2. Submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and
3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development: Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Article 5, Section B (1) (lowest floor elevations) as shown on an accurately completed and certified **Elevation Certificate**. Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including

basement) of all new and substantially improved structures, in accordance with Article 4, Section B (2);

2. Certification required by Article 5, Section B (2) (elevation or floodproofing of nonresidential structures) as shown on an accurately completed and certified FEMA floodprooofing certificate. Verify and record the actual elevation (in relation to Mean Sea Level) to which the new and substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2);
3. Certification required by Article 5, Section B (3) (elevated structures),
4. Certification of elevation required by Article 5, Section E (1) (subdivision standards),
5. Certification required by Article 5, Section B (5) (floodway encroachments),
6. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
7. Review certified plans and specifications for compliance; and
8. Remedial Action. Take action to remedy violations of this ordinance as specified in Article 3, Section H.

E. Map Determinations: Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas, for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

1. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6, Section (3) a;
2. When base flood elevation data and floodway data have not been provided in accordance with Article 3, Section B, then the Floodplain Administrator shall obtain, review, and reasonable utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5;
3. When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2) a floodproofing certificate;

4. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

F. Right of Entry

1. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the floodplain administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the floodplain administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the floodplain administrator by this ordinance.
2. If such structure or premises are occupied, the floodplain administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
3. If entry is refused, the floodplain administrator shall have recourse to every remedy provided by law to secure entry.
4. When the floodplain administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the floodplain administrator for the purpose of inspection and examination pursuant to this ordinance.

G. Stop Work Orders: Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person performing the work, and shall state the conditions under which work may be resumed.

H. Revocation of Permits

1. The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

2. The floodplain administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

I. Liability: Any officer, employee, or member of the floodplain administrator's staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his/her duties, shall not thereby render personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer, employee, or member because of such act performed by him/her in the enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.

J. Expiration of Floodplain Construction Permit: A floodplain development permit, and all provisions contained therein, shall expire if the "start of construction" has not occurred within one hundred and eighty (180) calendar days from the date of its issuance.

## Section 11.05 Provisions for Flood Hazard Reduction

### 11.05.01 General Construction Standards

In all Special Flood Hazard Areas the following provisions are required:

A. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

C. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

D. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

E. Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

F. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

G. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

H. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

I. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

J. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;

K. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

**11.05.02 Specific Standards**

In all special flood hazard areas where base flood elevation data have been provided, as set forth in Article 3, Section B, the following provisions are required:

A. Residential Construction: New construction and substantial improvement of any residential structure (including manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of hydrostatic flood forces on walls shall be provided in accordance with standards of Article 5, Section B (3).

1. In an AO zone, the lowest floor shall be elevated above the highest adjacent grade to a height equal to or higher than the depth number

specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

2. In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, the Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include, but are not limited to, detailed hydrologic and hydraulic analyses, use of existing data available from other sources, approximate methods, use of historical data, best supportable and reasonable judgment in the event no data can be produced. The lowest floor shall be elevated no lower than two feet above such base flood elevation. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + five-tenths (0.5) foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

3. In all other Zones, elevated two feet above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

B. Non-residential Construction: New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with Article 5, Section B (1) or together with attendant utility and sanitary facilities:

1. Be floodproofed to an elevation two feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris;
3. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification along with the design and operational maintenance plans shall be provided to the Floodplain Administrator.
4. Manufactured homes shall meet the standards in Article 5, Section B (4).
5. All new construction and substantial improvement with fully enclosed areas below the lowest floor (including basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be constructed of flood resistant materials to an elevation two feet above the base flood elevation, and, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Openings for meeting this requirement must meet or exceed the standards of Article 5, Section B (3).

C. Elevated Structures: New construction and substantial improvements of elevated structures on columns, posts, or pilings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

1. Openings for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

   a. Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
   b. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

2. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises

(standard exterior door), or entry to the living area (stairway or elevator); and

3. The interior portion of such enclosed areas shall not be finished or partitioned into separate rooms.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All new and substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

   a. On individual lots or parcels,
   b. In expansions to existing manufactured home parks or subdivisions,
   c. In new manufactured home parks or subdivisions or
   d. In substantially improved manufactured home parks or subdivisions,
   e. Outside of a manufactured home park or subdivision, and
   f. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

   All such manufactured homes must be:

   a. Elevated on a permanent foundation, and
   b. Have its lowest floor elevated no lower than two feet above the level of the base flood elevation, and
   c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

   a. The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, so that either the:

      i. The lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

3. All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

a. Be on the site for fewer than 180 consecutive days,
b. Be fully licensed and ready for highway use, or
c. Meet the permit requirements for new construction of this ordinance, including anchoring and elevation requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

E. Floodways: Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;
2. If Article 5, Section B (5) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of Article 5.

### 11.05.03 Standards for Streams without Established Base Flood Elevation and/or Floodways

Located within the special flood hazard areas established in Article 3, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

A. No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

B. New construction and substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with Article 3, Section B.

**11.05.04 Standards for Shallow Flooding Zones**

Located within the special flood hazard areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 – 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures shall:

1. Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.

B. All new construction and substantial improvements of non-residential structures shall:

1. Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
2. Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic

and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article 5, Section B (2).

**11.05.05 Standards for Subdivision Proposals**

A. All subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

D. In areas where base flood elevation and floodway data is not available, base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall be provided.

E. All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

**11.05.06 Standards for Accessory Structures in All Zones Beginning with the Letter 'A'**

For all accessory structures in special flood hazard areas designated 'A' the following provisions shall apply:

A. Must be non-habitable;

B. Must be anchored to resist floatation and lateral movement;

C. Must be provided with flood openings in accordance with the standards of Article 5, Section B (3);

D. Must be built of flood resistant materials to two feet above the base flood elevation;

E. Must elevate utilities two feet above the base flood elevation;

F. Can only be used for storage or parking; and

G. Must not be modified for a different use after permitting.

### 11.05.07 Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

## Section 11.06 Appeals and Variance Procedures

### 11.06.01 Nature of Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Commission to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

### 11.06.02 Designation of Variance and Appeal Board

City Commission of Covington shall establish a Variance and Appeal Board consisting of Board of Adjustment.

### 11.06.03 Duties of Variance and Appeals Board

A. The Variance and Appeal Board shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.

B. Any person aggrieved by the decision of the Variance and Appeal Board may appeal such decision to the Circuit Court, as provided in Kentucky Revised Statutes.

**11.06.04 Variance Procedures**

In passing upon such applications, the Variance and Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

A. Danger that materials may be swept onto other lands to the injury of others;

B. Danger to life and property due to flooding or erosion damage;

C. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

D. Importance to the community of the services provided by the existing or proposed facility;

E. Necessity that the facility be located on a waterfront, in the case of functionally dependent use;

F. Availability of alternative locations, which are not subject to flooding or erosion damage;

G. Compatibility of the proposed use with existing and anticipated development;

H. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

I. Safety of access to the property in times of flood for ordinary and emergency vehicles;

J. Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

K. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges and culverts.

### 11.06.05 Conditions for Variances

Upon consideration of the factors listed above and the purposes of this ordinance, the Variance and Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

A. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Commission believes will both provide relief and preserve the integrity of the local ordinance.

C. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.

D. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor being situated below the base flood elevation.

E. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Article 6 (4) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

### 11.06.06 Variance Notification

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

A. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage;

B. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Covington Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

### 11.06.07 Historic Structures

Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

## Section 11.07 Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be

unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

# Article 12. Review Procedures


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## Section 12.01 Summary of Procedures

The following table provides a summary of the review and approval procedures of this article. In the event of conflict between the summary table and the detailed procedures set forth in this article, the detailed procedures will govern.

| Procedure | Zoning Admin. | Building Inspector | PC | UDRB | BOA | CC |
|---|---|---|---|---|---|---|
| Zoning Text Amendment | | | <R> | | | DM |
| Zoning Map Amendment | | | <R> | | | DM |
| PUD Overlay Zone Amendment | | | | | | |
| Stage 1 | | | <R> | | | DM |
| Stage 2 | | | DM | | | |
| Conditional Use Permit | | | | | <DM> | |
| Zoning Permit | DM | | | | <A> | |
| Building Permit | | DM | | | | |
| Certificate of Occupancy | | DM | | | | |
| Historic Buildings and Zones (Designation) | | | | <R> | | DM |
| Certificate of Appropriateness (Historic) | | | | DM | | A |
| Demolition/Moving of Structures | | | | <DM> | | A |
| Design Review | | | | DM | | A |
| Change of Nonconforming Use | | | | | <DM> | |
| Variance | | | | | <DM> | |
| Appeals of Administrative Decisions | | | | | <DM> | |

PC = Planning Commission
BOA = Board of Adjustment
R = Review Body (review and recommendation)
A = Authority to hear and decide appeals of DM's action
CC = City Commission
UDRB = Urban Design Review Board
DM = (Final) Decision-Making Body

< > = Public Hearing Required

## Section 12.02 General

### 12.02.01 Application Submittal Requirements

Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the official responsible for accepting the application.

### 12.02.02 Preapplication Meetings

All applicants for development approvals described in this article are encouraged to arrange a preapplication meeting with the Zoning Administrator or Planning Commission staff before completing and filing the required application.

### 12.02.03 Application Filing Fees

A. Applications must be accompanied by the fee amount that has been established by the Planning Commission, City Commission, and Board of Zoning Adjustment, as applicable.

B. Application fees are nonrefundable.

### 12.02.04 Application Completeness

A. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, and is accompanied by the required application filing fee.

B. If an application is determined to be incomplete, the official responsible for accepting the application must provide notice to the applicant along with an explanation of the application's deficiencies.

C. No further processing of the application will occur until the deficiencies are corrected.

D. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn.

### 12.02.05 Public Hearing Notices

Unless otherwise specified, published public hearing notices must be in accordance with KRS Chapter 424. Pursuant to KRS 424, notice of the time and place of all required public hearings must be published at least

once in a newspaper of general circulation in the county. The required notice must appear in the newspaper a minimum of seven calendar days and a maximum of 21 calendar days before the public hearing.

### 12.02.06 Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without providing additional notice as long as the continuance is set for a specified date and time and that date and time is announced at the time of the continuance. If a public hearing is tabled or deferred for an indefinite period of time or postponed more than 3 months from the date of the originally scheduled public hearing, new public notice must be given (in accordance with the notice requirements of the respective procedure) before the rescheduled public hearing. The party requesting the postponement is responsible for paying the cost of re-notification, and payment of re-notification costs must be made before the item is placed on the agenda.

### 12.02.07 Burden of Proof or Persuasion

In all cases, the burden is on the applicant to show that an application complies with applicable review or approval criteria.

### 12.02.08 Certificates of Land-Use Restriction

Certificates of land-use restriction, when required in accordance with the provisions of this article, must be filed in the office of the County Clerk by the Planning Commission, City Commission, and/or Board of Adjustment, whichever decision-making body imposes the land-use restriction, pursuant to KRS 100.3681 through 100.3684. The decision-making body that imposes the restriction is authorized to collect a fee from the applicant to cover the costs of recordation and the costs of completing and filing the certificate.

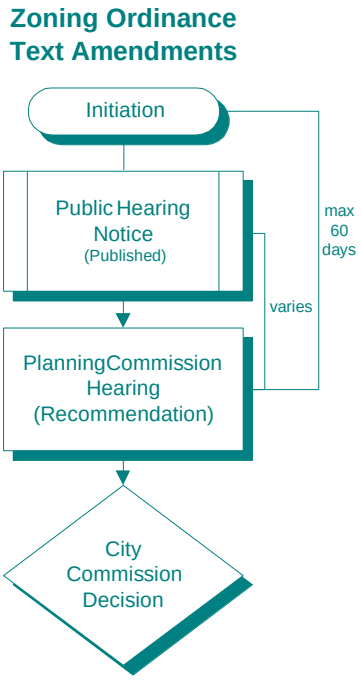
## Section 12.03 Zoning Ordinance Text Amendments

### 12.03.01 Initiation

The Planning Commission and City Commission are authorized to initiate amendments to the text of this zoning ordinance.

### 12.03.02 Public Hearing Notice

Public hearing notices must be published be in accordance with Sec. 12.02.05. The ordinance by which the text amendment is adopted may be published by stating the title and general description of the regulations and referring to the place within the city where a copy of the complete ordinance may be examined without charge.




### 12.03.03 Planning Commission Hearing/ Action

A. The Planning Commission must hold at least one public hearing on all proposed text amendments.

B. Following the Planning Commission's public hearing, the Planning Commission must make a recommendation, by simple majority vote, as to the text of the amendment and whether the amendment is approved or disapproved and must state the reasons for its recommendation. The Planning Commission action must be based on the review and approval criteria of Sec. 12.03.05.

C. When text amendments have been initiated by the City Commission, the Planning Commission must take action on the proposed amendments within 60 days of receipt of the proposed amendment.

### 12.03.04 City Commission Action

The City Commission must take final action on the proposed text amendment by a simple majority vote.

### 12.03.05 Review and Approval Criteria

A. Before any zoning ordinance text amendment is approved, the Planning Commission and City Commission must find that the proposed amendment is allowed to be included in the text of this zoning ordinance and:

1. the proposed amendment is consistent with the adopted comprehensive plan; or
2. the amendment is necessary to correct an error or inconsistency in the zoning ordinance; or

3. the amendment is necessary to meet the challenge of a changing condition that was not anticipated in the comprehensive plan.

B. Required findings must be in writing and be accompanied by a written report that explicitly describes the reasons for such findings. The findings and written report must be recorded in the minutes and records of the Planning Commission or the City Commission, as applicable.

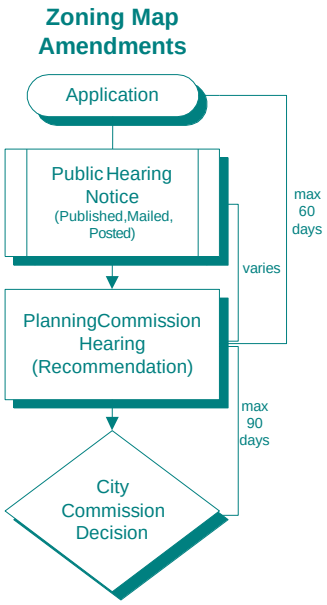
### 12.03.06 Notice to PDS

Pursuant to KRS 147.705, the City Commission must, within 60 days after adoption of any zoning text amendment, furnish a copy of the adopted amendment to Planning and Development Services of Kenton County.

## Section 12.04 Zoning Map Amendments (Rezonings)

### 12.04.01 Application

A. An application for an amendment to the zoning map must be filed by the owner of the subject property, the property owner's authorized agent, the Planning Commission, or the City Commission. An application for a map amendment must be signed by all owners of the property, including all persons who may jointly own the property and the property owner's authorized agent, if applicable.




B. The Zoning Administrator must sign the application and the applicant must submit the application to Planning and Development Services of Kenton County.

C. Zoning map amendment applications proposing rezoning to any Commercial (C), Industrial (I), or RU-2B, RU—1, and RU-0.5 classification, except where the proposed use is single- or two-unit dwellings, must be accompanied by a Stage I development plan, prepared in accordance with Section 12.06. The Zoning Administrator is authorized to waive the submission data requiring detailed engineering studies until such time as the zoning map amendment has been approved. Stage I development plans are

not required with applications submitted by the Planning Commission or the City Commission.

### 12.04.02 Minimum Area

A. No zoning map amendment application may be accepted if the proposed amendment would create a free-standing zone that does not meet the following minimum area standards:

| Proposed Zone | Minimum Zone Area |
|---|---|
| RR-40, Rural Residential | 10 acres |
| RS-20, Suburban Residential | 5 acres |
| RS-12.5, Suburban Residential | 2 acres |
| RS-7.5, Suburban Residential | 1 acre |
| RU-5, Urban Residential | 20,000 square feet |
| RU-3.5, Urban Residential | 20,000 square feet |
| RU-2, Urban Residential | 20,000 square feet |
| RU-1, Urban Residential | 10,000 square feet |
| RU-0.5, Urban Residential | 10,000 square feet |
| CN, Commercial–Neighborhood | 10,000 square feet |
| CC, Commercial–Community | 10,000 square feet |
| CG, Commercial–General | 10,000 square feet |
| CBD, Central Business District | 10,000 square feet |
| CT, Commercial–Tourist | 10,000 square feet |
| CO, Commercial–Office | 1 acre |
| CRL, Commercial–Riverfront Limited | 10,000 square feet |
| CRG, Commercial–Riverfront General | 10,000 square feet |
| IP, Industrial Park | 1 acre |
| IL, Industrial–Limited | 1 acre |
| IG, Industrial–General | 1 acre |
| Non-overlay zones not otherwise specified | 1 acre |
| Overlay zones | No Minimum |

B. In computing the area of a proposed rezoning, all of the following must be counted:

1. the area of public rights-of-way within the interior of the area proposed to be rezoned;
2. one-half the area of public rights-of-way abutting the area proposed to be rezoned; and
3. the area of any land contiguous with the area proposed to be rezoned if such contiguous land area already bears the zoning classification sought in the rezoning, whether or not such contiguous land area is within the zoning jurisdiction of the city.

C. For the purpose of this subsection (12.04.02), land will be considered to be contiguous even when separated by a street, alley, or corporation boundary line.

**12.04.03 Public Hearing Notices**

A. Published

Published public hearing notices must be in accordance with Sec. 12.02.05. The following provisions apply to the published hearing notice:

1. Any published notice must include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of 2 streets on either side of the property that intersect the street on which the property is located; and
2. When the property in question is located at the intersection of 2 streets, the notice must designate the intersection by name of both streets rather than name the 2 streets on either side of the property.

B. Mailed

1. Notice of all required public hearings must be given at least 14 days in advance of the public hearing by first class mail, with certification by the Planning Commission Secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. Where the property adjoins a street or alley, property abutting the opposite side of such street or alley will be considered adjoining property.
2. It is the duty of the person proposing the amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property.
3. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail must be the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to 2 or more co-owners of an adjoining property

who are listed in the Property Valuation Administrator's records as having the same address.

4. When the Planning Commission or the City Commission initiates a proposed zoning map amendment, notice of all required public hearings must be given at least 30 days in advance of the hearing by first class mail to all owners of property within the area proposed to be rezoned. Records of the Property Valuation Administrator may be relied upon to determine the identity and address of such property owners.
5. If the property, the classification of which is proposed to be changed, adjoins property in a different planning unit, or property which is not part of any planning unit, notice of the hearing must be given at least 14 days in advance of the hearing by first class mail to certain officials as follows:

   (a) If the adjoining property is part of a planning unit, notice must be given to that planning unit's Planning Commission.
   (b) If the adjoining property is not part of a planning unit, notice must be given to the mayor of the city in which the property is located, or if the property is an unincorporated area, notice must be given to the judge/executive of the county in which the property is located.

6. All procedures for public notice and publication, as well as for adoption, must be the same for an amendment, as for the original enactment of a zoning regulation.

C. Posted

Notice of all required public hearings on map amendments must be posted conspicuously on the subject property for at least 14 consecutive days immediately prior to the hearing. The posting must consist of one or more signs, constructed of durable material, and clearly depicting the following information:

1. the words "ZONING CHANGE" (3-inch high lettering);
2. the existing and proposed zoning classifications of the property (3-inch high lettering);
3. the date, place, and time of the public hearing (one-inch high lettering); and
4. the address, including telephone number, of the Planning Commission where additional information regarding the hearing may be obtained.

### 12.04.04 Planning Commission Hearing/Action

A. The Planning Commission must hold at least one public hearing on all proposed zoning map amendments.

B. Following the public hearing, the Planning Commission must make findings of fact and recommend, by simple majority vote, approval, disapproval or approval with condition(s) of the proposed map amendment. For zoning map amendment applications that must be accompanied by a Stage I development plan, the Planning Commission is authorized to recommend approval with modifications. The Planning Commission's recommendation must be based on the review and decision-making criteria of Sec. 12.04.06.

C. In the event of a tie vote, the Planning Commission must continue to consider the proposed zoning map amendment for a period not to exceed 30 days. If the tie has not been broken after such reconsideration, the application must be forwarded to the City Commission without a recommendation of approval or disapproval.

D. The Planning Commission's recommendation must include a statement explicitly setting forth the reasons for its action and a written report as required in Sec. 12.04.06.

E. The Planning Commission's findings of fact and recommendation must include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment.

F. The Planning Commission must submit to the City Commission, along with their recommendation, a copy of any required development plan (See Sec. 12.04.01, C.).

### 12.04.05 City Commission Action

A. The City Commission must take final action on a proposed zoning map amendment within 90 days of the date upon which the Planning Commission takes its final action. In the event of a tie vote of the Planning Commission, this 90-day timeframe runs from the date of the original tie vote, and not from the date the application is forwarded to the City Commission.

B. A simple majority vote of the entire membership of the City Commission is required to override the recommendation of the Planning Commission.

C. A simple majority vote of the entire membership of the City Commission is also required to adopt a zoning map amendment when the Planning Commission forwards the application to the City Commission without a recommendation due to a tie vote.

D. Unless a simple majority of the entire City Commission votes to override the Planning Commission's recommendation, the Planning Commission's recommendation will become final and effective, and if a recommendation of approval or approval with conditions was made by the Planning Commission, the ordinance of the City Commission adopting the zoning map amendment with these conditions will be deemed to have passed by operation of law.

E. The City Commission's approval of a zoning map amendment that includes a Stage I development plan may incorporate any conditions imposed by the Planning Commission. However, should the City Commission take action to impose different conditions than were reviewed and recommended by the Planning Commission, then the conditions must be resubmitted to the Planning Commission for further review and recommendation in accordance with the process required for the initial review.

F. Upon approval of a zoning map amendment that includes a Stage I development plan, the City Commission must forward a copy of the approved development plan to the Zoning Administrator.

### 12.04.06 Review and Decision-Making Criteria

A. Before any zoning map amendment is recommended for approval, approval with conditions, or is approved, the Planning Commission or City Commission, as applicable, must find that the proposed amendment is consistent with the adopted comprehensive plan, or in the absence of such a finding, that one or more of the following apply:

1. that the existing zoning classification given to the property is inappropriate, and that the proposed zoning classification is appropriate; and/or
2. there have been major changes of an economic, physical, or social nature in the area involved that were not anticipated

in the adopted comprehensive plan and that have substantially altered the basic character of the area.

B. Required findings must be in writing and accompanied by a written report that explicitly describes the reasons for such findings. The findings and written report must be recorded in the minutes and records of the Planning Commission and the City Commission, as applicable.

**12.04.07 Notice to PDS**

Pursuant to KRS 147.705, the City Commission must, within 60 days after adoption of any zoning ordinance or zoning map amendment, furnish a copy of the adopted amendment to Planning and Development Services of Kenton County.

**12.04.08 Changes/Amendments to Development Plans**

A. Minor Changes

1. If the submittal of detailed engineering data was waived by the Zoning Administrator in the initial submission of the development plan, then such data must be submitted for review in accordance with the building permit procedures of Section 12.11 before a permit may be issued for construction.
2. The Zoning Administrator, in reviewing the Stage I development plan, may authorize minor changes from the approved development plan, provided that the adjustments do not significantly affect the spatial relationship of structures, significantly change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount or usability of open space or recreation areas, or permit activities that do not comply with this zoning ordinance.

B. Amendments

Any amendments to approved Stage I development plans, except for those minor adjustments which are permitted by the Zoning Administrator as noted in Section 12.04.08, A., 2., must be resubmitted as new zoning map applications.

**12.04.09 Concurrent Processing of Variances and Conditional Use Permits**

A. In accordance with KRS 100.203, an applicant, at the time of filing an application for a zoning map amendment, may elect to:

1. have any necessary variances or conditional use permits for the subject property be heard and finally decided by the Planning Commission at the public hearing on the proposed zoning map amendment, or
2. have any necessary conditional use permits or variances for the subject property be heard and finally decided by the Board of Adjustment in accordance with 0 and Section 12.08.

B. A zoning map amendment application that includes proposed variances or conditional use permits must be accompanied by a Stage I development plan, in accordance with the applicable requirements of Section 12.06.

C. In acting on variances and conditional use permits processed concurrently with zoning map amendments, the Planning Commission is granted all the powers and duties otherwise exercised by the Board of Adjustment, pursuant to KRS 100.231, 100.233, 100.241, 100.243, 100.247, and 100.251.

D. Any judicial proceedings to appeal the Planning Commission's actions in granting or denying any variance or conditional use permit must be taken pursuant to KRS 100.347(2).

## Section 12.05 Planned Unit Developments (PUDs)

### 12.05.01 Applicability

Applications for approval of PUD overlay and MHP overlay zones must be processed in accordance with the two-stage procedure set forth is this section.

### 12.05.02 Stage I—Stage I Development Plan and Zoning Map Amendment

The first stage of the PUD approval process requires concurrent processing of a zoning map amendment and a Stage I development plan.

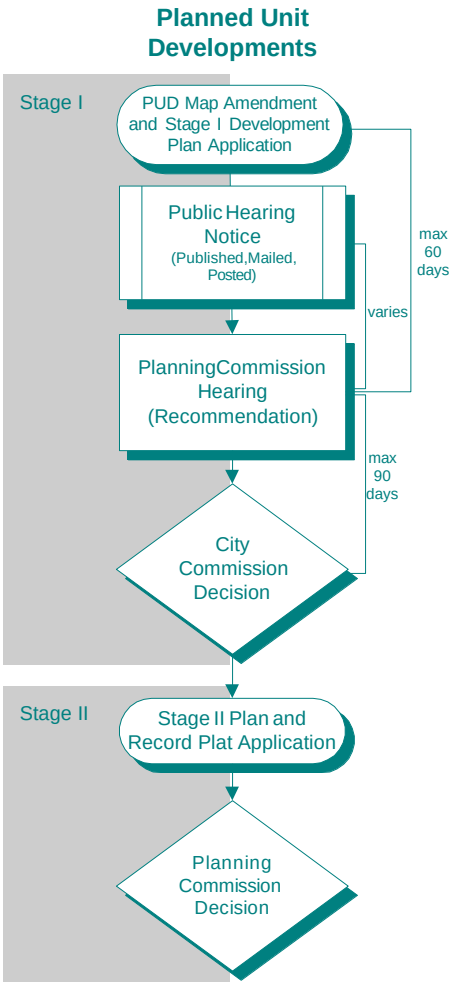
A. Application

1. An application for a PUD zoning map amendment and Stage I development plan must be filed by the owner of the subject property or the property owner's authorized agent, the City Commission, or Planning Commission. In the case of joint ownership of a property, an application for a PUD zoning map amendment and Stage I development plan must be signed by all owners of the property.

2. The Zoning Administrator must sign and the applicant must submit the application to Planning and Development Services of Kenton County.

3. Contents

A Stage I development plan must be prepared in accordance with Section 12.06.




B. Public Hearing Notice

The public hearing notice requirements for Stage I PUD approvals are the same as required for zoning map amendments (See Sec. 12.04.03).

C. Planning Commission Hearing/Action

1. The Planning Commission must hold at least one public hearing on the proposed application. The Planning Commission must review the application with regard to its compliance with the stated purposes of the PUD overlay zone, the required elements of the Stage I Plan, and other applicable requirements of this zoning ordinance.

2. Following the Planning Commission's public hearing, the Planning Commission must, within 60 calendar days of receipt of the proposed PUD overlay map amendment, make findings of fact and recommend, by simple majority vote, approval or disapproval of the proposed PUD zoning map amendment.

3. In the event of a tie vote, the Planning Commission must continue to consider the proposed zoning map amendment for a period not to exceed 30 days. If the tie has not been broken after such reconsideration, the application must be

forwarded to the City Commission without a recommendation of approval or disapproval.

4. The Planning Commission's recommendation must include a statement explicitly setting forth the reasons for its action and a written report.
5. The Planning Commission's findings of fact and recommendation must include a summary of the evidence and testimony presented by the proponents and opponents of the proposed PUD map amendment.

D. City Commission Action

1. The City Commission must take final action on a proposed zoning map amendment within 90 days of the date upon which the Planning Commission takes its final action. In the event of a tie vote of the Planning Commission, this 90-day timeframe runs from the date of the original tie vote, and not from the date the application is forwarded to the City Commission.
2. A simple majority vote of the entire membership of the City Commission is required to override the recommendation of the Planning Commission.
3. A simple majority vote of the entire membership of the City Commission is also required to adopt a PUD zoning map amendment when the Planning Commission forwards the application to the City Commission without a recommendation due to a tie vote.
4. Unless a simple majority of the entire City Commission votes to override the Planning Commission's recommendation, the Planning Commission's recommendation will become final and effective, and if a recommendation of approval or approval with conditions was made by the Planning Commission, the ordinance of the City Commission adopting the PUD zoning map amendment with these conditions will be deemed to have passed by operation of law.
5. The action of the City Commission may incorporate any conditions imposed by the Planning Commission. However, should the City Commission take action to impose different conditions than those recommended by the Planning Commission, then the conditions must be resubmitted to the Planning Commission for further review and recommendation in accordance with Sec. 12.05.02, C.
6. The City Commission must forward a copy of the approved Stage I development plan to the Planning Commission for

further processing in accordance with the requirement for Stage II plan and record plat (See 12.05.03).

E. Effect of Approval

1. Approval of a PUD zoning map amendment and Stage I development plan authorizes the applicant to proceed to the second stage of the PUD approval process.
2. The PUD zoning map amendment will not become effective until a Stage II plan and record plat has been approved in accordance with Sec. 12.05.03. Upon the effective date of the PUD zoning map amendment, the official zoning map must be amended by adding the prefix "PUD" to the existing zoning map designation for the subject property (e.g., PUD-RS-12.5).

**12.05.03 Stage II—Stage II Plan and Record Plat**

The second stage of the PUD approval process requires review and approval of a Stage II plan and record plat.

A. Application

Following approval of the PUD zoning map amendment and Stage I development plan, a Stage II plan and record plat must be developed in conformance with the approved Stage I plan.

1. An application for approval of a Stage II plan and record plat must be filed by the owner of the subject property or the property owner's authorized agent.
2. The Zoning Administrator must sign and the applicant must submit the application to the Kenton County Planning Commission, or its duly authorized representative.
3. Except for the manner of submission and processing, the subdivision regulations may be waived, in lieu of the requirements for submittal of PUD Stage II plans and record plats. Any subdivision requirements not specifically waived by the Planning Commission govern.
4. Contents

The Stage II Plan must be drawn to a scale not smaller than one inch equals 100 feet, identifying and providing the following information:

(a) The existing and proposed finished topography of the subject property shown by contours with intervals not to exceed five feet. Where conditions

exist that may require more detailed information on the proposed topography, contours with intervals of less than 5 feet may be required by the Planning Commission.

(b) All housing units on the subject property:

(1) Detached Housing
Location, arrangement, and number of all lots, including lot dimensions and setbacks and maximum height of buildings;

(2) Attached Housing
Location, height, and arrangement of all buildings indicating the number of units in each building, and where applicable, location, arrangement, and dimensions of all lots.

(c) Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property, and where applicable, location and arrangement of all lots with lot dimensions.

(d) Location and arrangement of all common open-space areas and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands must be identified.

(e) Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.

(f) Location of signs indicating their orientation, size, and height.

(g) All utility lines and easements:

(1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;

(2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;

(3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

(4) Other utilities (for example, electric and telephone), including the type of service and the width of easements.

(h) Location of all off-street parking, loading or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading or unloading spaces.

(i) Circulation System

(1) Pedestrian walkways, including alignment, grades, type of surfacing, and width;

(2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.

(j) Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction;

(k) A schedule of development, including the staging and phasing of:

(1) Residential area, in order of priority, by type of dwelling unit;

(2) Streets, utilities, and other public facility improvements, in order of priority;

(3) Dedication of land to public use or set aside for common ownership; and

(4) Nonresidential buildings and uses, in order of priority.

(5) The aforementioned required information may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

5. Record Plat Requirements

The applicant must submit a record plat in conformance with the Stage II approved plans. If the record plat is submitted in sections, an index must be developed showing the entire plan area. The particular number of the section and the relationship of each adjoining section must be clearly shown by a small key map on each section submitted. The record plat must conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning Commission.

B. Planning Commission Action

1. The Kenton County Planning Commission or its authorized representative must review the Stage II plan to determine if it complies with the approved Stage I development plan and all other applicable requirements of this zoning ordinance.
2. Stage II plans may be approved only if the Planning Commission, or its duly authorized representative, determines that they comply with the approved Stage I development plan and all other applicable requirements of the subdivision regulations and this zoning ordinance.
3. In approving the Stage II plan, the Planning Commission, or its duly authorized representative, is authorized to approve minor deviations from the approved Stage I development plan, provided that such deviations do not significantly affect the spatial relationship of structures, significantly change land uses, increase overall density, significantly alter circulation patterns (vehicles and pedestrian), decrease the amount or usability of open space or recreation areas, or permit activities that do not comply with this zoning ordinance. Any proposed deviation that affects these specified elements of the development plan

will require an amendment to the Stage I development plan per Sec. 12.05.04.

4. Following approval of a Stage II plan, the Planning Commission, or its duly authorized representative, must forward a copy of the approved Stage II plan to the Zoning Administrator, who is authorized to grant permits only in accordance with the approved Stage II plan and other applicable regulations of this zoning ordinance.
5. Following approval of a Stage II plan, the Planning Commission, or its duly authorized representative, must review the submitted record plat to determine if it complies with the applicable requirements of the subdivision regulations and the approved Stage II plan.
6. Record plats may be approved only if the Planning Commission determines that the record plat complies with the applicable requirements of the subdivision regulations and the approved Stage II plan.
7. Following approval of the record plat, a certified copy of the plat must be forwarded to the office of the County Clerk to be recorded.

**12.05.04 Amendments**

Any amendments to plans, except for minor deviations that are permitted by the Planning Commission, or its duly authorized representative, must be made in accordance with the procedure required by this section, subject to the same limitations and requirements as those under which the plans were originally approved.

**12.05.05 Expiration**

Any amendment to the PUD Overlay zone is subject to the time constraints noted below. On expiration of the time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning Commission in accordance with the requirements of KRS Chapter 100 for the purpose of determining whether the PUD Overlay zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions applies:

A. A Stage II Plan has not been approved by the Planning Commission, or its duly authorized representative, within 24 months of the date of the Stage I plan approval and overlay zone amendment by the City Commission. The City Commission is authorized to grant an extension of time if it determines, based on evidence provided by the applicant, that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.

B. Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Stage II plan by the Planning Commission, or its duly authorized representative. The City Commission is authorized to grant an extension of time if it determines, based on evidence provided by the applicant, that construction was delayed due to circumstances beyond the applicant's control and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction that constitutes initiating substantial construction must be as approved in the Stage II approved plan.

## Section 12.06 Stage I Development Plan Review

### 12.06.01 Applicability

A Stage I development plan must accompany all applications for zoning map amendments in any Commercial (C), Industrial (I), or RU-2B, RU-1, and RU-0.5 zoning classification, except for single- or two-unit dwellings, and all applications for planned unit developments.

### 12.06.02 Application

The Stage I Plan must be drawn to a scale not smaller than one inch equals 100 feet and include on the plan or in accompanying documentation the following information:

A. The total area in the project;

B. The present zoning of the subject property and all adjacent properties;

C. All public and private rights-of-way and easement lines located on or adjacent to the subject property that are proposed to be continued, created, enlarged, relocated, or abandoned;

D. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet;

E. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:

1. Detached housing

Location and approximate number of lots, including typical sections identifying approximate lot sizes

and dimensions, and setback and height of buildings; and

2. Attached housing

Location and description of the various housing types (such as a townhouse, fourplex, or garden apartment) including approximate heights of typical structures and the approximate number of units by housing type.

F. Delineation of all existing and proposed nonresidential uses in the project:

1. Commercial uses

Location and type of all uses including approximate number of acres, gross floor area, and heights of buildings.

2. Open space-recreation

The approximate amount of area proposed for common open space, including the location of recreational facilities and identification of unique natural features to be retained.

3. Other public and semi-public uses

Location and type of all uses, including approximate number of acreage and height of buildings.

G. Location of proposed pedestrian walkways, identifying approximate dimensions;

H. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;

I. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service;

J. Certification from appropriate water and sewer agencies that services will be available;

K. Identification of the soil types and geologic formations on the subject property, including anticipated problems and proposed methods of handling those problems;

L. Other information that may be determined necessary for description or to insure proper integration of the proposed project in the area;

M. A schedule of development, including the staging and phasing of:

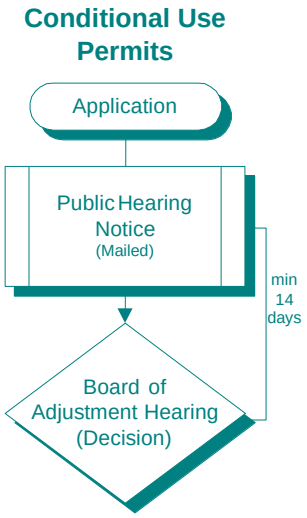
1. Residential area, in order of priority, by type of dwelling unit;
2. Streets, utilities, and other public facility improvements, in order of priority;
3. Dedication of land to public use or set aside for common ownership; and
4. Nonresidential buildings and uses, in order of priority.

N. The aforementioned required information may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan of drawing for each element is not necessary, but may be provided at the option of the applicant.

## Section 12.07 Conditional-Use Permits

### 12.07.01 Applicability

The Board of Adjustment has the authority to hear and decide applications for conditional-use permits to allow the proper integration into the community of uses that are specifically named in the zoning regulations that may be suitable only in specific locations in the zone only if certain conditions are met.




### 12.07.02 Application

A. An application for a conditional-use permit must be filed by the owner of the subject property or the property owner's authorized agent. In the case of joint ownership of a property, an application for a conditional-use permit must be signed by all owners of the property.

B. Applications must be filed with the Zoning Administrator and must be accompanied by a site plan prepared in accordance with Section 12.10.02.,C.

C. Applicants for a zoning map amendment and a conditional-use permit for the same property may elect to have any necessary

conditional- use permits be heard and finally decided by the Planning Commission in accordance with Sec. 12.04.09.

### 12.07.03 Public Hearing Notice

A. Published

Published public hearing notices must be in accordance with Sec. 12.02.05.

B. Mailed

1. When an application is made for a conditional-use permit for land located in or abutting any residential zone, written notice must be given at least 14 days in advance of all required public hearings to:

   (a) the applicant;
   (b) administrative official;
   (c) the owner of every parcel of property within one hundred fifty (150) feet in all directions from the property lines for which the conditional-use permit has been requested; and
   (d) such other persons as required by this zoning ordinance or Kentucky statutes.

2. Written notice must be sent by first-class mail with certification by the Board of Adjustment's Secretary or other officer that the notice was mailed. The applicant must furnish to the Board of Adjustment the name and address of owners of each parcel of property within the required notification area.
3. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of such owners. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail must be the president or chairperson of the owner group that administers the property commonly owned by the condominium or cooperative owners. A joint notice must be mailed to 2 or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.
4. When any property in the required notification area for a public hearing on a conditional-use permit is located in an adjoining city, county, or planning unit, notice of the

hearing must be given at least 14 days in advance of the hearing, by first-class mail, to the following public officials:

(a) If the adjoining property is part of a planning unit, notice must be given to that planning unit's Planning Commission; or

(b) If the adjoining property is not part of a planning unit, notice must be given to the mayor of the city in which the property is located, or if the property is in an unincorporated area, notice must be given to the judge/executive of the county in which the property is located.

C. Notice of all required hearings for applications for conditional-use and variance permits must be posted conspicuously on the subject property for at least fourteen (14) calendar days prior to the public hearing.

**12.07.04 Board of Adjustment Hearing/Action**

A. The Board of Adjustment must hold at least one public hearing on all conditional-use permit applications.

B. Following the Board of Adjustment's public hearing, the Board of Adjustment must make findings of fact and take action, by simple majority vote, on the conditional-use permit application, based on the review and decision-making criteria of Sec. 12.07.05.

C. In acting on conditional-use permit applications, the Board of Adjustment is authorized to approve, approve with modifications, or deny the application. If the Board of Adjustment approves the application, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request may be initiated, or conditions of a continuing nature.

D. Any conditions imposed on the conditional-use permit must be recorded in the Board of Adjustment's minutes and on the conditional-use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, a certificate of land-use restriction must be filed pursuant to Sec. 12.02.08.

E. Granting of a conditional-use permit does not exempt the applicant from complying with all of the requirements of this zoning

ordinance, the Building Code, Housing Code, and other regulations of the city.

**12.07.05 Review and Decision-Making Criteria**

In acting on any conditional-use permit application, the Board of Adjustment must make the following findings in support of a motion to approve or deny the application:

A. that the proposed use at the particular location is/is not convenient for the public or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood or the community; and

B. that such use will/will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

**12.07.06 Notice of Decision to PDS**

Pursuant to KRS 147.705, the Board of Adjustment must, within 60 days of an approval of a conditional-use permit, furnish a copy of the approved conditional-use permit to Planning and Development Services of Kenton County.

**12.07.07 Expiration**

A. In any case where a conditional-use permit has not been exercised within the time limit set by the Board of Adjustment or within 12 calendar months of the date of approval of the conditional-use permit, the conditional-use permit will not lapse or revert to its original designation until after a public hearing has been held on the matter.

B. For the purpose of this section (12.07.07), “exercised” means that binding contracts for the construction of the principal building or other improvement has been let, or in the absence of contracts, that the principal building or other improvements is under construction to a substantial degree, or that prerequisite conditions involving substantial investment are under contract, in development, or completed. When construction is not a part of the use, “exercised” means that the use is in operation complies with the conditions set forth in the conditional-use permit.

**12.07.08 On-Going Enforcement; Revocation**

A. The Code Enforcement Officer must review all conditional-use permits, except those for which all conditions have been permanently satisfied, at least once annually, and the Code Enforcement Officer has the power to inspect the land or structure where the conditional use is located to ascertain that the landowner is complying with all conditions imposed by the conditional-use permit.

B. If the landowner is not complying with all of the conditions imposed on the conditional-use permit, the Code Enforcement Officer must report such fact, in writing, to the Chairperson of the Board of Adjustment. The report must specifically describe the manner in which the landowner is not complying with the conditions. A copy of the report must be furnished to the landowner at the same time it is furnished to the Chairperson of the Board of Adjustment.

C. The Board of Adjustment must hold a hearing on the Code Enforcement Officer's report within a reasonable time after receiving the report. Notice of the time and place of the hearing must be furnished to the landowner at least seven calendar days before the hearing.

D. If the Board of Adjustment finds that the facts alleged in the report of the Code Enforcement Officer are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Code Enforcement Officer to revoke the conditional-use permit and take the necessary legal action to cause the termination of the activity covered by the conditional-use permit.

E. The Board of Adjustment is authorized to revoke conditional-use permits for noncompliance with any conditions imposed on the permit. Furthermore, the Board of Adjustment is authorized to compel offending structures or uses removed at the cost of the violator and may have judgment in person for the cost of removal.

F. Once the Board of Adjustment has approved a conditional-use permit and all of the conditions imposed are of such type that they can be completely and permanently satisfied, the Code Enforcement Officer, on request of the applicant, may make a determination that the conditions have been satisfied and enter the facts and conclusions in support of that determination in the margin of the conditional-use permit that is on file. From that point

forward, the use will be treated as an allowed use if it continues to meet all other applicable requirements of this zoning ordinance.

## Section 12.08 Zoning Variances

### 12.08.01 Application

A. An application for a variance must be filed by the owner of the subject property or the property owner's authorized agent.

B. Applications must be filed with the Zoning Administrator.

C. Applicants for a zoning map amendment and a variance for the same property may elect to have any necessary variance applications be heard and decided by the Planning Commission in accordance with Sec. 12.04.09.

### 12.08.02 Public Hearing Notice

A. Published

Public hearing notices must be published in accordance with Sec. 12.02.05.

B. Mailed

1. Written notice must be given at least seven days in advance of all required public hearings to:

(a) the applicant, and
(b) administrative official.

### 12.08.03 Board of Adjustment Action; Decision-Making Criteria

A. The Board of Adjustment must hold at least one public hearing on all applications for variances.

B. In acting on applications for variances, the Board of Adjustment is authorized to approve or deny the application. If the Board of Adjustment approves the application, it may impose any reasonable conditions or restrictions on any variance it decides to grant. Violation of such conditions or restrictions, when made a part of the terms under which the variance is granted, will be deemed a violation of this zoning ordinance.

C. Before any variance is granted, the Board of Adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the Board of Adjustment must consider whether:

1. the requested variance arises from special circumstances that do not generally apply to land in the general vicinity, or in the same zone;
2. the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
3. the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

D. The Board of Adjustment must deny any request for a variance arising from circumstances that are the result of willful violations of this zoning ordinance by the applicant after adoption of this zoning ordinance from which relief is sought.

**12.08.04 Use and Density Variances Prohibited**

The Board of Adjustment is not authorized to grant a variance to permit a use of any land, building, or structure that is not permitted by this zoning ordinance in the zone in question, or to alter the density of dwelling-unit requirements in the zone in question.

**12.08.05 Variance Runs with Land**

A variance applies to the property for which it is granted and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.

**12.08.06 Notice of Decision to PDS**

Pursuant to KRS 147.705, within 60 days, the Board of Adjustment's decision on zoning variance matters must be furnished to Planning and Development Services of Kenton County.

## Section 12.09 Appeals

### 12.09.01 Applicability

Appeals may be taken by any applicant where it is alleged that an error exists in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulations. Such appeals may be taken to the Board of Adjustment. Appeals of decisions by the Planning Commission, Board of Adjustment, or City Commission must be taken to the Kenton Circuit Court.

### 12.09.02 Application

A. An appeal may be filed, in writing, by any person or entity or his/her authorized agent claiming to be injuriously affected by an official action, order, requirement, interpretation, grant, refusal, or decision of any official charged with enforcing the zoning ordinance. The written notice of appeal must specify the grounds for the appeal. An appeal must be taken within 30 calendar days after the appellant or his agent receives notice of the action of the official that is the subject of the appeal.

B. Notice of appeals must be filed with the Zoning Administrator, who must transmit the notice to the Board of Adjustment.

C. The request must include the required fee for an appeal.

D. Upon receipt of a notice of appeal, the Zoning Administrator must transmit to the Board of Adjustment all documents constituting the record on which the action appealed was taken and must be treated as and be the respondent in such further proceedings.

### 12.09.03 Public Hearing for Administrative Appeals

A. Published

The Board of Adjustment must publish public hearing notices for appeals in accordance with Sec. 12.02.05.

B. Mailed

The Board of Adjustment must give written notice to the appellant, the administrative official whose action is the subject of the appeal, and all parties of record at least one calendar week prior to the hearing.

C. The Board of Adjustment must fix a reasonable time for hearing the appeal and decide on the appeal within 60 calendar days. The affected party may appear at the hearing in person or by attorney.

D. At the public hearing held by the Board of Adjustment, any interested person may appear and enter his/her appearance and all interested persons must be given an opportunity to be heard.

E. Pursuant to KRS 147.705, within 60 days of the decision, the Board of Adjustment must furnish its decision on this administrative appeal to Planning and Development Services of Kenton County.

**12.09.04 Appeals of Planning Commission, Board of Adjustment, or City Commission Decisions**

Any appeal from the Planning Commission, Board of Adjustment, or City Commission action may be taken in the following manner:

A. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment may appeal the action to the Kenton Circuit Court. Such appeal must be taken within 30 days after the final action of the Board of Adjustment. All final actions which have not been appealed within 30 days will not be subject to judicial review. The Board of Adjustment must be a party in any such appeal filed in the Circuit Court. Any final action of the Board of Adjustment that has not been appealed to the circuit court within 30 days will not be subject to judicial review.

B. Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission may appeal the action to the Kenton Circuit Court. Only Planning Commission final actions granting or denying variances or conditional-use permits that were processed concurrently with a map amendment in accordance with Section 0 may be appealed pursuant to this subsection. Planning Commission recommendations made to other governmental bodies may not be appealed under this subsection. The appeal must be taken within 30 days after the final action. The 30-day timeframe for taking an appeal begins to run at the time the City Commission grants or denies the map amendment for the same development. All final actions that have not been appealed to the circuit court within 30 days will not be subject to judicial review. The Planning Commission must be a party in any such appeal filed in the circuit court.

C. Any person or entity claiming to be injured or aggrieved by any final action of the City Commission on a map amendment may take an appeal from the action to the Kenton Circuit Court. Such appeal must be taken within 30 days after the final action of the City Commission. All final actions that have not been appealed to the circuit court within 30 days will not be subject to judicial review. The City Commission must be a party in any such appeal filed in the circuit court.

D. After the appeal is taken, the procedure will be governed by the Rules of Civil Procedure. When an appeal has been filed, the Clerk of the Circuit Court must issue a summons to all parties and cause it to be delivered for service as in any other legal action.

E. The owner(s) of the subject property and applicant(s) who initiated the proceeding will be made parties to all appeals made under this subsection. Other persons speaking at the public hearing are not required to be made parties to such appeal.

F. For purposes of this zoning ordinance, final action will be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

G. The computation of the 30-day timeframe must be in accordance with KRS 446.030.

## Section 12.10 Zoning Permits

### 12.10.01 Applicability

A. No land may be used and no building or other structure may be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor may any grading take place on any lot or parcel of ground without a permit issued by the Zoning Administrator.

B. A zoning permit is also required before the demolition of any structure or portion thereof and prior to issuance of a certificate of occupancy.

### 12.10.02 Application

A. An application for a zoning permit must be filed by the owner of the subject property and the property owner's authorized agent, if applicable.

B. Applications must be filed with the Zoning Administrator.

C. Contents

1. The required fee for a zoning permit.
2. An approved development plan or site plan, if required by this zoning ordinance; or
3. A site plan in duplicate drawing at a scale of not less than one inch to 50 feet, showing the following information as required by this zoning ordinance:

   (a) The location of every existing and proposed building, including dimensions and height and the number, size, and type of dwelling units.
   (b) All property lines, shapes, and dimensions of the lot to be built on.
   (c) Lot width at front setback line.
   (d) Minimum front, rear, and side setbacks.
   (e) Existing topography with a maximum of five-foot contour intervals.
   (f) Total lot area in square feet.
   (g) Location and dimensions of all access points, driveways, and off-street parking spaces.
   (h) A drainage plan of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
   (i) All sidewalks, walkways, and open spaces.
   (j) Location, type, and height of all walls, fences, and screen plantings.
   (k) Location of all existing and proposed streets, including rights-of-way and pavement widths.
   (l) All existing and proposed water and sanitary sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.

4. An approved Certificate of Appropriateness if the property is located in a Historic Preservation Overlay zone or a Chapter 99 Development Plan area.

### 12.10.03 Zoning Administrator Action

A. The Zoning Administrator must either approve or disapprove the zoning permit application. If disapproved, one copy of the submitted plans must be returned to the applicant marked "disapproved" with a description of the reasons for such disapproval. The other copy, similarly marked, must be retained by the Zoning Administrator.

B. If approved, one copy of the submitted plans must be returned to the applicant marked "approved." The other copy similarly marked, must be retained by the Zoning Administrator. Once approved, the Zoning Administrator must issue a zoning permit to the applicant and retain a duplicate copy for his or her records.

C. No zoning permit may be issued except in conformity with the provisions of this zoning ordinance, except after written orders from the Board of Adjustment. In the case of demolitions, no zoning permit may be issued unless the proposed use of the site after demolition is in conformity with the provisions of this zoning ordinance, except after written orders from the Board of Adjustment.

### 12.10.04 Expiration of Zoning Permit

If a building permit, as required herein, has not been obtained within six months of the date of issuance of zoning permit, the zoning permit will expire and be of no further effect. Once a zoning permit has expired, building permits may not be issued until a new zoning permit has been obtained.

## Section 12.11 Building Permits

### 12.11.01 Applicability

No building or other structure may be erected, moved, added to, or structurally altered without a permit issued by the Building Inspector. No building permit may be issued except in conformity with the provisions of this zoning ordinance, except after written orders from the Board of Adjustment.

### 12.11.02 Application

A. An application for a building permit must be filed by the owner of the subject property or the property owner's authorized agent.

B. Applications must be filed with the Building Inspector.

C. Contents

All applications for building permits must be accompanied by:

1. A complete application form provided by the Building Inspector;
2. An approved zoning permit;
3. The required fee for a building permit;
4. Where required, 2 copies of site plan of the area at a scale no smaller than one inch to 100 feet and bearing the seal of an architect or engineer registered in the Commonwealth of Kentucky must be filed with the Building Inspector setting forth, identifying, and locating the following:

   (a) Total area in development project, including legal description.
   (b) Present zoning of property in question and adjacent properties.
   (c) All public and private right-of-way and easement lines located on or adjacent to the property that are proposed to be continued, created, relocated, or abandoned.
   (d) Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations, where necessary, but not more than 50 feet apart in both directions is required.
   (e) The proposed finished grade of the development area shown by contours with intervals not larger than two feet, supplemented where necessary by spot elevations.
   (f) The location of every existing and proposed building in the described parcels, the uses to be contained therein, the number of buildings, including dimensions and height, the gross floor area, and number of floors.
   (g) Location and dimension of all curb cuts, driving lanes, off-street parking, and loading areas, including the number of spaces, angle of stalls, grades, and illumination facilities.
   (h) All walks, malls, and other open areas.
   (i) Location of all walls, fences, and screen planting.
   (j) Location, size, height, and orientation of all signs.

(k) Types of surfacing proposed on the various off-street parking and driveways, including cross sections and drainage plans.

(l) Location of all existing and proposed streets, highways, and alleys.

(m) All existing and proposed water and sanitary sewer lines, indicating pipe sizes, types, and grades.

(n) A drainage plan of the area showing size and location of each existing and proposed structure. The approximate volume of water generated by development of the subject area and the proposed method of disposing of the water. Provisions must be included for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.

(o) Such other information with regard to the development area as may be required by the Building Inspector to determine conformance with this zoning ordinance. The Building Inspector may also waive the submission of items not affected by the proposed construction or not necessary to determine compliance with this zoning ordinance.

5. Plans in duplicate approved by the Building Inspector and including any additional information required by the Building Code and Building Inspector, as may be necessary to determine conformance with and provide for the enforcement of the Building Code and the Kentucky Revised Statutes.

6. An approved Certificate of Appropriateness if the property is located in a Historic Preservation Overlay zone or a Chapter 99 Development Plan area.

### 12.11.03 Building Inspector Action

A. Issuance of Building Permit

1. The Building Inspector must either approve or disapprove the application. If disapproved, one copy of the submitted plans must be returned to the applicant marked “disapproved” and must indicate the reasons for such disapproval thereon. Such disapproval must be attested by the Building Inspector’s signature. The second copy,

similarly marked, must be retained by the Building Inspector.

2. If approved, one copy of the submitted plans must be returned to the applicant marked "approved." Such approval must be attested by the Building Inspector's signature. The second copy, similarly marked, must be retained by the Building Inspector. The Building Inspector must also issue a building permit to the applicant at this time and must retain a duplicate copy for his or her records.

B. Compliance

It is unlawful to issue a building permit or certificate of occupancy to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this zoning ordinance.

**12.11.04 Expiration**

A. If the work described in any building permit has not begun within 90 consecutive calendar days from the date of issuance thereof, the permit will expire and be cancelled by the Building Inspector and no construction will be permitted until a new building permit has been obtained, except an extension may be granted if sufficient evidence is produced to demonstrate why the work described in the building permit was not begun during the requisite time period.

B. For purposes of this section, construction will be deemed to have been started at the time of completion of the foundation. After the work described in the building permit has been started, the building permit will expire after a period of 180 days, provided that an extension may be granted if sufficient evidence is produced to demonstrate why the work described in the building permit was not completed during the requisite time period.

C. Building permits will be issued on the basis of applications and plans approved by the Building Inspector. The building permit will only permit the use, arrangement, and construction set forth in the approved zoning permit, applications, and plans. Use, arrangement, or construction that deviates from the approved zoning permit, applications, and plans will be deemed in violation of this zoning ordinance.

### 12.11.05 Work Begun Without a Building Permit

Pursuant to KRS 100.267, if no building permit has been issued and a builder begins or continues to build, a stop work order may be issued and/or a restraining order may be obtained upon application to a court of record. The lack of a building permit will be prima facie evidence for the issuance of a restraining order.

## Section 12.12 Certificates of Occupancy

### 12.12.01 Applicability

No land is to be used and no building or part thereof may be occupied, converted, enlarged, or structurally altered, wholly or partly, without a certificate of occupancy, which must be part of the building permit issued by the Building Inspector. No certificate of occupancy will be issued except upon a determination by the Building Inspector that the land or building, or part(s) thereof and the proposed use(s) therein, are conform with the provisions of this zoning ordinance.

### 12.12.02 Application

A. An application for a certificate of occupancy must be filed by the property owner, property owner's authorized agent, or lessee of the subject property.

B. Applications must be filed with the Building Inspector.

C. Contents

All applications for certificates of occupancy must be accompanied by:

1. A complete application form provided by the Building Inspector.
2. An approved zoning permit.
3. An approved building permit, if required by this zoning ordinance.
4. The required fee for a certificate of occupancy.
5. Plans in duplicate approved by the Building Inspector and including any additional information required by the Building Code and Building Inspector, as may be necessary to determine conformance with and provide for the enforcement of the Building Code and the Kentucky Revised Statutes.

### 12.12.03 Building Inspector Action

A. Issuance of Certificates of Occupancy

1. The Building Inspector must either approve or disapprove the application for a certificate of occupancy. If disapproved, one copy of the submitted application must be returned to the applicant marked "disapproved," with a description of the reasons for such disapproval. The other copy, similarly marked, must be retained by the Building Inspector.
2. If approved, one copy of the application must be returned to the applicant marked "approved". The other copy, similarly marked must be retained by the Building Inspector. Once approved, the Building Inspector must issue a certificate of occupancy to the applicant. The certificate must be attested by the Building Inspector's signature. The second copy, similarly marked, must be retained by the Building Inspector.
3. A certificate of occupancy may not be issued unless the proposed use of a building or land conforms to the applicable provisions of this zoning ordinance and to plans for which the building permit is issued, if applicable.

B. Certificates of Occupancy for Existing Uses

1. A certificate of occupancy is required for all uses of land or buildings existing at the time of enactment of this ordinance, which have not previously been issued a certificate of occupancy.
2. Applications for certificates of occupancy for existing uses must be filed with the Building Inspector by the owner or lessee of the subject property, the property owner's authorized agent, or lessee of the land or building occupied by the use within six consecutive calendar months of the effective date of this zoning ordinance.
3. For existing uses that conform with the provisions of this ordinance, the Building Inspector must issue a certificate of occupancy for any land or building existing at the time of enactment of this zoning ordinance, certifying, after inspection, the extent and type of use of the land or building.

C. Certificates of Occupancy for Lawful Nonconforming Uses

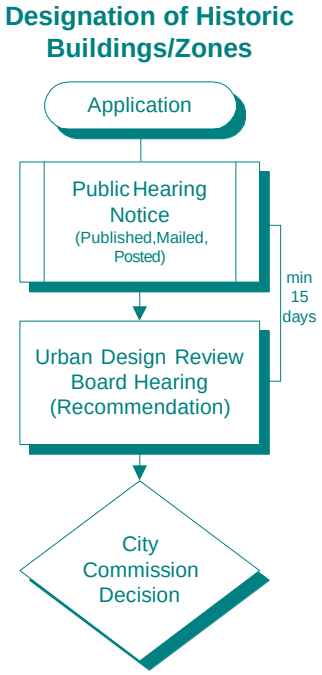
1. A certificate of occupancy is required for all lawful nonconforming uses of land or buildings created by this ordinance.
2. Applications for certificates of occupancy for lawful nonconforming uses of land and buildings must be filed with the Building Inspector by the owner of the subject property, the property owner's authorized agent, or lessee of the of the land or building occupied by the use within six consecutive calendar months of the effective date of this zoning ordinance.
3. For lawful nonconforming uses, the Building Inspector must issue a certificate of occupancy on application and such certificate must identify the extent to which the nonconforming use exists at the time of issuance of the certificate.

D. Compliance

It is unlawful to issue a certificate of occupancy or building permit to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this zoning ordinance.

### 12.12.04 Expiration of Certificate of Occupancy

If land or a building for which a certificate of occupancy has been issued is not occupied within six months of the date of issuance of the certificate of occupancy, it will expire and be of no further effect. Once a certificate of occupancy expires, the land or building may not be occupied until a new certificate of occupancy has been obtained.




## Section 12.13 Designation of Landmarks and Historic Preservation Overlay Zones

### 12.13.01 Applicability

The Urban Design Review Board must conduct ongoing surveys of structures, areas, or sites within the city to determine whether their historic or architectural merit warrants their designation as a Landmark or Historic Preservation Overlay zone. Persons from any organization or the general public may recommend a structure, area, or site to the Urban Design Review Board for consideration.

### 12.13.02 Application

A. Applications for designation of historic structures, areas, or sites may be submitted by the owner of the subject property or the property owner's authorized agent, by persons from any organization, including the city, by the general public, or by the Urban Design Review Board.

B. Applications must be filed with the Urban Design Review Board's Secretary/Historic Preservation Officer.

### 12.13.03 Public Hearing Notice

A. Published

Notice of the time and place of all public hearings on the designation of historic structures, areas, and sites must be published at least once in a newspaper of general circulation in the county. The required notice must appear in the newspaper a minimum of 15 calendar days before the public hearing.

B. Mailed

1. When a party initiates designation of an historic structure, area, or site, written notice must be given at least 15 calendar days in advance of all required public hearings to:

   (a) the applicant and all owners of property proposed to be designated as an historic structure, site, or area.
   (b) owner of every parcel of property adjoining the property for which the historic designation is requested. Where the property adjoins a street or alley, property abutting the opposite side of such street or alley will be considered adjoining property.

2. Written notice must be sent by first class mail, with certification by the Urban Design Review Board's Secretary or other officer that the notice was mailed. The applicant must furnish to the Urban Design Review Board the name and address of owners of each parcel of property within the required notification area.
3. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the

event such property is in condominium or cooperative forms of ownership, then the person notified by mail must be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to 2 or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

4. When any property in the required notification area for a public hearing on historic designation is located in an adjoining city, county or planning unit, notice of the hearing must be given at least 15 days in advance of the hearing, by first class mail, to the following public officials:

   (a) If the adjoining property is part of a planning unit, notice must be given to that planning unit's Planning Commission; or
   (b) If the adjoining property is not part of a planning unit, notice must be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice must be given to the judge/executive of the county in which the property is located.

C. Posted

Notice of all required public hearings on historic designations must be posted conspicuously on the subject property or in the proposed historic area for at least 15 calendar days prior to the public hearing. The posting must consist of one or more signs, constructed of durable material and clearly depicting the following information:

1. the words "HISTORIC DESIGNATION" (3-inch high lettering);
2. the date, place, and time of the public hearing (one-inch high lettering); and
3. the address, including telephone number, of the Historic Preservation Officer or other designated officer where additional information regarding the hearing may be obtained.

### 12.13.04 Urban Design Review Board Hearing/Action

A. The Urban Design Review Board must hold at least one public hearing on all applications for designation of historic structures, areas, or sites.

B. Following the Urban Design Review Board's public hearing, it must recommend, by simple majority vote, approval of the historic designation of the structures, areas, or sites to be designated as either Historic Landmarks or Historic Preservation Overlay zones to the City Commission. The Urban Design Review Board's recommendation must be based on the review and decision-making criteria of Sec. 12.13.07.

### 12.13.05 City Commission Action

A. The structures, areas, and sites selected by the Urban Design Review Board for historic designation under Sec. 12.13.04 must be submitted to the City Commission for final approval and designation as historic structures, areas, and sites. The Urban Design Review Board must notify owners and city departments of any decisions by the City Commission to designate an historic structure, area, or site.

B. When the City Commission creates Historic Landmarks or Historic Preservation Overlay zones , its action must include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical or of architectural significance requiring protection against destruction and encroachment.

### 12.13.06 Historic Designation Report

A. A study of the structures, areas, or sites proposed to be designated either a Historic Landmark or a Historic Preservation Overlay zone must be compiled in a report ("Historic Designation Report"). The report must establish and define the Historic Landmark or Historic Preservation Overlay zone boundaries as well as the historic or architectural significance of the buildings, structures, or sites to be protected, and describe present trends, conditions, and desirable public objectives for preservation. For Historic Preservation Overlay zones, a list of which structures, areas, or sites within the boundaries are determined to be contributing and which are determined to be non-contributing must be included in the report.

B. In addition, such report must include the following elements:

1. A survey of existing structures by period of construction, architectural style, condition, and other matters relating to planning or regulating future development, such as location on lots, location of yards and other open spaces, access to interior of lots, and off-street parking provided. In addition to general analysis, 2 specific detailed descriptions must be entered:

    (a) A description of existing contributing structures and premises of substantial public interest, with maps, photographs, and other data indicating the public importance of their preservation and the particular features it is desirable to preserve;
    (b) A description of existing non-contributing structures, premises, and uses likely to have an adverse effect on the desired character of the zone, including those near and visually related to the zone with maps, photographs, and other data indicating the reasons for such an effect.

2. An analysis of lands not occupied by structures, including lands near and visually related to the zone. For public lands, ownership, use, and location must be indicated. For private lands, assessed valuation must be added as well as existing zoning and planned land use.
3. Recommendations concerning detailed regulations to be applied in the zone, to supplement or modify general regulations set forth herein, may include the following:

    (a) Permitted and prohibited principal and accessory uses and structures;
    (b) Minimum lot and setback requirements;
    (c) Maximum lot coverage by all buildings;
    (d) Maximum height of structures;
    (e) Off-street parking and loading requirements;
    (f) Control of signs and exterior illumination;
    (g) Control of exterior character of buildings and sites when visible from a public way only, and;
    (h) Recommended zoning amendments, closing of public rights-of-way, creation of pedestrian walkways or common areas and control of additions to or removal of existing buildings where the controls and regulations are only for the express purpose of preventing changes which are

architecturally incompatible with the buildings, structures, or sites to be preserved.

C. A review of the survey or study must be completed every 5 years or earlier if necessary.

D. Once the Historic Designation Report is compiled, the Urban Design Review Board must propose to the City Commission that the findings be printed and a copy be made available to the public library.

E. Historic area boundaries may not be extended beyond 100 feet of the historic area.

F. Historic areas may be defined by specific boundaries. Both sides of the street may be included when desirable.

**12.13.07 Review and Decision-Making Criteria**

To be designated as historic, structure, area, or site must meet one or more of the following criteria:

A. Its value as a reminder of the cultural or archeological heritage of the city, state, or nation;

B. Its location as a site of a significant local, state, or national event;

C. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation;

D. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation;

E. Its value as a building that is recognized for the quality of its architecture, and that retains sufficient elements showing architectural significance;

F. Its characteristic of an architectural style of a period;

G. Its character as a geographically definable area possessing a significant concentration of sites, buildings, objects or structures united by architectural style, by a plan, or by physical development;

H. Its character as an established and geographically definable neighborhood united by culture or past events.

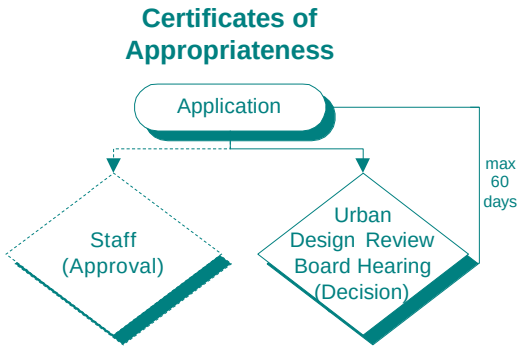
### 12.13.08 Amendments or Rescission

The amendment or rescission of any historic designation must be made in accordance with the procedure required by this section for the original designation.

## Section 12.14 Certificates of Appropriateness (Historic)

### 12.14.01 Applicability

Within the boundaries of a Historic Preservation Overlay zone or a Chapter 99 Development Plan that calls for the application of design guidelines in the Development plan area or within Subdistrict 5 of the Linden Gateway District Zone, the alteration of the exterior appearance or demolition of any existing structure, or construction of a new structure, or portions thereof, may not be undertaken until a Certificate of Appropriateness has been issued. However, a Certificate of Appropriateness is not required for:




A. Ordinary maintenance and repair where the purpose of the work is to correct deterioration to the structure or where no change is made to the appearance of a building or site. Ordinary maintenance and repair includes:

1. Repainting a building the same color;
2. Replacement of window glass (but not the style or type of windows);
3. Caulking and weather-stripping;
4. Installation of minor landscaping, including the planting vegetable and flower gardens, shrubs, and trees, except when part of overall landscaping or replanting of yard space;
5. Pruning trees and shrubbery and removal of trees less than 6 inches in diameter;
6. Repairs to walks, patios, fences, and driveways, provided that replacement materials match the original or existing materials in detail and color;

7. Replacement of small amounts of missing or deteriorated original or existing siding, trim, roof coverings, porch flooring, steps, and the like, as long as replacement materials match the original or existing materials in detail and color;
8. Replacement of gutters and downspouts as long as the color and shape matches the original;
9. Erection of temporary signs such as real estate and political signs;
10. Installation of house numbers and mailboxes that are compatible with the original in style, size and material;
11. Repair of existing street or yard lighting.
12. Any construction, alteration, or demolition duly approved prior to the effective date of this section.

B. Any construction, alteration, or demolition that only affects the interior of the structure.

C. Any alteration or demolition undertaken by the City, or any alteration or demolition that is necessary to correct or abate a condition that has been declared unsafe by the Fire Department or the Code Enforcement Department after notification to the Historic Preservation Officer and where emergency measures have been declared necessary by such departments.

**12.14.02 Application**

A. An application for a Certificate of Appropriateness must be filed by the owner of the subject property or the owner's authorized agent.

B. Applications must be filed with the Historic Preservation Officer, who must forward the application to the Urban Design Review Board, unless staff approval is authorized by Sec. 12.14.03.

C. There is no application fee for a Certificate of Appropriateness; however, a Certificate of Appropriateness must be obtained before any work is initiated.

D. Any person who performs work without a Certificate of Appropriateness may be required to have their application heard before the Urban Design Review Board and will be required to pay a $50.00 application fee to cover administrative costs.

E. Contents

1. Prior to either the preparation of working drawings and specifications or calling for proposals or bids from contractors, applicants are encouraged to prepare preliminary scale drawings and outline specifications, including color samples, for review and informal discussion with the Historic Preservation Officer. The purpose of this review is to identify any inconsistencies between the proposed work and Covington Design Guidelines and any applicable Chapter 99 Development Plan guidelines, and allow for discussion of alternative treatments.
2. Every application for alterations or additions to existing structures or the erection of any new structure within the boundaries Historic Preservation Overlay zone or Chapter 99 Development Plan area or within Subdistrict 5 of the Linden Gateway District Zone must be accompanied by drawings of the proposed exterior alterations, additions, or changes. For new construction, all buildings and other site improvements must be indicated on the drawings. For demolition, all proposed changes to any remaining structures and any site improvements must be indicated on the drawings.
3. As used herein, “drawings” mean site plans, elevations, and/or perspectives drawn at a scale with sufficient detail to show the location of improvements on the site (if applicable) and the architectural design and exterior appearance of buildings and structures on the site. These drawings must include the following information (unless waived by the Historic Preservation Officer):

    (a) Existing and proposed principal and accessory buildings, including location, dimensions, and height;
    (b) Access points and off-street parking spaces;
    (c) Driveways, sidewalks, walkways, terraces, and other paved surfaces;
    (d) Accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
    (e) Existing and proposed landscape areas and materials, if proposed to be altered;
    (f) Proposed materials, textures, and colors, including samples of materials or color samples.
    (g) All properties immediately adjacent to the site must also be included in the site plan; a site section

and/or site elevations, including any adjacent properties, may be required for new construction.

4. An application for a Certificate of Appropriateness is not considered complete until all illustrative material necessary to adequately describe the proposed project has been submitted to the Historic Preservation Officer. The Urban Design Review Board may refuse to consider an application for a Certificate of Appropriateness if it judges that insufficient information has been provided by the applicant.

**12.14.03 Staff Approval**

The Historic Preservation Officer is hereby authorized to issue Certificates of Appropriateness without review by the Urban Design Review Board, under the following circumstances:

A. An application may be approved by the Historic Preservation Officer only if it is for an alteration to an existing structure and the procedures and criteria outlined in Sec. 12.14.06, A. are followed. The application must be determined to be consistent with the Covington Design Guidelines and any applicable Chapter 99 Development Plan guidelines.

B. The Historic Preservation Officer may not approve any application for any new construction or for the demolition of a principal or contributing structure.

C. The Historic Preservation Officer may refer any project to the Urban Design Review Board upon which it may otherwise act, due to the complexity of the project or uncertainty as to its consistency with the Covington Design Guidelines and any applicable Chapter 99 Development Plan guidelines.

D. The Historic Preservation Officer may not disapprove any project. Any application which is not approved by staff must be forwarded to the Urban Design Review Board in accordance with Sec. 0.

E. Upon issuance of a Certificate of Appropriateness by the Historic Preservation Officer, all other provisions of this section must be followed, and the Historic Preservation Officer must notify the Urban Design Review Board of such action at its next regular meeting.

**12.14.04 Public Hearing Notice**

When an application is made for a Certificate of Appropriateness that consists of new construction, demolition, or moving of a principal or contributing structure, substantial alteration of a structure, or is forwarded by the Historic Preservation Officer, a public hearing must be held by the Urban Design Review Board. Applications for minor alterations or additions to existing structures, construction of accessory structures, or other site improvements and major landscaping do not require a public hearing.

A. Mailed

1. When a public hearing is required, written notice must be given at least seven calendar days in advance to the applicant and all owners of the property. All adjacent neighbors will be notified in cases of demolition of a principal or contributing structure, new construction, or substantial alterations to a building.
2. Written notice must be sent by first class mail.
3. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail must be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to 2 or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

B. Posted

Notice of all required public hearings for requests for demolition of principal structures, new construction, or substantial alteration to an existing structure must be posted conspicuously on the subject property for at least seven calendar days prior to the public hearing. The posting must consist of one or more signs, constructed of durable material and clearly depicting the following information:

1. the words "CERTIFICATE OF APPROPRIATENESS" (3-inch high lettering);
2. the date, place, and time of the public hearing (one-inch high lettering); and

3. the address, including telephone number, of the Historic Preservation Officer where additional information regarding the hearing may be obtained.

**12.14.05 Urban Design Review Board Hearing/Action**

A. The Urban Design Review Board must hold regular meetings, at least once a month, and review applications that have been received by the staff 10 business days or more prior to each meeting. The Urban Design Review Board must hold at least one public hearing on all applications for Certificates of Appropriateness that involve new construction, demolition of principal or contributing structures, or substantial alterations to a building. The applicant must be informed of the time and place at which the Urban Design Review Board will consider the application and the applicant will be heard.

B. Following the Urban Design Review Board's review and public hearing, if required, the Board must take action, by simple majority vote, on applications for Certificates of Appropriateness, based on the review and decision-making criteria of Sec. 12.14.06.

C. In acting on an application for a Certificate of Appropriateness, the Urban Design Review Board is authorized to approve, approve with modifications, or disapprove the application.

D. If the Urban Design Review Board approves an application, it must cite the appropriate section(s) of the Covington Design Guidelines or any applicable Chapter 99 Development Plan guidelines. A Certificate of Appropriateness must then be issued to the applicant and signed by the Historic Preservation Officer on behalf of the Chairperson or Vice-Chairperson. The Certificate of Appropriateness must be attached to the application, along with documents approved by the Urban Design Review Board, and must be transferred to the office of the Zoning Administrator and Building Inspector. All documents approved by the Urban Design Review Board must be stamped accordingly. The Zoning Administrator or Building Inspector must thereupon process the application in the usual manner.

E. If the Urban Design Review Board disapproves an application, it must cite the appropriate section(s) of the Covington Design Guidelines or any applicable Chapter 99 Development Plan guidelines, for such disapproval and must transmit a record of such action and the reasons therefore in writing to the Zoning

Administrator and Building Inspector and to the applicant. No further action may be taken by the Zoning Administrator or Building Inspector on the application. The applicant may modify the application to make it acceptable to the Urban Design Review Board and has the right to resubmit the application at any time.

F. The Urban Design Review Board must act within 60 days of receipt of a complete application. The failure of the Urban Design Review Board to approve or disapprove such application within such time, unless otherwise mutually agreed by the applicant and the Urban Design Review Board, will be deemed to constitute disapproval and the issue will be considered to have been resolved. The applicant has the right to re-apply to the Urban Design Review Board again, if they so choose.

G. After a Certificate of Appropriateness has been issued in accordance with this section, the project must, from time to time, be inspected in the field to review the construction, reconstruction, alteration, maintenance, or repair as authorized and such action as is necessary must be taken to assure compliance with the approved application.

H. Approval of a Certificate of Appropriateness does not exempt the applicant from complying with all of the requirements of this zoning ordinance, the Building Code, Housing Code, and other regulations of the City.

**12.14.06 Review and Decision-Making Criteria**

In acting on any application for a Certificate of Appropriateness, the Urban Design Review Board must follow the procedures and make findings regarding the applicable criteria as follows:

A. If the work involves the alteration of an existing structure or site, including demolition of additions, the staff or Urban Design Review Board must first determine whether the structure or site is contributing based on:

1. Its value as a reminder of the cultural or archeological heritage of the city, state, or nation;
2. Its location as a site of a significant local, state, or national event;
3. Its identification with a person or persons who significantly contributed to the development of the city, state, or nation;

4. Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation;
5. Its value as a building that is recognized for the quality of its architecture and that retains sufficient elements showing architectural significance;
6. Its characteristic of an architectural style of a period; or
7. Its character as a contributing element in a Historic Preservation Overlay zone or in a Historic Designation Report.

B. If the structure or site is determined to be contributing, the Urban Design Review Board must state the basis for such determination and must make the following findings to approve the proposed work:

1. That the proposed work is consistent with the Covington Design Guidelines or any applicable Chapter 99 Development Plan guidelines, and the historic and architectural character of the building, structure, appurtenance, or site will be properly preserved;
2. That the proposed project will not have a detrimental impact on the historic or architectural character of the property; and
3. That the proposed project is compatible with other properties in the Historic Preservation Overlay zone or Chapter 99 Development Plan area in terms of form, proportion, mass, texture, configuration, building materials, color, the location of the building on the lot, and the land use.

C. If the structure or site is not determined to be significant or contributing, to approve the proposed work, the Urban Design Review Board must find 12.14.06, B., 3. above and it must further find that the proposed work will not increase the incompatibility of an existing structure.

D. If the Urban Design Review Board fails to make positive finding(s) as required above, a Certificate of Appropriateness may not be issued unless the Urban Design Review Board finds:

1. That the proposed alterations are necessary for the continued viability of the structure and the cost of making these improvements in such a manner as to meet the above finding(s) will result in the building being incapable of

earning an economic return upon its value at that time, or upon future sale of the property in the case of an owner/occupant. The Urban Design Review Board may require cost estimates for an alternative that would comply with the design guidelines; or

2. The proposed project is required for the physical functioning of the building or health or safety reasons and no reasonable alternative is available to meet this need.

E. If the Urban Design Review Board finds that either of the latter two circumstances exists, every effort must be made to minimize the adverse impact of the proposed work and to allow for the work to be reversed in the future.

F. If the proposed work involves new construction (both infill and additions to existing structures), the Urban Design Review Board must make the following findings to approve the work:

1. That the proposed work is consistent with the Covington Design Guideline or any applicable Chapter 99 Development Plan guidelines; and
2. That the proposed project is compatible with other buildings in the Historic Preservation Overlay zone or approved Chapter 99 Development Plan area or within Subdistrict 5 of the Linden Gateway District Zone in terms of form, proportion, mass, texture, configuration, building materials, color, and location of the building on the lot.

G. Requests for approval of demolition, in whole or in part, or relocation of a contributing structure must also follow the procedures established in Sec. 12.14.07.

**12.14.07 Procedure and Criteria for Demolition and Moving of Structures**

The demolition or moving of all or part of a designated Historic Landmark or an existing building in a designated a Historic Preservation Overlay zone requires the approval of the Urban Design Review Board, in accordance with the following procedures:

A. The Urban Design Review Board must approve the Certificate of Appropriateness to demolish the structure if any one of the following circumstances is found to exist:

1. Demolition has been ordered by a responsible public official for reasons of public health and safety. In the case

of imminent danger, such demolition may occur prior to approval by the Urban Design Review Board; or

2. The demolition is requested for an inappropriate addition or a noncontributing building, and the Urban Design Review Board determines that the demolition will not adversely affect the character of the area, including the appearance of the streetscape in terms of the overall scale, rhythm, design, or unity; or
3. The proposed replacement structure and development will strengthen the viability of the area as a whole and will not adversely affect the character of the area, including the appearance of the streetscape in terms of the overall scale, rhythm, design, or unity; or
4. The demolition is consistent with plans or policies adopted by the Mayor and the City Commission.; or
5. In approving the Certificate of Appropriateness to demolish the structure, the Urban Design Review Board must state the basis for approval, pursuant to one of the above findings.

B. If none of the circumstances listed in Sec. 12.14.07, A. are found to exist, the Urban Design Review Board may approve the permit to demolish the structure only if it finds that the structure cannot be reused or cannot earn an economic return upon its value. If an owner requests a demolition permit for this reason, the Urban Design Review Board must hold a public hearing in accordance with Sec. 0 and the following procedures:

1. Unless otherwise agreed by the applicant, the hearing must be held at the next regular meeting of the Urban Design Review Board. In every case, however, the hearing must be held within 45 days of the date of the original application.
2. At the hearing, the owner must present reasons why the structure cannot be reused or cannot earn an economic return upon its value. Any other persons may speak at this hearing and may present evidence to demonstrate reuse potential or opportunities for an economic return upon its value.
3. Within no more than 90 days of the date of the hearing, the Urban Design Review Board must identify a satisfactory plan for the preservation of the structure. If such a plan is presented, the demolition may not be approved. In the event the Urban Design Review Board does not identify an economically feasible plan, or otherwise concurs with the showing by the owner, the demolition must be approved. If,

prior to the expiration of the 90-day period, the Urban Design Review Board identifies a preliminary plan for the preservation of the structure, the Urban Design Review Board must be given an additional period of time not to exceed 90 days to recommend a final plan.

4. If the Urban Design Review Board has taken no action to approve or disapprove the request within the 90-day period (or 180-day period if extended), the demolition must be allowed and permits must be issued by the Zoning Administrator and the Building Inspector.

C. If the Urban Design Review Board approves a Certificate of Appropriateness for demolition as per this subsection, it may require the applicant to perform mitigating actions, such as archival documentation of the structure and/or salvage and re-use of historic elements.

D. As an alternative to demolition that has been approved pursuant to Sec. 12.14.07, A. or Sec. 12.14.07, B., the Urban Design Review Board may approve the moving of an existing building where:

1. The new surroundings would be harmonious with the historical and architectural character of the building; and
2. The relocation would help preserve and protect a building of historical interest.

**12.14.08 Features not Subject to Review**

In reviewing an application for a Certificate of Appropriateness, the Urban Design Review Board may not consider interior arrangement or features that are not subject to any public view. The Urban Design Review Board may not impose any requirements except for the purpose of preventing development that is architecturally incompatible with the Historic Preservation Overlay zone or Chapter 99 Development Plan area or within Subdistrict 5 of the Linden Gateway District Zone.

**12.14.09 Expiration of Certificate of Appropriateness**

A Certificate of Appropriateness is valid for six calendar months from the date of issue. Work on the project must commence within that six-month time period, or the Certificate of Appropriateness will expire and be of no further effect. Once a Certificate of Appropriateness has expired, the applicant will be required to apply for a new Certificate of Appropriateness prior to initiating any work.

**12.14.10 Work Performed Without a Certificate of Appropriateness**

A. The City Manager has the right to revoke the occupational license of any person performing work without a required Certificate of Appropriateness.

B. Any work completed without a Certificate of Appropriateness that cannot be approved by the Historic Preservation Officer must be reviewed by the Urban Design Review Board and the owner will be required to pay a $100.00 application and review fee to cover administrative costs thereof.

C. Any violation of provisions within this article is subject to the provisions of Article 15.

### 12.14.11 Maintenance of Historic Structures; Emergency Conditions

A. Maintenance of Historic Structures

All contributing buildings and structures in Historic Preservation Overlay zones or any Chapter 99 Development Plan areas or within Subdistrict 5 of the Linden Gateway District Zone must be properly maintained and repaired, in accordance with applicable city ordinances and codes. Should an owner deliberately omit essential maintenance and repairs, which would eventually result in the building becoming so run down that it would be constitutionally unreasonable for the City to refuse to allow the owner to demolish the building, the Urban Design Review Board will bring this matter to the Historic Preservation Officer and/or the Code Enforcement Department, which will immediately require the owner or agent to undertake protective maintenance and repair to further the economy, health, safety, and general welfare of the City and nothing in this section should be construed to prevent ordinary maintenance or repairs of any structures.

B. Emergency Conditions

In any case where the Code Enforcement Department determines that there are emergency conditions dangerous to life, health, or property affecting an historic structure or area, he or she may order these conditions remedied without the approval of the Urban Design Review Board. The Historic Preservation Officer must promptly notify the Chairperson of the Urban Design Review Board of the action being taken.

# Section 12.15 Design Review

## 12.15.01 Applicability

Design review procedures are applicable to:

A. Applications for waivers or modifications of the residential Infill Development Standards of Section 2.04, the commercial Character Standards of Section 3.05, the Mixed Use Corridor Overlay standards of Section 5.08, and the Linden Gateway District Zone of Section 4.07.

B. Applications for demolition, erection, physical expansion, or exterior remodeling of building or premises, including accessory uses or appurtenances to the principal use, in Area Protection Overlay zones.

## 12.15.02 Application

A. An application for design review must be filed by the owner of the subject property or the owner's authorized agent.

B. Application must be filed with the Historic Preservation Officer.

C. Contents

1. Every application for waiver or modification of the residential infill development standards of Section 2.04 or commercial character standards of Section 3.05 must be accompanied by drawings that contain sufficient information to enable the Urban Design Review Board to determine whether the plans meet the review and decision-making criteria of Section 12.15.04. These plans and drawings must indicate all proposed buildings and other site improvements.

   As used herein, "drawings" mean site plans, elevations, and/or perspectives drawn at a scale with sufficient detail to show the exterior appearance of proposed buildings and structures and location of existing and proposed improvements on the site. These drawings must include the following information:

   (a) Existing and proposed principal and accessory buildings, including location, dimensions and height;

(b) Front building elevations (facing the street), including dimensions and locations of doors, windows, garages, porches, and other architectural features.
(c) Access points and off-street parking spaces;
(d) Driveways, sidewalks, walkways, terraces, and other paved surfaces;
(e) Accessory structures, including walls, fences, lighting, signs, and other site improvements;
(f) Existing and proposed landscape areas and materials, if proposed to be altered.
(g) All properties immediately adjacent to the site must also be included in the site plan; a site section and/or site elevations, including any adjacent properties, may be required.

2. An application for design review is not considered complete until all illustrative material necessary to adequately describe the proposed project has been submitted to the staff. The Urban Design Review Board may refuse to consider an application for design review if it judges that insufficient information has been provided by the applicant.

### 12.15.03 Urban Design Review Board Action

A. The Urban Design Review Board must review complete applications for design review that have been received by the staff 10 or more business days prior to each regular meeting. The applicant must be informed of the time and place at which the Urban Design Review Board will consider the application and the applicant will be heard.

B. Following the Urban Design Review Board's review, it must take action, by simple majority vote, on applications for design review, based on the review and decision-making criteria of Sec. 12.15.05.

C. In acting on an application for design review, the Urban Design Review Board is authorized to approve, approve with modifications or conditions, or disapprove the application. Where necessary, the Urban Design Review Board may recommend a variance be requested from the Board of Adjustment. Any recommendation by the Urban Design Review Board for approval that requires a variance from the Board of Adjustment must be conditioned on the granting of the variance to the applicant.

D. If the Urban Design Review Board approves an application, it must be signed by the Historic Preservation Officer on behalf of the Chairperson or Vice-Chairperson, and transferred to the office of the Zoning Administrator and Building Inspector. All prints and other documents approved by the Urban Design Review Board must be stamped accordingly. The Zoning Administrator or Building Inspector must thereupon process the application in the usual manner.

E. If the Urban Design Review Board disapproves an application for a waiver or modification, it must state its reason for doing so and must transmit a record of such action and the reasons therefore in writing to the Zoning Administrator and Building Inspector and to the applicant. No further action may be taken by the Zoning Administrator or Building Inspector on the application. The applicant may modify the application to make it acceptable to the Urban Design Review Board and has the right to resubmit the application at any time.

F. Any action taken by the Urban Design Review Board on applications from Area Protection Overlay zones must be forwarded as a written recommendation to the City Commission within 14 days. The basis for the recommendation and any conditions thereto are to be included.

G. The Urban Design Review Board must act within 60 days of receipt of a complete application. The failure of the Urban Design Review Board to approve or disapprove such application within such time, unless otherwise mutually agreed by the applicant and the Urban Design Review Board, will be deemed to constitute disapproval and the issue will be considered to have been resolved. The applicant has the right to resubmit another application at any time.

H. Approval of an application for design review does not exempt the applicant from complying with all of the requirements of this zoning ordinance, the Building Code, the Housing Code, and other ordinances and regulations of the City.

### 12.15.04 Area Protection Overlay Zone Action

For applications involving Area Protection Overlay zones, the City Commission, after receiving the report of the Urban Design Review Board, must, within 60 days after receipt of the report, review the recommendations of the Urban Design Review Board and take action to

approve or disapprove the proposal. If approved, the proposal must be forwarded to the Zoning Administrator for further processing, in accordance with the requirement of this or other applicable city ordinances. In the event the application is disapproved by the City Commission, notice of the action and the basis for disapproval must be forwarded to the applicant.

**12.15.05 Decision-Making and Review Criteria**

These guidelines and review criteria must be used by the Urban Design Review Board in considering all applications for design review:

A. whether the proposal respects the character of the neighborhood or business district, reinforcing its identity through design that is sympathetic to the architectural context of the surrounding area in terms of massing, form, materials, texture, scale and architectural treatment;

B. whether the front building elevations (facing the street) and the overall massing of the building emphasize human scale and the pedestrian environment;

C. whether the proposed building has been designed to form part of a larger composition of the surrounding area by being of similar scale, height, architectural treatment, and orientation;

D. whether building silhouettes (scale and pitch of rooflines) are consistent with the context created by nearby buildings;

E. whether the proportion of windows, bays, and doorways is consistent with the context created by nearby buildings;

F. whether the proposed development uses lighting and related structures as an integrated element in landscaping, architectural treatment, and pedestrian environment;

G. for commercial developments, whether the location and design of parking, curb cuts, driveways, and/or drive-through facilities minimize potential impact on the pedestrian environment, both physically and visually, and maintain, to the greatest degree possible, building massing and orientation toward street frontage(s).

H. for commercial developments that are located at an intersection of both arterial and collector streets, ingress and egress to parking, driveways, and/or drive-through facilities shall be oriented to

minimize potential impact on the pedestrian environment, both physically and visually, and maintain, to the greatest degree possible, building massing and orientation toward street frontage(s).

I. for applications in Area Protection Overlay zones, whether the proposal is consistent with the adopted goals and objectives for future development within the area as noted by the City in identifying the area for consideration as a development plan project under KRS Chapter 99.

J. for applications in the MUC-O zone, whether the proposal is consistent with the adopted goals, objectives, and purposed for future development as established in Section 5.08.01.

K. for applications in the LGD zone, whether the proposal is consistent with the adopted goals, objectives, and purposed for future development as established in Section 4.07.01.

## Section 12.16 Appeals of Urban Design Review Board Decisions

### 12.16.01 Applicability

A decision by the Urban Design Review Board to deny a Certificate of Appropriateness or an application for waiver or modification may be appealed to the City Commission.

### 12.16.02 Application

An application for an appeal from a decision by the Urban Design Review Board must be filed by the owner of the subject property or the property owner's authorized agent. Such appeal must be made in writing and must be filed with the Historic Preservation Officer within 30 days after the Urban Design Review Board takes final action on the application.

### 12.16.03 City Commission Action

A. The Mayor and the City Commission will be notified of the appeal and it will be placed on the agenda for a regular or special meeting of the City Commission.

B. In reviewing an appeal, the City Commission must review the record of the Urban Design Review Board regarding the issue appealed and determine whether the procedures and criteria established in Section 12.14 or Section 12.15 have been followed and/or whether the decision of Board was arbitrary, based on the

record. If the City Commission finds that an error has been made, it has the authority to order the issuance of a Certificate of Appropriateness or approve an application for design review, in accordance with the applicable procedures and criteria, or may remand the issue to the Urban Design Review Board for further consideration, stipulating certain facts.

C. If the City Commission finds no cause of action, it must uphold the decision of the Urban Design Review Board.

D. It is the intent that the City Commission will be lenient in its judgment of plans for new construction or for alteration, repair, or demolition of structures determined to be non-contributing, except where such construction, alteration, repair, or demolition would seriously impair the historic or architectural value of the surrounding structures or area. It is not the intent of this subsection to limit new construction, alteration, or repair to any single period of architectural style.

### 12.16.04 Appeal to Circuit Court

A decision of the City Commission may be appealed to the Kenton Circuit Court within 30 days after the final decision of the City Commission on the appeal from the Urban Design Review Board decision. The appeal to the Circuit Court must follow the procedures set forth in the Kentucky Revised Statutes if it is alleged that there is an error in any order, requirement, decision, or determination made by the City Commission or Urban Design Review Board in carrying out their duties as set forth in this section. The computation of the 30-day timeframe must be in accordance with KRS 446.030.

## SECTION 12.17 Administrative Adjustments

### 12.17.01 Purpose

Administrative adjustments are minor specified deviations from otherwise applicable quantitative standards as specified below

### 12.07.02 Applicability

A. Any adjustment greater than those listed below shall be reviewed by the Board of Adjustment as provided in Section 12.08 Zoning Variances.

B. The Zoning Administrator shall have authority to authorize an adjustment of up to 10% of the quantitative standards of Section 2.03; Section 3.04; and Section 3.05 subject to the following standards:

1. Such adjustment shall not increase the degree of any nonconformity
2. No adjustment shall be allowed for work that originally occurred without the appropriate permits

**12.07.03 Petition**

A petition for an administrative adjustment shall include an explanation of the reason for the requested administrative adjustment, the specific administrative adjustment requested and any other material necessary to ensure the criteria in Section 12.07.02 above

**12.07.04 Affidavit Required**

Where a proposed administrative adjustment is for a rear or side yard setback along a property line that abuts another parcel or alley (but not a public right-of-way), the applicant shall submit an affidavit from the owner of any abutting property expressing whether such owner consents to or opposes the proposed adjustment. If consent is not given, the proposed setback adjustment shall be denied and the applicant will therefore require the request of a variance which will be reviewed and decided by the Board of Adjustment as provided in Section 12.08 Zoning Variances.

**12.07.05 Review and Action by Zoning Administrator**

The Zoning Administrator shall review the petition in conjunction with a site plan or other proposal and approve, approve with conditions, deny, or refer the petition to the Board of Adjustment based upon the criteria below. A written decision shall be provided to the applicant by certified mail. The applicant must obtain the appropriate City permit reflecting an approved administrative adjustment.

**12.07.06 Administrative Adjustment Criteria**

To approve a petition for an administrative adjustment, the Zoning Administrator shall make an affirmative finding that all of following criteria are met:

A. The adjustment requested will be the minimum adjustment necessary for reasonable use of the property; and

B. Granting the administrative adjustment will not have an adverse impact on land use compatibility; and

C. Granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations; and

D. Granting the administrative adjustment will be consistent with the purposes and intent of these zoning regulations

**12.07.08 Further Relief**

The decision of the Zoning Administrator is final. However, if the applicant is aggrieved by the decision, then in lieu of petitioning for another administrative adjustment, the applicant may apply for a variance as provided in Section 12.08 Zoning Variances. If a variance is sought, then any relief that may have been provided by the administrative adjustment shall not be a factor in the consideration of the variance.

# Article 13. Review and Decision-Making Bodies

Section 13.01 Enforcing Officer.....13-1
Section 13.02 Board of Adjustment..... 13-1
Section 13.03 Urban Design Review Board.....13-4

## Section 13.01 Enforcing Officer

The Zoning Administrator is designated as the administrative official to administer zoning regulations. The administrative official will not have the power to permit any use or change of use that does not conform to the zoning regulations.

## Section 13.02 Board of Adjustment

### 13.02.01 Establishment; Makeup

A. The Board of Adjustment must consist of five members, all of whom must be citizen members and not more than 2 of whom may be citizen members of the Planning Commission.

B. The Mayor will be the appointing authority of the Board of Adjustment, subject to the approval of the City Commission.

C. The term of office for the Board of Adjustment is 4 years, but the term of office of members first appointed must be staggered so that a proportionate number serve one, 2, 3 , and 4 years, respectively.

D. Vacancies on the Board of Adjustment must be filled within 60 calendar days by the appropriate appointing authority. If the authority fails to act within that time, the Planning Commission must fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it must be filled for the remainder of that term.

E. All members of the Board of Adjustment must, before entering on their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace, in the zone or county in which they reside.

F. Reimbursement for expenses or compensation or both may be authorized for members on the Board of Adjustment.

G. Any member of the Board of Adjustment may be removed by the Mayor, subject to the approval by the City Commission, for inefficiency, neglect of duty, malfeasance, or conflict of interest.

The Mayor exercising the power to remove a member from the Board of Adjustment must submit a written statement to the Planning Commission setting forth the reasons and the statement must be read at the next meeting of the Board of Adjustment which must be open to the general public. The member so removed will have the right of appeal from the removal to the circuit court of the county in which he or she resides.

H. The Board of Adjustment must elect annually a Chairperson, Vice Chairperson, and Secretary, and any other officers it deems necessary, and any officer will be eligible for reelection at the expiration of this term.

### 13.02.02 Meetings of the Board of Adjustment

A. The Board of Adjustment must conduct meetings at the call of the Chairperson, who must give written or oral notice to all members of the Board of Adjustment at least seven days prior to the meeting, which notice must contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.

B. A simple majority of the total membership of the Board of Adjustment, as established by regulation or agreement, will constitute a quorum.

C. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body must disclose the nature of the interest and must disqualify himself or herself from voting on the question.

D. The Board of Adjustment must adopt bylaws for the transaction of business and must keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which must, immediately after adoption, be filed in the office of the Board of Adjustment. A transcript of the minutes of the Board of Adjustment must be provided if requested by a party, at the expense of the requesting party, and the transcript must constitute the record.

E. The Board of Adjustment will have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government.

F. The Board of Adjustment will have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.

G. The Chairperson of the Board of Adjustment will have the power to administer an oath to witnesses prior to their testifying before the Board of Adjustment on any issue.

H. The Board of Adjustment may appoint one or more of its members to act as hearing examiner to preside over a public hearing or public meeting and make recommendations to the Board of Adjustment based upon a transcript or record of the hearing.

**13.02.03 Powers and Duties**

The Board of Adjustment has the following powers and duties:

A. To hear and decide on applications for zoning variances.

B. To hear and decide appeals where is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a Zoning Administrator in the enforcement of this zoning ordinance.

C. To hear and decide applications for conditional-use permits to allow the proper integration into the community of uses which are specifically named herein.

D. To hear and decide, in accordance with the provisions of this zoning ordinance and the adopted comprehensive plan, requests for the change from one nonconforming use to another or the enlargement or extension of certain nonconforming uses, pursuant to KRS 100.253.

**13.02.04 Decisions**

A. In exercising its powers and duties, the Board of Adjustment may, so long as such action is in conformity with the provisions of this zoning ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the Zoning Administrator, from whom the appeal is taken.

B. A majority of Board of Adjustment members present and voting will be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, so long as such action

is in conformity with the provisions of this zoning ordinance; or to decide in favor of the applicant on any matter on which it is required to pass under this zoning ordinance; or to effect any variation in the application of this zoning ordinance.

C. The details of the decision of the Board of Adjustment must be forwarded to the Zoning Administrator.

## Section 13.03 Urban Design Review Board

### 13.03.01 Purpose

A. The Urban Design Review Board and the procedures for which it is responsible for implementing are intended to promote the educational, cultural, travel, industry, and other economic resources and the general welfare of the city by preserving and protecting the old, historic, or architecturally worthy structures, sites, monuments, streetscapes, squares, and neighborhoods. It is the unique character of Covington's residential and commercial neighborhoods that imparts distinctiveness to the city and which serves as visible reminders of the history and cultural heritage of the city, the state, and the nation.

B. The Urban Design Review Board is established for the purpose of stabilizing and improving property values in the City and encouraging new buildings and developments that will be harmonious with the existing historic buildings and districts but will not necessarily be of the same architectural style. Regulations in such areas are intended to protect against destruction of or encroachment upon such areas, structures, or sites, to encourage uses which will lead to their continuance, conservation, and improvement in a manner appropriate to the preservation of the cultural, social, economic, political, architectural, or archeological heritage of the city; to prevent creation of environmental influences and adverse conditions to such purposes; and to assure that new structures and uses in such areas will be in keeping with the character to be preserved and enhanced. The purpose is to develop the City not as a museum but as a vital living area in which each succeeding generation may build with the quality and sensitivity of past generations.

### 13.03.02 Establishment; Makeup

A. An Urban Design Review Board must consist of nine members who shall be appointed by the Board of Commissioners, and who

have demonstrated knowledge of or interest in the preservation of historic and architectural landmarks.

B. The nine members must be selected from the following organizations or professions, and must be appointed by the Mayor and City Commission:

1. One member from the American Institute of Architects, recommended by the Institute.
2. One member from the Board of Realtors or Appraisers, recommended by either organization.
3. One member from Covington Business Council, recommended by the organization.
4. One member from the Main Strasse Village Association, recommended by the Association, or a member that lives in the Main Strasse area.
5. Five members representing Historic Preservation Overlay zones or KRS Chapter 99 Development Plan areas where the Urban Design Review Board has review authority.

C. All appointees must be residents of the city whenever possible.

D. All members must have a demonstrated interest in historic preservation, and at least 2 members must have training or experience in a preservation-related profession, architecture, landscape architecture, history, archeology, architectural history, planning, or related fields. Appointments to the Urban Design Review Board must, whenever possible, be consistent with the above guidelines as to individual membership. Whenever possible, appointments should be made primarily from the above listed organizations; but when nominees are not available from such organizations, the City Commission reserves the right to nominate other interested individuals.

E. The Urban Design Review Board must keep accurate attendance figures and report annually on the attendance of members. In the event that any member of the Urban Design Review Board is absent from more than one-third of the regularly scheduled meetings, the City Commission reserves the right to reconsider such Urban Design Review Board member's appointment and to replace such Urban Design Review Board member for the reason of excessive absenteeism. Such replacement must be consistent with the general appointive guidelines of this section.

### 13.03.03 Terms of Office

A. The members of the Urban Design Review Board may serve without pay but may be reimbursed by the City for necessary expenses incurred in connection with their duties. The members must serve overlapping terms of four years or until they are reappointed or their successors are appointed. Initially 3 members must be appointed for a term of one year, 2 members for a term of 2 years, and 2 members for a term of 3 years, and 2 members for a term of four years. Members may be reappointed for consecutive terms. After the initial appointments, all appointments must be made for a term of four years.

B. If a member representing a designated organization or profession will cease to be a member of that organization or profession, or if a vacancy will occur from some other cause, a new appointment must be made by the Mayor and City Commission for the unexpired term, using the procedures of appointment set forth above.

C. Vacancies on the Urban Design Review Board must be filled within 60 days, with the replacement completing the term of the previous member.

### 13.03.04 Organization

A. The Urban Design Review Board must elect from its membership a Chairperson and a Vice Chairperson who must serve for terms of one year and who must be eligible for reelection. The Chairperson must preside over the Urban Design Review Board and must have the right to vote. In the absence or disability of the Chairperson, the Vice Chairperson must perform the duties of the Chairperson.

B. The Secretary of the Urban Design Review Board must be the Historic Preservation Officer. The Urban Design Review Board must receive assistance in the performance of its responsibilities from the Historic Preservation Officer whose assigned duties must include this work with the Urban Design Review Board and who must have expertise in historic preservation or a closely related field. Other city staff members must assist the Urban Design Review Board by providing technical advice or helping in the administration of these sections of the zoning ordinance.

C. A majority of the members of the Urban Design Review Board must constitute a quorum. The Urban Design Review Board must

adopt and make public a set of bylaws for the transaction of its business which must provide for the time and place of regular meetings and for the calling of special meetings by the Chairperson or by at least 2 members of the Urban Design Review Board. All meetings of the Urban Design Review Board must be open to the public and a public record must be kept of the Urban Design Review Board's resolutions, proceedings, and actions. The Urban Design Review Board must hold at least four meetings per year, scheduled at regular intervals in a public place. The decisions of the Urban Design Review Board must be made in public with applicants notified of meetings and decisions.

D. The Urban Design Review Board is empowered to issue a Certificate of Appropriateness upon a majority vote of Urban Design Review Board members present and voting. It may be signed by the Historic Preservation Officer on behalf of the Chairperson or Vice-Chairperson.

E. The Urban Design Review Board must cause full minutes of its meetings to be kept, and upon approval by the Urban Design Review Board, they must be filed with the Secretary/Historic Preservation Officer, who must make them available for public inspection and must file and maintain them in a manner similar to that provided for minutes of meetings.

F. No member of the Urban Design Review Board may vote on any matter that may affect the property, income, or business interests of that member. Urban Design Review Board members are not allowed to participate in discussions at Urban Design Review Board meetings (either as a sitting member or as an applicant) about any property in which they may have an interest and they must disqualify themselves prior to the beginning of a discussion about property in which they have an interest.

### 13.03.05 Duties and Powers

A. The Urban Design Review Board must conduct a continuing survey of historical and cultural resources according to State Historic Preservation Office guidelines and must maintain an inventory of these resources in its jurisdiction for use by public agencies and private owners. The Urban Design Review Board must prepare a plan for the preservation of these resources for use in advising other officials and departments of local government.

B. The Urban Design Review Board must make recommendations to the City Commission for the designation of Historic Landmarks and Historic Preservation Overlay zones.

C. The Urban Design Review Board must make decisions on requests for Certificates of Appropriateness. The Urban Design Review Board must use the Covington Design Guidelines or any applicable Chapter 99 Development Plan area guidelines in making decisions on these requests to alter, demolish, relocate, or add to a designated property, or to build a new structure in designated Historic Preservation Overlay zones or Chapter 99 Development Plan areas.. The guidelines may include the United States Secretary of the Interior's Standards for for Rehabilitation.

D. The Urban Design Review Board must make decisions on requests for exterior alterations, demolitions, and new construction in Area Protection Overlay zones. The Urban Design Review Board must use the Review and Approval Criteria of Sections 12.14 and 12.15.

E. The Urban Design Review Board must make decisions on requests for waivers or modifications of the infill development standards of this ordinance. The Urban Design Review Board must use the Review and Approval Criteria in accordance with Section 12.15.

F. The Urban Design Review Board must advise and assist the federal and state governments and property owners and other persons and groups interested in historic preservation. The Urban Design Review Board must undertake educational programs that may include the preparation of publications, the holding of meetings on preservation issues and the placing of historical markers.

G. The Urban Design Review Board may initiate plans for the rehabilitation of individual historic structures.

H. Each Urban Design Review Board member must attend each year one informational or educational meeting that has been approved by the State Historic Preservation Officer.

I. Nominations to the National Register of Historic Places

1. To participate in the certified Local Government Program, the city government must initiate local nominations to the National Register of Historic Places, and must request the Mayor and the Urban Design Review Board to submit

recommendations on each proposed nomination to the National Register.

2. The Mayor and the Urban Design Review Board must obtain comments from the public that will be included in their National Register recommendations.
3. Within 60 days of the receipt of a nomination from a private individual or the initiation of a nomination by the city government, the city government must inform the State Historic Preservation Office and the owner of the property of the 2 recommendations regarding the eligibility of the property.

    (a) If the Mayor and the Urban Design Review Board do not agree, both opinions must be forwarded in the city government's report.
    (b) If both the Mayor and the Urban Design Review Board recommend that a property not be nominated, the State Historic Preservation Office must inform the owner and the State Historic Preservation Review Board, and the property will not be nominated unless an appeal is filed with the State Historic Preservation Officer.
    (c) If either or both the Mayor and the Urban Design Review Board recommend that a property should be nominated, the nomination will receive a preliminary review by the State Historic Preservation Review Board.

4. The State Historic Preservation Review Board must make a recommendation to the State Historic Preservation Officer, who decides whether to forward the nomination to the United States Secretary of the Interior, who must make the decision on listing the property on the National Register.
5. The Mayor, the Urban Design Review Board, or the property owner may appeal the final decision by the State Historic Preservation Officer.
6. In the development of the Certified Local Government Program, the city government may ask the Urban Design Review Board to perform other responsibilities that may be delegated to the city government under the National Historic Preservation Act.

J. The Urban Design Review Board is responsible for review of applications for waivers or modifications of the infill development standards of this ordinance, in accordance with Section 12.15.

# Article 14. Nonconformities

Section 14.01 General..... 14-1
Section 14.02 Nonconforming Lots of Record..... 14-2
Section 14.03 Variances Authorized..... 14-3
Section 14.04 Nonconforming Structures..... 14-3
Section 14.05 Nonconforming Uses.....14-5

## Section 14.01 General

### 14.01.01 Scope

The regulations of this article govern uses, structures, and lots that came into existence legally but that do not conform to one or more requirements of this zoning ordinance. These are referred to as "nonconformities." Nonconformities are legal situations and have legal status under this zoning ordinance.

### 14.01.02 General Policy

To encourage development consistent with this zoning ordinance and provide landowners with reasonable use of their land, it is the general policy of the city to allow uses, structures, and lots that came into existence legally prior to adoption of the city's first zoning ordinance or in conformance with then-applicable requirements to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. While allowing such nonconformities to remain, it is not necessarily the policy of the city to encourage their long-term survival.

### 14.01.03 Purpose

The regulations of this article are intended to:

A. recognize the interests of landowners in continuing to use their property for purposes and activities that were legally established;

B. allow ongoing maintenance and upkeep of nonconforming situations until such time as the nonconforming situation is abandoned; and

C. prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

### 14.01.04 Authority to Continue

Any nonconformity that exists before August 15, 2006 or that becomes nonconforming upon the adoption of any amendment to this zoning

ordinance may be continued in accordance with the provisions of this article.

### 14.01.05 Determination of Nonconformity Status

The burden of proving that a nonconformity exists rests with the subject landowner.

### 14.01.06 Repairs and Maintenance

A. Incidental repairs and normal maintenance necessary to keep a nonconforming structure in sound condition are permitted unless such repairs are otherwise expressly prohibited by this zoning ordinance.

B. Nothing in this article will be construed to prevent structures from being structurally strengthened or restored to a safe condition in accordance with an official order of a public official.

### 14.01.07 Change of Tenancy or Ownership

Nonconformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

## Section 14.02 Nonconforming Lots of Record

### 14.02.01 Description

A “nonconforming lot of record” is a legally created lot, shown on a plat or survey map recorded in the office of the Kenton County Clerk, that complied with applicable lot area and lot width standards at the time of the lot’s creation, but does not comply with applicable lot area and lot width standards of the zone in which it is now located.

### 14.02.02 Single Lots of Record

Any single nonconforming lot of record may be used for any use or building type allowed by the zone in which it is located, whether or not the subject lot complies with minimum lot area and/or lot width standards, provided that:

A. the lot is located on an existing and improved public street;

B. the lot is in separate ownership from all adjacent and contiguous parcels, thereby precluding acquisition of the additional land area needed to comply with lot size standards; and

C. development on the lot complies with setback, height and other applicable standards of this zoning ordinance (other than lot area and/or width).

### 14.02.03 Two or More Contiguous Lots of Record

A. If 2 or more lots of record or combinations of nonconforming lots of record or portions of lots of record with continuous frontage on the same street are in single ownership, the lots involved are to be considered an undivided parcel.

B. No portion of such an undivided parcel that does not meet the applicable lot area and/or width standards of the zone in which it is located may be conveyed, transferred, subdivided, or used in any manner.

C. Any division of the parcel must create lots that comply with minimum lot area and width standards of the zone in which it is located.

## Section 14.03 Variances Authorized

The Board of Adjustment is authorized to approve variances for the construction of structures on nonconforming lots of record or variances from the requirements of this Section, in accordance with the variance procedures of Section 12.08.

## Section 14.04 Nonconforming Structures

### 14.04.01 Description

A nonconforming structure is any building or structure, other than a sign, that was legally established but no longer complies with the lot and building standards of this zoning ordinance. Nonconforming structures may remain, subject to the regulations of this section.

### 14.04.02 Alterations and Expansions

Structural alterations, including enlargements and expansions, are permitted if the proposed structural alteration complies with all applicable lot and building standards. For example, a building with a nonconforming front setback may be expanded to the rear as long as such rear expansion complies with applicable rear setback standards and all other applicable lot and building standards.

### 14.04.03 Use

A nonconforming structure may be used for any use allowed in the zone in which it is located.

**14.04.04 Moving**

A nonconforming structure may be moved in whole or in part to another location on the subject parcel only if the movement or relocation eliminates the nonconformity.

**14.04.05 Loss of Nonconforming Status**

A. Abandonment

Once a nonconforming structure is abandoned or made to conform, its nonconforming status is lost and the structure, or any replacement, must comply with the regulations of the zone in which it is located. A nonconforming structure will be considered abandoned when any of the following occurs:

1. the intent of the owner to discontinue all uses in the structure is apparent;
2. no use has been maintained in the structure for a period of 12 months or more;
3. a demolition permit has been applied for; or
4. all equipment and furnishings have been removed from the premises and have not been replaced by similar or other equipment and furnishings within 180 days, unless other facts show intention to resume use of the structure.

B. Intentional Damage or Destruction

When a nonconforming structure is intentionally destroyed or damaged by causes within the control of the property owner or tenant, all nonconforming structure rights are lost and re-construction of the nonconforming structure is prohibited.

C. Accidental Damage or Destruction

1. When a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the owner, to the extent of more than 50 percent of its fair market value, the structure may not be restored except in conformity with the regulations of the zone in which it is located.
2. When a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the property owner or tenant, to the extent of 50 percent or less of its fair market value, the structure and use may be restored or repaired provided that no new nonconformities

are created and the existing degree of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage, and once issued, construction must be diligently pursued.

## Section 14.05 Nonconforming Uses

### 14.05.01 Description

A nonconforming use is a land use that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zone in which it is now located.

### 14.05.02 Continuance of Use

The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it, may be continued although such use does not conform to the provisions of such regulations, except as otherwise provided herein.

### 14.05.03 Change of Use

The Board of Adjustment is authorized to permit a change from one nonconforming use to another if the new nonconforming use is in the same or a more restrictive zoning classification as the previous nonconforming use, subject to the following criteria:

A. The Board of Adjustment can permit the substitution of one nonconforming use for another nonconforming use only after holding a public hearing in accordance with the conditional-use procedure contained in Section 12.07.

B. In granting a substitution of nonconforming uses, the Board of Adjustment may attach conditions as it deems necessary and proper.

C. If the nonconforming use substitution has not occurred within one year after the date of approval, the approval will lapse and be of no further effect.

D. The change of a nonconforming use, as may be granted by the Board of Adjustment, applies to the property for which it is granted and not to the individual who applied, and therefore, cannot be transferred by the applicant to a different property.

### 14.05.04 Enlargements and Expansions

A. Except in accordance with subsection 14.05.04, B., the Board of Adjustment cannot allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulations which makes it nonconforming was adopted.

B. However, the Board of Adjustment may grant approval, effective to maintain nonconforming use status, for enlargements or extensions of the facilities of a nonconforming use that consists of presenting of a major public attraction(s) (e.g. sports events), which meets the following criteria:

1. It has been presented at the same site over a period of years;
2. It has such attributes and public acceptance that it has attained international prestige and has achieved the status of a public tradition;
3. It contributes substantially to the economy of the community and state;
4. With respect to the prestige and status of the attraction or event, the site is an essential element, and the enlargement or extension was or is designed to meet the increasing demands of participants and patrons.

C. The Board of Adjustment can permit the enlargement or extension of a nonconforming use in accordance with this subsection, only after holding a public hearing in accordance with the conditional-use procedure contained in Section 12.07.

D. In approving enlargement or extension of a nonconforming use, the Board of Adjustment may attach conditions as it deems necessary and proper.

### 14.05.05 Nonconforming Use Status Deemed

Pursuant to KRS 100.253(3), any use that has existed illegally and does not conform to the provisions of the city's zoning regulations, has been in continuous existence for a period of 10 years, and has not been the subject of any adverse order or other adverse action by the administrative official during this period is deemed a nonconforming use. Thereafter, the use will be governed by the provisions of this article.

### 14.05.06 Loss of Nonconforming Status

A. Discontinuance

1. Uses within Buildings

If a nonconforming use within a building is discontinued for 12 consecutive months or for 24 months during any four-year period, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited. (As used herein, the word "discontinued" means that one owner or responsible party for the use of the property cannot demonstrate that he or she had clear intent to continue using the property for the nonconforming purpose and that he or she had augmented that intent by making every reasonable effort to continue to have the property so used.) Intent may be demonstrated by providing substantive documentation or evidence that:

(a) The owner has made reasonable continuous effort to have the property rented or sold for the nonconforming purpose;

(b) The property has been vacant as a result of legal proceedings; or

(c) The owner, by reason of age or infirmity, was unable to manage or cope with the responsibility of a tenant.

2. Use of Open Land

If a nonconforming use of open land is discontinued for six continuous months or more, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited. This section does not apply to periods of inactivity for nonconforming agriculture uses.

B. Change to Conforming Use

If a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

C. Intentional Damage or Destruction

When a structure containing a nonconforming use is intentionally destroyed or damaged by causes within the control of the property owner or tenant, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

D. Accidental Damage or Destruction

1. When a structure containing a nonconforming use is accidentally destroyed or damaged by causes that are not within the control of the owner, to the extent of more than 50 percent of its fair market value, the use may not be restored except in conformity with the regulations of the zone in which it is located.
2. When a structure containing a nonconforming use is accidentally destroyed or damaged by causes that are not within the control of the property owner or tenant, to the extent of 50 percent or less of its fair market value, the structure and use may be restored or repaired provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage, and once issued, construction must be diligently pursued.

E. Reuse of Historic Commercial Structures

To encourage the reuse of historic commercial structures, the Board of Adjustment is authorized to approve continuance or re-establishment of the last legal use of historic commercial structures regardless of the period of discontinuance or vacancy. In approving such continuance or re-establishment, the Board of Adjustment must follow the conditional-use procedures of Section 12.07.

# Article 15. Penalties and Enforcement

Section 15.01 General..... 15-1
Section 15.02 Activities Constituting Violations..... 15-2
Section 15.03 Remedies and Enforcement Powers..... 15-2

## Section 15.01 General

### 15.01.01 Zoning Enforcement Officer

The provisions of this zoning ordinance are to be administered and enforced by one or more zoning enforcement officers designated by the City Manager. Designated enforcement personnel have the power and duty to:

A. make inspections of any premises necessary to carry out the enforcement of this zoning ordinance; and

B. issue citations for violations of this zoning ordinance in accordance with the provisions of KRS 100.991, the procedures as set forth in KRS 431.015, and the procedures set forth in this article.

### 15.01.02 Right of Entry

Upon representation of official credentials, including a legally authorized search warrant, if required, or by consent, any zoning enforcement officer may enter premises within the jurisdiction of this zoning ordinance, during reasonable hours, for the purposes of determining compliance with the provisions of this zoning ordinance or conditions established at the time of development approval.

### 15.01.03 Compliance Required

All buildings and land used and all buildings and structures erected, converted, enlarged, reconstructed, moved, or structurally altered must comply with all applicable provisions of this zoning ordinance.

### 15.01.04 Continuing Violations

Each day that a violation remains uncorrected after receiving notice of the violation from the city constitutes a separate violation of this zoning ordinance for purposes of calculating cumulative penalties.

### 15.01.05 Liability

The owner, tenant, or occupant of any land or structure, will be presumed to know of activity occurring on the premises and thus will be charged with a violation of this zoning ordinance for any zoning violation found on the premises. Where an architect, contractor, builder, agent, or other person appears to have participated directly in a violation of this zoning ordinance, the zoning enforcement officer may also charge such person

with a violation of this zoning ordinance. Any person charged with a violation of this zoning ordinance is entitled to personal notice of the violation. All persons found to be responsible for the actions or inaction leading to a violation may be charged jointly and severally with violations as a result of the same incident or circumstances.

## Section 15.02 Activities Constituting Violations

Unless otherwise expressly stated by this zoning ordinance or state law, any violation of this zoning ordinance, including but not limited to the following, will be subject to the remedies and penalties provided for in this article:

**15.02.01** to use land or buildings in any way inconsistent with the requirements of this zoning ordinance;

**15.02.02** to engage in development activity in any way inconsistent with the requirements of this zoning ordinance.

**15.02.03** to install or use a sign in any way inconsistent with the requirements of this zoning ordinance.

**15.02.04** to engage in the use of a building or land, the use or installation of a sign, or development activity requiring one or more permits or approvals under this zoning ordinance without obtaining all such required permits or approvals;

**15.02.05** to engage in the use of a building or land, the use or installation of a sign, or development activity requiring one or more permits under this zoning ordinance in any way inconsistent with any such permit or approval or any conditions imposed thereon;

**15.02.06** to violate the terms of any permit or approval granted under this zoning ordinance or any condition imposed on such permit or approval;

**15.02.07** to obscure, obstruct, or destroy any notice required to be posted or otherwise given under this zoning ordinance; or

**15.02.08** to violate any lawful order issued by any person or entity under this zoning ordinance.

## Section 15.03 Remedies and Enforcement Powers

The zoning enforcement officer may use any of the remedies and enforcement powers set forth in this section.

**15.03.01 Withhold Permits and Approvals**

The zoning enforcement officer will deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements thereon:

A. upon which there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city; and

B. owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city.

**15.03.02 Approval of Permits**

Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant such authorization if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety, or general welfare.

**15.03.03 Revoke Permits and Approvals**

A. Any permit or other form of authorization required under this zoning ordinance may be revoked by the zoning enforcement officer or by any official with authority to issue such permit when the zoning enforcement officer or other authorized official determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this zoning ordinance are being violated.

B. Where permits are mistakenly issued, an applicant will be entitled to appeal the permit revocation to the Board of Adjustment.

C. The Building Inspector is authorized to issue or post, in a prominent location, a notice of revocation and order requiring the use or construction to stop immediately. Upon receipt of the notice of revocation, the property owner or his authorized agent, or the user or occupant of the property must immediately stop the use or activity.

### 15.03.04 Stop Work

A. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired or any other work is being conducted in violation of this zoning ordinance, the zoning enforcement officer may order the work to be immediately stopped.

B. The stop-work order must be in writing and directed to the person doing the work. The stop-work order must state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

C. Violation of a stop-work order constitutes a misdemeanor.

### 15.03.05 Revoke Plans or Related Approvals

Where a violation of this zoning ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the city may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), revoke the plan or other approval or condition to ensure strict compliance with this zoning ordinance, or require the provision of financial security to ensure that construction is completed in compliance with approved plans, or impose such other reasonable conditions. Any required financial security must be in a form approved by the city.

### 15.03.06 Forfeiture and Confiscation of Signs

Any sign installed or placed on public property, except in full compliance with the regulations of Article 10, will be subject to forfeiture to the city and to confiscation. In addition to other remedies and penalties of this section, the city has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

### 15.03.07 Legal Relief

A. The City may commence a civil action or proceeding in court to stop any violation of this zoning ordinance or of a permit, certificate. or other form of authorization granted hereunder, to remove a violation, or to restore the premises in question to the condition in which they existed prior to violation.

B. The relief sought pursuant to this section may include:

1. an injunction or other equitable relief;
2. an order in the nature of mandamus or abatement;

3. a declaratory judgment action;
4. a judgment or order enforcing any requirement of, or under, this zoning ordinance to pay a fee or reimburse or compensate the city, including when the city is required or authorized to take specified action at the expense of the landowner; or
5. any other judgment or order available under Kentucky law.

**15.03.08 Violations of this Zoning Ordinance; Notice of Violation, Citations, Appeals, and Liens**

A. When a zoning enforcement officer, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of this zoning ordinance, the officer is authorized to issue a citation to the offender. When authorized, a zoning enforcement officer may, in lieu of immediately issuing a citation, give notice that a violation can be remedied within a specified time period. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the zoning enforcement officer is authorized to issue a citation.

B. If the zoning enforcement officer elects to give notice of violation in lieu of immediately issuing a citation, this notice should be sent to the offending party by regular first-class mail at the last known address of the party.

C. The notice required by this section must be in plain language and must:

1. Be in writing;
2. Include a description of the real estate sufficient for its identification;
3. Include a statement of the reason or reasons why the notice of violation is being issued; and
4. Include a correction order allowing a reasonable amount of time for the correction of any and all violations.

D. Any citation issued by the zoning enforcement officer for a violation or violations of this zoning ordinance must be in a form prescribed by the City and must contain, in addition to any other information required by ordinance or rule of the board, the following information:

1. The date and time of issuance;

2. The name and address of the person to whom the citation is issued;
3. The date and time the offense or violation was committed;
4. The facts constituting the offense or violation;
5. The section of the code or number of the ordinance violated;
6. The name of the zoning enforcement officer;
7. The civil fine that will be imposed for the violation if the person does not contest the citation.
8. The maximum civil fine that may be imposed if the person elects to contest the citation.
9. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person will be deemed to have waived the right of a hearing before the Code Enforcement Board to contest the citation and that the determination that a violation was committed will be final.

E. Any citation that is issued for the violation or violations of this zoning ordinance must be served upon the owner of the property or any individual with a legal interest in the property by:

1. Personal service to the alleged violator;
2. Leaving the notice at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the notice; or
3. Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail of the United States Postal Service to the owner of record of the property if no one is on the premises at the time the citation is issued.

F. After issuing a citation to an alleged violator of this zoning ordinance, the zoning enforcement officer must notify the Code Enforcement Board by delivering the citation to the administrative official designated by ordinance or by the Code Enforcement Board.

G. When a citation for a violation or violations of this zoning ordinance is issued, the person to whom the citation is issued must respond to the citation within seven days of the date the citation is issued by either paying the civil fine set forth in the citation or

requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. If the person fails to respond to the citation within seven days, the person will be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed will be considered final. In this event, the citation shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

H. When a hearing before the Code Enforcement Board has been requested, the Code Enforcement Board, through its clerical staff and administrative staff, must schedule a hearing. Not less than seven days before the date set for the hearing, the Code Enforcement Board must notify the person who requested the hearing of the date, time and place of the hearing. The notice of hearing must be given in the same manner as set forth in paragraph E above, except that service may also be achieved by sending the notice via certified mail, return receipt requested or be sending the notice via regular first-class mail without posting a copy of the subject property.

I. Each case before the Code Enforcement Board may be presented by an attorney selected by the City of Covington or by a member of the administrative staff of the City of Covington. An attorney may either be counsel to the Code Enforcement Board or may represent the City of Covington by presenting cases before the Code Enforcement Board, but in no case may an attorney serve in both capacities.

J. All testimony at the Code Enforcement Board hearings must be under oath and must be recorded. The Code Enforcement Board must take testimony from the zoning enforcement officer(s), the alleged offender, and any witnesses to the alleged violation offered by the zoning enforcement officer(s) or the alleged offender. Formal rules of evidence do not apply, but fundamental due process must be observed and must govern the proceedings.

K. At the hearing, the Code Enforcement Board must determine, based on the evidence presented, whether a violation was committed. When the Code Enforcement Board determines that no violation was committed, an order dismissing the citation must be entered. When the Code Enforcement Board determines that a violation has been committed, it must issue an order upholding the citation and may order the offender to pay a civil fine, or may

order the offender to remedy a continuing violation within a specified period of time to avoid the imposition of the fine, or both. Any person requesting a hearing before the board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to District Court.

L. Every final order of the Code Enforcement Board must be reduced to writing, which must include the findings and conclusions reached and the date the order was issued. A copy of the order must be furnished to the person named in the citation. If the person named in the citation is not present at the time a final order is issued, the order must be delivered to that person by regular first-class mail; certified mail, return receipt requested; or by personal delivery; or by leaving a copy of the order at that person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.

M. An appeal from any final order issued by the Code Enforcement Board may be made to the Kenton County District Court within 30 days of the date the order is issued. The appeal must be initiated by the filing of a complaint and a copy of the Code Enforcement Board's order in the same manner as any civil action under the Rules of Civil Procedure. The appeal must be limited to a review of the record created before the Code Enforcement Board.

N. A judgment of the Kenton District Court may be appealed to the Kenton Circuit Court in accordance with the Rules of Civil Procedure.

O. If no appeal from a final order of the Code Enforcement Board is filed within the time period set forth in this section, the Code Enforcement Board's order will be deemed final for all purposes.

P. The City of Covington must possess a lien on real property owned by the person found by a final order, or by final judgment of the court, to have committed a violation of this zoning ordinance for all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of this Code. The lien must be notice to all persons from the time of its

recording and must bear interest at the legal rate until paid. The lien must take precedence over all other subsequent liens, except state, country, school board and City taxes if all legal requirements are satisfied, and may be enforced by judicial proceedings.

Q. In addition to the remedy prescribed in paragraph P above, the person found to have committed the violation will be held personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the City in connection with the enforcement of the ordinance. The City may bring a civil action against the person and will have the same remedies as provided for the recovery of a debt.

**15.03.09 Penalties for Violation**

A. Any person, firm, corporation, or entity that violates any provision of this subchapter is subject to a civil fine or fines as set forth in Section 92.99 of these ordinances.

B. The City of Covington must possess a lien for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this code and placing of a lien on the parcel of real property pursuant to this code. The lien must be superior to and have priority over all other liens, except state, county, school board, and City taxes if all legal requirements are satisfied.

**15.03.10 Abatement of Violation**

The imposition of the penalties herein prescribed will not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises in violation of this zoning ordinance.

# Article 16. Definitions

Section 16.01 Meanings..... 16-1
Section 16.02 Use Groups and Categories..... 16-1
Section 16.03 General Terminology.....16-28

## Section 16.01 Meanings

**16.01.01** Words and terms defined in this article have the specific meaning assigned, unless the context expressly indicates another meaning.

**16.01.02** Words and terms that are not defined in this article have the meaning given in the latest edition of Merriam Webster's *Collegiate Dictionary*.

## Section 16.02 Use Groups and Categories

### 16.02.01 General

**A. Use Groups**

This zoning ordinance classifies land uses into 5 major groupings, which are referred to as "use groups." The use groups are:

1. Residential;
2. Public and Civic;
3. Commercial;
4. Industrial; and
5. Other.

**B. Use Categories**

Each use group is further divided into "Use Categories," which divide the use groups into classes of land uses, based on similarity of functional characteristics, such as "Office," "Retail" or "Vehicle Sales and Service."

**C. Specific Use Types**

Some use categories include specific use types. A use that fits within the definition of a specific use type is subject to the regulations for that specific use type, not the regulations that apply to the general use category.

**D. Determination of Appropriate Use Category**

When a specific use type cannot be readily classified into a defined-use category or specific-use type definition or appears to fit into 2 or more use categories or types, the Zoning Administrator is authorized to determine the most

appropriate similar use category or type, or to determine that the specific use type does not fit within any of the defined use categories or types. If a similar use determination cannot be made, the use will be deemed to be prohibited.

**16.02.02 Residential Use Group**

The residential use group includes uses that provide living accommodations to one or more persons. The residential use group includes 2 use categories: Group Living and Household Living.

**A. Group Living**

Residential occupancy of a dwelling by other than a "Household," typically providing communal kitchen/dining facilities.

**1. Addiction Treatment Facility**

Any building, structure, or space whose principal or primary function is the reception, housing, and/or care of chemically dependent adults and/or their minor children, and by which distribution of synthetic narcotics or any other method attempts to control, suppress, and/or eliminate a person's mental or physical dependence on any illegal or harmful substance. Any permitted or accessory uses allowed in any zone will not be interpreted to include addiction treatment facilities unless such use is specifically stated to include addiction treatment facilities. No general use descriptions set out elsewhere may be deemed or construed to include such use.

**2. Residential Care Facility**

As defined in KRS 100.982.

**3. Youth Shelter**

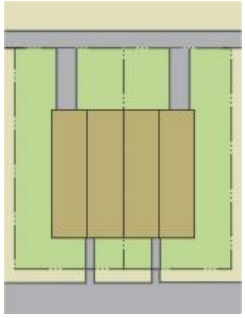
A building, facility, or residence used for the reception and temporary care of persons under the age of 18 years who, by some circumstances, are without safe and proper shelter. "Temporary care" means a maximum of 30 days' residence. Such use may include a dwelling unit for a resident manager.

**B. Household Living Category**

Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis.

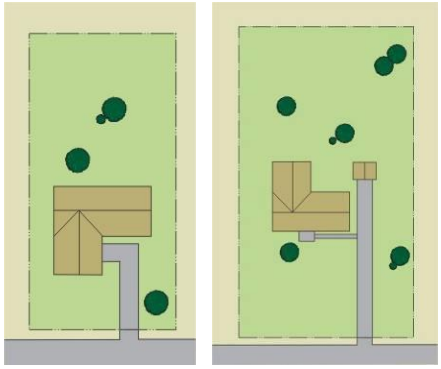
**1. Attached (Single-Family) House**

A single dwelling unit located on its own lot that shares one or more common or adjacent walls with one or more dwelling units. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a "townhouse" or a "rowhouse."



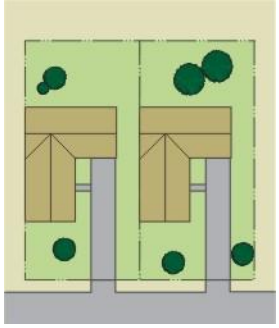
**2. Detached (Single-Family) House**

A detached house is a building containing a single dwelling unit (other than a mobile home or manufactured housing unit) that is located on its own lot and that is not attached to any other dwelling unit. Detached houses are surrounded on all sides by open yards and setback areas.



**3. Lot-Line (Single-Family) House**

A building containing a single dwelling unit (other than a mobile home or manufactured housing unit) that is located on its own lot and that is not attached to any other dwelling unit. Lot line houses are shifted to one side of lot on which they are located, in accordance with the standards of Section 2.03.02.

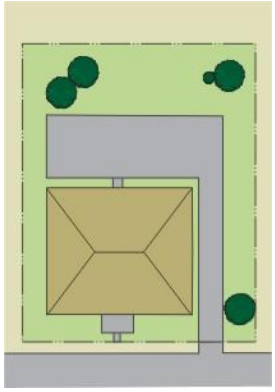


**4. Mixed-Use Building**

A building containing both residential dwelling units and nonresidential uses.

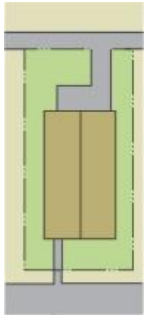
**5. Multi-Unit (Multi-Family) Building**

A building that contains 3 or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure may or may not be divided into separate lots. Multi-unit buildings include structures commonly referred to as “apartments” and “condominiums.”



**6. Two-Unit (Two-Family) Building**

A single building that contains 2 dwelling units located on a single lot. The units may share common walls or common floor/ceilings.



**16.02.03 Mobile Home**

A structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one or more sections that is 8 feet or more in width and 40 feet or more in length in the traveling mode, or when erected on site, 400 or more square feet in floor area, and is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems.

**16.02.04 Mobile Home Park**

Any lot, parcel, or premises, subdivided, designed, maintained, intended, or used to accommodate 10 or more mobile homes, and meets the requirements as specified in this zoning ordinance. For the purpose of this zoning ordinance, any lot or premises used for the wholesale or retail sale of the mobile homes will not be included in this definition. Double width mobile structures that are fabricated on individual chassis with wheels and are designed to be joined will be considered a mobile home for purposes of this zoning ordinance.

**1. Qualified Manufactured Housing Unit**

A manufactured housing unit that meets all of the following criteria:

**(a)** was manufactured on or after July 15, 2002;

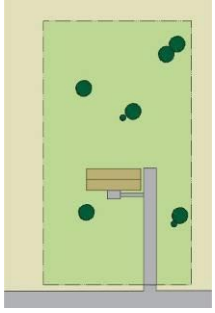
**(b)** is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;

**(c)** has a width of at least 20 feet or is at least 2 stories in height and oriented on the lot or parcel so that its main entrance door faces the street;

**(d)** has at least 900 square feet of total living area;

**(e)** is not located in a manufactured housing land-lease community;

**(f)** complies with the compatibility standards of Section 6.22.



**16.02.05 Public and Civic Use Group**

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

**A. Colleges and Universities**

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories, and seminaries.

**B. Cultural Exhibits and Libraries**

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

**C. Day Care or Day Care Center**

Uses providing care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are types of Day Care uses:

**1. Babysitting Service**

A day-care facility within a residential dwelling unit that provides care to up to 3 children, in addition to any children related to the day-care provider.

**2. Family Day-Care Home**

A day-care facility within a residential dwelling unit that is certified by the state to provide care for 4 to 6 children or adults, in addition to any children related to the day care provider.

**3. Day Care, Type 2**

A facility that is licensed by the state to care for 7 to 12 children or adults.

**4. Day Care, Type 1**

A facility that is licensed by the state to care for 13 or more children or adults.

**D. Hospital**

Uses providing medical or surgical care to patients and offering inpatient (overnight) or outpatient care.

**E. Lodge or Private Club**

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

**F. Recreation and Open Space**

Recreational, social, or multi-purpose uses typically associated with parks, open spaces, play fields, golf courses, country clubs, or community recreation areas.

**1. High-Intensity**

Areas used or designed for participant-oriented, group sports, and recreation activities, including spectator areas associated with such facilities. Typical uses include:

**(a)** golf courses and country clubs;
**(b)** athletic fields, play grounds, and children's play apparatus areas, court games with outdoor lighting;
**(c)** public and community recreation buildings, including enclosed and semi-enclosed buildings providing public assembly and activity areas, such as gymnasiums, meeting rooms, game rooms, arts and crafts, dancing and dining.
**(d)** band shells and outdoor theaters; and
**(e)** facilities incidental to the operation of public recreational uses, such as refreshment stands and small concessionaire shops dispensing sporting goods.

**2. Low-Intensity**

Areas used or designed for individual sports and recreation uses of a passive or low-intensity nature. Typical uses include:

**(a)** athletic fields, play grounds, and children's play apparatus areas, court games without outdoor lighting;
**(b)** hiking, bicycle, and equestrian trails; greens and commons;
**(c)** sitting areas;
**(d)** picnic areas;
**(e)** botanical gardens;
**(f)** arboretums;
**(g)** conservatories; and
**(h)** natural wildlife or plant habitat areas.
**(i)** plazas, courtyards, and pocket parks

**G. Postal Service**

Consumer-oriented service facilities (e.g., mail pick-up and drop-off) operated by the U.S. Postal Service.

**H. Religious Assembly**

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.

**I. Safety Services**

Public safety services that provide fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and public and private ambulance services.

**J. Schools**

Public and private schools at the primary, elementary, junior-high, or high-school level that provide state-mandated basic education.

**K. Utilities**

**1. Essential Services**

The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals,

hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

**2. Major**

Services and utilities that have the potential for substantial land impacts on surrounding areas. Typical uses include but are not limited to water and waste water treatment facilities, major water storage facilities, and transit stations.

### 16.02.06 Commercial Use Group

**A. Animal Services**

**1. Sales and Grooming**

Sales and grooming of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons, and pet grooming shops.

**2. Veterinary Hospitals**

Pet clinics, dog and cat hospitals, and animal hospitals.

**3. Kennels and Shelters**

Animal shelters and kennel services for dogs, cats, and small animals. Typical uses include boarding kennels, dog training centers, and animal rescue shelters.

**B. Body-Art Services**

Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Commonwealth of Kentucky, which may not be performed in a body- art services establishment.

**C. Building Maintenance Services**

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance, and window-cleaning services. Also includes exterminator services for residential, commercial, or industrial applications.

**D. Business Equipment Sales and Service**

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, and hotel and restaurant equipment and supply firms.

**E. Business Support Services**

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include employment agencies, secretarial services, telephone answering services, and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes. Business or trades schools that do involve outdoor storage or manufacturing processes are classified as "Manufacturing and Production, General"

**F. Communication Service Establishments**

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "Major Utilities and Services" and "Minor Utilities." Typical uses include recording studios, television and radio studios, and telecommunication service centers.

**G. Construction Sales and Services**

Construction activities and incidental storage on lots other than construction sites. Also includes the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as "Vehicle Sales and Service" use types. Typical uses include building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

**H. Repair or Laundry Service, Consumer**

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes "Automotive and Equipment" use types. Typical uses include laundry/dry cleaning drop-off stations, hand

laundries, appliance repair shops, locksmiths, shoe and apparel repair, and musical instrument repair.

**I. Eating/Drinking Establishment**

Sale of prepared food and beverages for on- and off-premises consumption. Typical uses include microbreweries, restaurants and taverns.

**1. Microbrewery**

Establishments engaged in on-site brewing of beer and sales of beer by the glass for on-premise consumption. These establishments are primarily used for the production of beer and ale and may include retail and food service as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

**2. Restaurant**

Establishments primarily engaged in the retail sale of prepared food for consumption on or off the premises. Establishments that serve beer, ale, wine, or liquor in addition to prepared food will be classified as "restaurants" only if the kitchen is equipped with a range hood and exhaust with a fire suppression system meeting the minimum requirements of the Kentucky Building Code; otherwise, such establishments will be classified as "taverns."

**3. Tavern**

Establishments primarily engaged in the retail sale of alcoholic drinks such as beer, ale, wine, and liquor for consumption on the premises. Such establishments may or may not sell or serve food.

**4. Brewpub**

Establishments primarily engaged in the retail sale of prepared food for consumption, which includes the brewing of beer as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

**5. Micro-distillery**

Establishments primarily engaged in on-site distillation of spirits and may include retail and food

service as an accessory use. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.

**J. Entertainment**

Provision of cultural, entertainment, athletic, and other events to spectators. The following are spectator sports and entertainment use types:

**1. Small**

Entertainment and spectator sports establishments conducted within an enclosed building with a capacity of no more than 149 persons. Typical uses include theaters and meeting or banquet halls.

**2. Medium**

Entertainment and spectator sports establishments conducted within an enclosed building with a capacity of more than 149 and fewer than 1,000 persons. Typical uses include theaters and meeting or banquet halls.

**3. Large**

Entertainment and spectator sports establishments with a capacity of 1,000 persons or more. Typical uses include theaters, arenas, stadiums, and meeting or banquet halls.

**4. Bingo Hall**

A facility used exclusively or primarily for conducting bingo and other similar games that are open to the public.

**K. Financial Services**

Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, and the following specific-use types:

**1. Currency Exchange (Check Cashing Facility)**

A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. “Check cashing facility” does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. “Check cashing

facility" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for minimum flat fee not exceeding 2 dollars as a service that is incidental to its main purpose or business. The term "currency exchange" expressly includes businesses known as "check cashing" facilities.

**2. Payday Loan**

An establishment that engages in the business of offering payday loans. A "payday loan" is a loan transaction where a post-dated check or other check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan.

**3. Pawn Shop**

An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger.

**4. Tax Preparation Service**

An establishment that provides income tax preparation assistance as the exclusive or primary function of business.

**L. Food and Beverage Sales, Retail**

Retail sale of food and beverages for home preparation and consumption. Typical uses include groceries, liquor stores, and wine stores.

**M. Fortune Telling Service**

An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands).

**N. Funeral and Internment Services**

Provision of services involving the care, preparation, or disposition of human dead. The following are funeral and interment services use types:

**1. Cemetery/Mausoleum/Columbarium**

Land or facilities used for burial of the dead.

**2. Cremating**

Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

**3. Undertaking**

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

**O. Gasoline Stations**

Retail sales to the public of fuels, oils, and accessories for motor vehicles, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent, and where no motor vehicles or boats are offered for sale or rent.

**P. Lodging**

Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:

**1. Bed and Breakfast**

A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.

**2. Hotel/Motel**

An establishment, other than a detached house, in which short-term lodging is offered for compensation and which may or may not include the service of one or more meals to guests. Typical uses include hotels, motels, and transient boarding houses.

**Q. Medical Service**

Personal health services, including prevention, diagnosis, and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations, and health centers. Excludes use types more specifically classified, such as hospitals.

**R. Neighborhood Retail Sales and Service**

A retail sales and service use is one that can primarily draw its customer base from the surrounding neighborhood. Typical uses include, but are not limited to, corner stores, butcher shops, coffee or ice cream shops (but not to include full-service restaurants), shoe repair shops, dry cleaning establishments, personal improvement services, and specialty retail shops (uses not specifically listed in Section 3.03.05).

**S. Office**

Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices, technology businesses, and architectural firms.

**T. Personal Improvement Service**

Informational, instructional, personal improvement, and similar services of a nonprofessional nature. Typical uses include barber shops, beauty shops, health clubs, yoga or dance studios, driving schools, and martial arts studios. A massage establishment operated by a licensed massage therapist is also included within the "personal improvement service" use category.

**U. Residential Storage Warehouse**

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange, and maintain stored materials.

**V. Retail Sales and Service**

Businesses involved in the sale, lease, or rent of new or used products or merchandise to the general public. Typical uses include drug stores, grocery stores, department stores, and apparel stores.

**1. Antique Shop**

Any premises used for the sale or trading of articles of which 80 percent or more are more than 50 years old or have collectible value. “Antique shop” does not include “secondhand store.”

**2. Flea Market**

An occasional or periodic market usually held in an open area, but which may be held indoors, where individual stalls or spaces are provided on a short-term basis for vendors to display, buy, sell, exchange, or deal in new or used goods. Typically, no long-term leases are held between the sellers and flea market operators.

**3. Furniture Rental, Consumer**

Rental of household furniture to consumers. Typical uses include rent-to-own stores. Office furniture rental to businesses is classified as a “business support service.”

**4. Secondhand Store**

Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, and sports/recreational equipment. The term secondhand store expressly includes businesses otherwise known as “thrift shops” and “consignment stores.” “Secondhand store” does not include “antique shop” Or “vintage clothing store.”

**5. Vintage Clothing Store**

Any premises used for the sale or trading of vintage collectible or haute couture clothing or jewelry, which means finely constructed clothing or jewelry with high and generally agreed standards of aesthetic quality.

**W. Sexually Oriented Business**

An inclusive use category used to collectively describe the following businesses and use types: sexually oriented cabaret or theater; sexually oriented entertainment; sexually oriented motion picture theater; sexually oriented motion picture arcade; sexually oriented encounter center; sexually oriented media store; sexually oriented escort bureau; bathhouse; massage parlor; sex shop; sexually oriented modeling studio; or any other such business establishment whose primary purpose is to offer sexually oriented entertainment or materials.

**1. Cabaret or Theater, Sexually Oriented**

A building or portion of a building that provides or allows the provision of sexually oriented entertainment to its customers or that holds itself out to the public as an establishment where sexually oriented entertainment is available. Signs, advertisements, or an establishment name including verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "strippers," "showgirls," "exotic dancers," "gentleman's club," "XXX" or similar terms, will be considered evidence that an establishment holds itself out to the public as an establishment where sexually oriented entertainment is available.

**2. Encounter Center, Sexually Oriented**

A business or enterprise that, as one of its principal purposes, offers physical contact between 2 or more persons when one or more of the persons is in a state of nudity or semi-nudity.

**3. Entertainer, Sexually Oriented**

Any person paid as an employee, contractor, subcontractor, or agent of the operator of a cabaret who frequently appears in a state of semi-nudity at any establishment regulated by this chapter.

**4. Entertainment, Sexually Oriented**

Any of the following activities, when performed by a sexually oriented entertainer at a sexually oriented business that is required to be licensed: dancing, singing, talking, modeling (including lingerie or photographic), gymnastics, acting, other forms of performing, or individual conversations with customers for which some type of remuneration is received.

**5. Escort, Service Oriented**

An escort that:

**(a)** operates from an open office;

**(b)** does not advertise that sexual conduct will be provided to the patron or work for an escort bureau that so advertises; and

**(c)** does not offer to provide sexual conduct.

**6. Escort Bureau, Service Oriented**

An escort bureau that:

**(a)** maintains an open office at an established place of business;

**(b)** otherwise operates in full accordance with the licensing regulations in Section 111.600, et seq., of the Covington Code of Ordinances, or if this ordinance is repealed, then with the countywide licensing ordinance, Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service-oriented escort bureaus, as such ordinance may be amended from time to time.

**7. Escort, Sexually Oriented**

An escort who:

**(a)** works for (either as an agent, employee, or independent contractor), or is referred to a patron by a sexually oriented escort bureau; or,

**(b)** either advertises that sexual conduct will be provided, or works for (either as an employee, agent, or independent contractor), or is referred to a patron by an escort bureau that so advertises; or,

**(c)** offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee from an escort patron or a prospective escort patron.

**8. Escort Bureau, Sexually Oriented**

An escort bureau that operates in any of the following manners:

**(a)** engages in fraudulent, misleading, or deceptive advertising that is designed to make the prospective client believe that acts of prostitution (as defined under Kentucky law) will be provided; or,

**(b)** collects money (whether paid in advance or paid after the promised proscribed act) for the promise of acts of prostitution by its escorts; or,

**(c)** uses as escorts persons known to have violated the law regarding prostitution, and refuses to cease the use of such a person; or,

**(d)** operates an escort bureau as a “call girl” prostitution operation; or,

**(e)** advertises that sexual conduct will be provided to a patron or customer, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron or customer; or,

**(f)** solicits, offers to provide, or does provide acts of sexual conduct to an escort patron or customer; or,

**(g)** employs or contracts with a sexually oriented escort, or refers or provides to a patron a sexually oriented escort.

**9. Massage Parlor**

Any business offering massages that is operated by a person who is not a state licensed "massage therapist" or that provides massages by persons who are not state licensed massage therapists.

**10. Media, Sexually Oriented**

Magazines, books, videotapes, movies, slides, CDs, DVDs or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

**11. Media Store with Some Sexually Oriented Media**

A retail book, video or other media store that has sexually explicit media that constitutes more than 10 percent but not more than 40 percent of its inventory or that occupies more than 10 percent but not more than 40 percent of its gross public floor area.

**12. Media Store, Sexually Oriented**

An establishment that rents and/or sells sexually oriented media, and that meets any of the following 3 tests:

**(a)** More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or

**(b)** More than forty percent (40%) of the stock in trade consists of sexually oriented media; or

**(c)** It advertises or holds itself out in any forum as a "XXX," "adult" or "sex" business, or otherwise as a sexually oriented business, other than sexually oriented media outlet, sexually oriented motion picture theater, or sexually oriented cabaret.

**13. Modeling Studio, Sexually Oriented**

An establishment or business that provides the services of live models modeling lingerie, bathing suits, or similar wear to individuals, couples, or small groups in a space smaller than 600 feet.

**14. Motel, Sexually Oriented**

A hotel, motel, or similar commercial establishment that meets any of the following criteria:

**(a)** Offers accommodations to the public for any form of consideration and provides patrons with sexually oriented entertainment or transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;"

**(b)** Marketed as or offered as "adult," "XXX," "couples," or "sexually oriented."

**15. Motion Picture Arcade, Sexually Oriented**

A building or portion of a building wherein coin-operated, slug-operated, or for any other form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images of "specified sexual activities" or "specified anatomical areas."

**16. Motion Picture Arcade Booth, Sexually Oriented**

Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROMs, books, DVDs, magazines or periodicals) to show images of "specified sexual activities" or "specified anatomical areas" for observation by customers therein. The term "booth," "arcade booth," "preview booth," and "video arcade booth" will be deemed synonymous with the term "motion picture arcade booth."

**17. Motion Picture Theater, Sexually Oriented**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are frequently shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or that are marketed as or offered as "adult," "XXX," or sexually oriented. Frequently shown films, motion pictures, videocassettes, slides or other similar photographic reproductions as characterized herein do not include sexually oriented speech and expressions that take place inside the context of some larger form of expression.

**18. Nude Modeling Studio**

Any place where a person who appears in a state of nudity or semi-nudity and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" does not include a proprietary school licensed by the Commonwealth of Kentucky or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

**19. Sex Shop**

An establishment offering goods for sale or rent and that meets any of the following tests:

**(a)** It offers for sale items from any 2 of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; sexually oriented novelties; and the combination of such items constitute more than ten percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its floor area;

**(b)** More than five percent (5%) of its stock in trade consists of sexually-oriented toys or novelties; or

**(c)** More than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

**X. Vehicle Sales and Service**

Sales of motor vehicles or services related to motor vehicles.

**1. Auto Supply/Accessory Sales**

Businesses involved in the sale, lease, or rental of new or used automobile supplies or accessories to the general public. Typical uses include auto parts stores.

**2. Car Wash**

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam-cleaning device, or other mechanical device—or it may provide space, water, and equipment for hand washing, cleaning, or detailing of automobiles, whether by the customer or the operator.

**3. New Vehicle/Equipment Sales, Light**

Sales of new autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motorhomes, and boats, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies, and recreational vehicle sales and rental agencies. Car rental agencies are included in this category as are vehicle dealerships that include the sale of used vehicles as an accessory use to the sale of new vehicles. Facilities that exclusively deal in the sales of previously owned or used vehicles are classified in the "used vehicle/light equipment sales, light" category.

**4. Used Vehicle/Equipment Sales, Light**

Sales of previously owned or used autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motorhomes, and boats, together with incidental maintenance.

**5. Vehicle/Equipment Sales, Heavy**

Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance.

Typical uses include heavy construction equipment dealers and tractor trailer sales.

**6. Vehicle Repair**

An establishment primarily engaged in maintenance, repair, servicing, or painting of motor vehicles.

**(a) Minor Vehicle Servicing**

A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services.

**(b) Minor Vehicle Repair**

A vehicle repair establishment that provides replacement of any passenger vehicle part or repair of any passenger vehicle part that does not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

**(c) Major Vehicle Repair**

Any vehicle repair activity other than "minor vehicle servicing" or "minor vehicle repair." Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

## Y. Vendor Retail

**1. Mobile Food Vending Services**

A temporary establishment engaged in the retail sale of prepared food for consumption, on site or off site, from a movable vehicle, portable structure, or pushcart

**2. Temporary Vendor**

Any person or persons who operates or sells goods from a mobile cart, cart, pedal cart, trailer, van or similar chassis with or without an engine, tent or table

## 16.02.07 Industrial Use Group

### A. Junk/Salvage Yard

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. A "junk yard" does not include "recycling facilities."

### B. Manufacturing, Production, and Industrial Service

#### 1. Limited

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

#### 2. General

**(a)** Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.

**(b)** Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include welding shops; machine shops; industrial

tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as "Consumer Repair Services."

**3. Intensive**

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic, and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering, and oil refining.

**C. Mining/Excavation**

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel, or other aggregate materials; mining; and oil and gas drilling.

**D. Recycling Facilities**

Any building or portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused, or reconstituted products.

**1. Recycling Facility, Class I**

A recycling facility where recyclable materials are temporarily stored or collected or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans, and glass items are considered an accessory use and may be allowed in any zone.)

**2. Recycling Facility, Class II**

A recycling facility that in addition to any activity permitted in a Class I Recycling Facility, engages in processing of recyclable materials such as cleaning, bundling, compacting, or packing of recyclable materials.

**3. Recycling Facility, Class III**

A recycling facility that, in addition to any activity permitted in a Class II Recycling Facility, performs composting.

**E. Warehouse and Freight Movement**

Storage and distribution of materials and equipment. Typical uses include storage warehouses and moving and storage firms.

**F. Waste-Related Service**

Includes all of the following:

**1. Reprocessable Construction/Demolition Material Facility**

A site used for purposes of receiving, storing, reprocessing, and transport of Reprocessable construction/demolition material. Such facility may not include any operation used for hot mixed asphalt processing.

**2. Resource Recovery Facilities**

A facility that uses non-hazardous solid waste as fuel in a process specifically designed for the purpose of waste disposal or volume reduction and that produces thermal energy or electricity as a by-product.

**3. Sanitary Landfills**

A facility that uses planned methods of disposing of solid waste by utilizing principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

**4. Transfer Stations**

A facility for the transfer and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

### 16.02.08 Other Use Group

**A. Marine-Related Use**

Uses, facilities, and activities that can only be conducted in or abutting water. Examples include temporary passenger watercraft loading, boat-docking facilities and barge-docking and -loading facilities.

**B. Parking, Non-accessory**

Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility

that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Non-accessory Parking use.

**C. Signs, Advertising**

A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered:

1. only elsewhere than on the premises where such sign is located or to which it is affixed; or
2. as a minor and incidental activity on the premises where the sign is located.

**D. Agriculture**

Pursuant to KRS 100.111 "agriculture" means:

1. The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public.
2. Regardless of the size of the tract of land used, this use also includes small wineries licensed under KRS 243.155 and farm wineries licensed under the provisions of KRS 243.156.
3. A tract of at least five contiguous acres used for the following activities involving horses:

   **(a)** riding lessons;
   **(b)** rides;
   **(c)** training;
   **(d)** projects for educational purposes;
   **(e)** boarding and related care; or
   **(f)** shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or fewer participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS

Chapter 230, involving more than 70 participants is subject to local zoning regulations.

4. Any tract of land used for the following activities involving horses, provided that this paragraph only applies to acreage that was being used for these activities before July 13, 2004:

**(a)** riding lessons;
**(b)** rides;
**(c)** training;
**(d)** projects for educational purposes;
**(e)** boarding and related care; or
**(f)** shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or fewer participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants is subject to applicable zoning regulations.

**E. Community Gardens**
A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off-site sale of items grown on the site. Community gardens may include common areas maintained and used by group members.

## Section 16.03 General Terminology

### 16.03.01 Access Point

A. A driveway, a local street, or a connector street intersecting an arterial street;

B. A driveway or local street intersecting a connector street; or

C. A driveway or local street intersecting a local street.

**16.03.02 Accessory Building or Use, Customary**

A customary accessory building or use is one that: (1) Is subordinate to and serves the principal building or principal use; (2) Is subordinate in area, extent, or purpose to the principal building or principal use served; (3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and (4) Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**16.03.03 Addiction Treatment facility**

See Sec. 16.02.02, A., 1.

**16.03.04 Agriculture**

See Sec. 16.02.08, D.

**16.03.05 Air Rights**

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

**16.03.06 Alley**

Public rights-of-way that normally affords a secondary means of access to abutting property.

**16.03.07 Animal Services**

See Sec. 16.02.06, A.

**16.03.08 Antique Shop**

See Sec. 16.02.06, V., 1.

**16.03.09 Art**

Work, objects, or thought that displays form, beauty, or unusual perception, including painting, drawing, sculpture, pottery, jewelry, literature, music, drama, or dance.

**16.03.10 Attached (Single-Family) House**

See Sec. 16.02.02, B., 1.

**16.03.11 Auto Supply/Accessory Sales**

See Sec. 16.02.06, X., 1.

**16.03.12 Automobile and Trailer Sales Areas**

Any area used for the display, sale, or rental of new or used automobiles or trailers and where only minor incidental repair of such automobiles or trailers may take place.

**16.03.13 Babysitting Service**

See Sec. 16.02.05, C., 1.

**16.03.14 Basement**

That portion of a building between floor and ceiling, which is so located that the vertical distance from the average level of the adjoining grade to the floor below is greater than the vertical distance from the average level of the adjoining grade to the ceiling.

**16.03.15 Bed and Breakfast**

See Sec. 16.02.06, P., 1.

**16.03.16 Billboard**

A sign, having an area greater than twenty-five (25) square feet, and which meets any one or more of the following criteria:

A. a permanent structure sign which is used for the display of offsite commercial messages**;**

B. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or

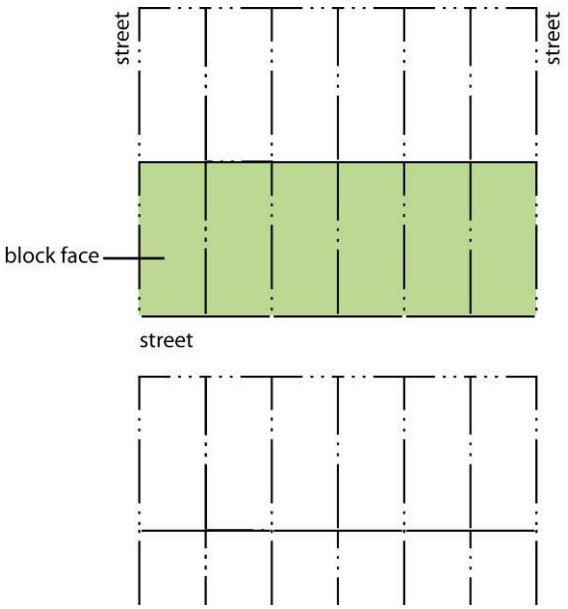
C. an outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration.

**16.03.17 Bingo Hall**

See Sec. 16.02.06, J., 4.

**16.03.18 Block Face**

All lots fronting on one side of a street between the nearest 2 intersecting streets.




**16.03.19 Board of Adjustment**

The Board of Adjustment of the City Commission.

**16.03.20 Body-Art Services**

See Sec. 16.02.06, B.

**16.03.21 Buffer Area**

Areas so planned or zoned that act as a buffering or separation area between 2 or more areas or structures not compatible due to design, function, use, or, operation.

**16.03.22 Building**

A structure enclosed within exterior walls or fire walls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

**16.03.23 Building, Alteration of**

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

**16.03.24 Building Area or Lot Coverage by Building**

That portion of a lot or building site that may be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

**16.03.25 Building, Completely Enclosed**

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

**16.03.26 Building, Detached**

A building surrounded by open space on the same lot or tract of land.

**16.03.27 Building, Height of**

See Sec. 9.08.10, A.

**16.03.28 Building Inspector**

The official or officials appointed to administer and enforce the state building codes.

**16.03.29 Building Maintenance Services**

See Sec. 16.02.06, C.

**16.03.30 Building Permit**

A permit issued by the Building Inspector authorizing the construction or alteration of a specific building, structure, sign, or fence.

**16.03.31 Building, Principal**

The building on a lot used to accommodate the primary use to which the premises are devoted.

**16.03.32 Building Site**

One contiguous piece of land that complies with all applicable city ordinances, codes and regulations for building on the subject site.

**16.03.33 Business Equipment Sales and Service**

See Sec. 16.02.06, D.

**16.03.34 Business Support Services**

See Sec. 16.02.06, E.

**16.03.35 Cabaret or Theater, Sexually Oriented**

See Sec. 16.02.06, W., 1.

**16.03.36 Camping/Vacation Mobile Unit**

Any coach, cabin, house trailer, house car, or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted on wheels or supports, or supported or

capable of being moved by its own power or transported by another vehicle.

**16.03.37 Canopy or Marquee**

A roof-like structure open on 3 sides serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building.

**16.03.38 Car Wash**

See Sec. 16.02.06, X., 2.

**16.03.39 Carport**

See Garage, Private.

**16.03.40 Cemetery/Mausoleum/Columbarium**

See Sec. 16.02.06, N., 1.

**16.03.41 Changeable Copy Sign, Automatic**

"Automatic changeable copy sign" means a type of sign on which the copy changes automatically through the use of electronic or electro-mechanical technology. All changeable copy shall be included within the allotted face of sign square footage.

**16.03.42 Changeable Copy Sign, Manual**

"Manual changeable copy sign" means any sign on which copy for all or a portion of the sign can be changed by a human being removing or rearranging letters, symbols or numerals. All changeable copy shall be included within the allotted face of sign square footage.

**16.03.43 Citizen Member**

Any member of the Planning Commission or Board of Adjustment who is not an elected or appointed official or employee of the City Commission.

**16.03.44 City Commission**

The duly elected legislative body of the City of Covington, including the Mayor and the other members of the Covington Board of City Commissioners.

**16.03.45 Cluster Development**

A development in which attached and/or detached single-family residential dwellings are clustered together to preserve open space, natural resources, or other natural characteristics of the site. Cluster developments are subject to Section 2.05.

**16.03.46 Colleges and Universities**

See Sec. 16.02.05, A.

**16.03.47 Commercial Message**

Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

**16.03.48 Commercial Use Group**

See Sec. 16.02.06.

**16.03.49 Communication Service Establishments**

See Sec. 16.02.06, F.

**16.03.50 Complex (Commercial)**

Multiple sites that do not meet the definition of "Center, integrated) but that meet all of the following criteria: the sites are cumulatively contiguous; the sites form a defined geographic area, typically extending to public streets, highways, waterways or other natural or human-built geographic boundaries; the owners or agents for the owners of the sites have common interests in promoting business and other activity in the defined geographic area.

**16.03.51 Comprehensive (Master) Plan**

A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationship. It must contain, as a minimum, the following elements: (1) A statement of goals and objectives, principles, policies, and standards; (2) A land-use plan element; (3) A transportation plan element; (4) A community-facilities plan element; (5) May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, regional impact, historic preservation, and other elements.

**16.03.52 Concealed Lighting**

An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

**16.03.53 Conditional Use**

A use that is essential to or would promote the public health, safety, or welfare in one or more zones, but that would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in this zoning ordinance.

**16.03.54 Conditional-use Permit**

Legal authorization to undertake a conditional use, issued by the Zoning Administrator, pursuant to authorization by the Board of Adjustment, consisting of 2 parts: (1) A statement of the factual determination by the Board of Adjustment that justifies the issuance of the permit; and (2) A statement of the specific conditions that must be met for the use to be permitted.

**16.03.55 Conforming Use**

Any lawful use of a building, structure, lot, sign, or fence that complies with the provisions of this zoning ordinance.

**16.03.56 Construction Sales and Services**

See Sec. 16.02.06, G.

**16.03.57 Cremating**

See Sec. 16.02.06, N., 2.

**16.03.58 Cultural Exhibits and Libraries**

See Sec. 16.02.05, B.

**16.03.59 Curb Cut**

Any interruption or break in the line of a street curb to provide vehicular access to a street. In the case of streets without curbs, curb cuts will represent construction of any vehicular access that connects to the street.

**16.03.60 Currency Exchange (Check Cashing Facility)**

See Sec. 16.02.06, K., 1.

**16.03.61 Customer**

For the purpose of interpreting and administering the provisions of section 6.26, 16.02.06, W. “customer” means any person who:

A. Is allowed to enter a business in return for the payment of an admission fee or any other form of consideration or gratuity; or

B. Enters a business and purchases, rents, or otherwise partakes of any material, merchandise, goods, entertainment, or other services offered therein; or

C. Enters a business other than as an employee, vendor, service person, or delivery person.

**16.03.62 Day care or Day Care Center**
See Sec. 16.02.05, C.

**16.03.63 Day Care, Type 1**
See Sec. 16.02.05, C., 4.

**16.03.64 Day Care, Type 2**
See Sec. 16.02.05, C., 3.

**16.03.65 Decibel**
A unit of measurement of the intensity (loudness) of sound. Sound-level meters that are employed to measure the intensity of sound are calibrated in decibel.

**16.03.66 Detached (Single-Family) House**
See Sec. 16.02.02, B., 2.

**16.03.67 Development**
Development means demolition, construction, physical expansion, or outside remodeling of building or premises, including accessory uses or appurtenances to the principal use. It does not mean normal maintenance (such as cleaning and painting) nor demolition required by the Department of Housing and Code Enforcement for the purposes of maintaining the health, safety, and welfare of the neighborhood.

**16.03.68 Development Plan**
Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, and all other conditions agreed to by the applicant.

**16.03.69 Display Publicly**
For the purpose of interpreting and administering the provisions in Section 6.26, “display publicly” means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others or from any portion of the premises where items and material other than sexually oriented media are offered for sale or rent to the public.

**16.03.70 Dwelling**
Any building that is completely intended for, designed for, and used for residential purposes, but for the purposes of this zoning ordinance, does

not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

**16.03.71 Dwelling, Trailer**
See Mobile Home.

**16.03.72 Dwelling Unit**
A building or portion thereof providing complete housekeeping facilities for a single household.

**16.03.73 Easement**
A right, distinct from the ownership of the land, to use property, including crossing property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or to reserve and hold an area for drainage or access purposes.

**16.03.74 Eating / Drinking Establishment**
See Sec. 16.02.06, I.

**16.03.75 Encounter Center, Sexually Oriented**
See Sec. 16.02.06, W., 2.

**16.03.76 Entertainer, Sexually Oriented**
See Sec. 16.02.06, W., 3.

**16.03.77 Entertainment**
See Sec. 16.02.06, J.

**16.03.78 Entertainment, Sexually Oriented**
See Sec. 16.02.06, W., 4.

**16.03.79 Escort**
For the purpose of interpreting and administering the provisions of Section 6.26, "escort" means a person who is held out to the public to be available for hire for monetary consideration in the form of a fee, commission, or salary, and who for said consideration consorts with or accompanies or offers to consort with or accompany, another or others to or about social affairs, entertainments, or places of amusement or within any place of public resort or within any private quarters, and includes a "service oriented escort;" for purposes of this ordinance, the term "escort" does not include any person who would be understood by a reasonably prudent person as providing "babysitting" services or working as an assisted living companion to the elderly, infirm, disabled, or handicapped, and further does not include licensed health professionals.

**16.03.80 Escort, Service Oriented**
See Sec. 16.02.06, W., 5.

**16.03.81 Escort, Sexually Oriented**
See Sec. 16.02.06, W., 7.

**16.03.82 Escort Bureau, Service Oriented**
See Sec. 16.02.06, W., 6.

**16.03.83 Escort Bureau, Sexually Oriented**
See Sec. 16.02.06, W., 8.

**16.03.84 Establishment**
For the purpose of interpreting and administering the provisions of Section 6.26, "establishment" means any business regulated by Section 6.25.

**16.03.85 Explicit Sexual Material**
For the purpose of interpreting and administering the provisions of Section 6.26, "explicit sexual material" means any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation of unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or material of anthropological significance will not be deemed to fall within the foregoing definition.

**16.03.86 Family**
See "Household"

**16.03.87 Family Day-Care Home**
See Sec. 16.02.05, C., 2.

**16.03.88 Fence**
A structure made of wire, wood, metal, masonry, or other material, including hedges, erected for the purpose of assuring privacy or protection.

**16.03.89 Final Action**
For purposes of this ordinance, final action will be deemed to have occurred on the calendar date when a vote is taken to approve or disapprove a matter pending before a legislative or adjudicating body.

**16.03.90 Financial Services**
See Sec. 16.02.06, K.

**16.03.91 Flea Market**

See Sec. 16.02.06, V., 2.

**16.03.92 Floor Area, Gross**

A. The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, and garages, measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units.

B. For uses other than residential, the gross floor area must be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and must include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

C. The gross floor area may not include floors used for parking space when such parking pertains to a residential, commercial, or office uses in the same structure.

**16.03.93 Floor Area, Gross Public**

For the purpose of interpreting and administering the provisions of Section 6.26, “gross floor area” means the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

**16.03.94 Floor Area Ratio**

The ratio of building floor area to lot area, according to the requirements of Section 9.08.04.

**16.03.95 Food and Beverage Sales, Retail**

See Sec. 16.02.06, L.

**16.03.96 Fortune Telling Service**

See Sec. 16.02.06, M.

**16.03.97 Frequently**

For the purpose of interpreting and administering the provisions of Section 6.26, “frequently” means two or more times per month.

**16.03.98 Frontage**

All the property abutting one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable frontage. For purposes of this definition, frontage for a building wall shall be measured for the wall that is most nearly parallel to that street. In no case shall the same building wall be considered to have more than one frontage.

**16.03.99 Funeral and Internment Services**

See Sec. 0.

**16.03.100 Furniture Rental, Consumer**

See Sec. 16.02.06, V., 3.

**16.03.101 Home For Adjustment**

A building where an organization or organizations provide a program or programs of therapy, counseling, or training to assist clients to develop skills necessary to adjust to life, including dormitory facilities, offices, classrooms, medical facilities, and other amenities for everyday life. The purpose of the facility is not to provide care to persons who need specific treatment for the following conditions: handicaps or physical disabilities, emotional or mental disorders, or mental retardation; recuperation from the effects of drugs or alcohol; criminal supervision or to adjust to society while housed under any type of criminal justice supervision.

**16.03.102 Garage, Private**

A building used for the storage of vehicles and clearly accessory to the principal use permitted.

**16.03.103 Gasoline Stations**

See Sec. 16.02.06, O.

**16.03.104 Group Living**

See Sec. 16.02.02, A.

**16.03.105 Historic Commercial Structure**

As used in the nonconforming-use regulations, a building at least 50 years old, located in a residentially zoned area and originally designed and constructed for a neighborhood commercial activity. Such buildings are often characterized by a horizontal sign band, ornamental beam, or surface molding that separates the first floor from the upper facade, pilasters that define the edges of the storefront, and storefront window areas with bulkheads below.

**16.03.106 Historic Area**

An HP Overlay zone adopted pursuant to Section 5.03 and Section 12.04, or an individual structure or site so designated pursuant to Section 12.13.

**16.03.107 Holiday Decorations**

Decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season, exclusive of decorations, which contain business, product sales, or service advertising content. Holiday decorations shall not be considered "signs."

**16.03.108 Home Occupation**

Accessory use of a dwelling unit, by occupants of the subject dwelling unit, for nonresidential purposes. Home occupations are subject to the standards of Section 6.02.04.

**16.03.109 Hospital**

See Sec. 16.02.05, D.

**16.03.110 Hotel/Motel**

See Sec. 16.02.06, P., 2.

**16.03.111 Household**

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

**16.03.112 House Trailer**

See Mobile Home.

**16.03.113 Household Living**

Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis.

**16.03.114 Household Living Category**

See Sec. 16.02.02, B.

**16.03.115 Industrial Use Group**

See Sec. 16.02.07.

**16.03.116 Junk/Salvage Yard**

See Sec. 16.02.07, A.

**16.03.117 Kennels and Shelters**

See Sec. 16.02.06, A., 3.

**16.03.118 Legible**

A sign or message is "Legible" when it can be understood by a person with an eighth-grade education (or more). Where this Article requires a determination of "visibility" or "legibility," the standard shall be based on the eyesight of an adult eligible to receive a Kentucky driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

**16.03.119 Leasable Area, Gross**

The floor area occupied exclusively by occupants, including finished basement and mezzanine areas and excluding common areas, such as elevators, stairways, corridors, and lobbies, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

**16.03.120 Livestock**

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

**16.03.121 Loading or Unloading Space**

A space used for the temporary standing, loading, or unloading of vehicles.

**16.03.122 Lodge or Private Club**

See Sec. 16.02.05, E.

**16.03.123 Lodging**

See Sec. 16.02.06, P.

**16.03.124 Lot**

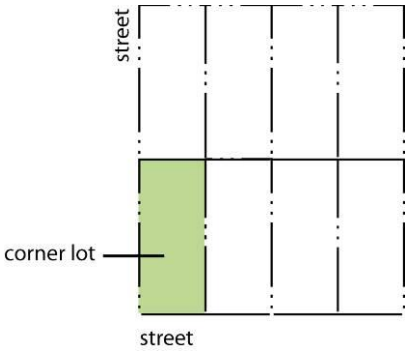
A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted in this ordinance, together with their accessory buildings or uses and such access, yards, and open spaces required under this zoning ordinance.

**16.03.125 Lot Area**

The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake or river, and must be in one zone only.

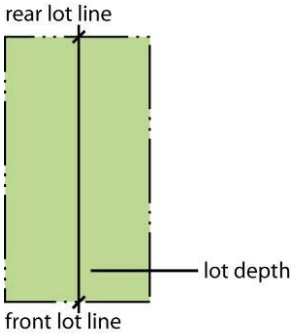
**16.03.126 Lot, Corner**

A lot situated at the intersection of 2 streets or on a curved street on which the interior angle of such intersection or curved street does not exceed 135 degrees.



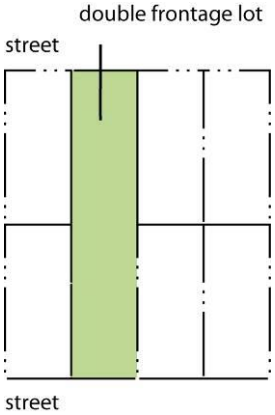

**16.03.127 Lot Depth**

The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.



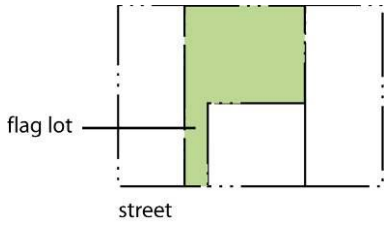

**16.03.128 Lot, Double Frontage**

A lot other than a corner lot that has frontage on more than one street.



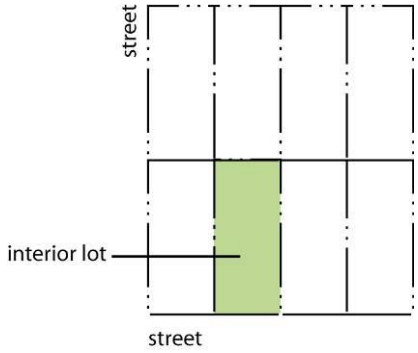
**16.03.129 Lot, Flag**

A lot that abuts a public street via a narrow strip of land at least 20 feet in width, except as provided by this ordinance.




**16.03.130 Lot, Interior**

A lot other than a corner lot with only one frontage on a deeded and occupied public right-of-way.




**16.03.131 Lot Line, Front**

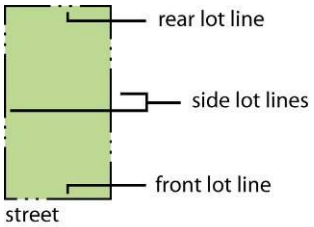
The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and street right-of-way line toward the principal or usual entrance to the principal building faces.

**16.03.132 Lot Line, Rear**

The boundary line of a lot that is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all setback standards are met.

**16.03.133 Lot Line, Side**

Any boundary line of a lot, other than a front lot line or rear lot line.




**16.03.134 Lot-Line (Single-Family) House**

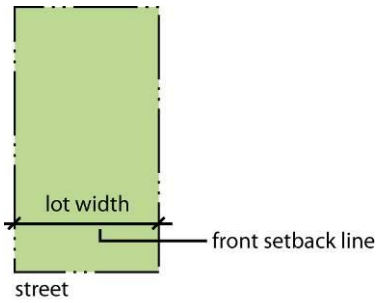
See Sec. 16.02.02, B., 3.

**16.03.135 Lot of Record**

A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the Kenton County Clerk.

**16.03.136 Lot Width**

The width of the lot as measured along the building front setback line.




**16.03.137 Manufacturing, Production, and Industrial Service**

See Sec. 16.02.07, B.

**16.03.138 Marine-Related Use**

See Sec. 16.02.08, A.

**16.03.139 Massage**

For the purpose of interpreting and administering the provisions of Section 6.26, “massage” means touching, stroking, kneading, stretching, friction, percussion, and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment)

**16.03.140 Massage Parlor**

See Sec. 16.02.06, W., 9.

**16.03.141 Massage Therapy**

For the purpose of interpreting and administering the provisions of Section 6.26, "massage therapy" means the profession in which a certified massage therapist applies massage techniques with the intent of positively affecting the health and well being of the client.

**16.03.142 Massage Therapist**

For the purpose of interpreting and administering the provisions of section 6.26, "massage therapist" means a person licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statues §309.350 et seq.

**16.03.143 Media**

For the purpose of interpreting and administering the provisions of Section 6.26, "media" is anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but is not necessarily limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, DVDs, other magnetic media, and undeveloped pictures.

**16.03.144 Media, Sexually Oriented**

See Sec. 16.02.06, W., 10.

**16.03.145 Media Store with Some Sexually Oriented Media**

See Sec. 16.02.06, W., 11.

**16.03.146 Media Store, Sexually Oriented**

See Sec. 16.02.06, W., 12.

**16.03.147 Medical Service**

See Sec. 16.02.06, Q.

**16.03.148 Microbrewery**

See Sec. 16.02.06, I., 1.

**16.03.149 Mining/Excavation**

See Sec. 16.02.07, C.

**16.03.150 Mixed-Use Building**

See Sec. 16.02.02, B., 4.

**16.03.151 Mobile Home**

See Sec. 16.02.03.

**16.03.152 Mobile Home Park**
See Sec. 16.02.04.

**16.03.153 Modeling Studio, Sexually Oriented**
See Sec. 16.02.06, W., 13.

**16.03.154 Motel, Sexually Oriented**
See Sec. 16.02.06, W., 14.

**16.03.155 Motion Picture Arcade, Sexually Oriented**
See Sec. 16.02.06, W., 15.

**16.03.156 Motion Picture Arcade Booth, Sexually Oriented**
See Sec. 16.02.06, W., 16.

**16.03.157 Motion Picture Theater, Sexually Oriented**
See Sec. 16.02.06, W., 17.

**16.03.158 Multi-Unit (Multi-Family) Building**
See Sec. 16.02.02, B., 5.

**16.03.159 N/A**
Where used in the sign regulations, the particular requirement is "not applicable."

**16.03.160 Neighborhood**
A geographical area containing residences or a combination of residences and businesses, which geographical area meets all of the following criteria:

**16.03.161 Neighborhood Retail Sales and Service**
See Sec. 16.02.06, R.

**16.03.162 New Vehicle/Light Equipment Sales, Light**
See Sec. 16.02.06, X., 3.

**16.03.163 NITA**
Measure of luminance. One nit is equal to one candela per square meter (1cd/m2). Ten thousand nits are equal to one stilb. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an

ordinary wax candle generates approximately one candela.

**16.03.164 PDS**

Planning and Development Services of Kenton County.

**16.03.165 Nonconforming Lot**

A lot that was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

**16.03.166 Nonconforming Use or Nonconforming Structure**

An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this zoning ordinance, but which does not conform to all of the regulations contained in this zoning ordinance or amendments to it that pertain to the zone in which it is located.

**16.03.167 Nude Modeling Studio**

See Sec. 16.02.06, W., 18.

**16.03.168 Nudity or State of Nudity**

For the purpose of interpreting and administering the provisions of Section 6.26, "nudity or state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola or nipple, or the showing of the covered male genitals in a discernibly turgid state. See, also, Semi-nude.

**16.03.169 Odorous Matter**

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

**16.03.170 Office**

See Sec. 16.02.06, S.

**16.03.171 Office Park**

A development on a tract of land that contains more than one building or other improvement dedicated to permitted, accessory, or conditional uses and open space, designed, planned, and constructed in a manner that permits, encourages, or necessitates interaction of the various users of the development for support.

**16.03.172 Operator**

For the purpose of interpreting and administering the provisions of Section 6.26, "operator" means any person operating, conducting, or maintaining a business regulated under this Chapter.

**16.03.173 Other Use Group**

See Sec. 16.02.08.

**16.03.174 Owner**

For the purpose of interpreting and administering the provisions of section 6.26, "owner" means the individual owner of an establishment, or if the legal owner is a corporation, partnership, or limited liability company, the term includes all general partners, any limited partner with a financial interest of ten percent (10%) or more, all corporate officers and directors, and any shareholder or member with a financial interest of ten percent (10%) or more. "Owner" includes the spouse(s) of any of the above individuals.

**16.03.175 Parking Area, Off-Street**

An open, surfaced area other than the rights-of-way of a street, alley, or place, used for temporary parking of motor vehicles.

**16.03.176 Parking Building or Parking Garage**

A building or portion thereof designed, intended, and used exclusively for the temporary parking of motor vehicles, which may be publicly or privately owned or operated.

**16.03.177 Parking, Non-Accessory**

See Sec. 16.02.08, B.

**16.03.178 Particulate Matter**

Any material, except uncombined water, that exists in a finely divided, suspended form as a liquid or solid at standard conditions.

**16.03.179 Payday Loan**

See Sec. 16.02.06, K., 2.

**16.03.180 Pawn Shop**

See Sec. 16.02.06, K., 3.

**16.03.181 Performance Standards**

Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in uses of land or buildings.

**16.03.182 Permanent Foundation**

A system of supports that is: (1) capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; (2) constructed of concrete; and (3) placed at a depth below grade adequate to prevent frost damage.

**16.03.183 Person**

For the purpose of interpreting and administering the provisions of Section 6.26, "person" means an individual, firm, partnership, joint-venture, association, independent contractor, corporation (domestic or foreign), limited liability company, trust, estate, assignee, receiver or any other group or combination acting as a unit.

**16.03.184 Personal Improvement Service**

See Sec. 16.02.06, T.

**16.03.185 Planned Unit Development (PUD)**

A large scale, unified land development that permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces through flexible regulations that encourage creative design to preserve the natural features and foliage of the site.

**16.03.186 Planning Commission**

The Kenton County Planning Commission.

**16.03.187 Postal Service**

See Sec. 16.02.05, G.

**16.03.188 Premises**

For the purpose of interpreting and administering the provisions of Section 6.26, "premises" means the physical location at which a business operates; as used in this Chapter, the term includes all parts of that physical location, both interior and exterior, which are under the control of the subject business, through ownership, lease or other arrangement.

**16.03.189 Primary Entertainment**

For the purpose of interpreting and administering the provisions of Section 6.26, "primary entertainment" means entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**16.03.190 Protected Land Use**

For the purpose of interpreting and administering the provisions of Section 6.26, "protected land use" means residential zoning district, school,

religious institution, park, library, public recreation area, or day care center.

**16.03.191 Public and Civic Use Group**
See Sec. 16.02.05.

**16.03.192 Public Area**
For the purpose of interpreting and administering the provisions of Section 6.26, "public area" means a portion of a sexually oriented business, excluding sexually oriented motels, that is accessible to the customer, excluding restrooms, while the business is open for business.

**16.03.193 Qualified Manufactured Housing Unit**
See Sec. 16.02.041.

**16.03.194 Railroad Rights-Of-Way**
A strip of land on which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**16.03.195 Recreation and Open Space**
See Sec. 16.02.05, F.

**16.03.196 Recycling Facilities**
See Sec. 16.02.07, D.

**16.03.197 Religious Assembly**
See Sec. 16.02.05, H.

**16.03.198 Repair or Laundry Service, Consumer**
See Sec. 16.02.06, H.

**16.03.199 Reprocessable Construction/Demolition Material Facility**
See Sec. 16.02.07, F., 1.

**16.03.200 Residential Care Facility**
See Sec. 16.02.02, A., 2.

**16.03.201 Residential Storage Warehouse**
See Sec. 16.02.06, U.

**16.03.202 Residential Use Group**
See Sec. 16.02.02.

**16.03.203 Resource Recovery Facilities**
See Sec. 16.02.07, F., 2.

**16.03.204 Restaurant**
See Sec. 16.02.06, I., 2.

**16.03.205 Retail Sales and Service**
See Sec. 16.02.06, V.

**16.03.206 Sadomasochistic Practices**
For the purpose of interpreting and administering the provisions of Section 6.26, "sadomasochistic practices" means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

**16.03.207 Safety Services**
See Sec. 16.02.05, I.

**16.03.208 Sales and Grooming**
See Sec. 16.02.06, A., 1.

**16.03.209 Sanitary Landfills**
See Sec. 16.02.07, F., 3.

**16.03.210 Satellite Dish Antenna**
A device commonly parabolic in shape, mounted at a fixed point for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. These devices are defined in this ordinance as an accessory structure.

**16.03.211 Schools**
See Sec. 16.02.05, J.

**16.03.212 Secondhand Store**
See Sec. 16.02.06, V., 4.

**16.03.213 Semi-Nude or in a Semi-Nude Condition**
For the purpose of interpreting and administering the provisions of Section 6.26, "semi-nude or in a semi-nude condition" means the showing of the female breast below a horizontal line across the top of the areola at its highest point. This definition includes the entire lower portion of the human female breast, but does not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard,

bathing suit, or other apparel, provided the areola is not exposed in whole or in part.

**16.03.214 Separate (Lighting Or Illumination)**

A prohibition on separate illumination for a sign does not prohibit indirect, incidental illumination that spills over from a light serving another lawful purpose.

**16.03.215 Service Facilities, Public Utilities**

Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, the Department of Motor Transportation, or Federal Power Commission, and common carriers by rail, other than office space, garage, and warehouse space and include office space, garage space, and warehouse space when such space is incidental to a service facility.

**16.03.216 Setback Line**

**A. Front**

A line parallel to the front lot line and set back from the lot line a distance to provide the required minimum setback area, as specified in this ordinance.

**B. Rear**

A line parallel to the rear lot line and set back from the lot line a distance to provide the required minimum setback area, as specified in this ordinance.

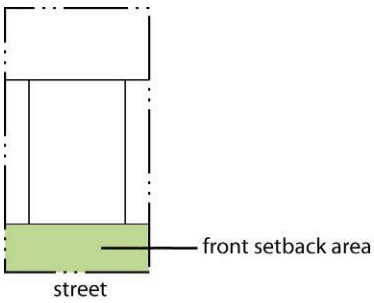
**C. Side**

A line parallel to the side lot line and set back from the lot line a distance to provide the required minimum setback area, as specified in this ordinance.

**16.03.217 Setback Area**

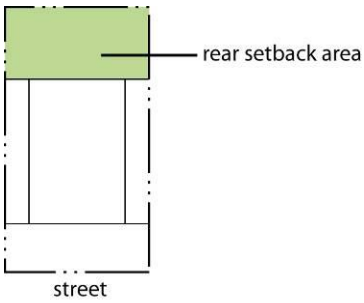
**A. Front**

An area extending the full width of the lot and measured between a line parallel to the street right-of-way line intersecting the foremost point of any building, excluding steps and unenclosed porches and the front lot line.



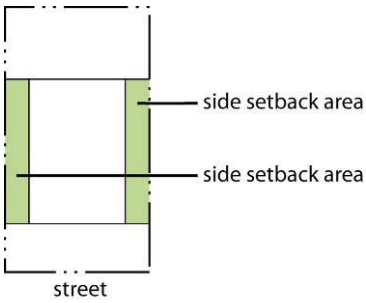

**B. Rear**

An area extending across the full width of the lot and measured between a line parallel to the rear lot line, which intersects the rearmost point of any building. excluding steps and unenclosed porches and the rear lot line.




**C. Side**

An area between any building and the side lot line, extending from the front to the rear yard or on through lots or building sites from one front lot line to the other front lot line.




**16.03.218 Sex Shop**

See Sec. 16.02.06, W., 19.

**16.03.219 Sexually Oriented Business**

See Sec. 16.02.06, W.

**16.03.220 Sexually Oriented Business License**

For the purpose of interpreting and administering the provisions of Section 6.26, "sexually oriented business license" means any license applied for under the countywide licensing ordinance, Kenton County Ordinance No. 451.9 as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus, adopted in 2004.

**16.03.221 Sexually Oriented Toys or Novelties**

For the purpose of interpreting and administering the provisions of Section 6.26, "sexually oriented toys or novelties" means instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs.

**16.03.222 Sign**

Any device, fixture, placard or structure, including its component parts, which by display of a visual image draws attention to an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any public street, road, highway, right-of-way or parking area.

**16.03.223 Sign, Animated**

A sign which uses movement or change of lighting to simulate action or motion.

**16.03.224 Sign, Detached**

Any sign erected on a freestanding frame, foundation, mast or pole and not attached in any way to any building. Every face of a freestanding sign shall be considered as a separate sign for purposes of computing the sign area.

**16.03.225 Sign, Directory**

Any sign providing way-finding information by identifying occupants of specific buildings or units within a building and, where necessary, providing directions for finding such building or unit

**16.03.226 Sign, Principal**

The main freestanding sign on a site. The term is used to distinguish such a sign from other freestanding signs that may be allowed on multi-tenant or large sites.

**16.03.227 Sign, Temporary**

A sign which is not permanently affixed. This definition is intended to include all devices such as banners, pennants, flags, searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

**16.03.228 Sign, Window**

A sign affixed to or installed inside a window and clearly legible to persons outside the building. Note that signs that are installed behind windows but that are legible from other private property or from driving lanes of adjacent streets will be subject to limitations on window signs but will also be regulated as wall signs.

**16.03.229 Site**

One or more lots or parcels of land that, for purposes of the Zoning Ordinance, are used as a single unit. As an example, but not by way of limitation, a site may include more than one "lot" as shown on a subdivision plat, but, for zoning purposes, the permissible use, setbacks and yard requirements are determined for the larger "site" and not for the individual "lots."

**16.03.230 Sound Level Meter**

An instrument standardized by the American Standards Association for measurement of intensity of sound.

**16.03.231 Specified Anatomical Areas**

For the purpose of interpreting and administering the provisions of Section 6.26, "specified anatomical areas" means:

A. Less than completely and opaquely covered human genitals, pubic region, or the areola or nipple of the female breast; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and

C. Areas of the human anatomy included in the definitions of "nude" or "nudity."

**16.03.232 Specified Sexual Activities**

For the purpose of interpreting and administering the provisions of Section 6.26, "specified sexual activities" means acts of human masturbation, sexual intercourse, or sodomy. These activities include, but are not limited to the following: bestiality, erotic or sexual stimulation with objects or mechanical devices, acts of human analingus, cunnilingus, fellatio, flagellation, masturbation, sadism, sadomasochism, sexual

intercourse, sodomy, or any excretory functions as part of or in connection with any of the activities set forth above with any person on the premises. This definition includes apparent sexual stimulation of another person's genitals whether clothed or unclothed.

**16.03.233 Story**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if no floor exists above it, then the space between such floor and the ceiling next above it. For purposes of this zoning ordinance, a basement may not be counted as a story.

**16.03.234 Story, Half**

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

**16.03.235 Street**

**A. Arterial**

Public thoroughfares that serve the major movements of traffic in and through the community as identified in the adopted comprehensive plan.

**B. Collector**

Public thoroughfares that serve to collect and distribute traffic primarily from local to arterial streets.

**C. Expressway**

A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

**D. Freeway**

A divided multi-lane highway for through traffic with all crossroads separated in grades and with full control of access.

**E. Frontage Road, Service Road, or Access Road**

A street adjacent to a freeway, expressway, or arterial street separated from such street by a dividing strip and providing access to abutting properties.

**F. Local**

Roadways that are designed to be used primarily for direct access to abutting properties and feeding into the collector street system.

**G. Private**

A paved private roadway that affords access to abutting property for private users of such property. For the purposes of density calculations, a private street will constitute the areas of its paved surface and sidewalk or the private right-of-way if designated on the recorded plat.

**H. Public**

A public roadway constructed in the boundaries of an officially deeded and accepted public right-of-way that affords principal means of access to abutting property. For purposes of density calculations, a public street will constitute all of the area in the public right-of-way.

**16.03.236 Structural Alteration (Sign)**

As it applies to signs, any change in supporting members of a building or structure, such as foundation, bearing walls, columns, beams or girders. For a sign, any change in or replacement of supporting members of a sign structure, such as foundation, columns, beams or girders shall be considered a structural alteration.

**16.03.237 Structure**

Anything constructed or erected, the use for which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including anything such as buildings, mobile homes, signs, or fences.

**16.03.238 Subdivision**

The division of a parcel of land into 2 or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street will not be deemed a subdivision. The term includes resubdivision, and when appropriate to the context, will relate to the process of subdivision or to the land subdivided. Any division or redivision of land into parcels of less than one acre occurring within 12 months following a division of the same land will be deemed a subdivision within the meaning of this definition.

**16.03.239 Swimming Pool, Outdoor**

A. Any structure or device of any kind that is intended for swimming purposes, including but not limited to any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction, including all appurtenances to such structure or device and all appliances used in connection therewith, which structure or device is intended to cause, or would cause if completely filled, water retention of a depth greater than 18 inches at any point. Any such structure or device will be deemed to be included in the meaning of the term "structure" as used in this zoning ordinance.

B. Outdoor swimming pools will be deemed to consist of the following classes:

**1. Commercial**
A swimming pool operated for profit, open to the public on payment of a fee.

**2. Private**
When consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.

**3. Public**
A swimming pool operated by a unit of government for the general public.

**4. Semi-Public**
When consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, religious assembly, school, or club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.

**16.03.240 Tavern**
See Sec. 16.02.06, I., 3.

**16.03.241 Tax Preparation Service**
See Sec. 16.02.06, K., 4.

**16.03.242 Trailer**
Any coach, cabin, house trailer, house car, or other vehicle or structure intended for, designed for, and used for temporary human habitation or

sleeping purposes, mounted on wheels or supports, or supported or capable of being moved by its own power or transported by another vehicle. This also includes any nonpowered vehicle, designed to be attached to a motor vehicle, for the purpose of transporting persons, property, or animals.

**16.03.243 Transfer Stations**
See Sec. 16.02.07, F., 4.

**16.03.244 Two-Unit (Two-Family) Building**
See Sec. 16.02.02, B., 6.

**16.03.245 Undertaking**
See Sec. 16.02.06, N., 3.

**16.03.246 Use, Permitted**
A use that may be lawfully established, if permitted, in a particular zone, provided it conforms with all requirements of such zone.

**16.03.247 Use, Principal**
The main use of land or buildings, as distinguished from a subordinate or accessory use.

**16.03.248 Used Vehicle/Light Equipment Sales, Light**
See Sec. 16.02.06, X., 4.

**16.03.249 Utilities**
See Sec. 16.02.05, K.

**16.03.250 Variance**
A departure from dimensional terms of this zoning ordinance pertaining to the height, width, length, or location of structures, and the size of yards and open spaces, where such departure meets the requirements of KRS 100.241 through 100.247.

**16.03.251 Vehicle**
Any device meeting the definition of “motor vehicle” under KRS. §186.010.

**16.03.252 Vehicle/Equipment Sales, Heavy**
See Sec. 16.02.06, X., 5.

**16.03.253 Vehicle Repair**
See Sec. 16.02.06, X., 6.

**16.03.254 Vehicle Sales and Service**

See Sec. 16.02.06, X.

**16.03.255 Vehicular Use Area**

Any area of the lot not located within an enclosed or partially enclosed structure and that is devoted to a use by or for motor vehicles, including parking (accessory or non-accessory); storage of automobiles, trucks, or other vehicles; gasoline stations; car washes; motor vehicle repair shops; loading areas; service areas and drives; and access drives and driveways.

**16.03.256 Veterinary Hospitals**

See Sec. 16.02.06, A., 2.

**16.03.257 Warehouse and Freight Movement**

See Sec. 16.02.07, E.

**16.03.258 Waste-Related Service**

See Sec. 16.02.07, F.

**16.03.259 Youth Shelter**

See Sec. 16.02.02, A., 3.

**16.03.260 Zone**

An established area within the jurisdiction of the City of Covington delineated on the official zoning map of the City of Covington to which a set of regulations governing permitted land use, density, and intensity of development applies.

# ARTICLE 17. MORATORIUM


| | | |
|---|---|---|
| Section 17.01 | Purpose | 17-1 |
| Section 17.02 | Moratorium | 17-1 |
| Section 17.03 | Moratorium Extension | 17-1 |
| Section 17.04 | Exempted Activities | 17-1 |
| Section 17.05 | Zoning And Building Permits | 17-1 |


**SECTION 17.01 PURPOSE:** An article providing for a moratorium on the subdivision of land, grading of land, the construction of streets, utilities, new buildings, additions to existing buildings, establishment of curb cuts and access thoroughfares and driveways, in an area of approximately 88 acres located along the east and west sides of Madison Pike, extending between Eleventh Street and James Avenue.

**SECTION 17.02 MORATORIUM:** Before February 1, 2008, nobody shall cause, promote, aid, assist, encourage, allow or engage in any of the following activities in the moratorium area:

**A.** The subdivision of land.

**B.** The grading of land.

**C.** The construction of streets, utilities, and new buildings.

**D.** The construction of additions to existing buildings.

**E.** The establishment of curb cuts and access thoroughfares and driveways.

**F.** The staying of development plan review.

**SECTION 17.03 MORATORIUM EXTENSION:** There shall be a one time six (6) month extension of the moratorium upon approval of an order/resolution by the City Commission, which shall run through July 31, 2008.

**SECTION 17.04 EXEMPTED ACTIVITIES:** Routine maintenance and building rehabilitation projects shall be exempt from the moratorium.

**SECTION 17.05 ZONING AND BUILDING PERMITS:** No zoning or building permits for any of the activities prohibited in Section 17.02 hereof shall be issued by or on behalf of the City of Covington; and, in the event that any such permits are issued, they shall be void ab initio.

# Appendix A: Specifications for Paving of Off-Street Parking and Loading or Unloading Areas

All new off-street parking facilities must be paved with asphalt or Portland cement concrete and designed and constructed in accordance with the standards and procedures herein established.

A. Asphalt Concrete Pavement

1. General Design Requirements

(a) Asphalt concrete pavement must consist of a specified thickness of asphalt concrete surface course and a base course, or courses, all constructed on prepared subgrade. Pavement thickness required will be determined from Appendix A, Table A-1 of the appropriate subgrade soil and traffic use.

(b) Paved areas must be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved systems. Transverse or longitudinal slopes of not less than 5/8 inch in 10 feet must be provided. For large paved areas, approved catch basins and storm drainage systems must be provided.

(c) When the pavement includes a granular base, and the pavement is not constructed over granular subgrade, perimeter subsurface drainage must be provided to prevent lateral flow of water into the base course and to provide for the removal of seepage water that may enter the base.

(d) Successive layers of the pavement must be offset from the edge of the underlying layer a distance equal to the course thickness of the lower level except when abutting existing construction. When the asphalt layers of the pavement abut a building foundation, barrier curb or similar vertical surface, the abutting surface must be heavily painted with asphalt prior to the construction of the asphalt course. The surface course must be finished ¼ inch above adjacent flush construction to permit proper compaction.

2. Construction Materials and Procedures

(a) Base Course

Base course must consist of the following materials. Construction procedures must conform to the requirements applicable to the base course selected.

(1) Asphalt Concrete Base Course

Materials and construction must conform to the current requirements of the Kentucky Transportation Cabinet Department of Highways, Specifications for Asphalt Concrete Base Course, Division 400, except as noted herein.

(2) Crushed Stone Base Course

Crushed stone base course must conform to all the current requirements of the Kentucky Transportation Cabinet, Department of Highways, for Dense Graded Aggregate Base Course (Division 300).

(b) Asphalt Concrete Surface Course

Materials and construction must conform to the current requirements of the Kentucky Transportation Cabinet, Department of Highways, for Asphalt Concrete Surface, (Division 400).

(c) Asphalt Prime and Tack Coat

(1) Asphalt prime must conform to the Kentucky Transportation Cabinet, Department of Highways requirements for Cutback Asphalt Emulsion Primer Type L, as per Division 400. Prime must be applied to the surface of granular base course at a rate of 0.25 to 0.50 gallons per square yard, as directed by the legislative body's engineer or inspector.

(2) Tack coat (SS-1h) must meet the current requirements of the Kentucky Transportation Cabinet, Department of Highways, as per Division 400. It must be diluted with equal parts of water, when directed by the inspector. Tack coat must be

applied, on direction of the legislative body's engineer, to the surface of asphalt courses that have become dusty or dry at a rate of 0.10 gallons per square yard of the diluted SS-1h before the subsequent course is constructed.

B. Concrete Paving for Parking and Access Drive Areas

1. General Requirements

Thickness of concrete parking and access drives must be:

(a) A minimum of 4 inches for driveways and parking areas serving single- and two-family dwellings;
(b) A minimum of 5 inches for passenger cars and panel or pickup trucks serving industrial, commercial, and multi-family areas;
(c) A minimum of 6 inches for light trucks serving industrial, commercial and multi-family residential areas;
(d) A minimum of 7 inches for heavier commercial or industrial needs.

2. General Requirements; Concrete Paving

(a) Minimum cement content, 564 pounds per cubic yard of concrete (6 U.S. bags);
(b) Maximum size of aggregate, 1¼ inches;
(c) Maximum water content, 0.49 pounds per one pound of cement (5.5 gallons per bag);
(d) Maximum slump, 5 inches when using hand-finishing techniques; 3 inches when using a mechanical finishing machine;
(e) Strength of concrete. The concrete must attain a minimum expected strength of concrete at 28 days of 3,500 pounds per square inch compressive strength or 550 pounds per square inch flexural strength modulus of rupture.
(f) Air entrainment:

| Maximum Size Aggregate (Inches) | Entrained Air (Percent) |
|---|---|
| 1¼ | 5 ± 1 |
| ¾, 1 | 6 ± 1 |

| Maximum Size Aggregate (Inches) | Entrained Air (Percent) |
|---|---|
| 3/8, ½ | 7½ ± 1 |

3. Construction Procedures

(a) All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or taped must be removed and replaced with suitable material placed and compacted. The subgrade must be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum. (AASHO-T98 )

(b) Longitudinal joint spacing may not exceed 15 feet and be designed in accordance with the joint details in Appendix A, Table A-2.

(c) Transverse joint spacings must be at regular intervals of 20 feet.

(d) All transverse construction joints must be designed in accordance with the joint details in Appendix A, Table A-2.

(e) Form offsets at radius points must be at least 2 feet.

(f) Pavement joints must be continuous through the curbs.

(g) Where curbs are required, they must be cast integrally.

(h) The pavement must be struck-off, consolidated, and finished to the grades shown on the plans. All catch basins and manhole castings must be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed joints must be edged with a tool having a maximum radius of 1/8-inch. Sawed and formed joints must be cleaned and sealed before opening to traffic. Final surface texture must be that obtained with a burlap drag. Curing must be that obtained with a uniform coverage of white membrane curing compound or by 7-day coverage of white polyethylene or waterproof paper. The completed pavement must be closed to traffic for at least 14 days or by the time it has attained a compressive strength of 3,500 pounds per square inch or 550 pounds per square inch flexural strength. This traffic restriction must apply

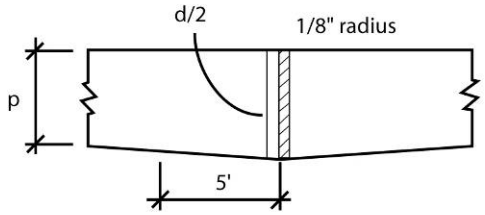
to the contractor's construction equipment and vehicles, as well as general traffic.

**Table A-1**
**Thickness Requirements of Surface and Base Courses**
**For Automobile and Truck Parking Facility Pavements**

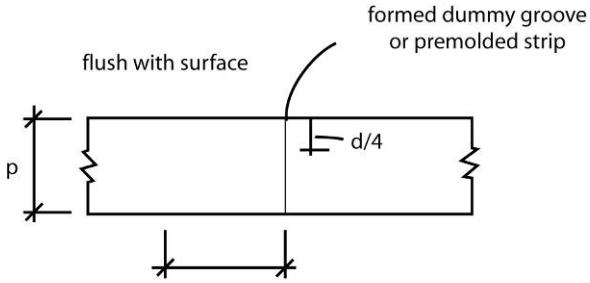
| | Full-Depth Asphalt Concrete | | Asphalt Concrete with Granular Subbase | | | Asphalt Concrete with Granular Base | |
|---|---|---|---|---|---|---|---|
| **Vehicle type** | **Surface KYTC (1) (Division 400) Type B (inch)** | **Base KYTC (1) (Division 400) (inch)** | **Surface KYTC (1) (Division 400) Type B (inch)** | **Base KYTC (1) (Division 400) (inch)** | **Granular Subbase KYTC (1) (Division 300) (inch)** | **Surface KYTC (1) (Division 400) Type B (inch)** | **Granular Base KYTC (1) (Division 300) (inch)** |
| Auto parking facilities | 1½ | 4 | 1¼ | 2 | 6 | 2 | 9 |
| Truck parking facilities | 1½ | 6½ | 1½ | 2½ | 10 | N.A. | N.A. |

(1)Refers to the Kentucky Transportation Cabinet, Department of Highways, Standard Specifications for Road and Bridge Construction (2004 Edition or as amended).

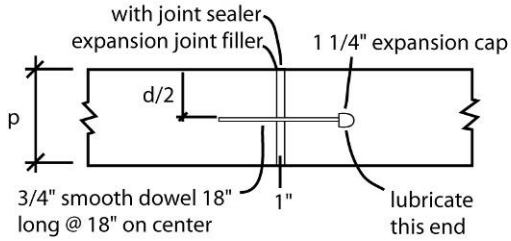
## TABLE A-2
## Joint Details
## As per Appendix A



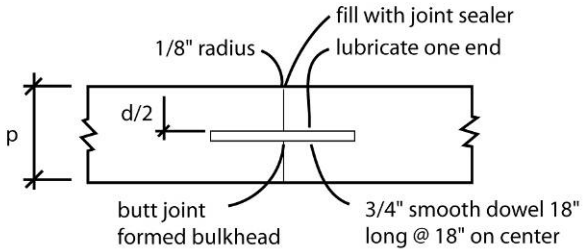

Alternate Expansion Joint



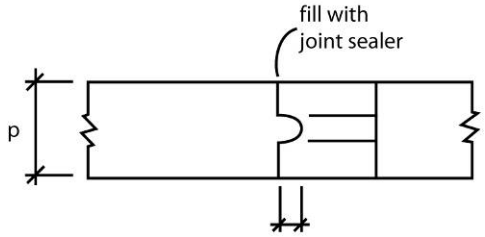

Transverse Contraction
(sawed or premolded strip)



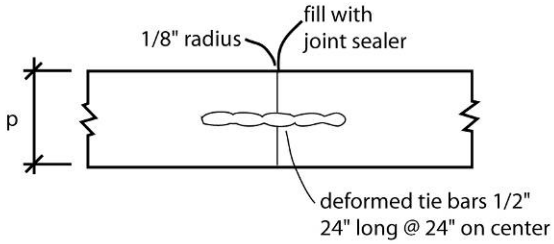

Expansion Joint




Transverse Contraction Joint
(planned-coincide with contraction joint)




Longitudinal Construction Joint
keyway




Tied Transverse Construction Joint
(emergency-not coincide with contraction joint)

# Appendix B: Zone Conversions

The zoning map designations in effect prior to adoption of this ordinance have been converted as follows:

| Prior Zone | New Zone |
|---|---|
| **RESIDENTIAL** | |
| R-RE<br>R-1A | RR-40, Rural Residential |
| R-1B | RS-20, Suburban Residential |
| R-1C | RS-12.5, Suburban Residential |
| R-1D<br>R-1E<br>R-1DD<br>R-1EE | RS-7.5, Suburban Residential |
| R-1F | RU-5, Urban Residential |
| R-1HH<br>R-2A | RU-3.5, Urban Residential |
| R-1G | RU-2 |
| RU | RU-2A, Urban Residential |
| R-2B<br>R-3<br>R-3A | RU-2B, Urban Residential |
| R-4<br>R-5 | RU-1, Urban Residential |
| R-6 | RU-0.5, Urban Residential |
| RCD | None (eliminate) |
| **COMMERCIAL** | |
| RC<br>NC-1<br>NC-2<br>NSC | CN, Commercial–Neighborhood |
| SC<br>HC-1<br>HC-2 | CC, Commercial–Community |
| GC | CG, Commercial–General |
| CBD | CBD, Central Business District |
| TSC | CT, Commercial–Tourist |
| PO | CO, Commercial–Office |
| LRCO | CRL, Commercial–Riverfront (Limited) |
| RCO | CRG, Commercial–Riverfront (General) |
| **INDUSTRIAL** | |
| IP | IP, Industrial Park |
| IU<br>I1 | IL, Industrial–Limited |
| I2<br>I3 | IG, Industrial–General |
| **SPECIAL PURPOSE** | |

| Prior Zone | New Zone |
|---|---|
| CO | RP, Resource Protection |
| A1<br>A2 | AG, Agricultural |
| INST | PI, Institutional |
| ROS | REC, Recreation and Open Space |
| **OVERLAY** | |
| None (New) | VP-O, Viewshed Protection Overlay |
| HP | HP-O, Historic Preservation Overlay |
| AP | AP-O, Area Protection Overlay |
| (P-suffix) | P-O, Phased Overlay |
| MHP | MHP-O, Mobile Home Park Overlay |
| PUD | PUD, Planned Unit Development |