City of Covington, KY Neighborhood Development Code

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Appendix A - Historic Covington Design Guidelines

Appendix B - 12th Street Design Guidelines

(Ord. No. O-22-20, 09/22/2020)

HOW TO USE THIS NDC

Does this Neighborhood Development Code (NDC) apply to my property?

If you own property in Covington, yes. The provisions in this NDC apply to the development, redevelopment, new construction, renovation, or addition to all structures and land within the city limits of Covington. You will find provisions related to the subdivision of land and the installation of infrastructure, such as streets, sidewalks, and utilities, in the Kenton County Subdivision Regulations.

What kind of provisions are in this NDC?

This NDC:

- Establishes character districts and shows what housing and building types (mixed use building, corner store, single-family detached, etc.) and land uses (residential, mixed-use, nonresidential) are allowed in those districts;
- Sets standards for lot area, building placement (how close to or far from a property line a building has to be), building height, and building activation (for example, the amount of windows required to front on a street);
- Provides standards for frontages (porch, stoop, shopfront, etc.) that are allowed on various building and housing types;
- Establishes rules for parking, landscaping, signs, and building materials on private property;
- Shows the process for obtaining various type of permits and approvals such as a change in character district, zoning permits, and variance requests;
- Sets rules for expansions of land uses or structures that do not comply with the rules in this NDC; and
- Provides definitions for various terms used in this NDC.

Which approvals do the City oversee and which do the County oversee?

Approvals	City of Covington			Kenton County	Kenton County with City Representation
	Administrator	**City Commission (CC)**	**Board of Architectural Review and Development**	**Chief Building Inspector**	**Planning Commission**
Appeals			♦		
Building Permit				♦	
Certificate of Appropriateness (Historic)	♦		♦		
Certificate of Occupancy				♦	
Change of Character Districts		♦			♦ (Recommendation)
Conditional Use Permit			♦		
Historic Buildings and Districts (Designation)		♦	♦ (Recommendation)		

Neighborhood Development Code Text Amendment		♦		♦ (Recommendation)
Variance Request			♦	
Zoning Permit	♦			
TABLE NOTE: ♦ = Decision Maker				

How may my property be used?

To determine how your property may be used, take the following steps:

- Find your property on the Character District Map to determine its character district.
- To see what uses are allowed, refer to the applicable permitted land uses table in Article 158.02, *Character Districts*.
- Follow the row across each column to determine what uses are permitted by right (P), permitted subject to limitations (L), permitted with a Conditional Use Permit (C), or prohibited (-).
- If a use is indicated with a "P," then the use is permitted by right, according to the general standards and procedures in this Code, without the need for a public hearing. If the use has a "L," then that means that the use is permitted without a public hearing, but is limited by the standards in Division 07, *Use-Specific Standards*. A "C" in the table indicates that the NDC requires a Conditional Use Permit from the Board of Architectural Review and Development (BOARD) for the use. A dash (-) indicates that the use is prohibited in the given character district.
- Each character district has permitted building types that are allowed. Details on the standards for these building types are in Sec. 04.08.3, *Housing and Building Types*.

I have a use in mind. Where can I build it?

To determine where a specific use is permitted, take the following steps:

- Refer to Sec. 03.06.3, *Permitted Uses by District Table*.
- Find the listed use on the left-hand side of the table.
- Follow the row across each column to determine in what character districts the use is permitted by right (P), permitted subject to limitations (L), permitted with a Conditional Use Permit (C), or prohibited (-).
- If a use is indicated with a "P," then the use is permitted by right, according to the general standards and procedures in this Code, without the need for a public hearing. If the use has a "L," then that means that the use is permitted without a public hearing, but is limited by the standards in Division 07, *Use-Specific Standards*. A "C" in the table indicates that the NDC requires a Conditional Use Permit from the Board of Architectural Review and Development (BOARD) for the use. A dash (-) indicates that the use is prohibited in the given character district.
- Consult the Character District Map in order to find the location of applicable character districts.
- If the use you have in mind is not listed in the use tables, contact the Planning Staff at 859-292-2135.

I have a specific building type in mind. Where can build it?

To determine where a specific building type can be located, take the following steps:

- Find your property on the Character District Map to determine its character district.
- To see what building types are allowed, refer to the Permitted Building Types table for your character district in Article 158.02, *Character Districts*.
- Refer to Sec. 04.08.3, Housing and Building Types, for your desired building type or refer to

I want to change my character district. How do I?

Only the City Commission may change the character district of a property, following public notice and hearings. Generally, the process goes like this:

1. You have to obtain and fill out a pre-application form.
2. Submit the completed form along with the application fee, other materials describing the property, and what you propose to do.
3. After a review, the Planning Staff will arrange for a pre-application conference with you.
4. After the pre-application conference, you may submit the formal application for the change in district.
5. The Planning Staff, and other agencies, will review your submittal and provide comments. Your case manager will notify you of any modifications required to your submitted materials.
6. Once Planning Staff and all other agencies are satisfied, your case manager will schedule a public hearing with the Planning Commission.
7. Public notification is required for any public hearing, in the form a mailed notice to nearby property owners and a sign posted on the subject property in accordance with KRS 100.212.
8. At the Planning Commission's public hearing, Planning Staff will make a recommendation to the Commission, and the Commission will hear testimony from anyone in favor of, against, or neutral to your request.
9. After the Planning Commission hears public testimony, and has heard from you regarding your request, the Planning Commission will vote to recommend to the City Commission approval, approval with conditions, or denial of your change in district.
10. The City Commission will consider your request, the Staff and Planning Commission recommendation, public testimony from the Planning Commission hearing, and testimony from its own hearing, and will approve, approve with conditions, or deny your request.

See Sec. 07.22.4, *District Map Amendment*, for details on the procedure.

How much (or how little) parking does a residence or business need?

The table in Sec. 04.11.3, *Required Parking Ratios,* shows various land uses and the minimum and/or maximum number of parking spaces required or allowed. In addition, Division 11, *Parking, Loading, and Circulation*, establishes the amount of loading spaces a business needs and, under certain circumstances, it lets a residence or business reduce the amount of parking it has to provide.

How much landscaping does a residence or business need?

Division 12, *Landscaping, Fencing, and Buffering*, generally requires four types of landscaping that need to be provided on a site:

- Building foundation plantings - Shrub and ornamental plantings along the base of a building
- Streetscape plantings / Street trees - Tree plantings between a sidewalk and a street
- Parking and loading area plantings - Tree, shrub, and ornamental plantings within and on the edge of a parking area
- Bufferyards - Tree and shrub plantings on the edge of a site

The first three types of landscaping are required for multifamily, nonresidential, and mixed-use developments. The fourth type, bufferyards, are required for multifamily, nonresidential, and mixed-use developments and certain single- and two-family developments.

What kind of signs can a residence or business have?

Division 13, *Signs*, allows various sign types and sizes within the various character districts. Most signs require a sign permit, and the permit shall be reviewed and acted upon according to Sec. 07.21.7, *Sign Plan and Permit*.

What does nonconforming mean and what are my options?

Existing uses, buildings and structures, lots, landscaping and buffering, signs, and parking and loading areas that complied with the regulations when they were established or built, but do not comply with the current provisions of this NDC are considered nonconforming. Article 158.05, *Nonconformities*, of this NDC allows these uses, structures, and site elements to remain and undergo routine maintenance and repair, but limits or prohibits their expansion.

A use deemed a minor nonconformity may be converted from a nonconforming use to a conforming one according to the process in Division 17, *Conversion of Minor Nonconformities.*

An illegal use (one not permitted in the character district at the time the use was established) or a structure built without a valid permit are not considered nonconforming uses or structures and do not benefit from nonconformity protections described above.

May I request a variance or appeal a decision, and how?

If, due to a hardship or unique circumstances related to your property, you cannot comply with certain development or design standards, you may request a variance from the Board of Architectural Review and Development (BOARD). Sec. 07.23.4, *Variance,* provides the details for this procedure.

You may appeal a City staff member's decision or a formal interpretation of this NDC to the Board of Architectural Review and Development (BOARD), in the manner spelled out in Sec. 07.23.1, *Appeals*. An appeal of a decision of the City Commission, Planning Commission, or Board of Architectural Review and Development (BOARD) generally shall go to a court of competent jurisdiction. Consult your attorney for further details.

When two tables have conflicting information, which one applies?

If any discrepancies or conflicts result from the provisions of this NDC, the following list of tables are the governing and final authority on the specific issue unless other explicitly stated. Other tables may specifically call out modification or additions to the requirements of these governing tables.

- Table 03.06.3, *Permitted Uses by District*
- Table 04.08.3.A, *Permitted Buildings Types by District*
- Table 04.08.6.A, *Permitted Frontage Types by Building Type*
- Table 04.08.7.A-1, *Minimum Open Space*
- Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*
- Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*
- Table 04.10.2, *Building Placement and Massing Standards by District*
- Table 04.10.3, *Permitted Setback and Height Encroachments*
- Table 04.10.4-1, *Primary Materials*
- Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*
- Table 04.11.4.E, *Vehicle Surface Parking Location*
- Table 04.11.4.F-1, *Permitted Parking Structure Types*
- Table 04.11.4.G, *Bicycle Space Requirements*
- Table 04.11.4.H, *Loading Space Requirements*
- Table 04.11.6-1, *Shared Parking Table*
- Table 04.11.6-2, *Illustrative Shared Parking Reduction Calculation*
- Table 04.12.3, *Tree Preservation Credit*
- Table 04.12.4, *Maximum Fence and Wall Height*

- Table 04.12.5-2, *Character District Bufferyard Requirements*
- Table 07.20.2-1, *Summary of Procedures*
- Table 07.20.4, *Application Authorization*

Effective on: 10/15/2020

ARTICLE 158.01 GENERAL PROVISIONS

Contents:

Division 01 Authority, Purpose, Jurisdiction, and Applicability

Division 02 Effect of NDC

Division 01 Authority, Purpose, Jurisdiction, and Applicability

Contents:

Sec. 01.01.1 Title

Sec. 01.01.2 Authority

Sec. 01.01.3 Purposes

Sec. 01.01.4 Jurisdiction

Sec. 01.01.5 Severability

Sec. 01.01.6 Effective Date and Repeal

Sec. 01.01.1 Title

This zoning ordinance is titled, and may be cited as, the “Neighborhood Development Code of the City of Covington, Kentucky.” It is referred to throughout this document as “this Neighborhood Development Code,” "this NDC," "this Code," or similar terms.

Effective on: 10/15/2020

Sec. 01.01.2 Authority

This Neighborhood Development Code (NDC) is adopted pursuant to the powers granted and limitations imposed by state law, including the authority granted by KRS Chapter 100.

Effective on: 10/15/2020

Sec. 01.01.3 Purposes

The purposes of this NDC are to:

A. *Promote Health, Safety, Morals, and Welfare*.
   1. Regulate development to enhance the health, safety, morals, and welfare of Covington; and
   2. Facilitate fire, police, and medical first responders to prevent loss of life, health, or property from fire, flood, and other dangers.

B. *Increase Quality of Life and Quality of Place*. Encourage development that protects and increases quality of life and quality of place for Covington residents, commuters, and visitors. Promote the arts and culture, education, tourism, and diversity of Covington.

C. *Implement Adopted Plans*. Incorporate the goals and policies of the plans affecting future development of Covington including comprehensive plans, transportation plans, and thoroughfare plans that are adopted by the Covington City Commission and by applicable county agencies.

D. *Support Business Retention, Creation, and Growth*.
   1. Increase Covington’s economic vitality and competitiveness;
   2. Enable and encourage entrepreneurship and local business growth; and
   3. Remove development regulation barriers to retention and sensitive expansion of local businesses.

E. *Encourage Contextually Sensitive Development*.

1. Establish development regulations that adapt to each given project context;
2. Promote contextually compatible renovation, reinvestment, and incremental growth within developed properties and infill development of vacant or underutilized properties;
3. Enable and encourage efficient development patterns, including by-right mixed-use development; and
4. Facilitate orderly and harmonious development with the visual and historical character of Covington.

F. *Protect and Enhance Natural Environment Assets*.

1. Promote conservation and enhancement of Covington's scenic and environmental resources;
2. Enhance tree cover to increase property values, reduce storm water runoff and soil erosion, provide noise buffering, reduce energy costs, remove greenhouse gases, and protect Covington's water quality;
3. Provide regulations for sensitively replacing trees when required for development and safety; and
4. Encourage the use of green building principles (such as those published by the United States Green Building Council for the purpose of Leadership in Energy and Environmental Design certification).

G. *Promote Equitable, Affordable Housing*. Encourage location-efficient housing options to increase mobility and lower the combined cost of housing and transportation.

H. *Promote Multi-Modal Transportation*. Encourage and enhance environments that are safe, comfortable, and convenient for pedestrian, bicycle, and transit modes of transportation.

I. *Leverage Legacy Investments*.

1. Legalize, protect, and enhance the character of Covington's established neighborhoods and their historic resources; and
2. Prevent the waste of public infrastructure on far-flung, unimproved, or underutilized sites. Remove development regulation barriers to contextually sensitive adaptions and expansions of historic resources.

J. *Leverage Future Investments*.

1. Provide development regulations that may readily adapt to accommodate unanticipated but compatible businesses and land uses; and
2. Where appropriate and feasible, minimize potential conflicts with development requirements in common financial assistance programs.

K. *Provide Clear Regulations and Processes*. Establish transparent regulations and review procedures for development, the duties and powers of responsible administrative bodies, and reasonable penalties and enforcement mechanisms for violations of the NDC as consistent with the requirements and authorities of KRS Chapter 100.

Effective on: 10/15/2020

Sec. 01.01.4 Jurisdiction

To the extent allowed by law, the regulations of this NDC apply to all development, public or private, within the corporate limits of the City of Covington in Kenton County, Kentucky.

Effective on: 10/15/2020

Sec. 01.01.5 Severability

A. **Generally.** If a court of competent jurisdiction holds any portion of this NDC to be invalid or unconstitutional, that portion is deemed severed from this NDC and in no way affects the validity of any other portion of the Code.

B. **As-Applied**. If a court of competent jurisdiction holds any application of a provision of this NDC to a particular structure, land, or water to be invalid or unconstitutional "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in such judgment.

Effective on: 10/15/2020

Sec. 01.01.6 Effective Date and Repeal

A. **Effective Date**. This NDC becomes effective on October 15, 2020, unless otherwise expressly indicated.

B. **Repeal**. The Zoning Ordinance existing prior to adoption of this NDC is deemed repealed and replaced upon the effective date of this NDC.

Effective on: 10/15/2020

Division 02 Effect of NDC

Contents:

Sec. 01.02.1 Effect on Private Restrictions

Sec. 01.02.2 Relationship to and Conflict with Other Regulations

Sec. 01.02.3 Transition Standards and Vesting

Sec. 01.02.4 Consistency with Plans

Sec. 01.02.5 Minimum Requirements

Sec. 01.02.1 Effect on Private Restrictions

A. *Conflict*. This NDC is not intended to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. The provisions of this NDC, whether they impose greater or lesser restrictions than imposed by a private agreement, will be enforced.

B. *No City Involvement*. The City does not enforce, interpret, or maintain a record of private agreements.

Effective on: 10/15/2020

Sec. 01.02.2 Relationship to and Conflict with Other Regulations

A. *Nature of Provisions*. The provisions of this NDC pose limitations and requirements in addition to all other applicable laws and ordinances.

B. *Conflict with State or Federal Regulations*. If the provisions of this NDC are inconsistent with those of the state or federal government, the more restrictive provision, as determined by the Administrator, controls, to the extent permitted by law.

C. *Conflict with Other City Regulations*. If the provisions of this NDC are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the provisions of this NDC shall control.

D. *Conflicts within this NDC*. Where the text of this NDC conflicts with its tables or illustrative material, the text controls. Where a table of this NDC conflicts with an illustration, the table controls.

Effective on: 10/15/2020

Sec. 01.02.3 Transition Standards and Vesting

A. *Purpose*. This Section establishes rules for the transition from the City's Zoning Ordinance to this NDC.

B. *Construction in Progress*. Nothing in this NDC requires a change in the plans, construction, or designated use of any building for which actual construction was lawfully begun before October 15, 2020, and on which actual construction has been diligently pursued. Construction activities may not commence until all required permits for construction and/or demolition have been obtained.

C. *Approvals Granted Before Effective Date*. Development applications listed in Article 158.07, *Permit Applications and Procedures*, with valid approvals on October 14, 2020, remain valid until their expiration date, if the approval included such an expiration. Development shall be completed in conformance with valid approvals, even if such building, development, or structure does not fully comply with provisions of this NDC. If development activity is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development, or structure shall meet the provisions of this NDC in effect at the time of re-application.

D. *Applications in Review Before Effective Date*. Complete development applications that are in review and pending final action on October 15, 2020, shall be reviewed wholly under the terms of the Zoning Ordinance in effect on October 14, 2020. Any re-application for an expired approval shall meet the provisions of this NDC in effect at the time of re-application.

E. *Violations Continue*. Any violation of the previous Zoning Ordinance continues to be a violation under this NDC and is subject to penalties and enforcement under Article 158.08, *Enforcement, Penalties, and Remedies*. If the use, development, construction, or other activity that was a violation under the previous ordinance complies with the

express terms of this NDC, enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before October 15, 2020. The adoption of this NDC does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous Zoning Ordinance that occurred before October 15, 2020.

F. *Nonconformities*. Any nonconformity under the previous Covington Zoning Ordinance (Ord. O-37-06, passed August 15, 2006) remains a nonconformity under this NDC, 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 NDC, or any subsequent amendment to it, then the situation is no longer considered a nonconformity.

G. *Illegalities*. A situation that was illegal under the previous Zoning Ordinance does not achieve nonconforming or legal status under this NDC merely by repeal of the previous Zoning Ordinance unless the situation is consistent with the express terms of this NDC. In such case, enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before October 15, 2020.

Effective on: 10/15/2020

Sec. 01.02.4 Consistency with Plans

A. *Acknowledgment and Implementation*. This NDC acknowledges and implements the land use and urban design goals, objectives, and recommendations for the City, as reflected in the Kenton County Comprehensive Plan and other adopted planning documents that apply to the City, including, but not limited to, the following:

1. Building Covington's Future: A Community Visioning and Strategic Planning Process 2007;
2. City Center Action Plan 2012;
3. Community Reinvestment Plan;
4. Covington Riverfront Opportunities Plan (Parts 1 and 2);
5. Downtown Streetscape and Public Realm Design Guidelines;
6. Jackson Square Strategic Investment Plan 2016;
7. Latonia Small Area Study 2011;
8. Licking River Greenway Master Plan 2008;
9. Linden Gateway Small Area Study (Parts 1-3 and landscape analysis);
10. Neighborhood Revitalization Strategy Area 2013;
11. The Hills;
12. Orchard Park Redevelopment Plan; and
13. Westside Neighborhood Redevelopment Plan 2016.

B. *Noncompliance*. While this NDC conforms to adopted planning policies, no provision of this NDC may be challenged merely on the basis of an alleged noncompliance with the Kenton County Comprehensive Plan or other plan or policy.

Effective on: 10/15/2020

Sec. 01.02.5 Minimum Requirements

The provisions of this NDC are the minimum requirements deemed necessary to carry out the Code's stated purposes.

Effective on: 10/15/2020

ARTICLE 158.02 CHARACTER DISTRICTS

Contents:

Division 03 General Provisions

Division 04 Primary Districts

Division 05 Secondary Districts (Overlays)

Division 03 General Provisions

Contents:

Sec. 02.03.1 Establishment of Districts

Sec. 02.03.2 Establishment of Official District Map

Sec. 02.03.3 District Designation Upon Annexation

Sec. 02.03.4 Exemption for Publicly Owned and Operated Land Uses and Structures

Sec. 02.03.1 Establishment of Districts

The City is divided into character districts as set out in Table 02.03.1-1, *Character Districts*. This table specifies each district along with the respective recommended sub-area on the Kenton County Comprehensive Plan Concept Map and land use on the Future Land Use Map.

Table 02.03.1, Character Districts

District Name	Designation	Kenton County Comprehensive Plan Concept Map Sub Area	Kenton County Comprehensive Plan Future Land Use Map Designation	Former Zoning District[1]
Primary Districts				
Residential				
Rural Residential	RR	Suburban	Residential Under 2.0	RR-40
Suburban Residential	SR	Suburban	Residential 2.1 to 4.0	RS-20, RS-12.5, RS-7.5
Suburban Residential	SR	Suburban	Residential 4.1 to 7.0	RS-20, RS-12.5, RS-7.5
Semi-Urban	SU	Urban and First Ring Suburban	Residential 4.1 to 30.0	RU-3.5, RU-2. RU-2A, RU-2B, RU-1, and RU-0.5 south of Martin Luther King, Jr. Boulevard and RU-5
Commercial and Office				
Auto-Urban Commercial	AUC	Suburban	Commercial	CG-1M (MUC-O), CG-2M (MUC-O), and CN-1M (MUC-O), CN-1A, CG-1A, CG-2A
Suburban Office	SO	Suburban	Commercial	CO
Mixed-Use				
Commercial Mixed Use	CMU	Urban and First-Ring Suburban	Commercial	CC-1A
Central Riverfront Mixed-Use	CRM	Urban	Mixed Use	CO-1P bounded by W. Rivercenter Boulevard, Johnson Street, W. 4th Street, Madison Avenue
Downtown Core	DTC	Urban	Mixed Use	CBD

Table 02.03.1, Character Districts

District Name	Designation	Kenton County Comprehensive Plan Concept Map Sub Area	Kenton County Comprehensive Plan Future Land Use Map Designation	Former Zoning District[1]
Downtown Riverfront	DTR	Urban	Mixed Use along E. and W. River Center Boulevard and W. 2nd Street	CRL, CRG
Traditional Urban Mixed-Use[2]	TUMU	Urban	Mixed Use	CT
Traditional Urban Residential	TUR	Urban	Residential Over 30	RU-3.5, RU-2. RU-2A, RU-2B, RU-1, and RU-0.5 north of Martin Luther King, Jr. Boulevard
Industrial				
Suburban Industrial	SI	Suburban	Industrial	IP-1A, CN-1A
Limited Industrial	LI	Urban, First Ring Suburban, Suburban	Industrial	IL-1A, IL-1M
General Industrial	GI	Urban	Industrial	IG-1A
Special Purpose				
Resource Protection	RP	Any	Developmentally Sensitive Area	AG, RP
Recreation	REC	Any	Recreation and Open Space	REC
Secondary Districts (Overlays)				
Historic Preservation	HP	Urban, First Ring Suburban	Any	HP-O
Hillside Stability[2]	HS	Any	Developmentally Sensitive Area	Not Applicable
12th Street Corridor[2]	TS	KRS Chapter 99 Development Plan Area	Any	Not Applicable

Table Notes:

1. The former zoning designations are from the Covington Zoning Ordinance (Ord. O-37-06, passed August 15, 2006, as amended on April 23, 2019, by Ord.O-11-19), which are repealed on the Effective Date of this NDC.
2. This is a new district or overlay that does not have a directly corresponding former zoning district or overlay.

Effective on: 10/15/2020

Sec. 02.03.2 Establishment of Official District Map

A. **Official District Map**.

1. *Adoption*. The location and boundaries of the districts established by this NDC are shown on the Official District Map, entitled "Official District Map of the City of Covington, Kentucky." That map—together with all notations, references, data, and other information shown on the map—is adopted and incorporated into this NDC. The official district map shall 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.
2. *District Map Amendments*.
   a. Where changes are made to district boundaries in accordance with the procedures of Sec. 07.22.4, *District Map Amendment*, and KRS Chapter 100, such changes shall be made on the Official District Map promptly after the amendment has been approved by the City Commission. The City Commission shall provide PDS with a certified copy of the amendment so that the official district map may be changed. Failure to comply with the procedures of this paragraph does not affect the validity of an approved district map amendment.
   b. No changes of any nature may be made on the Official District Map that are not in conformity with the procedures set forth in this NDC.
3. *Replacement of Official District Map*. If the Official District 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), PDS may prepare a reproduction of the Official District Map, which will supersede the prior map. Such a replacement shall not have the effect of amending the official map.

B. **Interpretation of District Boundaries**.

1. *Interpretation Criteria*. Where the map appears to be unclear regarding the location of district boundaries, the Administrator shall make a determination using the following criteria:

   a. Boundaries indicated as approximately following the rights-of-way of a street, alley, or other public right-of-way are 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.

   b. Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.

   c. Boundaries indicated as approximately following political boundary lines are construed as following such boundary lines.

   d. Boundaries indicated as approximately following the rights-of-way of railroad lines are construed as following such lines.

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

   f. Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map, are construed as following such ground elevation lines.

   g. Boundaries indicated as approximately parallel to features indicated in paragraph a. through f. of this Subsection are construed as parallel to such features. Boundaries indicated as approximate extensions of features are so construed. Distances not specifically indicated on the Official District Map are determined by the scale of the map, if an accurate legal description cannot be determined.

2. *Board of Architectural Review and Development (BOARD) Interpretation*. The Administrator's boundary interpretation may be appealed to the Board of Architectural Review and Development (BOARD) in accordance with Sec. 07.22.1, *Appeals.*

Effective on: 10/15/2020

Sec. 02.03.3 District Designation Upon Annexation

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

Effective on: 10/15/2020

Sec. 02.03.4 Exemption for Publicly Owned and Operated Land Uses and Structures

A. **Exemption for State Government**. State and local government entities, their political subdivisions, departments, commissions, boards, authorities, agencies, or instrumentalities of state government are not required to obtain approval for proposals pursuant to KRS 100.361. Some public utilities are not required to obtain approval for certain facilities under KRS 100.324.

B. **Acquisition or Disposition of Land**. Regardless of statutory exemptions, these entities are required to submit proposals for acquisition or disposition of land for public facilities, or changes in character, location or extent of structures or land for public facilities, with some exclusions under KRS 100.324(4), to the Planning Commission in light of the Kenton County Comprehensive Plan. This Section merely informs the public that certain entities are exempt from NDC-related approvals under state law and does not expand those exemptions set forth in KRS 100.

C. **Conflict**. In the event of a conflict between the requirements of this NDC and statutory exemptions established in KRS 100, the exemptions in KRS 100 shall govern.

Effective on: 10/15/2020

Division 04 Primary Districts

Contents:

Sec. 02.04.1 Residential Districts

Sec. 02.04.2 Commercial and Office Districts

Sec. 02.04.3 Mixed-Use Districts

Sec. 02.04.4 Industrial Districts

Sec. 02.04.5 Special Purpose Districts

Sec. 02.04.1 Residential Districts

Subsec. 02.04.1.A - Rural Residential (RR)

1. RR Example Building

2. RR Example Development Pattern

3. RR Purpose

The purpose of the Rural Residential (RR) district is to provide for estate-sized lots for single-family detached dwellings and supporting civic uses in a rural setting. Alternatively, the district may also accommodate by-right cluster development for single-family homes on more moderately sized lots oriented around preserved common open space set aside to protect environmental resources, such as hillsides, timberlands, wetlands, floodplains, and riparian areas, and as a buffer or recreational amenity.

4. RR Neighborhood Options

Auto-oriented neighborhood on large lots with open space provided on individual lots.

Cluster neighborhood of single-family lots clustered around naturalistic common open space.

5. RR Context and Transition

This district is appropriate for large land holdings in the suburban sub-areas of the Kenton County Comprehensive Plan Concept Map. Appropriate adjacent districts are Suburban Residential, Resource Protection, and Recreation.

6. RR Residential Lot Density and Dimensions[1, 2]

	Auto-Oriented Neighborhood[3]	Cluster Neighborhood[4]
Gross Density		
Maximum Dwellings per acre	1.0	1.5
Lot Dimensions		
Minimum Lot Area	40,000 sf.	20,000 sf.
Minimum Lot Width	125 ft.	90 ft.
Site Area		
Minimum Site Area	N/A	10 acres
Neighborhood Open Space		
Minimum Open Space Ratio (percentage of land area)[5]	N/A	30%

TABLE NOTES:
sf. = Square Feet; ft. = Feet

[1] These standards apply only to residential development in the Rural Residential (RR) districts. Where non-residential development is permitted within those districts, the corresponding lot and building area standards for the Suburban Office (SO) district, Subsec. 02.04.2.B, apply.

[2] In case of discrepancy with this summary table, the standards in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, shall govern.

[3] The standards for auto-oriented neighborhoods apply to residential developments that are not considered part of a Cluster Neighborhood, Planned Neighborhood, or Tiny House Neighborhood, per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where permitted.

[4] The standards in this column may be modified by the provisions in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where permitted.

[5] The open space percentage applies to subdivisions rather than individual lots. Refer to Sec. 09.28.6, *Open Space*.

7. RR Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Lesser of (1) 30 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average	10 ft.	Lesser of (1) 5 ft. or 80% of context average	Same as front street setback	1 story
Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 35 ft. or (2) 120% of context average

TABLE NOTES:
ft. = Feet

[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.

[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Housing and Building Types*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.

[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

8. RR Permitted Building Types[1, 2]

Name	Associated Land Use Types	Reference
Carriage House	Accessory Dwelling Unit	04.08.3.C
Lot Line Dwelling	Household Living	04.08.3.H
Public and Civic Building	Civic	04.08.3.J
Qualified Manufactured Home	Household Living	04.08.3.K
Single-Family Attached Dwelling	Household Living	04.08.3.M
Single-Family Detached Dwelling	Household Living	04.08.3.N
Tiny House	Household Living	04.08.3.O
Not applicable - no specific building type required	Agriculture and Animal Services; Group Living; Utilities; and Outdoor Entertainment	--

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

[2] Certain building types are permitted only as part of a Cluster Neighborhood development within the RR district per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.

9. RR Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as pools -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

10. RR Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2, 3]
Agriculture and Animal Services	
Community garden	L
Kennel	L
Market garden or Nursery (retail)	C
Roadside stand	L
Veterinary clinic or Veterinary hospital	C
Other Agriculture and Animal Services including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory dwelling unit	L
Dwelling, single-family	P
Manufactured home park	C
Short-Term Rental, Host-Occupied	C
Short-Term Rental, Non-Host-Occupied	C
Sober living home (6 or fewer residents)	P
Group Living	
Addiction Treatment Facility	--
Nursing home or Residential care facility	L
Youth Shelter	C
Civic	
Cemetery, columbarium, mausoleum, or memorial park	P
Daycare, Type 1 or 2	C
Government/Non-Profit Parking Lot or Maintenance Area	C
Government Service	P
Park, Playground, and Common Open Space	P

10. RR Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2, 3]
Public Assembly Facility	C
School, Elementary, Middle, or High	C
Swimming Pool (Public)	P
Other Civic uses including: Adult day care; Aquarium; Community, Senior, or Youth Center; Museum or Gallery; and Pre-school or Child Day Care Center	C
Utilities	
Utilities, Minor	P
Utilities, Major	C
Entertainment, Outdoor	
Farmers market	L

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, Permitted Uses by District, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

[3] These standards may be modified in instances of a Cluster Neighborhood development per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.

11. RR Permitted Land Uses Key

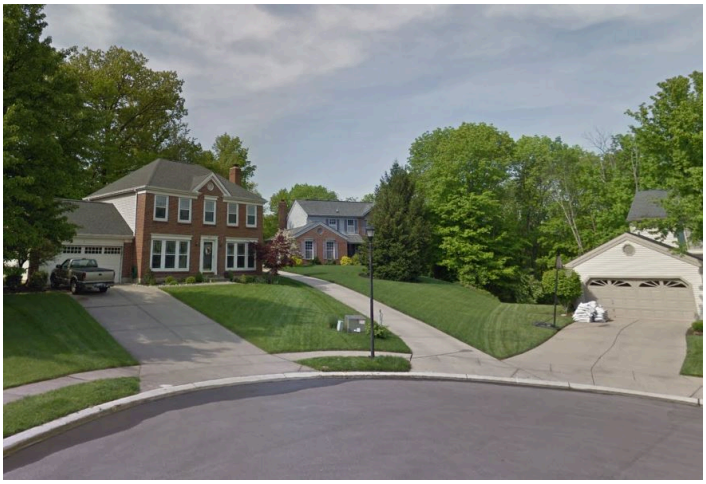
P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 02.04.1.B - Suburban Residential (SR)

1. SR Example Building



2. SR Example Development Pattern

3. SR Purpose

The purpose of the Suburban Residential (SR) district is to provide for larger-sized lots for single-family detached dwellings and supporting civic uses in a suburban setting. Alternatively, the district may also accommodate by-right cluster development for single- and two-family homes on smaller sized lots oriented around preserved common open space or planned development for additional housing types. Moderate to high levels of landscaping are present with most vehicular access occurring across a front yard.

4. SR Neighborhood Options

Auto-oriented larger-lot neighborhood with open space provided on individual lots.

Cluster neighborhood of single- and two-family lots clustered around naturalistic common open space.

Planned neighborhood of a variety of housing and building types clustered around more formalized common open space.

5. SR Context and Transition

This district is appropriate in the suburban sub-areas of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Rural Residential, Suburban Commercial, Suburban Office, Resource Protection, and Recreation.

6. SR Residential Lot Density and Dimensions[1, 2]

	Auto-Oriented Neighborhood[3]	Cluster Neighborhood[4]	Planned Neighborhood[4]	Tiny House Neighborhood[4]
Gross Density				
Maximum Dwellings per acre	2.064	2.417	2.825	10.045
Lot Dimensions				
Minimum Lot Area	20,000 sf.	12,500 sf.	7,500 sf.	2,000
Minimum Lot Width	100 ft.	80 ft.	60 ft.	25 ft.
Site Area				
Minimum Site Area	N/A	10 acres	10 acres	3 acres
Neighborhood Open Space				
Minimum Open Space Ratio (percentage of land area)[5]	N/A	30%	45%	35%

TABLE NOTES:
sf. = Square Feet; ft. = Feet

[1] These standards apply only to residential development in the Rural Residential (RR) districts. Where non-residential development is permitted within those districts, the corresponding lot and building area standards for the Suburban Office (SO) district, Subsec. 02.04.2.B, apply.

[2] In case of discrepancy with this summary table, the standards in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, shall govern.

[3] The standards for auto-oriented neighborhoods apply to residential developments that are not considered part of a Cluster Neighborhood, Planned Neighborhood, or Tiny House Neighborhood, per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where permitted.

[4] The standards in this column may be modified by the provisions in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where permitted.

[5] The open space percentage applies to subdivisions rather than individual lots. Refer to Sec. 09.28.6, *Open Space*.

7. SR Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Lesser of (1) 20 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 35 ft. or (2) 120% of context average

TABLE NOTES:
ft. = Feet

[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.

[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Housing and Building Types*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.

[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*

8. SR Permitted Building Types[1, 2]

Name	Associated Land Use Types	Reference
Carriage House	Accessory Dwelling Unit	04.08.3.C
Duplex	Household Living	04.08.3.E
Lot Line Dwelling	Household Living	04.08.3.H
Public and Civic Building	Civic	04.08.3.J
Qualified Manufactured Home	Household Living	04.08.3.K
Single-Family Attached Dwelling	Household Living	04.08.3.M
Single-Family Detached Dwelling	Household Living, Office, Medical Facilities	04.08.3.N
Tiny House	Household Living	04.08.3.O
Not applicable - no specific building type required	Group Living; Utilities; and Outdoor Entertainment	--

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

[2] Certain building types are permitted only as part of a Cluster, Planned, or Tiny House Neighborhood development within the SR district per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.

9. SR Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as pools -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

10. SR Permitted Land Uses, and Neighborhood Types[1]

Land Use Types and Specific Uses	Uses[2, 3]
Agriculture and Animal Service	
Community garden	L
Kennel	--
Market garden or Nursery (Retail)	C
Roadside stand	--
Veterinary clinic or Veterinary hospital	--
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory dwelling unit	L
Dwelling, single-family	P
Dwelling, two-family	L
Manufactured home park	C
Short-term rental, host occupied	L
Short-term rental, non-host occupied	L
Sober living home (6 or fewer residents)	P
Group Living	
Addiction treatment facility	--
Nursing home or Residential care facility	L
Youth shelter	C
Civic	
Cemetery, columbarium, mausoleum, or memorial park	C
Daycare, type 1 or 2	C
Government service	P
Park, playground, and common open space	P

10. SR Permitted Land Uses, and Neighborhood Types[1]

Land Use Types and Specific Uses	Uses[2, 3]
Public assembly facility	P
School, elementary, middle, or high	C
Swimming pool (public)	P
Other Civic including: Adult day care; Aquarium; Community, senior, or youth center; Government/non-profit parking lot or maintenance area; Museum or gallery; Pre-school or child day care center	C
Utilities	
Utilities, minor	P
Utilities, major	C

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

[3] These standards may be modified in instances of a Cluster Neighborhood, Planned Neighborhood, or Tiny House Neighborhood development per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.

11. SR Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

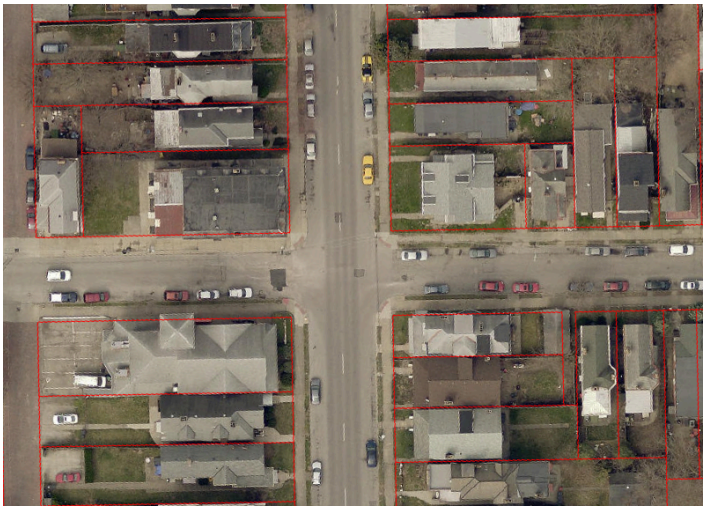
(Ord. No. O-13-21, 09/28/2021)

Effective on: 6/11/2024

Subsec. 02.04.1.C - Semi-Urban Residential (SU)

1. SU Example Buildings

2. SU Example Development Pattern

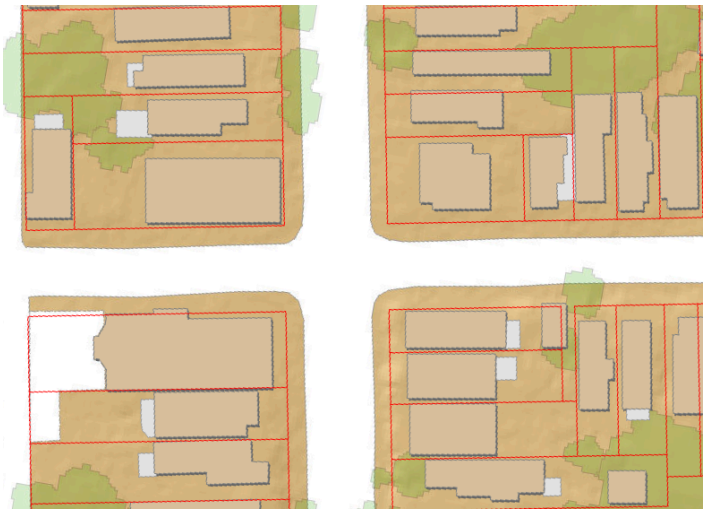


3. SU Purpose

The purpose of the Semi-Urban Residential district is to provide for renovation, incremental expansion, or new construction of contextually-sensitive single-family detached and attached, two-family, townhouse, and triplex/quadplex dwellings, along with allowances for small-scale neighborhood commercial uses, and to prevent or minimize vehicular access points from interrupting streetscapes and non-motorized mobility. Small to moderate levels of landscaping are present.

4. SU Context and Transition

This district is appropriate for lots on local streets and at intersections of collector and local streets in the urban and first-ring suburban sub-area of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Suburban Residential, Commercial and Office, and Mixed Use districts in Sec. 02.04.3.



5. SU Lot Density and Dimensions

Lot density and dimensions within the SU character district are based on building type per Sec. 04.08.3, *Building Types*.

6. SU Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Greater of (1) zero feet or (2) 80% of context average	Greater of (1) zero feet or (2) 80% of context average	Lesser of (1) 4 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 25 ft. or (2) 80% of context average for front garage door setbacks	Greater of (1) 1 story or (2) 80% of context average
Max.	Greater of (1) 10 ft. or (2) 120% of context average	Greater of (1) 10 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 35 ft. or (2) 120% of context average

TABLE NOTES:
ft. = Feet

[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.

[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.

[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

7. SU Permitted Building Types[1, 2]

Name	Associated Land Use Type	Reference
Apartment	Household Living	04.08.3.B
Carriage House	Household Living	04.08.3.C
Corner Store	Household Living; Civic; Medical Facilities; Office; and Retail Repair, Sales, and Service	04.08.3.D
Duplex	Household Living	04.08.3.E
Lot Line Dwelling	Household Living	04.08.3.H
Mixed-Use Building	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, and Light Industrial	04.08.3.I
Public and Civic Building	Civic	04.08.3.J
Qualified Manufactured Home Building	Household Living	04.08.3.K
Shop	Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, Vehicle Sales and Service, and Light Industrial	04.08.3.L
Single-Family Attached Dwelling	Household Living and Overnight Accommodations	04.08.3.M
Single-Family Detached Dwelling	Household Living, Medical Facilities, and Overnight Accommodations	04.08.3.N
Tiny House	Household Living	04.08.3.O
Townhouse/Rowhouse	Household Living	04.08.3.P
Triplex/Quadplex	Household Living	04.08.3.Q
Not applicable - no specific building type required	Agriculture and Animal Service, Group Living; Utilities	--

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

[2] Certain building types are permitted only as part of a Tiny House Neighborhood development within the SU district per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.

8. SU Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as pools -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. SU Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Agriculture and Animal Service	
Community garden	L
Kennel	--
Market garden or Nursery (retail)	C
Roadside stand	--
Veterinary clinic or hospital	--

9. SU Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Other Agricultural and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory dwelling unit	L
Dwelling, single-; two-; three- or -four; or multi-family (5 or more)	P
Manufactured home park	C
Short-term rental, host occupied	L
Short-term rental, non-host occupied	L
Sober living home (6 or fewer residents)	P
Upper-story dwelling unit	P
Group Living	
Addiction treatment facility	--
Nursing home or Residential care facility	L
Youth shelter	C
Civic	
Cemetery, columbarium, mausoleum, memorial park	C
Day care, type 1 or 2	L
Government/non-profit parking lot or maintenance area	C
Government Services	P
Park, playground, and common open space	P
Public assembly facility	P
School, elementary, middle, or high	C
Other Civic uses including: Adult day care; Aquarium; Community, senior, or youth center; Museum or gallery; Pre-School or Child day care center; Swimming pool (public)	P
Medical Facilities	
Chiropractor, or acupuncture, medical, or dental clinic	L
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Indoor	
Bar or tavern	L
Office	
Bank or Credit Union (with Drive-Through)	L
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	L
Overnight Accommodations	
Bed and breakfast inn	C
Retail Repair, Sales, and Service	
Mobile Food Vending Service	--
Mobile Retail Vending Service	--
Package Liquor	--
Pawn Shop	--
Repair-oriented uses, Sales-oriented uses, Service-oriented uses	L
Vehicle Sales and Service	
Vehicle Service, Minor	C

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

10. SU Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.

L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

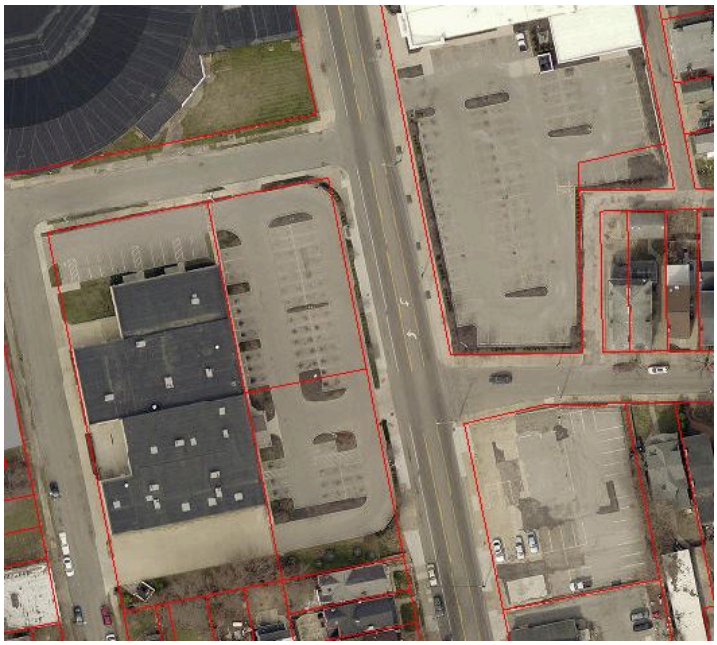
Effective on: 6/11/2024

Sec. 02.04.2 Commercial and Office Districts

Subsec. 02.04.2.A - Auto-Urban Commercial (AUC)

1. AUC Example Building

2. AUC Example Development Pattern



3. AUC Purpose

The purpose of the Auto-Urban Commercial (AUC) district is to provide a broad range of single-use and multi-tenant commercial centers that vary in scale and provide on-site surface parking predominately in front of the building.

4. AUC Context and Transition

This district is appropriate along arterial streets in the suburban sub-area of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Semi-Urban, Suburban Office, Suburban Industrial, and Suburban Residential.

5. AUC Lot Density and Dimensions[1]

Lot Width (minimum feet)	125 ft.
Floor Area Ratio (maximum)	.33
Landscape Surface Ratio (minimum %)	30%

TABLE NOTES:

[1] In case of discrepancy with this summary table, the provisions in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, shall govern.

6. AUC Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
Max.	Greater of (1) 25 ft. or (2) 120% of context average	Greater of (1) 25 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 2 stories or (2) 120% of context average

TABLE NOTES:
ft. = Feet
[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.
[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.
[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

7. AUC Permitted Building Types[1]

Name	Associated Land Use Type	Reference
Apartment	Household Living	04.08.3.B
Corner Store	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, and Retail Repair, Sales, and Service	04.08.3.D
Large Format Building	Agriculture and Animal Services, Civic, Indoor Entertainment, Medical Facilities, Overnight Accommodations, Restaurant, Retail Repair Sales, and Service, Self-Service Storage, Sexually-Oriented Business, and Social Service	04.08.3.G
Mixed-Use Building	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service and Light Industrial	04.08.3.I
Public and Civic Building	Civic	04.08.3.J
Shop	Agriculture and Animal Services, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, Sexually-Oriented Business, Vehicle Sales and Service	04.08.3.L
Not applicable - no specific building type required	Group Living, Social Service, Outdoor Entertainment	--

TABLE NOTES:
[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

8. AUC Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor display -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. AUC Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Agriculture and Animal Service	
Community garden	L

9. AUC Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Kennel	L
Market Garden or Nursery (retail)	L
Veterinary clinic or Veterinary hospital	P
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Short-term rental, host occupied	L
Short-term rental, non-host occupied	L
Dwelling, multi-family (five or more)	P
Upper-story dwelling unit	P
Group Living	
Addiction treatment facility	C
Nursing home or Residential care facility	P
Youth shelter	C
Civic	
Day care, type 1 or 2	L
Other Civic uses including: Adult day care; Aquarium; Bus or train passenger terminal; Cemetery, columbarium, mausoleum, or memorial park; College, university, or vocational school; Community, senior, or youth center; Government/non-profit parking lot or maintenance area; Government service; Museum or gallery; Park, playground, and common open space; Park-and-ride facility; Public assembly facility; School, elementary, middle, or high; Pre-school or child day care center; Swimming pool (public)	P
Medical Facilities	
Chiropractor, or Acupuncture, medical or dental clinic;	L
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	P
Social Service	
Correctional facility	--
Other Social Service uses including: Domestic abuse shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Group home for the physically disabled, mentally disabled, or emotionally disturbed that are not considered single-family residences (7 or more residents); Halfway house; Sober living facility (7 or more residents); Soup kitchen; Transient lodging or shelter for the homeless	C
Utilities	
Utilities, minor	P
Utilities major	C
Entertainment, Indoor	
Bowling center	L
Brewpub	L
Microbrewery or micro-distillery	L
Skateboard or trampoline park	C
Other Indoor Entertainment including: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body art service; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L
Entertainment, Outdoor	
Farmers market	L
Golf Course	L
Other Outdoor Entertainment including: Amphitheater; Amusement park; Campground without overnight accommodation; Fairgrounds; Golf course, golf driving range, or mini-golf course; Marina; Paintball facility; Race track (vehicle); Skateboard park; Stadium, running track, or ball field	L
Office	
Bank or Credit Union (with drive-through)	L
Currency exchange (check cashing) or payday loan business	C

9. AUC Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Overnight Accommodations	
Hotel or motel, or resort	P
Restaurant	
Restaurants including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, drive-In or drive-through; Restaurant, sit-down	L
Retail Repair, Sales, and Service	
Mobile food vending service	L
Mobile retail vending service	L
Package liquor sales	L
Pawn Shop	L
Temporary Vendor	L
All Repair-Oriented Uses	L
All other Sales-Oriented Uses	L
All Service-Oriented Uses	L
Self-Service Storage	
Mini-warehouse	L
Sexually-Oriented Business	
All Sexually-Oriented Businesses	L
Vehicle Sales and Service	
Fuel sales (retail)	L
Vehicle repair, major	C
Vehicle service, minor	L
Other Vehicle Sales and Service uses, including: Car wash; Vehicle sales, rental, and leasing; Rental or sales of Manufactured homes, Mobile homes, Portable buildings or Trailers; Truck stop	P
Light Industrial	
Building or development contractor	C
Bulk mailing service	C
Micro-manufacturing	L
Repair of scientific of professional instruments	C
Other Light Industrial use including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	L

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

10. AUC Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 6/11/2024

Subsec. 02.04.2.B - Suburban Office (SO)

1. SO Example Building

2. SO Example Development Pattern

3. SO Purpose

The purpose of the Suburban Office (SO) district is to provide an office, research, and technology park environment for campus-like employment centers, which may accommodate certain light industrial uses.

4. SO Context and Transition

This district is appropriate along arterial streets in the suburban sub-area of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Resource Protection, Recreation, Auto-Urban Commercial, Suburban Industrial, and Suburban Residential.

5. SO Lot Density and Dimensions[1]

Site Area (minimum acres)	5 acres
Lot Width (minimum feet)	150 ft.
Floor Area Ratio (maximum)	.66
Landscape Surface Ratio (minimum %)	45%

TABLE NOTES:

[1] In case of discrepancy with this summary table, the provisions in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, shall govern.

6. SO Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average

TABLE NOTES:
ft. = Feet
[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.
[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.
[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

7. SO Permitted Building Types[1]

Name	Associated Land Use Types	Reference
Corner Store	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, and Retail Repair, Sales, and Service	04.08.3.D
Flex Building	Indoor Entertainment, Light Industrial, Warehousing and Freight Movement, Wholesale Trade	04.08.3.F
Large Format Building	Civic, Medical Facilities, Office, Overnight Accommodations, and Restaurant	04.08.3.G
Public and Civic Building	Civic	04.08.3.J
Shop	Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, Vehicle Sales and Service, and Light Industrial	04.08.3.L
Not applicable - no specific building type required	Outdoor Entertainment and Utilities	--

TABLE NOTES:
[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

8. SO Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor display -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. SO Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Agriculture and Animal Service	
Community garden	--
Kennel	P
Market garden or Nursery (retail)	--

9. SO Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Roadside stand	--
Veterinary Clinic or Veterinary Hospital	P
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Upper-story dwelling unit	P
Civic	
Airport or heliport	P
Cemetery, columbarium, mausoleum, or memorial park	C
College, university, or vocational school	P
Day care, type 1 or 2	L
Government service	P
Park, playground, and common open space	P
Park-and-ride facility	P
Public assembly facility	P
School, elementary, middle, or high	P
Swimming pool (public)	P
Other Civic uses including: Adult day care; Aquarium; Bus or passenger terminal; Community, senior, or youth center; Government/non-profit parking lot or maintenance area; Museum or gallery; Pre-school or child day care center	--
Medical Facilities	
Chiropractor or Acupuncture, medical or dental clinic,	L
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	P
Social Services	
Correctional Facility	--
Transient Lodging or Shelter for the Homeless	C
Other Social Service including: Domestic abuse shelter; Drug, Alcohol, or Psychiatric Treatment Center, In-Patient; Group Home for the Physically Disabled, Mentally Disabled, or Emotionally Disturbed (Seven or more Residents); Halfway House; Sober Living Facility (Seven or more Residents); Soup Kitchen	C
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Indoor	
Brewpub	L
Microbrewery or micro-distillery	L
Skateboard or trampoline park	C
Other Indoor Entertainment uses including: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bowling center; Bingo hall; Body art service; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L
Entertainment, Outdoor	
Farmers market	L
Outdoor Entertainment uses including: Amphitheater; Amusement park; Campground without overnight accommodation; Fairgrounds; Golf course, Golf driving range, or Mini-golf course; Marina; Paintball facility; Race track (vehicle); Skateboard park; Stadium, running track, or ball field	L
Office	
Bank or Credit Union (with drive-through)	L
Currency exchange (check cashing) or payday loan business	C
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Overnight Accommodations	
Hotel or motel	P

9. SO Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Other Overnight Accommodations including: Bed and breakfast inn; Campground with overnight accommodations; Recreational vehicle park; Resort	--
Restaurant	
Restaurant uses including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, drive-In or drive-through; Restaurant, sit-down	L
Retail Repair, Sales, and Service	
Mobile food vending service	L
Mobile retail vending service	L
Package Liquor	L
Pawn Shop	--
Temporary Vendor	L
All Repair-Oriented Uses	L
All other Sales-Oriented Uses	L
All Service-Oriented Uses	L
Vehicle Sales and Service	
Vehicle sales, rental, and leasing	P
Vehicle repair, major	L
Vehicle service, minor	P
Other Vehicle Sales and Service uses including: Car wash; Fuel sales (retail); Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop	--
Light Industrial	
Light Industrial uses including manufacture or assembly of certain goods listed in Sec. 09.27.3	L
Warehousing and Freight Movement	
Bulk storage	P
Motor freight or truck terminal	P
Other Warehousing and Freight Movement uses including: Food processing, packing, and distribution; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage	--
Wholesale Trade	
Wholesale Trade uses including: Fuel sales and storage (bulk); Mail-order business; Sale or rental of machinery and equipment; Wholesale or auction of food, clothing, auto parts, or hardware	P

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

10. SO Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 02.04.3 Mixed-Use Districts

Subsec. 02.04.3.A - Commercial Mixed Use (CMU)

1. CMU Purpose

The purpose of the CMU district is to provide for mixed uses of limited scale, where pedestrian-focused development such as historic commercial nodes and intersections prevails. Surface parking is to the rear and side of the building.

2. CMU Context and Transition

This district is appropriate along arterial, secondary thoroughfare, and local streets in the urban and first-ring suburban sub-area of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Semi-Urban, Urban Mixed Use, Suburban Industrial, and Suburban Residential.

3. CMU Building Types[1]

Name	Associated Land Use Types	Reference
Apartment Building	Household Living	04.08.3.B
Corner Store	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, and Retail Repair, Sales, and Service	04.08.3.D
Duplex	Household Living	04.08.3.E
Lot Line Dwelling	Household Living	04.08.3.H
Mixed-Use Building	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, and Light Industrial	04.08.3.I
Public and Civic Building	Civic	04.08.3.J
Shop	Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, Vehicle Sales and Service, and Light Industrial	04.08.3.L
Single-Family Attached Dwelling	Household Living	04.08.3.M
Single-Family Detached Dwelling	Household Living	04.08.3.N
Townhouse/ Rowhouse	Household Living	04.08.3.P
Triplex/Quadplex	Household Living	04.08.3.Q
Not applicable - no specific building type required	Agriculture and Animal Services and Utilities	--

NOTES:

[1] In case of discrepancy with this summary table, the Housing and Building Types Table in Sec. 04.08.3.A governs.

4. CMU Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor display -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

5. CMU Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	1 story
Max.	Greater of (1) 20 ft. or (2) 120% of context average	Greater of (1) 20 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 3 stories or (2) 120% of context average

TABLE NOTES:
ft. = Feet

[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.

[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.

[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

6. CMU Land Uses[1]

Land Use Types and Specific Uses	Uses
Agriculture and Animal Services	
Community garden	L
Kennel	--
Market garden or Nursery (retail)	C
Roadside stand	--
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Dwelling, single-family	P
Dwelling, two-family	P
Dwelling, three- or four-family	P
Dwelling, multi-family (5 or more)	P
Short-term rental, host occupied	L
Short-term rental, non-host occupied	C
Upper-story dwelling unit	P
Group Living	
Youth shelter	C
Civic	
College, university, or vocational school	C
Day care, type 1 or 2	L
Government service	P
Park, playground, and common open space	P
Public assembly facility	P
School, elementary or middle or high	P
Swimming pool (public)	P

6. CMU Land Uses[1]

Land Use Types and Specific Uses	Uses
Other Civic uses including: Adult day care; Airport or heliport; Bus or train passenger terminal; Cemetery, columbarium, mausoleum, or memorial park; Community, senior, or youth center; Government/non-profit parking lot or maintenance area; Museum or gallery; Park-and-ride facility; Pre-School or Child day care center	--
Medical Facilities	
Chiropractor, or acupuncture, medical, or dental clinic	L
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Indoor	
Bar or tavern	L
Body art service	L
Bowling center	--
Brewpub	L
Microbrewery or Micro-distillery	L
Skateboard or trampoline park	--
Other Indoor Entertainment uses including: Archery / firearms range (indoor); Axe throwing lounge; Bingo hall; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility ; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L
Entertainment, Outdoor	
Farmers Market	L
Office	
Bank or credit union (with drive-through);	--
Currency exchange (check cashing) or payday loan business	--
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Overnight Accommodations	
Bed and breakfast inn	L
Hotel or motel	P
Other Overnight Accommodations including: Campground with overnight accommodations; Recreational vehicle park; Resort	--
Restaurant	
Restaurant, drive-In or drive-through	--
Other Restaurant uses including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down	L
Retail Repair, Sales, and Service	
Mobile food vending service	L
Mobile retail vending service	L
Package liquor Sales	L
Pawn shop	C
Temporary Vendor	L
All Repair-Oriented Uses	L
All other Sales-Oriented Uses	L
All Service-Oriented Uses	L
Self-Service Storage	
Mini-warehouse	L
All other Self-Service Storage uses including: Boat or recreational vehicle outdoor storage	--
Vehicle Sales and Service	
Vehicle service, minor	C
Other Vehicle Sales and Service uses including: Car Wash; Fuel sales (retail); Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck Stop; Vehicle repair, major; Vehicle sales, rental, and leasing	--
Light Industrial	
Bulk mail service	--
Research, testing, and development laboratory	L

6. CMU Land Uses[1]

Land Use Types and Specific Uses	Uses
Other Light Industrial uses including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	L

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

7. CMU Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 02.04.3.B - Central Riverfront Mixed-Use District (CRM)

1. CRM Purpose

The purpose of the CRM district is to provide for a pedestrian-friendly, mixed-use district on the former Internal Revenue Service (IRS) site that is compatible with adjacent neighborhoods and is consistent with the Covington Central Riverfront Strategic Master Plan recommended land use and transportation goals, objectives, and development strategies including:

1. Facilitating economic development in a manner that attracts businesses and residents to Covington's urban core;
2. Integrating design with surrounding neighborhoods;
3. Creating a true mixed-use environment with vibrant outdoor gathering spaces;
4. Providing enhanced connections to the Ohio River both physically and visually;
5. Optimizing walkability of the district through buildings placed close to the sidewalk, off-street parking screened from public spaces or internal to the block, and a mix of attached and detached residential and mixed-use buildings;
6. Establishing the district as a destination to live, work, and access retail, office, and service uses; and
7. Facilitating ease of use and encouraging new development.

Figure 02.04.3.B-1 *Example CRM Development*

2. CRM Land Uses

Land Use Types and Specific Uses	
Agriculture and Animal Services	
Community garden	L
Market garden or Nursery (retail)	C
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory Dwelling Unit	L
Dwelling, single-family	P
Dwelling, Two-Family	P
Dwelling, Three- or Four-Family	P
Dwelling, multi-family (5 or more)	P

2. CRM Land Uses

Land Use Types and Specific Uses	
Short-Term Rental, Host Occupied	L
Short-Term Rental, Non-Host Occupied	--
Upper-story residential	P
Group Living	
Youth shelter	C
Civic	
College, university, or vocational school	P
Day care, type 1 or 2	L
Park, playground, and common open space	P
Public assembly facility	P
Other Civic uses including: Adult day care; Airport or heliport; Bus or train passenger terminal; Cemetery, columbarium, mausoleum, or memorial park; Community, senior, or youth center; Government/non-profit parking lot or maintenance area; Government service; Museum or gallery; Park-and-ride facility; Pre-School or Child day care center; School, elementary or middle or high; Swimming pool (public)	P
Utilities	
Utilities, minor	P
Utilities, major	C
Medical Facilities	
All Medical Facilities including: Blood or plasma center; Chiropractor, or acupuncture, medical, or dental clinic; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	P
Entertainment, Indoor	
Bowling center	P
Skateboard or trampoline park	P
Other Indoor Entertainment uses including: Archery / firearms range (indoor); Axe throwing lounge; Bingo hall; Bar or tavern; Body art service; Brewpub; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility ; Microbrewery or Micro-distillery; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	P
Entertainment, Outdoor	
Farmers Market	L
Office	
Bank or credit union (with a drive-in or drive-through)	--
Currency exchange (check cashing) or payday loan business	--
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without a drive-in or drive-through); TV or radio studio	P
Overnight Accommodations	
Hotel or motel	P
Other Overnight Accommodations including: Bed and breakfast inn; Campground with overnight accommodations; Recreational vehicle park; Resort	--
Restaurant	
Restaurant, drive-In or drive-through	--
Other Restaurant uses including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down	P
Retail Repair, Sales, and Service	
Mobile food vending service	L
Mobile retail vending service	L
Package liquor Sales	L
Pawn shop	--
Temporary vendor	L
All Repair-Oriented Uses	P
All other Sales-Oriented Uses	P
All Service-Oriented Uses	P
Vehicle Sales and Service	
Vehicle service, minor	C

2. CRM Land Uses

Land Use Types and Specific Uses	
Other Vehicle Sales and Service uses including: Car Wash; Fuel sales (retail); Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck Stop; Vehicle repair, major; Vehicle sales, rental, and leasing	--
Light Industrial	
Micro-manufacturing	P
Research, testing, and development laboratory	P
Other Light Industrial uses including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	--

TABLE NOTES:
P = Permitted use by-right subject to the standards of this Code.
C = Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L = Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.

-- = Prohibited use.

3. CRM Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Zero feet	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	2 stories
Max.	Lesser of (1) 15 ft. or (2) 120% of context average	Lesser of (1) 15 ft. or (2) 120% of context average	N/A	N/A	N/A	10 stories

TABLE NOTES:
ft. = Feet
[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.
[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.
[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

4. CRM Permitted Building Types[1]

Name	Associated Land Use Type	Reference
Apartment	Household Living	04.08.3.B
Corner Store	Household Living; Civic; Medical Facilities; Office; and Retail Repair, Sales, and Service	04.08.3.D
Duplex	Household Living	04.08.3.E
Lot Line Dwelling	Household Living	04.08.3.H
Mixed-Use Building	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, and Light Industrial	04.08.3.I
Public and Civic Building	Civic	04.08.3.J
Shop	Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, Retail Repair, Sales, and Service, Vehicle Sales and Service, and Light Industrial	04.08.3.L
Single-Family Attached Dwelling	Household Living and Overnight Accommodations	04.08.3.M
Single-Family Detached Dwelling	Household Living and Overnight Accommodations	04.08.3.N
Townhouse/Rowhouse	Household Living	04.08.3.P
Triplex/Quadplex	Household Living	04.08.3.Q
Not applicable - no specific building type required	Agriculture and Animal Service, Group Living; Utilities	--

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

5. CRM Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as pools -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	

(Ord. No. O-13-21, 09/28/2021; Ord. No. O-09-22, 04/12/2022)

Effective on: 11/19/2024

Subsec. 02.04.3.C - Downtown Core (DTC)

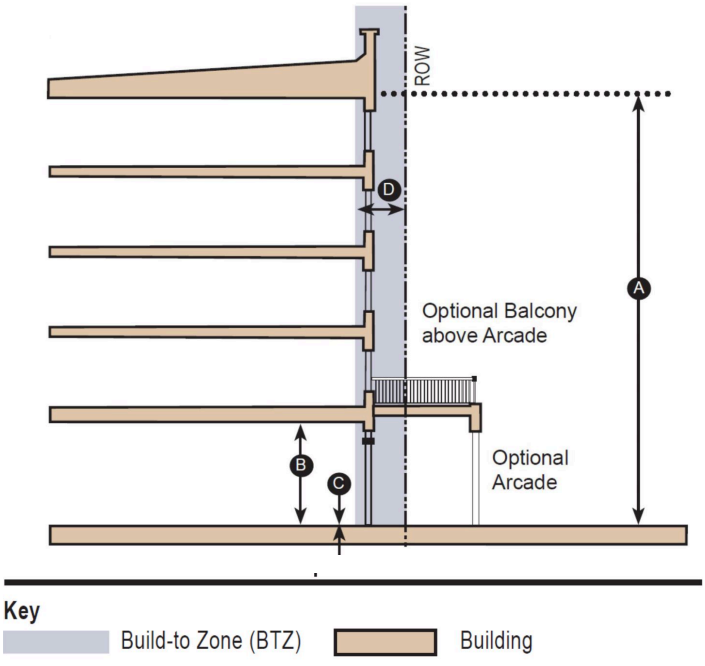
Examples of Downtown Core (DTC) district - Madison Avenue

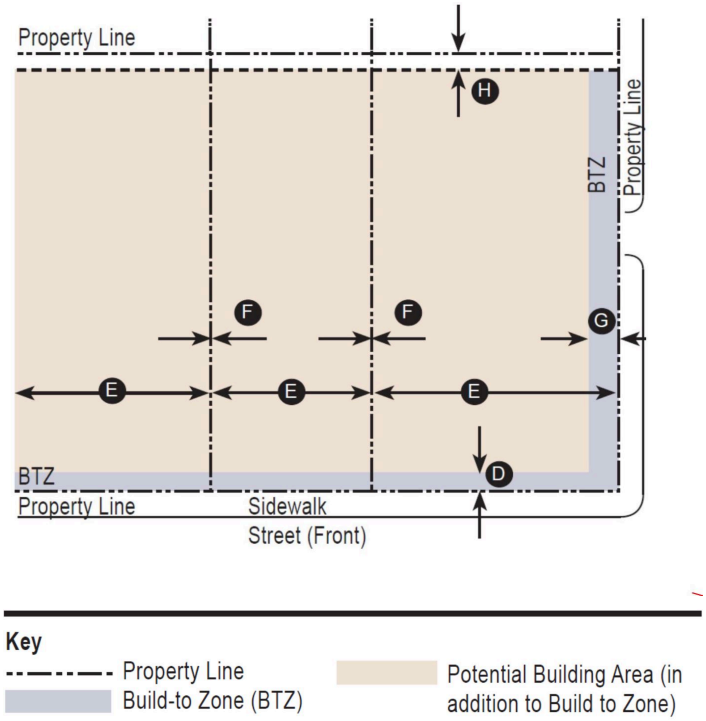
Examples of Downtown Core (DTC) district - Madison Avenue

1. DTC Purpose

The Downtown Core (DTC) district encompasses the center of downtown Covington and areas of a similar character. Priority is placed on optimizing the physical characteristics of the built environment for walkability and a vibrant center capitalizing on the historic character of the area. To maximize vibrancy and walkability, this district permits an intensity and mix of uses. High density multi-story mixed-used buildings of small to large footprints are located close to the sidewalk with predominately shopfront frontages, small or no side setbacks, and off-street parking is located in rear yards and/or screened from public spaces.

Examples of Downtown Core (DTC) district - West Pike Street





2. DTC Building Height[1, 2]

Heights[3, 4]

Minimum Total Building Height	2 stories	**A**
Maximum Total Building Height[5]	Greater of (1) 7 stories or (2) 120% of context average (with a minimum of 2 stories)	**A**
Ground Floor Elevation (floor to floor)[6]	14' min.(commercial) 9' min.(residential)	**B**
Ground Finish Floor above sidewalk or finished grade[6]	0" minimum 24" maximum	**C**

TABLE NOTES:

[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Specified building and lot elements may encroach above the maximum permitted height per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[4] Basements and attics shall not count as a story.

[5] Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to 30 feet above the designated height limit.

[6] In case of discrepancy with similar provisions, any similar standards specified by a given building type in the subsections of Sec. 04.08.3, *Housing and Building Types*, shall govern.

3. DTC Building Form and Placement[1, 2, 3, 4]

Front Street Build-to Zone or Front Setback	0' minimum 5' maximum	**D**
[Reserved]	[Reserved]	**E**
Interior Side Setback	0' minimum	**F**
Side Street Build-to Zone or Side Street Setback	0' minimum 5' maximum	**G**
Minimum Rear Setback	Lesser of (1) 5 ft. or (2) 80% of context average	**H**
Distance Between Building Entrances on Building/ Within Same Development	50' maximum	--

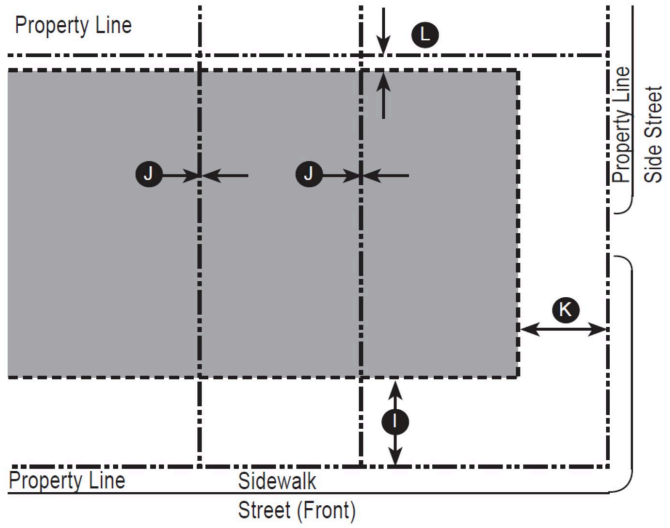
TABLE NOTES:

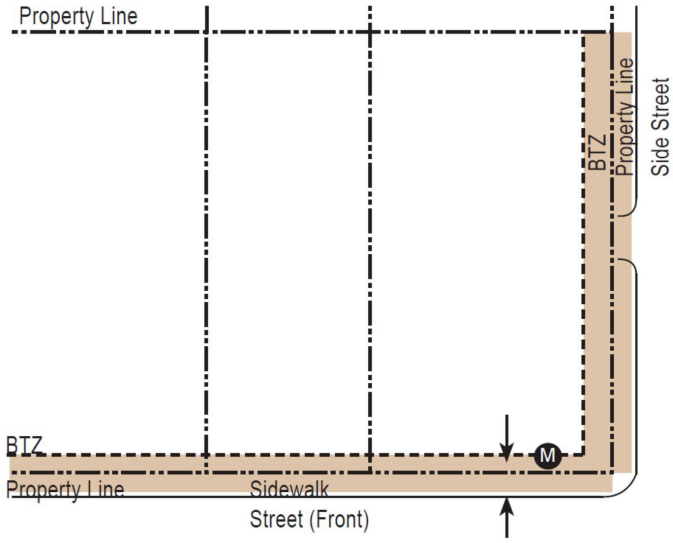
[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Specified building and lot elements may encroach into required setbacks per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[4] Any street-facing building elevation wider than 150 ft shall be designed to read as a series of buildings no wider than 75' each.





Key

- Property Line
- Setback Line
- Parking Area

Key

- Property Line
- Encroachment Area
- Max Build-to Zone (BTZ)

4. DTC Parking Location[1, 2]

Front Street Setback	30' minimum	I
Interior Side Setback (mid-block)	0' minimum	J
Side Street Setback (corner)	30' minimum	K
Rear Setback (from a separate lot)	5' minimum	L
Rear Setback (from an alley)	0' minimum	L
Rear Setback (from a non-alley street)	30' minimum	L

TABLE NOTES:

[1] Parking shall be accessed from rear alleys or side streets whenever possible.

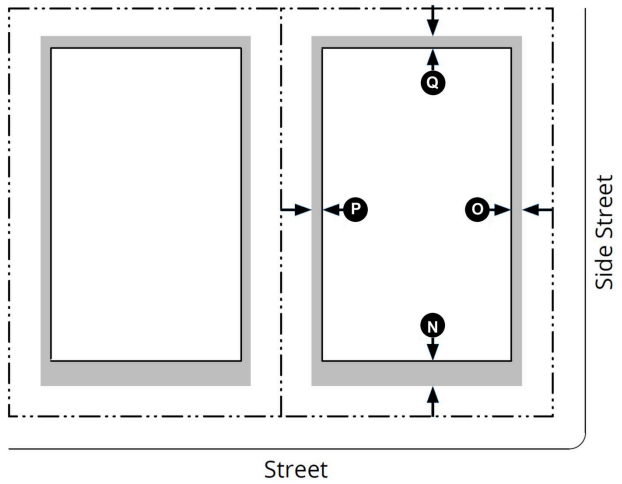
[2] The design (including setbacks) of a vehicle use area is further subject to the applicable provisions of Division 11, *Parking, Loading, and Circulation*.

5. DTC Frontage Elements[1]

Permitted Frontage Types	See Table 04.08.6.A, *Permitted Frontage Types by Building Type*.	M

TABLE NOTES:

[1] Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.



Key

- Lot Line
- Building Line
- Encroachment

6. DTC Encroachments into Facade Zone[1]

	Encroachment Type			
	Front (max.)	Corner Side (max.)	Interior Side (max.)	Rear (max.)
	N	O	P	Q
Frontage Type				
Arcade/Gallery[2]	10 ft	10 ft	--	--
Shopfront: awning, balcony[2], bay window, projecting shade structure	10 ft	10 ft	--	--
Upper floor Balconies[3]	6 ft	6 ft	5 ft	5 ft
Architectural Features	3 ft	3 ft	3 ft	3 ft
Miscellaneous				
Encroachments are allowed into the facade zone, but may not encroach into the public right-of-way, except for an arcade, gallery, or balconies in conjunction with an encroachment permit.				

TABLE NOTES:

[1] Specified building and lot elements may encroach into required setbacks per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[2] May encroach into the street ROW to within 2 ft of the face of the curb, subject to approval by the Public Works Director.

[3] May encroach into the street ROW up to a maximum of 5 ft, subject to approval by the Public Works Director.

7. DTC Required Street Trees

Infill or Replacement Street Trees	Min. No. Trees
Addition, Renovation, or New Building	
< 2,500 sf	--
≥ 2,500 sf - < 5,000 sf	2
≥ 5,000 sf - <10,000 sf	4
≥ 10,000 sf	As required along all street frontages
Miscellaneous	
All street trees shall be planted and maintained to avoid conflicts with large trucks and fire/emergency vehicles. The min. canopy clearance at maturity is 14 ft.	
The use of native species is encouraged.	

8. DTC Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor display -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. DTC Land Uses[1]

Use Type	DTC
Agriculture and Animal Service	
Community garden	L
Kennel	P
Market garden or Nursery (retail)	--
Roadside stand	--
Veterinary Clinic or Veterinary Hospital	P
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory dwelling unit	L
Dwelling, single-; two-; three- or -four; or multi-family (5 or more)	P
Manufactured home park	--
Short-term rental, host occupied	L
Short-term rental, non-host occupied	L
Sober living home (6 or fewer residents)	P
Upper-story dwelling unit	P
Group Living	
Addiction treatment facility	--
Nursing home or Residential care facility	P
Youth shelter	C
Civic	
Airport or heliport	--
Cemetery	P
Day care, Type 1 or 2	L
Government / non-profit parking lot or maintenance area	--
Park-and-ride facility	--
Other Civic including: Adult day care; Bus or train passenger terminal; College; university, or vocational school; Community, senior, or youth center; Government service; Museum or gallery; Park, playground, and common open space; Pre-School or Child day care center; Public assembly facility; School, elementary, middle, or high; Swimming pool (public)	P
Medical Facilities	
Chiropractor or Acupuncture, medical or dental clinic	L
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	P
Social Service	
Correctional facility	--
All other Social Service including: Domestic abuse shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Group home for the physically disabled, mentally disabled, or emotionally disturbed that are not considered single-family residences (7 or more residents); Halfway house; Sober living facility (7 or more residents); Soup kitchen; Transient lodging or shelter for the homeless	C
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Indoor	
Skateboard or trampoline park(indoor)	C

9. DTC Land Uses (cont.)[1]

Use Type	DTC
Entertainment, Outdoor	
Farmers market	L
Other Outdoor Entertainment uses including: Amphitheater; Amusement park; Campground without overnight accommodation; Fairgrounds; Golf course, golf driving range, or mini-golf course; Marina; Paintball facility; Race track (vehicle); Skateboard park; Stadium, running track, or ball field	--
Office	
Bank or credit union (with drive-through)	L
Currency exchange (check cashing) or payday loan business	C
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Overnight Accommodations	
Bed and breakfast inn	L
Hotel or motel	P
Resort	P
Other Overnight Accommodations including: Campground with overnight accommodations; Recreational vehicle park	--
Restaurant	
Restaurant, drive-in or drive-through	--
Other Restaurant uses including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down	L
Retail Repair, Sales, and Service	
Mobile food vending service	L
Mobile retail vending service	L
Package liquor	L
Pawn shop	L
Temporary Vendor	L
All Repair-Oriented Uses	L
All other Sales-Oriented Uses	L
All Service-Oriented Uses	L
Self-Service Storage	
Mini-warehouse	L
Sexually-Oriented Business	
All Sexually-Oriented Businesses	C
Vehicle Sales and Service	
Fuel sales (retail)	C
Vehicle sales, rental, and leasing	P
Vehicle repair, major	C
Vehicle service, minor	P
Other Vehicle Sales and Service including: Car wash; Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop;	--
Light Industrial	
Building or development contractor	L
Bulk mailing service	L
Micro-manufacturing	L

All other Indoor Entertainment including: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body art service; Bowling center; Brewpub; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Microbrewery or micro-distillery; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L

Repair of scientific of professional instruments	L
Research, testing, and development laboratory	L
Other Light Industrial uses including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	L
Warehousing and Freight Movement	
Bulk storage	P
Other Warehousing and Freight Movement uses including: Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage	--

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

10. DTC Permitted Land Uses Key

P	"P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Administrator.
L	"L" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is subject to Division 07, *Use-Specific Standards*.
C	"C" means that the use is allowed as a Conditional Use, which may be approved following a public hearing by the Board of Architectural Review and Development (BOARD), subject to: 1. Division 07, *Use-Specific Standards*; and 2. The procedures set forth in Sec. 07.23.2, *Conditional Use Permit*.
--	Use is prohibited.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 6/11/2024

Subsec. 02.04.3.D - Downtown Riverfront (DTR)

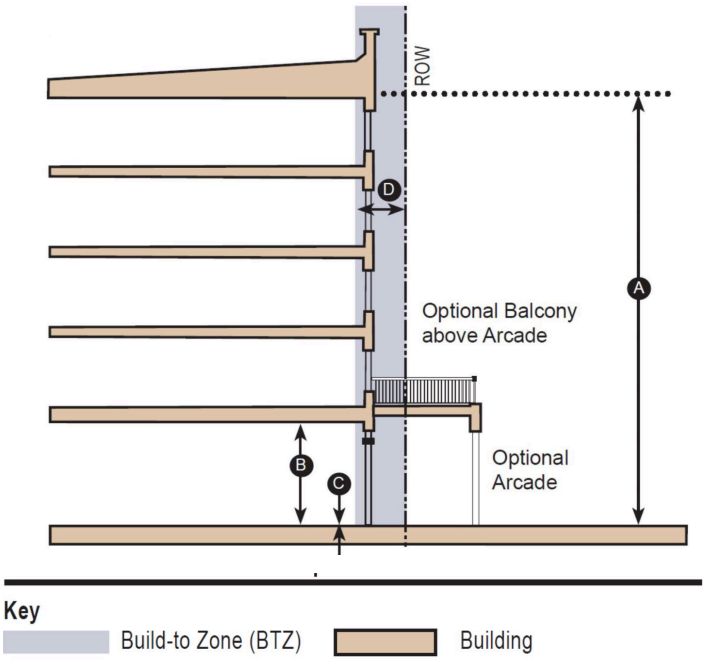
Examples of Downtown Riverfront (DTR) district - Madison Ave.

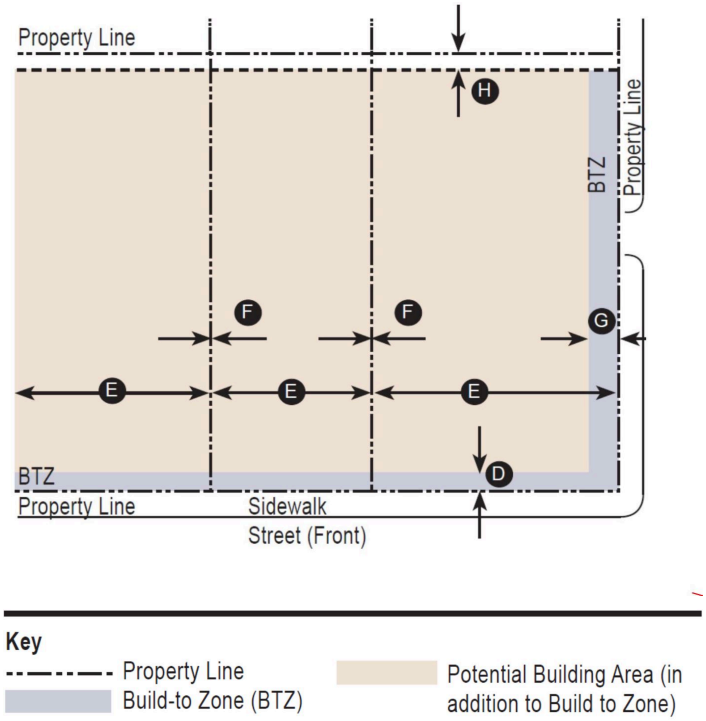
Examples of Downtown Riverfront (DTR) district - Madison Ave.

1. DTR Purpose

The Downtown Riverfront (DTR) district encompasses the area of downtown adjacent to the Ohio River and the Northern Kentucky Convention Center. The tallest buildings in the City are located here providing space for local and regional services, civic, institutional, retail, office, lodging, and some residential uses. Building Heights are permitted to be tallest here, to create landmark defining features and to create a sense of presence along the river. This area will allow the area to evolve into a complete neighborhood.

Examples of Downtown Riverfront (DTR) district - Roebling Way





2. DTR Building Height[1, 2]

Heights[3, 4]

Minimum Total Building Height	2 stories	**A**
Maximum Total Building Height[5]	Greater of (1) 20 stories or (2) 120% of context average (with a minimum of 2 stories)	**A**
Ground Floor Elevation (floor to floor)[6]	14' min.(commercial) 9' min.(residential)	**B**
Ground Finish Floor above sidewalk or finished grade[6]	0" minimum 24" maximum	**C**

TABLE NOTES:

[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Specified building and lot elements may encroach above the maximum permitted height per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[4] Basements and attics shall not count as a story.

[5] Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to 30 feet above the designated height limit.

[6] In case of discrepancy with similar provisions, any similar standards specified by a given building type in the subsections of Sec. 04.08.3, *Housing and Building Types*, shall govern.

3. DTR Building Form and Placement[1, 2, 3, 4]

Front Street Build-to Zone or Front Street Setback	Minimum: zero feet Maximum: Lesser of (1) 15 ft. or (2) 120% of context average	**D**
[Reserved]	[Reserved]	**E**
Interior Side Setback	0' minimum	**F**
Side Street Build-to Zone or Side Street Setback	Minimum: zero feet Maximum: Lesser of (1) 15 ft. or (2) 120% of context average	**G**
Minimum Rear Setback	Lesser of (1) 5 ft. or (2) 80% of context average	**H**
Distance Between Building Entrances on Building/ Within Same Development	50' maximum	--

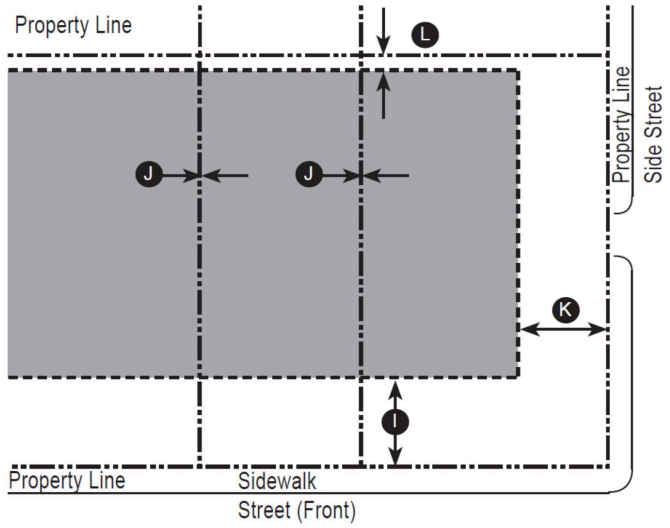
TABLE NOTES:

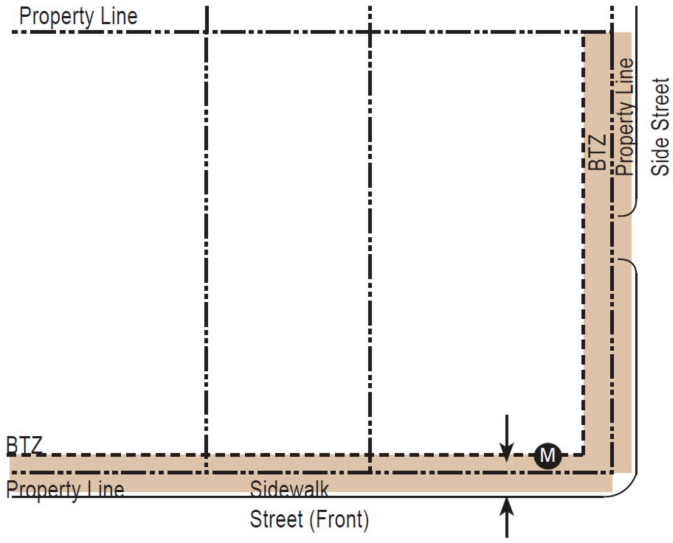
[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Any street-facing building elevation wider than 150 ft shall be designed to read as a series of buildings no wider than 75' each.

[4] Specified building and lot elements may encroach into required setbacks per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.





Key

- Property Line
- Setback Line
- Parking Area

Key

- Property Line
- Encroachment Area
- Max Build-to Zone (BTZ)

4. DTR Parking Location[1, 2]

Front Street Setback	30' minimum	I
Interior Side Setback (mid-block)	0' minimum	J
Side Street Setback (corner)	30' minimum	K
Rear Setback (from a separate lot)	5' minimum	L
Rear Setback (from an alley)	0' minimum	L
Rear Setback (from a non-alley street)	30' minimum	L

TABLE NOTES:

[1] Parking shall be accessed from rear alleys or side streets whenever possible.

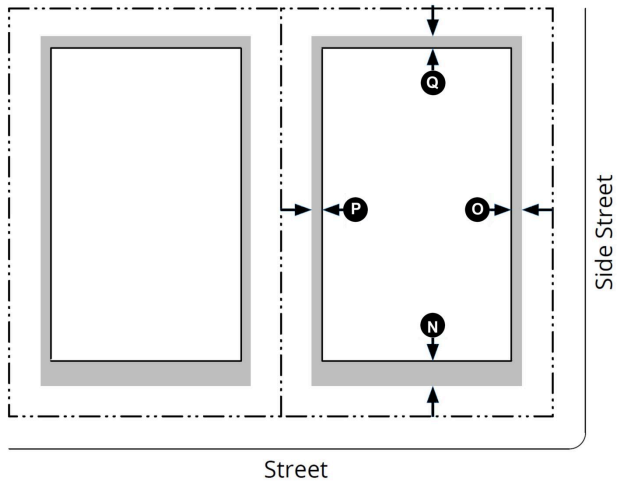
[2] The design (including setbacks) of a vehicle use area is further subject to the applicable provisions of Division 11, *Parking, Loading, and Circulation*.

5. DTR Frontage Elements[1]

Permitted Frontage Types	See Table 04.08.6.A, *Permitted Frontage Types by Building Type*.	M

TABLE NOTES:

[1] Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.



Key

- Lot Line
- Building Line
- Encroachment

6. DTR Encroachments into Facade Zone[1]

	Encroachment Type			
	Front (max.)	Corner Side (max.)	Interior Side (max.)	Rear (max.)
	N	O	P	Q
Frontage Type				
Arcade/Gallery[2]	10 ft	10 ft	--	--
Shopfront: awning, balcony[2], bay window, projecting shade structure	10 ft	10 ft	--	--
Upper floor Balconies[3]	6 ft	6 ft	5 ft	5 ft
Architectural Features	3 ft	3 ft	3 ft	3 ft
Miscellaneous				
Encroachments are allowed into the facade zone, but may not encroach into the public right-of-way, except for an arcade, gallery, or balconies in conjunction with an encroachment permit.				

TABLE NOTES:

[1] Specified building and lot elements may encroach into required setbacks per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[2] May encroach into the street ROW to within 2 ft of the face of the curb, subject to approval by the Public Works Director.

[3] May encroach into the street ROW up to a maximum of 5 ft, subject to approval by the Public Works Director.

7. DTR Required Street Trees

Infill or Replacement Street Trees	Min. No. Trees
Addition, Renovation, or New Building	
< 2,500 sf	--
≥2,500 sf - < 5,000 sf	2
≥ 5,000 sf - <10,000 sf	4
≥ 10,000 sf	As required along all street frontages
Miscellaneous	
All street trees shall be planted and maintained to avoid conflicts with large trucks and fire/emergency vehicles. The min. canopy clearance at maturity is 14 ft.	
The use of native species is encouraged.	

8. DTR Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor display -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. DTR Land Uses[1]

Use Type	DTR
Agriculture and Animal Service	
Community garden	L
Kennel	P
Market garden or Nursery (retail)	--
Roadside stand	--
Veterinary Clinic or Veterinary Hospital	P
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory dwelling unit	--
Dwelling, single-family	--
Dwelling, two-, three- or four-, or multi-family (5 or more)	P
Manufactured home park	--
Short-term rental, host occupied	L
Short-term rental, non-host occupied	C
Sober living home (six or fewer residents)	--
Upper-story dwelling unit	P
Group Living	
Addiction treatment facility	--
Nursing home or Residential care facility	P
Youth shelter	C
Civic	
Airport or heliport	--
Day care, type 1 or 2	L
Government / non-profit parking lot or maintenance area	C
Park-and-ride facility	--
Other Civic including: Adult day care; Bus or train passenger terminal; Cemetery, columbarium, mausoleum, or memorial park; College; university, or vocational school; Community, senior, or youth center; Government service; Museum or gallery; Park, playground, and common open space; Pre-school or Child day care center; Public assembly facility; School, elementary, middle, or high; Swimming pool (public)	P
Medical Facilities	
Chiropractor or Acupuncture, medical or dental clinic	L
All Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	P
Social Service	
Correctional facility	--
All other Social Service including: Domestic abuse shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Group home for the physically disabled, mentally disabled, or emotionally disturbed that are not considered single-family residences (7 or more residents); Halfway house; Sober living facility (7 or more residents); Soup kitchen; Transient lodging or shelter for the homeless	C
Utilities	
Utilities, minor	P
Utilities, major	C

9. DTR Land Uses (cont.)[1]

Use Type	DTR
Indoor Entertainment	
Bar or tavern	L
Skateboard or trampoline park (indoor)	C
Other Indoor Entertainment uses including: Archery / firearms range (indoor); Axe throwing lounge; Bingo hall; Body art service; Bowling center; Brewpub; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Microbrewery or micro-distillery; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L
Outdoor Entertainment	
Farmers market	L
Other Outdoor Entertainment uses including: Amphitheater; Amusement park; Campground without overnight accommodation; Fairgrounds; Golf course, Golf driving range, or Mini-golf course; Marina; Paintball facility; Race track (vehicle); Skateboard park; Stadium, running track, or ball field	C
Office	
Currency exchange (check cashing) or payday loan business	C
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Overnight Accommodations	
Bed and breakfast inn	L
Hotel or motel	P
Resort	P
Other Overnight Accommodations including: Campground with overnight accommodations; Recreational vehicle park	--
Restaurant	
Restaurant, drive-in or drive-through	--
Other Restaurant uses including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down	L
Retail Repair, Sales, and Service	
Mobile food vending service	L
Mobile retail vending service	L
Package liquor	L
Pawn shop	L
Temporary Vendor	L
All Repair-Oriented Uses	L
All other Sales-Oriented Uses	L
All Service-Oriented Uses	L
Vehicle Sales and Service	
Fuel sales (retail)	C
Vehicle sales, rental, and leasing	P
Vehicle service, minor	L

Other Vehicles Sales and Service uses including: Car wash; Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop; Vehicle repair, major	--
Light Industrial	
Bulk mailing service	L
Micro-manufacturing	L
Repair of scientific of professional instruments	L
Research, testing, and development laboratory	L
Other Light Industrial uses including Manufacture or assembly of certain goods listed in Sec. 09.27.3	--

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

10. DTR Permitted Land Uses Key

P	"P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Administrator.
L	"L" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is subject to Division 07, *Use-Specific Standards*.
C	"C" means that the use is allowed as a Conditional Use, which may be approved following a public hearing by the Board of Architectural Review and Development (BOARD), subject to: 1. Division 07, *Use-Specific Standards*; and 2. The procedures set forth in Sec. 07.23.2, *Conditional Use Permit*.
--	Use is prohibited.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 02.04.3.E - Traditional Urban Mixed Use (TUMU)

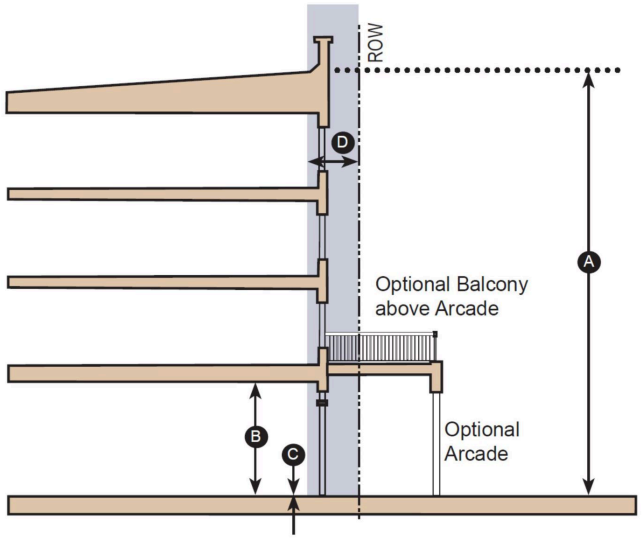
Examples of Traditional Urban Mixed Use (TUMU) district - Main Street

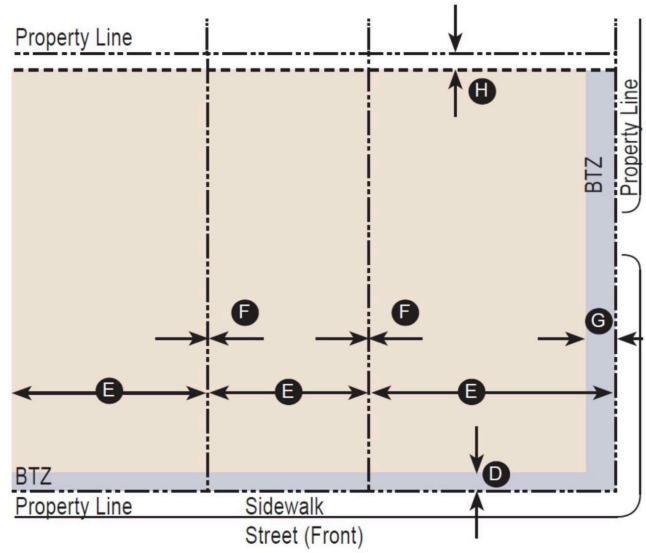
Examples of Traditional Urban Mixed Use (TUMU) district - Main Street

1. TUMU Purpose

The Traditional Urban Mixed-Use (TUMU) district consists of the historic main streets of Covington's in-town neighborhoods. Priority is placed on optimizing the physical characteristics of the built environment for increased walkability and a vibrant center building upon the historic character of Covington's neighborhood main streets. This district supports the small-scale fine-grained character of the historic neighborhoods with a mix of attached and detached mixed-use buildings on small lots. Buildings are close to the sidewalk and off-street parking is screened from public spaces.

Examples of Traditional Urban Mixed Use (TUMU) district- West 6th Street





Key

Build-to Zone (BTZ)

Building

Key

Property Line

Build-to Zone (BTZ)

Potential Building Area (in addition to Build to Zone)

2. TUMU Building Height[1, 2]

Heights[3, 4]

Minimum Total Building Height	2 stories	**A**
Maximum Total Building Height[5]	Greater of (1) 3 stories or (2) 120% of context average	**A**
Ground Floor Elevation (floor to floor)[6]	12' min.(commercial) 9' min.(residential)	**B**
Ground Finish Floor above sidewalk or finished grade[6]	0" minimum 24" maximum	**C**

TABLE NOTES:

[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Specified building and lot elements may encroach above the maximum permitted height per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[4] Basements and attics shall not count as a story.

[5] Towers, cupolas, and other rooftop features with a footprint smaller than 20 feet by 20 feet may extend up to 30 feet above the designated height limit.

[6] In case of discrepancy with similar provisions, any similar standards specified by a given building type in the subsections of Sec. 04.08.3, *Housing and Building Types*, shall govern.

3. TUMU Building Form and Placement[1, 2, 3, 4]

Front Street Build-to Zone or Front Street Setback	Minimum: zero feet Maximum: Lesser of (1) 15ft or (2) 120% of context average	**D**
[Reserved]	[Reserved]	**E**
Interior Side Setback	Lesser of (1) 3 ft. or (2) 80% of context average[4]	**F**
Side Street Build-to Zone or Side Street Setback	Minimum: zero feet Maximum: Lesser of (1) 15ft or (2) 120% of context average	**G**
Minimum Rear Setback	Lesser of (1) 5 ft. or (2) 80% of context average	**H**
Distance Between Building Entrances on Building/ Within Same Development	50' maximum	--

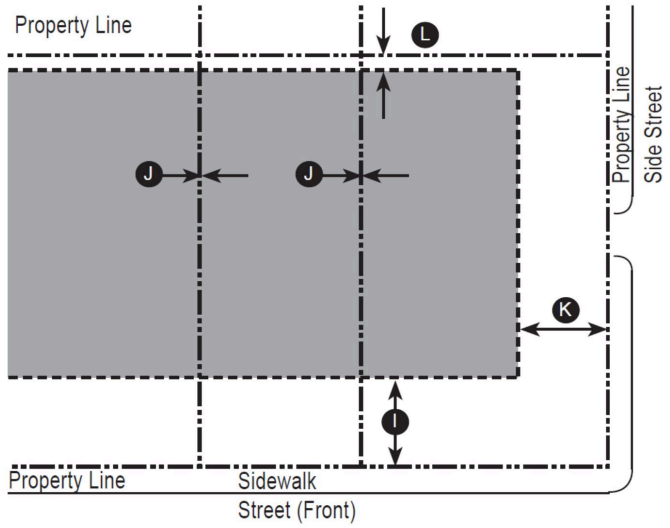
TABLE NOTES:

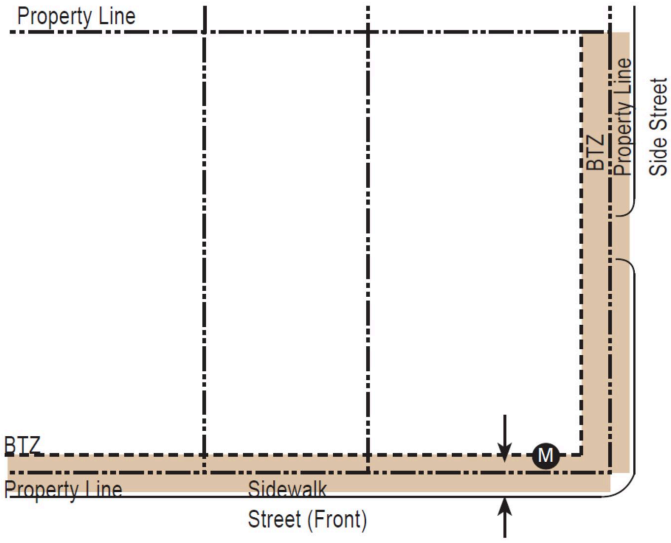
[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Any street-facing building elevation wider than 150 ft shall be designed to read as a series of buildings no wider than 75' each.

[4] No side setback is required between single-family attached dwellings and/or between duplex units along a common lot line.





Key

- Property Line
- Setback Line
- Parking Area

Key

- Property Line
- Max Build-to Zone (BTZ)
- Encroachment Area

4. TUMU Parking Location[1, 2]

Front Street Setback	30' minimum	I
Interior Side Setback (mid-block)	0' minimum	J
Side Street Setback (corner)	30' minimum	K
Rear Setback (from a separate lot)	5' minimum	L
Rear Setback (from an alley)	0' minimum	L
Rear Setback (from a non-alley street)	20' minimum	L

TABLE NOTES:

[1] Parking shall be accessed from rear alleys or side streets whenever possible.

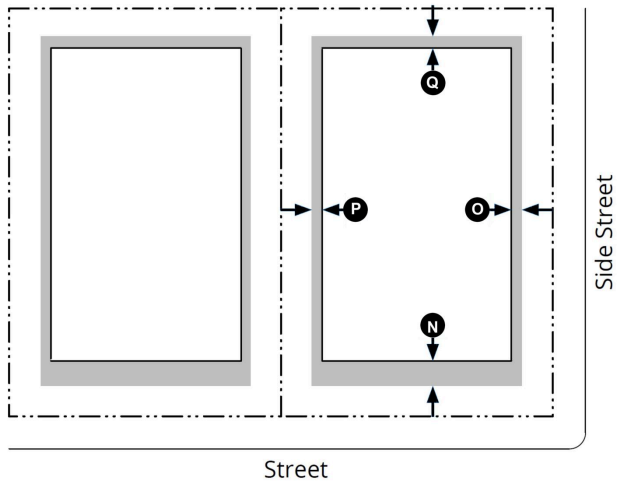
[2] The design (including setbacks) of a vehicle use area is further subject to the applicable provisions of Division 11, *Parking, Loading, and Circulation*.

5. TUMU Frontage Elements[1]

Permitted Frontage Types	See Table 04.08.6.A, *Permitted Frontage Types by Building Type*.	M

TABLE NOTES:

[1] Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.



Key

- Lot Line
- Building Line
- Encroachment

6. TUMU Encroachments into Facade Zone[1]

	Encroachment Type			
	Front (max.)	Corner Side (max.)	Interior Side (max.)	Rear (max.)
	N	O	P	Q
Frontage Type				
Arcade/Gallery[2]	10 ft	10 ft	--	--
Shopfront: awning, balcony[2], bay window, projecting shade structure	10 ft	10 ft	--	--
Upper floor Balconies[3]	6 ft	6 ft	5 ft	5 ft
Architectural Features	3 ft	3 ft	3 ft	3 ft
Miscellaneous				
Encroachments are allowed into the facade zone, but may not encroach into the public right-of-way, except for an arcade, gallery, or balconies in conjunction with an encroachment permit.				

TABLE NOTES:

[1] Specified building and lot elements may encroach into required setbacks per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[2] May encroach into the street ROW to within 2 ft of the face of the curb, subject to approval by the Public Works Director.

[3] May encroach into the street ROW up to a maximum of 5 ft, subject to approval by the Public Works Director.

7. TUMU Required Street Trees

Infill or Replacement Street Trees	Min. No. Trees
Addition, Renovation, or New Building[1]	
< 1,000 sf	--
≥ 1,000 sf - < 2,500 sf	2
≥ 2,500 sf	4
Miscellaneous	
All street trees shall be planted and maintained to avoid conflicts with large trucks and fire/emergency vehicles. The min. canopy clearance at maturity is 14 ft.	
The use of native species is encouraged.	

8. TUMU Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor display -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. TUMU Land Uses

Use Type	TUMU
Agriculture and Animal Service	
Community garden	L
Kennel	--
Market garden or Nursery (retail)	C
Roadside stand	--
Veterinary Clinic or Veterinary Hospital	--
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory dwelling unit	--
Dwelling, single-; two-; three- or four-; or multi-family (5 or more)	P
Short-term rental, host occupied	L
Short-term rental, non host occupied	L
Sober living home (6 or fewer residents)	P
Upper-story dwelling unit	P
Group Living	
Addiction treatment facility	--
Nursing home or Residential care facility	P
Youth shelter	C
Civic	
Airport or heliport	--
Bus or train passenger terminal	--
Cemetery, columbarium, mausoleum, or memorial park	C
Day care, type 1 or 2	L
Government / non-profit parking lot or maintenance area	--
Park-and-ride facility	--
Other Civic uses including: Adult day care; College, university, or vocational school; Community, senior, or youth center; Government service; Museum or gallery; Park, playground, or common open space; Pre-school or child day care center; Public assembly facility; School, elementary, middle, or high; Swimming pool (public)	P
Medical Facilities	
Chiropractor, or acupuncture, medical or dental clinic	L
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	--
Utilities	
Utilities, minor	P
Utilities, major	C

9. TUMU Land Uses (cont.)

Use Type	TUMU
Entertainment, Indoor	
Skateboard or trampoline park(indoor)	--
Other Indoor Entertainment including: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body art service; Bowling center; Brewpub; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Microbrewery or micro-distillery; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L
Entertainment, Outdoor	
Farmers market	L
Other Outdoor Entertainment uses including: Amphitheater; Amusement park; Campground without overnight accommodation; Fairgrounds; Golf course, golf driving range, or mini-golf course; Marina; Paintball facility; Race track (vehicle); Skateboard park; Stadium, running track, or ball field	--
Office	
Bank or credit union (with drive-through)	--
Currency exchange (check cashing) or payday loan business	C
Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Overnight Accommodations	
Bed and breakfast inn	L
Hotel or motel	P
Overnight Accommodations including: Campground with overnight accommodations; Recreational vehicle park; Resort	--
Restaurant	
Restaurant, drive-in or drive-through	--
Other Restaurant uses including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down	L
Retail Repair, Sales, and Service	
Mobile food vending service	L
Mobile retail vending service	L
Package liquor	L
Pawn shop	--
Temporary Vendor	L
All Repair-Oriented Uses	L
All other Sales-Oriented Uses	L
All Service-Oriented Uses	L
Vehicle Sales and Services	
Vehicle service, minor	L

Other Vehicle Sales and Service uses including: Car wash; Fuel sales (retail); Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop; Vehicle repair, major; Vehicle sales, rental, and leasing	--
Light Industrial	
Building or development contractor	--
Bulk mailing service	L
Micro-manufacturing	L
Repair of scientific or professional instruments	L
Research, testing, and development laboratory	L
Other Light Industrial uses including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	L

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

10. TUMU Permitted Land Uses Key

P	"P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Administrator.
L	"L" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is subject to Division 07, *Use-Specific Standards*.
C	"C" means that the use is allowed as a Conditional Use, which may be approved following a public hearing by the Board of Architectural Review and Development (BOARD), subject to: 1. Division 07, *Use-Specific Standards*; and 2. The procedures set forth in Sec. 07.23.2, *Conditional Use Permit*.
--	Use is prohibited.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 6/11/2024

Subsec. 02.04.3.F - Traditional Urban Residential (TUR)

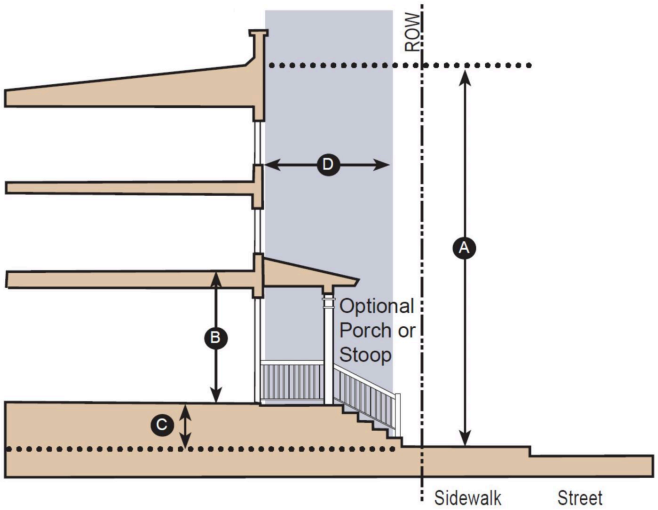
Existing Character of Traditional Urban Residential

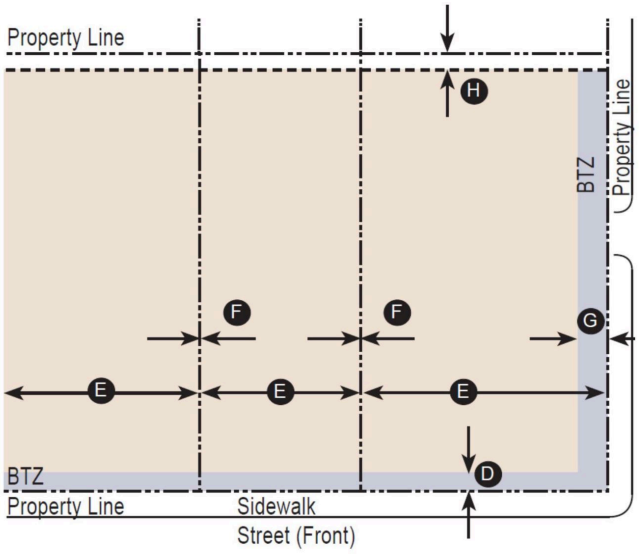
Existing Character of Traditional Urban Residential

1. TUR Purpose

The Traditional Urban Residential district consists of the primarily residential portions of Covington's historic in-town neighborhoods. This district permits an intensity and mix of uses already in existence in these neighborhoods and supports the small-scale fine-grained character. A variety of traditional urban, medium to high density residential housing types are permitted on small lots. Buildings are close to the sidewalk with no or small side setbacks. While primarily residential, some commercial and other non-residential uses are accommodated.

Existing Character of Traditional Urban Residential





Key

Build-to Zone (BTZ) | Building

Key

Property Line | Build-to Zone (BTZ) | Potential Building Area (in addition to Build to Zone)

2. TUR Building Height[1, 2]

Heights[3, 4]

Minimum Total Building Height	1 story	**A**
Maximum Total Building Height[5]	Greater of (1) 3 stories or (2) 120% of context average	**A**
Ground Floor Elevation (floor to floor)[6]	12' min.(commercial) 9' min.(residential)	**B**
Ground Finish Floor above sidewalk or finished grade[6]	0" minimum 24" maximum	**C**

TABLE NOTES:

[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Specified building and lot elements may encroach above the maximum permitted height per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[4] Basements and attics shall not count as a story.

[5] Towers, cupolas, and other rooftop features with a footprint smaller than 10 feet by 10 feet may extend up to 15 feet above the designated height limit.

[6] In case of discrepancy with similar provisions, any similar standards specified by a given building type in the subsections of Sec. 04.08.3, *Housing and Building Types*, shall govern.

3. TUR Building Form and Placement[1, 2, 3, 4, 5]

Front Street Build-to Zone or Front Street Setback	Minimum: Greater of (1) zero feet or (2) 80% of context average Maximum: Lesser of (1) 15 ft. or (2) 120% of context average	**D**
[Reserved]	[Reserved]	**E**
Interior Side Setback	Lesser of (1) 5 ft. or (2) 80% of context average[4]	**F**
Side Street Build-to Zone or Side Street Setback	Minimum: Greater of (1) zero feet or (2) 80% of context average Maximum: Lesser of (1) 15 ft. or (2) 120% of context average	**G**
Minimum Rear Setback	Lesser of (1) 5 ft. or (2) 80% of context average	**H**
Distance Between Building Entrances on Building/ Within Same Development	50' maximum	--

TABLE NOTES:

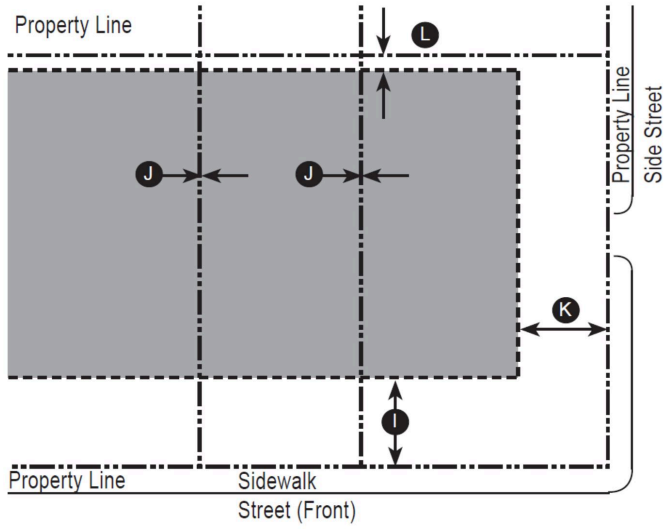
[1] In case of discrepancy with similar provisions, Table 04.10.2, *Building Placement and Massing Standards by District*, governs.

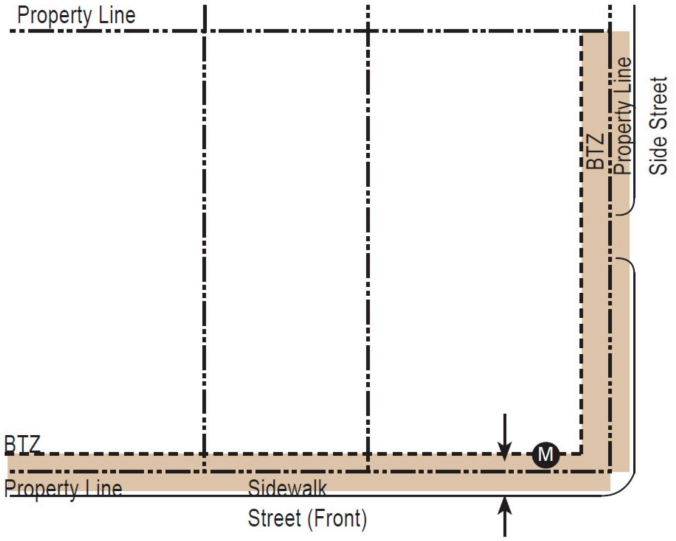
[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

[3] Any street-facing building elevation wider than 75 ft shall be designed to read as a series of buildings no wider than 25 ft each.

[4] No side setback is required on one side of a lot line dwelling, between single-family attached dwellings and/or between duplex units along a common lot line.

[5] Specified building and lot elements may encroach into required setbacks per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.





Key

- Property Line
- Setback Line
- Parking Area

4. TUR Parking Location[1, 2]

Front Street Setback	30' minimum	I
Interior Side Setback (mid-block)	0' minimum	J
Side Street Setback (corner)	30' minimum	K
Rear Setback (from a separate lot)	5' minimum	L
Rear Setback (from an alley)	0' minimum	L
Rear Setback (from a non-alley street)	20' minimum	L

TABLE NOTES:

[1] Parking shall be accessed from rear alleys or side streets whenever possible.

[2] The design (including setbacks) of a vehicle use area is further subject to the applicable provisions of Division 11, *Parking, Loading, and Circulation*.

Key

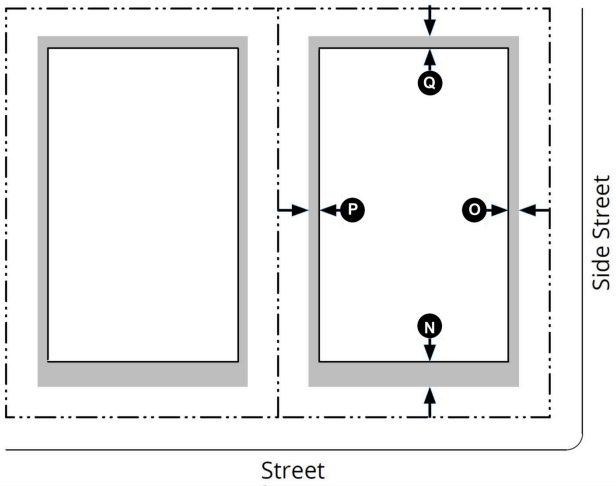
- Property Line
- Max Build-to Zone (BTZ)
- Encroachment Area

5. TUR Frontage Elements[1]

Permitted Frontage Types	See Table 04.08.6.A, *Permitted Frontage Types by Building Type*.	M

TABLE NOTES:

[1] Frontage Elements may encroach forward of the build-to zone and/or into the right-of-way, barring any additional restrictions by the public entity that has control over the public right-of-way.



Key

- Lot Line
- Building Line
- Encroachment

6. TUR Encroachments Allowance[1]

	Encroachment Type			
	Front (max.)	Corner Side (max.)	Interior Side (max.)	Rear (max.)
	N	O	P	Q
Frontage Type				
Shopfront: awning, balcony[2], bay window, projecting shade structure	10 ft	10 ft	--	--
Upper floor Balconies[3]	6 ft	6 ft	5 ft	5 ft
Architectural Features	3 ft	3 ft	3 ft	3 ft
Miscellaneous				
Encroachments are allowed into the facade zone, but may not encroach into the public right-of-way, except for an arcade, gallery, or balconies in conjunction with an encroachment permit.				

TABLE NOTES:

[1] Specified building and lot elements may encroach into required setbacks per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

[2] May encroach into the street ROW to within 2 ft of the face of the curb, subject to approval by the Public Works Director.

[3] May encroach into the street ROW up to a maximum of 5 ft, subject to approval by the Public Works Director.

7. TUR Required Street Trees

Infill or Replacement Street Trees	Min. No. Trees
Addition, Renovation, or New Building[1]	
< 1,000 sf	--
≥ 1,000 sf - < 2,500 sf	2
≥ 2,500 sf	4
Miscellaneous	
All street trees shall be planted and maintained to avoid conflicts with large trucks and fire/emergency vehicles. The min. canopy clearance at maturity is 14 ft.	
The use of native species is encouraged.	

8. TUR Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as pools -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. TUR Land Uses[1]

Use Type	TUR
Agriculture and Animal Services	
Community garden	L
Kennel	--
Market garden or Nursery (retail)	C
Roadside stand	--
Veterinary clinic or Veterinary hospital	--
Other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Household Living	
Accessory dwelling unit	L
Dwelling, single-, two-, three- or four, or multi-family (5 or more)	P
Manufactured home park	--
Short-term rental, host occupied	L
Short-term rental, non-host occupied	L
Sober living home (Six or fewer residents)	P
Upper-story residential	P
Group Living	
Addiction treatment facility	--
Nursing home or Residential care facility	P
Youth shelter	C
Civic	
Airport or heliport	--
Bus or train passenger terminal	--
Cemetery, columbarium, mausoleum, or memorial park	C
College, university, or vocational school	P
Day care, type 1 or 2	L
Government / non-profit parking lot or maintenance area	--
Government service	P
Park, playground, and common open space	P
Park-and-ride facility	--
Public assembly facility	P
School, elementary, middle, or high	P
Swimming pool (public)	P
Other Civic uses including: Adult Day Care; Aquarium; Community, Senior, or Youth Center; Museum or gallery; or Pre-school or child day care center	C
Medical Facilities	
Chiropractor, or acupuncture, medical or dental clinic	L
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	--
Utilities	
Utilities, minor	P
Utilities, major	C

9. TUR Land Uses (cont.)[1]

Use Type	TUR
Entertainment, Indoor	
Microbrewery or micro-distillery	C
Other Indoor Entertainment uses including: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body art service; Bowling center; Brewpub; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Movie or other theater; Pool hall; Skateboard or trampoline park(indoor); Skating rink; Tennis or racquetball facility	--
Entertainment, Outdoor	
Farmers Market	L
Other Outdoor Entertainment uses including: Amphitheater; Amusement Park; Campground without Overnight Accommodation; Fairgrounds; Golf Course, Golf Driving Range, or Mini-Golf Course; Marina; Paintball Facility; Race Track (Vehicle); Skateboard Park; Stadium, Running Track, or Ball Field	--
Office	
Bank or credit union (with drive-through)	--
Currency exchange (check cashing) or payday loan business	--
Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Overnight Accommodations	
Bed and breakfast inn	L
Other Overnight Accommodations including: Campground with overnight accommodations; Hotel or motel; Recreational vehicle park; Resort	--
Restaurant	
Restaurant, drive-in or drive-through	--
Other Restaurant uses including: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down	C
Retail Repair, Sales, and Service	
Mobile Food Vending Service	--
Mobile Retail Vending Service	--
Package liquor sales	C
Pawn Shop	--
Temporary Vendor	--
All Repair-Oriented Uses	L
All Other Sales-Oriented Uses	L
All Service-Oriented Uses	L
Vehicle Sales and Service	
Fuel sales (retail)	--
Vehicle service, minor	C
Other Vehicle Sales and Service uses including: Car wash; Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop; Vehicle sales, rental, and leasing; Vehicle repair, major	--
Light Industrial	
Micro-manufacturing	L

Other Light Industrial uses including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	--

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

10. TUR Permitted Land Uses Key

P	"P" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Administrator.
L	"L" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is subject to Division 07, *Use-Specific Standards*.
C	"C" means that the use is allowed as a Conditional Use, which may be approved following a public hearing by the Board of Architectural Review and Development (BOARD), subject to: 1. Division 07, *Use-Specific Standards*; and 2. The procedures set forth in Sec. 07.23.2, *Conditional Use Permit*.
--	Use is prohibited.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 6/11/2024

Sec. 02.04.4 Industrial Districts

Subsec. 02.04.4.A - Suburban Industrial (SI)

1. SI Example Building

2. SI Example Development Pattern

3. SI Purpose

The purpose of the Suburban Industrial (SI) district is to accommodate low-impact manufacturing, wholesaling, warehousing, and distribution activities that occur within enclosed buildings, typically within industrial park settings.

4. SI Context and Transition

This district is appropriate in the suburban sub-area of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Auto-Urban Commercial, Suburban Office, and Limited Industrial.

6. SI Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average

TABLE NOTES:
ft. = Feet
[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.
[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.
[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

7. SI Permitted Building Types[1]

Name	Associated Land Use Types	Reference
Corner Store	Household Living, Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, and Retail Repair, Sales, and Service	04.08.3.D
Flex Building	Office, Light Industrial, Warehousing and Freight Movement, Waste-Related Service, Wholesale Trade	04.08.3.F
Large Format Building	Medical Facilities, Indoor Entertainment, Self-Service Storage	04.08.3.G
Public and Civic Building	Civic	04.08.3.J
Shop	Medical Facilities, Indoor Entertainment, Self-Service Storage	04.08.3.L
Not applicable - no specific building type required	Utilities	--

TABLE NOTES:
[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

8. SI Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor storage -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. SI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Agriculture and Animal Service	
Community garden	--
Kennel	P
Market Garden or Nursery (Retail)	L

9. SI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Roadside stand	--
Veterinary clinic or veterinary hospital	P
All other Agricultural and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Civic	
Airport or heliport	P
Bus or train passenger terminal	P
College, university, or vocational school	C
Daycare, type 1 or 2	L
Government/non-profit parking lot or maintenance area	P
Government service	P
Park, playground, and common open space	P
Park-and-ride facility	P
Other Civic uses including: Adult day care; Aquarium; Cemetery, columbarium, mausoleum, or memorial park; Community, senior, or youth center; Museum or gallery; Pre-school or child day care center; Public assembly facility; School, elementary, middle, or high; Swimming pool (public)	--
Medical Facilities	
Chiropractor, or Acupuncture, medical or dental clinic,	L
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	P
Social Services	
Correctional Facility	C
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Indoor	
Bar or tavern	L
Body Art Service	L
Bowling Center	L
Brewpub	L
Microbrewery or Micro-Distillery	L
Skateboard or trampoline park	L
Other Indoor Entertainment uses including: Archery / firearms range (indoor); Axe throwing lounge; Bingo hall; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Sexually oriented business; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L
Entertainment, Outdoor	
Farmers market	L
Other Entertainment, Outdoor uses including: Amphitheater; Amusement park; Campground without overnight accommodation; Fairgrounds; Golf course, golf driving range, or mini-golf course; Marina; Paintball facility; Race track (vehicle); Skateboard park; Stadium, running track, or ball field	L
Office	
Bank or credit union (with drive-through)	L
Currency exchange (check cashing) or payday loan business	--
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Restaurant	
Restaurant, Drive-In or Drive-Through	L
Other Restaurant uses including: Candy or Ice Cream Shop; Catering Establishment; Coffee Shop; Food Delivery; Restaurant, Sit-Down	L
Retail Repair, Sales, and Service	
Package Liquor	L
All Repair-Oriented Uses	L
Self-Service Storage	
Boat or recreational vehicle outdoor storage	P

9. SI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Mini-Warehouse	P
Vehicle Sales and Service	
Fuel sales (retail)	L
Vehicle repair, major	L
Other Vehicle Sales and Service uses including: Car wash; Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop; Vehicle sales, rental, and leasing; Vehicle service, minor	P
Light Industrial	
Light Industrial uses including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3.	L
Warehousing and Freight Movement	
Warehousing and Freight Movement uses including: Bulk storage; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage	P
Waste Related Service	
Recycling facility, class 1	P
Recycling facility, class 2	C
Waste transfer facility	C
Other Waste Related Service uses including: Animal waste processing; Biodigester; Composting facility; Landfill; Recycling facility, class 2 or 3; Salvage yard; Tire recycling or retreading	--
Wholesale Trade	
Wholesale Trade uses including: Fuel sales and storage (bulk); Mail-order business; Sale or rental of machinery and equipment; Wholesale or auction of food, clothing, auto parts, or hardware	P

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

10. SI Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 6/10/2025

Subsec. 02.04.4.B - Limited Industrial (LI)

1. LI Example Building

2. LI Example Development Pattern

3. LI Purpose

The purpose of the Limited Industrial (LI) district is to accommodate low- to moderate-impact manufacturing, wholesaling, warehousing, and distribution uses, including storage and work-related activities that may occur outside of enclosed buildings.

4. LI Context and Transition

This district is appropriate in the suburban sub-area of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Suburban Office, Limited Industrial, and General Industrial.

6. LI Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average

TABLE NOTES:
ft. = Feet
[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.
[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.
[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

7. LI Building Types[1]

Name	Associated Land Use Types	Reference
Corner Store	Civic, Indoor Entertainment, Medical Facilities, Office, Restaurant, and Retail Repair, Sales, and Service	04.08.3.D
Flex Building	Civic, Office, Light Industrial, Heavy Industrial, and Warehousing and Freight Movement	04.08.3.F
Large Format Building	Indoor Entertainment, Sexually-Oriented Business	04.08.3.G
Public and Civic Building	Civic	04.08.3.J
Shop	Indoor Entertainment, Sexually-Oriented Business	04.08.3.L
Not applicable - no specific building type required	Utilities, Self-Service Storage, and Waste Related Service	--

TABLE NOTES:
[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

8. LI Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor storage -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. LI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Agriculture and Animal Service	
Community garden	--
Kennel	C
Market Garden or Nursery (Retail)	L

9. LI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Roadside stand	--
Veterinary clinic or veterinary hospital	--
All other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Civic	
Bus or train passenger terminal	P
Government/non-profit parking lot or maintenance area	P
Government service	P
Park, playground, and common open space	P
Park-and-ride facility	P
Other Civic uses including: Adult day care; Airport or heliport; Aquarium; Cemetery, columbarium, mausoleum, or memorial park; College, university, or vocational school; Community, senior, or youth center; Day care, type 1 or 2; Museum or gallery; Pre-school or child day care center; Public assembly facility; School, elementary, middle, or high; Swimming pool (public)	--
Medical Facilities	
Chiropractor, or Acupuncture, medical or dental clinic	--
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental laboratory	--
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Indoor	
Bar or tavern	--
Body art service	--
Bowling center	L
Brewpub	--
Microbrewery or Micro-distillery	L
Skateboard or trampoline park	L
Other Indoor Entertainment uses including: Archery / firearms range (indoor); Axe throwing lounge; Bingo hall; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Movie or other theater; Pool hall; Skating rink; Tennis or racquetball facility	L
Entertainment, Outdoor	
Farmers Market	L
Other Entertainment, Outdoor uses including: Amphitheater; Amusement Park; Campground without Overnight Accommodation; Fairgrounds; Golf Course, Golf Driving Range, or Mini-Golf Course; Marina; Paintball Facility; Race Track (Vehicle); Skateboard Park; Stadium, Running Track, or Ball Field	L
Office	
Bank or credit union (with drive-through)	L
Currency exchange (check cashing) or payday loan business	--
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Retail Repair, Sales, and Service	
All Repair-Oriented Uses	L
Self-Service Storage	
Boat or recreational vehicle outdoor storage	P
Mini-Warehouse	P
Sexually-Oriented Business	
All Sexually-Oriented Businesses	L
Vehicle Sales and Service	
Fuel sales (retail)	L
Vehicle repair, major	L

9. LI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Other Vehicle Sales and Service uses including: Car wash; Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop; Vehicle service, minor; Vehicle sales, rental, and leasing	P
Heavy Industrial	
Less-intense heavy industrial including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	C
More-intense heavy industrial including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	--
Light Industrial	
All Light Industrial including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	L
Warehousing and Freight Movement	
All Warehousing and Freight Movement uses including: Bulk storage; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage	P
Waste Related Service	
Recycling facility, class 3	C
Salvage yard	C
Waste transfer facility	--
Other Waste Related Service uses including: Animal waste processing; Biodigester; Composting facility; Landfill; Recycling facility, class 1 or 2; Salvage yard; Tire recycling or retreading	P
Wholesale Trade	
All Wholesale Trade uses including: Fuel sales and storage (bulk); Mail-order business; Sale or rental of machinery and equipment; Wholesale or auction of food, clothing, auto parts, or hardware	P

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

10. LI Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in *Division 07*, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021; Ord. No. O-24-22, 11/29/2022)

Effective on: 11/29/2022

Subsec. 02.04.4.C - General Industrial (GI)

1. GI Example Buildings

2. GI Example Development Pattern

3. GI Purpose

The purpose of the General Industrial (GI) district is to accommodate high-impact manufacturing and industrial uses, including extractive and waste-related uses.

4. GI Context and Transition

This district is appropriate in the suburban sub-area of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Limited Industrial.

6. GI Building Placement and Massing Standards[1, 2, 3]

A= Front Street Setback
B= Side Street Setback
C= Interior Side Setback
D= Rear Setback
E= Street-Facing Garage Door Setback
F= Total Building Height (stories or feet, as indicated)

	A	B	C	D	E	F
Min.	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average

TABLE NOTES:
ft. = Feet
[1] In case of discrepancy with this summary table, the standards in Table 04.10.2, *Building Placement and Massing Standards by District*, shall govern.
[2] The standards in this table apply generally to all structures but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Primary Buildings*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.
[3] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context*.

7. GI Building Types[1]

Name	Associated Land Use Types	Reference
Flex Building	Office, Light Industrial, Warehousing and Freight Movement, Waste-Related Service, Wholesale Trade	04.08.3.F
Large Format Building	Indoor Entertainment, Sexually-Oriented Businesses	04.08.3.G
Public and Civic Building	Civic	04.08.3.J
Not applicable - no specific building type required	Civic, Utilities, Light Industrial, Heavy Industrial, Warehousing and Freight Movement, Waste Related Service, Wholesale Trade	--

TABLE NOTES:
[1] In case of discrepancy with this summary table, Table 04.08.3.A, *Permitted Building Types by District*, shall govern.

8. GI Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses such as outdoor storage -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

9. GI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Agriculture and Animal Service	
Community garden	--
Kennel	--
Market Garden or Nursery (Retail)	--

9. GI Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Roadside stand	--
Veterinary clinic or veterinary hospital	--
All other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Civic	
Government/non-profit parking lot or maintenance area	P
Government service	P
Park, playground, and common open space	P
Park-and-Ride Facility	P
Other Civic uses including: Adult day care; Airport or heliport; Aquarium; Bus or train passenger terminal; Cemetery, columbarium, mausoleum, or memorial park; College, university, or vocational school; Community, senior, or youth center; Day care, type 1 or 2; Museum or gallery; Pre-school or child day care center; Public assembly facility; School, elementary, middle, or high; Swimming pool (public)	--
Utilities	
Utilities, minor	P
Utilities, major	P
Office	
Bank or credit union (with drive-through)	--
Currency exchange (check cashing) or payday loan business	--
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; Bank or credit union (without drive-through); TV or radio studio	P
Sexually-Oriented Business	
All Sexually-Oriented Businesses	L
Heavy Industrial	
Less-intense heavy industrial including manufacture or assembly of certain goods listed in Sec. 09.27.3	L
More-intense heavy industrial including manufacture or assembly of certain goods listed in Sec. 09.27.3	L
Light Industrial	
All Light Industrial including manufacture or assembly of certain goods listed in Sec. 09.27.3	L
Warehousing and Freight Movement	
All Warehousing and Freight Movement uses including: Bulk storage; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage	P
Waste Related Service	
Salvage yard	L
Waste transfer facility	--
All other Waste-Related Service including: Animal waste processing; Biodigester; Composting facility; Landfill; Recycling facility, class 1, 2, or 3; Salvage yard; Tire recycling or retreading	P
Wholesale Trade	
All Wholesale Trade uses including: Fuel sales and storage (bulk); Mail-order business; Sale or rental of machinery and equipment; Wholesale or auction of food, clothing, auto parts, or hardware	P

TABLE NOTES:

[1] In case of discrepancy with this summary table, Table 03.06.3, *Permitted Uses by District*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

10. GI Permitted Land Uses Key

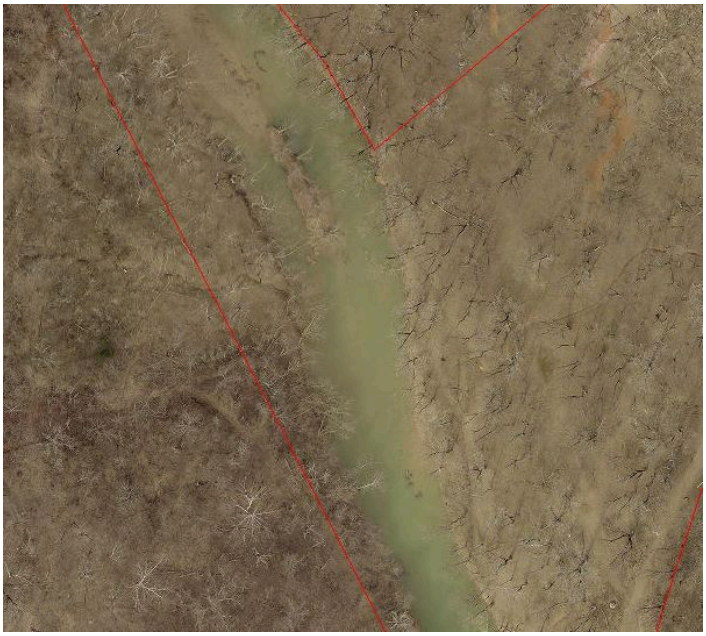
P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.
--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 02.04.5 Special Purpose Districts

Subsec. 02.04.5.A - Resource Protection (RP)

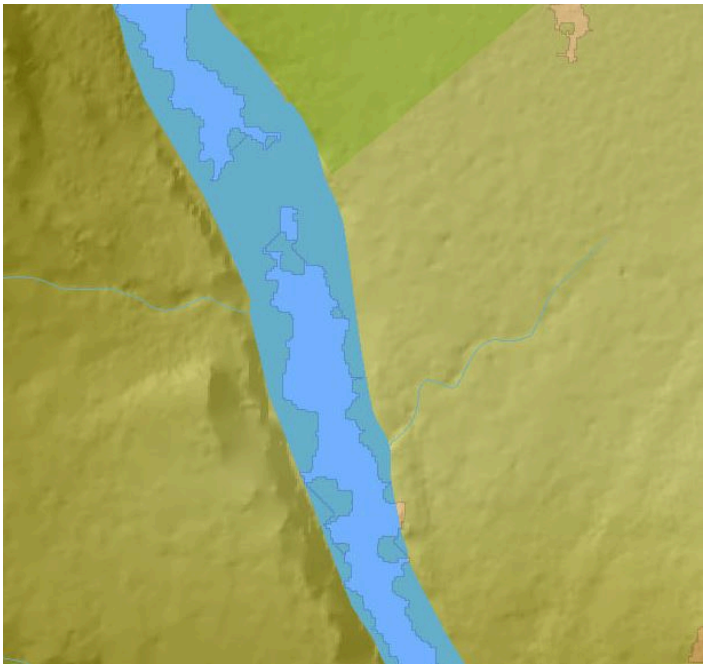


1. RP Purpose

The purpose of the Resource Protection (RP) district is to protect natural resource areas

2. RP Context and Transition

This district is appropriate for suburban and rural sub-areas of the Kenton County Comprehensive Plan. Appropriate adjacent districts are Rural Residential, Suburban Residential, and Recreation.



3. RP Lot and Building Density and Dimensions

Lot[1]	
Area (minimum acres)	1 acre
Width (minimum feet)	150 ft.
Building Placement and Massing[2]	
Setbacks (minimum feet)	
Front Street	50 ft.
Side Street	25 ft.
Interior Side	25 ft.
Rear	50 ft.
Riparian Area	50 ft.
Height (maximum feet)	
Total Building Height	25 ft.
Lot Coverage (percentage of lot land area)	
Landscape Surface Ratio (minimum)	90%

TABLE NOTES:

ft. = Feet

[1] In case of discrepancy with these provisions regarding lot dimensions, the standards in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, shall govern.

[2] In case of discrepancy with these provisions on setbacks, the standards in Table 04.10.2, *Building Placement and Massing Table*, shall govern.

4. RP Building Types

Name	Associated Land Use Types	Reference
Not applicable - no specific building type required	All	--

5. RP Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

6. RP Permitted Land Uses[1]

Land Use Types and Specific Uses	Uses[2]
Agriculture and Animal Service	
Market garden	C
Stable (Private and Non-Commercial)	C
Agricultural sales, Kennel, Nursery (Retail), Veterinary clinic, and Veterinary hospital	--
All other Agriculture and Animal Service including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P
Civic	
Government service	P
Park, playground, and common open space	P
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Outdoor	
Campground without Overnight Accommodations	P
Marina	C
Overnight Accommodations	
Campground with overnight Accommodations	P

TABLE NOTES:

[1] In case of discrepancy with Sec. 03.06.3, *Permitted Uses by District*, this table, *RP Permitted Land Uses*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

7. RP Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.

7. RP Permitted Land Uses Key

--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 02.04.5.B - Recreation (REC)

1. REC Purpose

The purpose of the Recreation (REC) district is to accommodate large parks and public open spaces.

2. REC Context and Transition

This district is appropriate for any sub-area of the Kenton County Comprehensive Plan. Any district is an appropriate adjacent district.

3. REC Lot and Building Density and Dimensions

Lot[1]	
Area (minimum acres)	5 acres
Width (minimum feet)	150 ft.
Building Placement and Massing[2]	
Setbacks (minimum feet)	
Front Street	50 ft.
Side Street	25 ft.
Interior Side	25 ft.
Rear	50 ft.
Height (maximum feet)	
Total Building Height	35 ft.
Lot Coverage (percentage of lot land area)	
Landscape Surface Ratio (minimum)	75%

TABLE NOTES:
ft. = Feet
[1] In case of discrepancy with these provisions regarding lot dimensions, the standards in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, shall govern.
[2] In case of discrepancy with these provisions on setbacks, the standards in Table 04.10.2, *Building Placement and Massing Table*, shall govern.

4. REC Building Types

Name	Associated Land Use Types	Reference
Public and Civic	Civic	04.08.3.J
Single-Family Attached Dwelling	Overnight Accommodation	04.08.3.M
Single-Family Detached Dwelling	Overnight Accommodation	04.08.3.N
Not applicable - no specific building type required	Utilities and Outdoor Entertainment	--

5. RP Other Applicable Development Standards

Title	Reference
Generally Applicable	
Use-Specific Standards -Limited and conditional uses -Accessory uses -Temporary uses	Division 07
General Provisions -Tiny House Neighborhood -Building Types -Frontage Types -Open Space Types	Division 08
Lots	Division 09
Buildings, Elements, and Utilities	Division 10
Parking, Loading, and Circulation -Maximum Parking Ratios -Parking Area Design -Special Studies -Shared Parking	Division 11
Landscaping, Screening, and Buffering	Division 12
Signs	Division 13
Environment -Flood Hazard Reduction	Division 14
For Properties within Specific Secondary (Overlay) Districts	
Historic Preservation (HP) Overlay	Sec. 02.05.2
Hillside Stability (HS) Overlay	Sec. 02.05.3
12th Street Corridor (TS) Overlay	Sec. 02.05.4

6. REC Permitted Land Uses

Land Use Types and Specific Uses	Uses
Agriculture and Animal Service	
All Agriculture and Animal Service	P
Civic	
Community, senior, or youth center	P
Government service	P
Library, Aquarium, Museum, or Gallery	P
Park, playground, and common open space	P
Utilities	
Utilities, minor	P
Utilities, major	C
Entertainment, Outdoor	
Campground without Overnight Accommodations	P
Golf course	P
Marina	C
Overnight Accommodations	
Bed and breakfast inn	P
Recreational vehicle park	C

TABLE NOTES:

[1] In case of discrepancy with Sec. 03.06.3, *Permitted Uses by District*, this table, *REC Permitted Land Uses*, shall govern.

[2] Where a use is permitted by "L" or "C", see Division 07, *Use-Specific Standards*.

7. REC Permitted Land Uses Key

P	Permitted use by-right subject to the standards of this Code.
C	Conditional use subject to a Board of Architectural Review and Development (BOARD) public hearing and approval.
L	Limited use subject to administrative review and approval based on standards in Division 07, *Use-Specific Standards*.

--	Prohibited use.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Division 05 Secondary Districts (Overlays)

Contents:

Sec. 02.05.1 General Provisions

Sec. 02.05.2 Historic Preservation (HP) (Overlay)

Sec. 02.05.3 Hillside Stability (HS) (Overlay)

Sec. 02.05.4 12th Street (TS) (Overlay)

Sec. 02.05.1 General Provisions

A. **Purpose**. Secondary (overlay) districts are tools for dealing with special situations or accomplishing special planning, land use, and urban design goals. As the name implies, overlay districts are over-laid on top of primary districts to alter some or all of the underlying regulations. Overlay districts are shown on the official district map with parentheses following the primary district abbreviation. Thus, a parcel in the TUR district that is included in the Historic Preservation Overlay district would be shown on the district map as TUR (HP).

B. **Conflict**. Overlay regulations apply in combination with underlying primary district regulations and all other applicable standards of this NDC. When overlay district standards conflict with standards that otherwise apply in the underlying primary district, the regulations of the overlay district always govern. All applicable regulations of the underlying primary district apply to property in an overlay zone unless otherwise expressly indicated.

Effective on: 10/15/2020

Sec. 02.05.2 Historic Preservation (HP) (Overlay)

A. **Purpose**. The HP secondary district works in conjunction with the primary district to protect and preserve contributing buildings, structures, appurtenances, and places that are of basic and vital importance for the maintenance and development of the City's culture, because of their:

1. *Importance*. Being a part of or related to a square, park or area of cultural, historical, or architectural importance to the City.
2. *Uniqueness*. Unique architectural style and scale, including color, proportions, form, and architectural details; or
3. *History*. Association with history.

B. **Applicability**. The regulations of this section apply to all development proposed within the boundaries of the HP overlay districts, as shown on the official district map.

C. **Permitted and Conditional Uses**. Any principal or accessory use permitted by right, permitted with limitations, or by Conditional Use Permit in the underlying primary district is allowed if it does not destroy or alter the exterior historic features of the building, structure, appurtenances, or place in accordance with the purpose of this district.

D. **Standards and Guidelines**. No new construction, demolition, or alteration of the exterior appearance of any building, structure, appurtenance, or place, or installation of signage is permitted unless the Historic Preservation Officer or Board of Architectural Review and Development (BOARD), as appropriate, determines it to be consistent with this NDC and the Historic Covington Design Guidelines referenced in Appendix A, *Historic Covington Design Guidelines*, and receives approval in accordance with Sec. 07.21.3, *Certificate of Appropriateness (Staff)*, or Sec. 07.23.7, *Certificate of Appropriateness (BOARD)*, as appropriate.

E. **Protective Maintenance Required**.

1. *Demolition by Neglect*. All buildings and structures in a designated HP overlay shall 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 or structure becoming so run down that it would be constitutionally unreasonable for the City to refuse to allow the owner to demolish the building or structure, the Historic Preservation Officer shall bring this matter to the attention of the Code Enforcement Department, who shall immediately require of the owner or agent protective maintenance and repair to further the economy, health, safety, and general welfare of the City.

2. *Emergency Conditions*. In any case where the Code Enforcement Department determines that there are emergency conditions dangerous to life, health, or property affecting a building, structure, appurtenance, or place in a Historic Preservation district, they may order the remedy of these conditions without the approval of the Board of Architectural Review and Development (BOARD). The Code Enforcement Department shall promptly notify the Historic Preservation Officer and the Chairperson of the Board of Architectural Review and Development (BOARD) of the action being taken.

F. **Actions by the City Commission**.

1. *Compliance with Purpose*. If the City Commission creates an HP district, its action shall include a declaration that the buildings, structures, appurtenances, or places to be preserved do in fact comply with the purpose of the district and require protection against destruction and encroachment.
2. *Noncontributing Buildings and Structures*. 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 buildings and structures determined to be noncontributing, except where such construction, alteration, repair, or, demolition would seriously impair the historic or architectural value of buildings and structures or the surrounding area. It is not the intent of this NDC to limit new construction, alteration, or repair to any one period of architectural style.

Effective on: 10/15/2020

Sec. 02.05.3 Hillside Stability (HS) (Overlay)

A. **Purpose**. The HS secondary (overlay) district works in conjunction with the primary district to protect and enhance the City's unique natural heritage. Hillside areas are places of special character that affect and are affected by their surroundings. This district takes into consideration the natural constraints of a site to accommodate development that:

1. Is sensitive to the environment and avoids increasing the risks of hazards from landslides, floods, or drainage problems;
2. Incorporates safeguards to maximize public health, safety, and general welfare;
3. Preserves forested undeveloped areas on hillsides; and
4. Minimizes changes to the visual quality of the hillside.

B. **Applicability**.

1. *HS Overlay District*. Except as provided in Subsection C., *Exceptions*, the regulations of this section apply to all development (including tree removal) proposed within areas of land that have a slope of 20 percent or greater, are mapped as a Developmentally Sensitive Area, DSA, on the Kenton County Comprehensive Plan, or are mapped within the boundaries of an HS overlay district, as shown on the official district map.
2. *Permits Required*. Review of a development in a Hillside Stability (HS) overlay shall be completed according to the provisions in Sec. 07.21.9, *Zoning Permit*. The Zoning Permit review will be completed in consultation with the Covington Urban Forester and the City Civil Engineer.
3. *Excavation and Tree Cutting*. No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures of any nature or the cutting of trees more than eight inches in diameter at Diameter Breast Height (DBH) may occur without compliance with this Section and Sec. 04.12.3, *Tree Preservation*.
4. *Land Characteristics*. The HS secondary district is appropriate for those areas of the City that have physical characteristics limiting development (Developmentally Sensitive Areas, DSA, in the Kenton County Comprehensive Plan) and hillside slopes of 20 percent or greater, so that development occurs in a manner that minimizes the adverse environmental and visual impacts associated with drainage, erosion, earth movement, and vegetation removal.

C. **Exceptions**. The following types of development are exempt from the provisions of this Section:

1. Roof, gutter, and chimney repair or replacement;
2. Interior alterations and repairs;
3. Construction of public utilities in the public right-of-way;
4. Development for compliance with retroactive provisions of the Covington Building Code; and
5. Development necessary to ensure the immediate public health or safety as required by an administrative body.

D. **Restoration Bond Required.** When, in the opinion of appropriate local officials, the termination before completion of a proposed excavation or fill operation would create an actual or potential hazard to the public, prior to the issuance of a permit, the owner shall be required to post a bond in an amount as determined by the local officials sufficient to cover the estimated cost of restoration of the site or completion of the operation (whichever is greater), plus an additional 15% for contingencies.

E. **Standards**.

1. *General*.
   a. In addition to the information required for a complete application per Sec. 07.20.5, *Completeness*, an application for applicable work in a Hillside Stability (HS) overlay shall address the following elements:
      1. Preservation of existing topography;
      2. Preservation and protection of natural features during the course of the construction;
      3. The location of landslide prone areas and geotechnical hazards as determined by a geotechnical report;
      4. Stormwater runoff;
      5. Pedestrian, bicycle, and vehicular circulation and how it relates to existing contours; and
      6. Preservation of the maximum amount of existing non-invasive vegetation.
   b. Disturbance to existing topographical features and native vegetation shall be minimized. Development shall be designed to fit into the hillside rather than altering existing topography to create a “flat land” type of development.
   c. Stormwater runoff, including from impervious surfaces, shall be collected and managed within the development site or transported from the site. Stormwater runoff shall not be directed onto adjacent private properties or the public right-of-way.
   d. Sidewalks, roads, and driveways shall be sited and constructed to be sensitive to existing contours.
   e. Slopes exposed in new development shall be landscaped to mitigate adverse safety and visual impacts created by hillside grading. Landscaping shall be installed and distributed around structures to improve soil conditions, reduce the risks of soil erosion, and soften, modify, and screen extensive retaining walls and cleared areas.
   f. Vegetation lines which convey the natural slope line of the hill shall be maintained, restored, and/or supplemented.
   g. Native and native-compatible trees, shrubs, and grasses should be planted to prevent erosion, minimize land slippage, and handle stormwater.
2. *Contents of Geotechnical Report*.
   a. Where required, a geotechnical investigation shall be made by a qualified geotechnical civil 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.
   b. The report shall define results of subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis.
   c. The permittee shall assume all liability for damages, personal injury, or property damage resulting from work performed by the permittee, or their 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 harmless from such claim.
3. *Construction Techniques (Earthwork)*. Grading shall 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. All earthwork required for proposed developments shall comply with the following:
   a. *Grading*. The following techniques shall be used:
      1. When grading operations are necessary, the smallest practical areas of land should be exposed at any one time during development and the length of exposure should be kept to the shortest practical amount of time;
      2. Utilize contour grading;
      3. Cut-and-fill slopes with curved configurations that reflect the surrounding topographical context;

4. Round the toe and top of slopes to avoid angular forms at the convergence of manufactured and natural slopes;
5. Vary cut-and-fill banks and drainage terraces to alleviate monotony and allow for naturalistic landscaping;
6. Utilize finished grades of 15 percent slope or less. Cut or filled slopes shall not exceed 25 percent unless:
   a. The applicant submits a geotechnical investigation report that certifies the safety and suitability or such slopes; and
   b. The applicant proposes the use of walls, terraces, or other methods at intervals of not less than 10 feet to create planting beds that will stabilize the slope, and such measures are approved in the geotechnical investigation report as sufficient to ensure the stability of the slope and ensure that such slope shall pose no significant risk of danger to any property or public improvements located on or off the proposed development site.
7. Avoid long linear slopes, except in cases where the natural slope configuration displays this type of form; and
8. Utilize berms at the top of slopes and other locations to screen, vary profile, and ensure drainage away from slopes.
9. Fill shall not be placed over trees, stumps, or other organic or unstable material. All fill shall be compacted only to the extent to provide stability of material and to prevent undesirable settlement. Proper benching and soil pore spacing shall be provided in accordance with the recommendations of a qualified geotechnical or soils engineer.

b. *Retaining Structures*.

1. The use of retaining structures when they will significantly reduce grading and land disturbance is permitted.
2. The height of retaining walls shall be a maximum of eight feet. An applicant shall utilize a series of smaller or shorter retaining walls rather than one large retaining wall, provided that the series of walls can be built without excessive removal of non-invasive vegetation during construction.
3. Retaining structures shall be constructed and or faced in brick or stone.

4. *Roads and Driveways*. Design of roads, driveways, and other circulation elements shall comply with the following guidelines:

a. *Contours*.

1. Roadways and driveways shall 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.
2. Roadways shall not be parallel to one another to avoid a “shelving” effect on hillsides.

b. *Grading*.

1. Cul-de-sacs and loop streets that comply with the Subdivision Regulations in the RR, SR, RP, and REC districts and common driveways may be used to reduce the need to grade land.
2. The Administrator may approve the following reductions to minimize the need for long driveways and necessary earth works:
   a. Required front or corner side setback may be reduced by a maximum of 20 percent;
   b. Required roadway width may be reduced by a maximum of 10 percent.

5. *Damage to Public and Private Infrastructure*. A property owner shall take all necessary measures to protect public and private utilities and streets from drainage resulting from the development; including, when necessary, the repair, replacement, or relocation of such utilities. In the event of any damage resulting from the construction, completion, or operation of the development, the property owner shall be required to correct the damage.

F. **Slope Restoration and Landscape Design**

1. After construction is finished, slopes that are not vegetated shall be landscaped or restored to their natural ecosystem function to mitigate adverse impacts, such as hillside instability and uninteresting landscapes.
2. Restoration practices include dense plantings of trees and shrubs at a scale of 500 whips per acre in uncompacted soil (preferably not fill). Species selection will be dependent on the soil type/moisture and sun exposure. Restoration should be designed to include a diverse mix of native species. In addition to trees and shrubs a ground cover seeding of native forbs and grasses shall be applied to quickly stabilize the soil.

3. To ensure success of the restoration, the survivability of the tree and shrubs shall be assessed annually for three years past the installation period. Reports should be provided to the Urban Forester in late May of each monitoring year by an ISA-certified arborist or some other equivalent. The final goal shall be for the applicant to demonstrate 80 percent survivability of all replantings at the three-year post-planting stage.
4. 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.
5. To minimize the visual obtrusiveness of buildings, plantings that screen building edges and foundations are encouraged.
6. 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.
7. 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.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 02.05.4 12th Street (TS) (Overlay)

A. **Purpose**. The TS secondary district works in conjunction with the primary district to implement the *12th Street Corridor Redevelopment Plan* (June 2004), which is a KRS Chapter 99 Development Plan Area, by:

1. Promoting new development in areas made available by the highway improvement project;
2. Increasing the potential for investment in the area;
3. Assisting in the rehabilitation of eligible historic buildings;
4. Creating open spaces such as parks, plazas and courtyards along the corridor;
5. Providing a strong infrastructure for the above enhancements; and
6. Allowing an opportunity for community participation.

B. **Applicability**. The regulations of this section apply to all development proposed within the boundaries of the TS overlay districts, as shown on the official district map.

C. **Standards and Guidelines**. No new construction, demolition, or alteration of the exterior appearance of any building, structure, appurtenance, or place, or installation of signage is permitted unless the Historic Preservation Officer or Board of Architectural Review and Development (BOARD), as appropriate, determines it to be consistent with this NDC and the 12th Street Design Guidelines referenced in Appendix B, *12th Street Design Guidelines*, and the Historic Covington Design Guidelines referenced in Appendix A, *Historic Covington Design Guidelines*, and the development receives approval in accordance with Sec. 07.21.3, *Certificate of Appropriateness (Staff)*, or Sec. 07.23.7, *Certificate of Appropriateness (BOARD)*, as appropriate.

D. **Protective Maintenance Required**.

1. *Demolition by Neglect*. All buildings and structures in a designated HP overlay shall 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 or structure becoming so run down that it would be constitutionally unreasonable for the City to refuse to allow the owner to demolish the building or structure, the Historic Preservation Officer shall bring this matter to the attention of the Code Enforcement Department, who shall immediately require of the owner or agent protective maintenance and repair to further the economy, health, safety, and general welfare of the City.
2. *Emergency Conditions*. In any case where the Code Enforcement Department determines that there are emergency conditions dangerous to life, health, or property affecting a building, structure, appurtenance, or place in a Historic Preservation district, they may order the remedy of these conditions without the approval of the Board of Architectural Review and Development (BOARD). The Code Enforcement Department shall promptly notify the Historic Preservation Officer and the Chairperson of the Board of Architectural Review and Development (BOARD) of the action being taken.

E. **Actions by the City Commission**.

1. *Compliance with Purpose*. If the City Commission creates a TS district, its action shall include a declaration that the buildings, structures, appurtenances, or places to be preserved do in fact comply with the purpose of the district and require protection against destruction and encroachment.
2. *Noncontributing Buildings and Structures*. 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 buildings and structures determined to be noncontributing, except where such construction, alteration, repair, or, demolition would seriously impair the historic or architectural value of buildings and structures or the surrounding area. It is not the intent of this NDC to limit new construction, alteration, or repair to any one period of architectural style.

Effective on: 10/15/2020

ARTICLE 158.03 LAND USE STANDARDS

Contents:

Division 06 Permitted, Conditional, Limited, and Prohibited Uses

Division 07 Use-Specific Standards

Division 06 Permitted, Conditional, Limited, and Prohibited Uses

Sec. 03.06.1 Use Table Legend

A. **Using the Permitted Uses by District Table**. Table 03.06.3, *Permitted Uses by District*, lists the applicable land uses in rows, organized by use type. The districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, permitted with limitations, conditional, or prohibited in the district.

B. **Symbols**. The tables in this Section use the following symbols:

1. "**P**" means that the land use is Permitted by Right, subject to the standards that apply to all Permitted Uses. The use is approved by the Administrator.
2. "**L**" means that the land use is Permitted with Limitations, in the same manner as a Permitted Use, but is also subject to Division 07, *Use-Specific Standards*.
3. "**C**" means that the use is allowed as a Conditional Use, which may be approved following a public hearing by the Board of Architectural Review and Development (BOARD), subject to:
   a. Division 07, *Use-Specific Standards*; and
   b. The procedures set forth in Sec. 07.23.2, *Conditional Use Permit*.
4. "--" means that the use is a Prohibited Use in the specified character district.

C. **Standards**. The "Standards" column provides a reference to associated standards for uses Permitted with Limitations and for Conditional Uses. Where "N/A" is in the column, there is no associated standard because the use is Permitted by Right.

D. **Conflicts**. If there is a conflict between the Permitted Uses by District Table 03.06.3 and the summary district tables in Article 158.02, *Character Districts*, then the Permitted Uses by District Table in Sec. 03.06.3 governs.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 03.06.2 New and Unlisted Uses

A. **Approach to Use Types**. Each of the use types and specific uses listed in the tables in Article 158.02, *Character Districts*, and Table 03.06.3, *Permitted Uses by District Tables*, are defined in Article 158.09, *Definitions and Calculations*. A use that is not listed shall be authorized by the Administrator as appropriate within a defined use type or as functionally the same as a permitted, limited, or conditional use.

B. **If Not Authorized Then Prohibited**. If the Administrator determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, limited, or conditional use, then the use is a prohibited use.

C. **Decision Criteria**. In making such determinations, the Administrator may consider but not be limited to the following criteria:

1. The actual or projected characteristics of the activity in relation to those of the use type;
2. The amount of site area or floor space and equipment devoted to the activity;
3. Vehicle parking demand;
4. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
5. Types of vehicles used and their parking requirements;
6. Building impervious surface coverage;

7. Regulated air or water emissions;
8. Noise, lighting, dust, and odors;
9. Solid waste generation;
10. The number of employees on a typical shift;
11. Use and storage of hazardous materials;
12. Character of associated buildings and structures;
13. How the use is advertised;
14. Nature and impacts of operation; and
15. Hours of operation.

Effective on: 10/15/2020

Sec. 03.06.3 Permitted Uses by District Table

A. **Special-Purpose Districts**.

1. Permitted uses in the Resource Protection (RP) district are identified in Subsec. 02.04.5.A.
2. Permitted uses in the Recreation (REC) district are identified in Subsec. 02.04.5.B.

B. **Non-Special-Purpose Districts**. Permitted uses for all non-special-purpose districts are identified in Table 03.06.3, *Permitted Uses by District*, below.

Table 03.06.3, *Permitted Uses by District*

Use Category	Specific Use[1]	Residential			Mixed-Use						Commercial, Office, and Industrial					Use-Specific Standards
		RR	SR	SU	CMU	CRM	DTC	DTR	TUMU	TUR	AUC	SO	SI	LI	GI	
Agriculture																
Agriculture and Animal Services	Community Garden	L	L	L	L	L	L	L	L	L	L	--	--	--	--	03.07.2.A & B
	Kennel	L	--	--	--	--	P	P	--	--	L	P	P	C	--	03.07.2.A & C
	Market Garden or Nursery (Retail)	C	C	C	C	C	--	--	C	C	L	--	L	L	--	03.07.2.D
	Roadside Stand	L	--	--	--	--	--	--	--	--	--	--	--	--	--	03.07.2.A & E
	Veterinary Clinic or Veterinary Hospital	C	--	--	--	--	P	P	--	--	P	P	P	--	--	N/A
	Other Agriculture and Animal Services including: Animal Production; Crop Production; Stable (Private and Non-Commercial); Stable (Public or Commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Residential																
Household Living	Accessory Dwelling Unit	L	L	L	--	L	L	--	--	L	--	--	--	--	--	03.07.7.A, B, D & E
	Dwelling, Single-Family	P	P	P	P	P	P	--	P	P	--	--	--	--	--	N/A
	Dwelling, Two-Family	--	L	P	P	P	P	P	P	P	--	--	--	--	--	03.07.3.B
	Dwelling, Three- or Four-Family	--	--	P	P	P	P	P	P	P	--	--	--	--	--	N/A
	Dwelling, Multi-Family (Five or more families)	--	--	P	P	P	P	P	P	P	P	--	--	--	--	N/A
	Manufactured Home Park	C	C	C	--	--	--	--	--	--	--	--	--	--	--	03.07.3.C
	Short-Term Rental, Host Occupied	C	L	L	L	L	L	L	L	L	L	--	--	--	--	03.07.3.E
	Short-Term Rental, Non-Host Occupied	C	L	L	C	--	L	C	L	L	L	--	--	--	--	03.07.3.E
	Sober Living Home (Six or fewer residents)	P	P	P	--	--	P	--	P	P	--	--	--	--	--	N/A
	Upper-Story Dwelling Unit	--	--	P	P	P	P	P	P	P	P	P	--	--	--	N/A

Table 03.06.3, *Permitted Uses by District*

Use Category	Specific Use[1]	Residential			Mixed-Use						Commercial, Office, and Industrial					Use-Specific Standards
		RR	SR	SU	CMU	CRM	DTC	DTR	TUMU	TUR	AUC	SO	SI	LI	GI	
Group Living	Addiction Treatment Facility	--	--	--	--	--	--	--	--	--	C	--	--	--	--	03.07.3.A
	Nursing Home or Residential Care Facility	L	L	L	--	--	P	P	P	P	P	--	--	--	--	03.07.3.D
	Youth Shelter	C	C	C	C	C	C	C	C	C	C	--	--	--	--	03.07.3.F
Public and Institutional																
Civic	Airport or Heliport	--	--	--	--	P	--	--	--	--	--	P	P	--	--	N/A
	Bus or Train Passenger Terminal	--	--	--	--	P	P	P	--	--	P	--	P	P	--	N/A
	Cemetery, Columbarium, Mausoleum, or Memorial Park	P	C	C	--	P	P	P	C	C	P	C	--	--	--	N/A
	College, University, or Vocational School	--	--	--	C	P	P	P	P	P	P	P	C	--	--	N/A
	Day Care, Type 1 or 2	C	C	L	L	L	L	L	L	L	L	L	L	--	--	03.07.4.A
	Government/Non-Profit Parking Lot or Maintenance Area	C	C	C	--	P	--	C	--	--	P	P	P	P	P	N/A
	Government Services (Administrative, Education, Postal, Safety)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
	Park, Playground, and Common Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
	Park-and-Ride Facility	--	--	--	--	P	--	--	--	--	P	P	P	P	P	N/A
	Public Assembly Facility	C	P	P	P	P	P	P	P	P	P	P	--	--	--	N/A
	School, Elementary, Middle, or High	C	C	C	P	P	P	P	P	P	P	P	--	--	--	N/A
	Swimming Pool (Public)	P	P	P	P	P	P	P	P	P	P	P	--	--	--	N/A
	Other Civic uses including: Adult Day Care; Aquarium; Community, Senior, or Youth Center; Museum or Gallery; or Pre-School or Child Day Care Center	C	C	P	--	P	P	P	P	C	P	--	--	--	--	N/A
Medical Facilities	Chiropractor, or Acupuncture, Medical or Dental Clinic	--	--	L	L	P	L	L	L	L	L	L	L	--	--	03.07.4.B
	Other Medical Facilities including: Blood or Plasma Center; Drug, Alcohol or Psychiatric Treatment Center, Out-Patient; Hospice Center; Hospital; Medical or Dental Laboratory	--	--	--	--	P	P	P	--	--	P	P	P	--	--	N/A
Social Service	Correctional Facility	--	--	--	--	--	--	--	--	--	--	--	C	--	--	N/A
	Transient Lodging or Shelter for the Homeless	--	--	--	--	--	C	C	--	--	C	--	--	--	--	03.07.4.C & D
	Other Social Service uses including: ; Drug, Alcohol, or Psychiatric Treatment Center, In-Patient; Group Home for the Physically Disabled, Mentally Disabled, or Emotionally Disturbed (Seven or more Residents); Halfway House; Sober Living Facility (Seven or more Residents); Soup Kitchen	--	--	--	--	--	C	C	--	--	C	--	--	--	--	03.07.4.C
Utilities	Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
	Utilities, Major	C	C	C	C	C	C	C	C	C	C	C	C	C	P	N/A
Commercial and Office																

Table 03.06.3, *Permitted Uses by District*

Use Category	Specific Use[1]	Residential			Mixed-Use						Commercial, Office, and Industrial					Use-Specific Standards
		RR	SR	SU	CMU	CRM	DTC	DTR	TUMU	TUR	AUC	SO	SI	LI	GI	
Entertainment, Indoor	Bar or Tavern	--	--	L	L	P	L	L	L	--	L	L	L	--	--	03.07.5.A & E
	Body Art Service	--	--	--	L	P	L	L	L	--	L	L	L	--	--	03.07.5.C & E
	Bowling Center	--	--	--	--	P	L	L	L	--	L	L	L	L	--	03.07.5.E
	Brewpub	--	--	--	L	P	L	L	L	--	L	L	L	--	--	03.07.5.E
	Microbrewery or Micro-Distillery	--	--	--	L	P	L	L	L	C	L	L	L	L	--	03.07.5.E
	Skateboard or Trampoline Park	--	--	--	--	P	C	C	--	--	C	C	L	L	--	03.07.5.E
	Other Indoor Entertainment uses including: Archery / Firearms Range (Indoor); Axe throwing lounge; Bingo hall; Convention center; Dance Club or Dance Hall; Fitness Gym; Gymnastic, Dance, or Martial Arts Facility; Movie or Other Theater; Pool hall; Skating rink; Tennis or Racquetball Facility	--	--	--	L	P	L	L	L	--	L	L	L	L	--	03.07.5.E
Entertainment, Outdoor	Farmers Market	L	--	--	L	L	L	L	L	L	L	L	L	L	--	03.07.5.F
	Other Entertainment, Outdoor uses including: Amphitheater; Amusement Park; Campground without Overnight Accommodation; Fairgrounds; Golf Course, Golf Driving Range, or Mini-Golf Course; Marina; Paintball Facility; Race Track (Vehicle); Skateboard Park; Stadium, Running Track, or Ball Field	--	--	--	--	--	--	C	--	--	L	L	L	L	--	03.07.5.F
Office	Bank or Credit Union (with drive-through)	--	--	L	--	--	L	--	--	--	L	L	L	L	--	03.07.5.I
	Currency Exchange (Check Cashing) or Payday Loan Business	--	--	--	--	--	C	C	C	--	C	C	--	--	--	03.07.5.D
	Other Office uses including: Accounting, Advertising, Architecture, Bill Collection, Charitable Organization, Consulting, Counseling, Data Processing, Design, Engineering, Investment or Brokerage, Law, Real Estate or Insurance, Sales, Temporary Employment, or Travel; Bank or Credit Union (without drive-through); TV or Radio Studio	--	--	L	P	P	P	P	P	P	P	P	P	P	P	03.07.5.I
Overnight Accommodations	Bed and Breakfast Inn	--	--	C	L	--	L	L	L	L	--	--	--	--	--	03.07.5.B
	Hotel or Motel	--	--	--	P	P	P	P	P	--	P	P	--	--	--	N/A
	Resort	--	--	--	--	--	P	P	--	--	P	--	--	--	--	N/A
	Other Overnight Accommodations including: Campground with Overnight Accommodations; Recreational Vehicle Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	N/A
Restaurant	Restaurant, Drive-In or Drive-Through	--	--	--	--	--	--	--	--	--	L	L	L	--	--	03.07.5.L
	Other Restaurant uses including: Candy or Ice Cream Shop; Catering Establishment; Coffee Shop; Food Delivery; Restaurant, Sit-Down	--	--	--	L	P	L	L	L	L	L	L	L	--	--	03.07.5.L

Table 03.06.3, *Permitted Uses by District*

Use Category	Specific Use[1]	Residential			Mixed-Use						Commercial, Office, and Industrial					Use-Specific Standards
		RR	SR	SU	CMU	CRM	DTC	DTR	TUMU	TUR	AUC	SO	SI	LI	GI	
Retail Repair, Sales, and Service	Mobile Food Vending Service	--	--	--	L	L	L	L	L	--	L	L	--	--	--	03.07.8.D
	Mobile Retail Vending Service	--	--	--	L	L	L	L	L	--	L	L	--	--	--	03.07.8.E
	Package Liquor	--	--	--	L	L	L	L	L	C	L	L	L	--	--	03.07.5.K
	Pawn Shop	--	--	--	C	--	L	L	--	--	L	--	--	--	--	03.07.5.J
	Temporary Vendor	--	--	--	L	L	L	L	L	--	L	L	--	--	--	03.07.8.F
	All Repair-Oriented Uses	--	--	L	L	P	L	L	L	L	L	L	L	L	--	03.07.5.I
	All other Sales-Oriented Uses	--	--	L	L	P	L	L	L	L	L	L	--	--	--	03.07.5.I
	All Service-Oriented Uses	--	--	L	L	P	L	L	L	L	L	L	--	--	--	03.07.5.I
Self-Service Storage	Boat or Recreational Vehicle Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	P	P	--	N/A
	Mini-Warehouse	--	--	--	L	--	L	--	--	--	L	--	P	P	--	03.07.5.H
Sexually Oriented Business	Sexually-Oriented Businesses listed in Sec. 09.27.3	--	--	--	--	--	C	--	--	--	L	--	--	L	L	03.07.5.M
Vehicle Sales and Service	Fuel Sales (Retail)	--	--	--	--	--	C	C	--	--	L	--	L	L	--	03.07.5.G
	Vehicle Sales, Rental, and Leasing	--	--	--	--	--	P	P	--	--	P	P	P	P	--	N/A
	Vehicle Repair, Major	--	--	--	--	--	C	--	--	--	C	L	L	L	--	03.07.5.N
	Vehicle Service, Minor	--	--	C	C	C	P	L	L	C	L	P	P	P	--	03.07.5.N
	Other Vehicle Sales and Service uses including: Car Wash; Rental or Sales of Manufactured Homes, Mobile Homes, Portable Buildings or Trailers; Truck Stop	--	--	--	--	--	--	--	--	--	P	--	P	P	--	N/A
Industrial																
Heavy Industrial	Heavy Industrial, Less-Intense uses including: Manufacture, Assembly, or Processing of Goods listed in Sec. 09.27.3	--	--	--	--	--	--	--	--	--	--	--	--	C	L	03.07.6.A
	Heavy Industrial, More-Intense uses including: Manufacture, Assembly or Processing of Goods listed in Sec. 09.27.3.	--	--	--	--	--	--	--	--	--	--	--	--	--	L	03.07.6.A
Light Industrial	Building or Development Contractor	--	--	--	L	--	L	--	--	--	C	L	L	L	L	03.07.6.B
	Bulk Mailing Service	--	--	--	--	--	L	L	L	--	C	L	L	L	L	03.07.6.B
	Micro-Manufacturing	--	--	--	L	P	L	L	L	L	L	L	L	L	L	03.07.6.C
	Repair of Scientific or Professional Instruments	--	--	--	L	--	L	L	L	--	C	L	L	L	L	03.07.6.B
	Research, Testing, and Development Laboratory	--	--	--	L	P	L	L	L	--	C	L	L	L	L	03.07.6.B
	Other Light Industrial uses including Manufacture or Assembly of Certain Goods listed in Sec. 09.27.3	--	--	--	L	--	L	--	L	--	L	L	L	L	L	03.07.6.B
Warehousing and Freight Movement	Bulk Storage	--	--	--	--	--	P	--	--	--	--	P	P	P	P	N/A
	Motor Freight or Truck Terminal	--	--	--	--	--	--	--	--	--	--	P	P	P	P	N/A
	Other Warehousing and Freight Movement uses including: Food Processing, Packing, and Distribution; Outdoor Storage Yard; Truck, Tractor, Trailer, or Bus Storage, Parking Yard, Lot, or Garage	--	--	--	--	--	--	--	--	--	--	--	P	P	P	N/A

Table 03.06.3, *Permitted Uses by District*

Use Category	Specific Use[1]	Residential			Mixed-Use						Commercial, Office, and Industrial					Use-Specific Standards
		RR	SR	SU	CMU	CRM	DTC	DTR	TUMU	TUR	AUC	SO	SI	LI	GI	
Waste Related Service	Recycling Facility, Class 1	--	--	--	--	--	--	--	--	--	--	--	P	P	P	N/A
	Recycling Facility, Class 2	--	--	--	--	--	--	--	--	--	--	--	C	P	P	N/A
	Recycling Facility, Class 3	--	--	--	--	--	--	--	--	--	--	--	--	C	P	N/A
	Salvage Yard	--	--	--	--	--	--	--	--	--	--	--	--	C	L	03.07.6.D
	Waste Transfer Facility	--	--	--	--	--	--	--	--	--	--	--	C	--	--	03.07.6.E
	Other Waste Related Service uses including: Animal Waste Processing; Biodigester; Composting Facility; Landfill; Tire Recycling or Retreading	--	--	--	--	--	--	--	--	--	--	--	--	P	P	N/A
Wholesale Trade	All Wholesale Trade including: Fuel Sales and Storage (Bulk); Mail-Order Business; Sale or Rental of Machinery and Equipment; Wholesale or Auction of Food, Clothing, Auto Parts, or Hardware	--	--	--	--	--	--	--	--	--	--	P	P	P	P	N/A

TABLE NOTES:
[1]Specific uses and use categories are defined in Sec. 09.27.3, *Definitions*.

(There are no ordinances associated with this section.)

Effective on: 6/10/2025

Division 07 Use-Specific Standards

Sec. 03.07.1 General

A. **Limited and Conditional Uses**. The standards of this Division apply to those uses in Table 03.06.3, *Permitted Uses by District*, that are Permitted with Limitations (L) or that require a Conditional Use Permit (C). All uses that are Permitted with Limitations have associated use-specific standards. Conditional uses may or may not have associated use-specific standards.

B. **Applicability**. Use-specific standards apply to a specified use whether it is a primary or accessory use, unless otherwise expressly stated.

C. **Additional Conditions**. The Board of Architectural Review and Development (BOARD) may impose additional conditions when it approves a Conditional Use Permit application provided that those conditions further the policies of the Comprehensive Plan and align with the purposes of this NDC.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 03.07.2 Agriculture

The following standards apply to agricultural uses that are Conditional or Permitted with Limitations in Article 158.02, *Character Districts*, and in Table 03.06.3, *Permitted Uses by District*.

A. **Limited Agriculture Uses in the RR district**. All structures associated with uses that are permitted with limitations ("L") in Table 03.06.3 shall be located on lots with a minimum area of five acres and shall be setback from any residential property line a minimum of 100 feet.

B. **Community Garden**.

1. *Retail Sales*. No sale of items grown or any other items may take place on-site.
2. *Sale of Plots*. In order to privatize or sell plots of the garden the property owner shall obtain a valid Occupational License permit.
3. *Accessory Structures*. Two 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 are permitted subject to Sec. 03.07.7, *Accessory Uses*.
4. *Fences*. Fences shall not exceed six feet in height, shall be at least 50 percent open if they are taller than four feet, and shall be constructed of wood or ornamental metal.

C. **Kennel**. In the Auto-Urban Commercial (AUC) district, overnight animal boarding and outside animal runs are prohibited.

D. **Market Garden or Nursery (Retail)**.

1. *Accessory Structures*. All structures associated with the market garden or retail nursery operation, including greenhouses. hoop houses and high tunnels located on the site shall comply with the location requirements of the character district , but shall not take up more than 60 percent of the lot and be no more than 15 feet in height. For purposes of open space, areas of the site devoted to garden use and not enclosed in a structure shall be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants and shrubs shall not be considered as structures within the meaning of this Section.
2. *Composting*. Composting shall be limited to plant materials generated on the site, and plant-based food waste and non-vegetative materials such as wood chips, pre-composted materials, or soil to enhance these plant materials. Compost piles shall be set back at least 10 feet from all property lines and shall be covered or enclosed to prevent migration of compost materials due to wind, slope, or water-based erosion. Compost piles shall not exceed 5 feet in height, and compost piles within three feet of any building entry shall not exceed three and one half feet in height. The amount of compost materials on-site at any given time shall not exceed 20 cubic yards.

3. *Water*. Water for purposes of maintaining the garden or plant stock and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off-site connection to the local water service.
4. *Nuisances*. Market gardens and retail nurseries shall be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor. Dust and noise shall be managed consistent with state law and local ordinance and visible fugitive dust crossing property lines shall be corrected by sprinkling with water. The premises shall be kept free of debris at all times.
5. *Hours of Operation*. Market gardens and retail nurseries shall only be permitted to be open to the public during the hours of 8 am and 8 pm. Gardening activities conducted outside of the hours of 8 am to 8 pm shall be conducted in a manner that do not constitute a nuisance.
6. *Fences*. Fences shall not exceed six feet in height. shall be at least 50% open if they are taller than four feet and shall be constructed of wood, wood-wire combination, or ornamental metal.

E. **Roadside Stand**.

1. *Principal or Accessory*. A roadside stand may be a principal or accessory use.
2. *Products Grown On-Site*. Any products for sale shall be raised, produced, and processed on the premises.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 03.07.3 Residential

The following standards apply to residential uses that are Conditional or Permitted with Limitations in Article 158.02, *Character Districts*, and in Table 03.06.3, *Permitted Uses by District*.

A. **Addiction Treatment Facility**.

1. *Number*. No more than one addiction treatment facility may be permitted per each 25,000 persons residing in the city according to the most recent City estimate.
2. *Facilities*. The facility shall provide for staff offices, sleeping space, meeting rooms, bathrooms, and kitchen and dining facilities.
3. *Supervision*. Twenty-four hour, on-site staff supervision shall be provided.
4. *Tenure*. Adults may not reside at the facility for more than 18 consecutive months.
5. *Licensure*. Licensure for the program operated at the facility shall be obtained in accordance with Non-Medical Alcohol Treatment and Education Center regulations, 908 KAR 1:230 and 240.G, or as amended. 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.

B. **Dwelling, Two Family**. In the SR district, two-family dwellings are only permitted in Cluster or Planned Neighborhoods per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.

C. **Manufactured Home Park**.

1. *Accessory Uses and Structures*. The following accessory uses and structures related to and for the exclusive use of the residents of the manufactured home park (excluding, however, any commercial uses) are permitted:
   a. Rental or sales offices for lots or mobile homes in the mobile home park;
   b. Community centers; and
   c. Laundry facilities.
2. *Minimum Site Area*. The minimum site area is 10 acres. However, development of a smaller tract adjacent to an existing mobile home park 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.
3. *Building Separation*. Manufactured homes shall be separated from each other and from other buildings and structures by a minimum of 15 feet on the sides and shall have an end-to-end clearance of 10 feet.

4. *Common Open Space*. A minimum of 20 percent of the total acreage of the proposed manufactured home park shall 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 shall 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. *Installation*. Mobile homes shall be installed in accordance with KRS 227.570, et seq., or as amended, by a Kentucky certified installer.

D. **Nursing Home** or **Residential Care Facility**.

1. *Occupancy Limit*. The use shall not provide full time overnight care for more than 16 residents.
2. *Bufferyard*. In the RR and SR districts, the use shall be separated from single-family uses by a Type II bufferyard per Sec. 04.12.5, *Bufferyards*.

E. **Short-Term Rental**

1. *Registration and Licensing*. The short-term rental host shall obtain a Short-Term Rental Dwelling License from Code Enforcement, and obtain an occupational/business license from the City.
2. *Host Occupation*. Where permitted with host occupation required, a short-term rental property shall be the host's primary residence for a minimum of 183 days per calendar year in order to be considered a host occupied short-term rental. a host occupied short term rental shall be validated in accordance with ORD 127.
3. Prohibitions. A short-term rental is not permitted on the same property as any of the following:
   a. Any Overnight Accommodations use type;
   b. Sober living; or
   c. Any Group Living use type.
4. *Tenure*. A short-term rental tenant shall not stay more than 29 consecutive days in duration.

F. **Youth Shelter**.

1. *Number*. No more than one youth shelter may be permitted per each 25,000 persons residing in the city according to the most recent City estimate.
2. *Occupancy*. Maximum occupancy may not exceed one person per 125 square feet of gross floor area in the building or one person per 250 square feet of lot area, whichever is the lesser.
3. *Supervision*. Twenty-four hour, on-site adult supervision shall be provided.
4. *Negative Impacts*. Youth shelters are appropriate when and where the above criteria can be met, unless the Board of Architectural Review and Development (BOARD) finds that 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.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 6/11/2024

Sec. 03.07.4 Public and Institutional

The following standards apply to public and institutional uses that are Conditional or Permitted with Limitations in Article 158.02, *Character Districts*, and in Table 03.06.3, *Permitted Uses by District*.

A. **Day Care**. Licensed (child) day-care centers (Day Care Type 1 and Day Care Type 2) shall comply with all applicable standards for such uses, as set forth by the Kentucky Cabinet for Health Services, Division of Regulated Child Care.

B. **Chiropractor, or Acupuncture, Medical or Dental Clinic**.

1. *Floor Area*. The maximum floor area shall be 2,000 square feet.
2. *Exterior Design (SU & TUR Districts only).* The building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, and so that there is no evidence from the street that the use is other than residential (except for the permitted sign).
3. *Number of Employees*. A maximum of three employees, including the medical professional, shall be permitted.

C. **Social Service**.

1. *Waiting Area*. Social Services shall provide indoor waiting areas for clients. The waiting area shall be large enough to accommodate the clients arriving for services.
2. *Public Transit*. Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation.
3. *Capacity Limitations*. Where permitted as a Conditional Use, the Board of Architectural Review and Development (BOARD) may limit the maximum capacity based on presented evidence of best practices and safety standards.

D. **Transient Lodging or Shelter for the Homeless**.

1. *Client Hours*. The use shall allow clients to come and go only between the hours of 7 AM and 10 PM.
2. *Number of Clients*. The BOARD may limit the number of clients that the use may accommodate at any one time.
3. *Number*. No more than one such use may be permitted per each 13,000 persons residing in the city according to the most recent City estimate.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 03.07.5 Commercial and Office

The following standards apply to commercial and office uses that are Conditional or Permitted with Limitations in Article 158.02, *Character Districts*, and in Table 03.06.3, *Permitted Uses by District*.

A. **Bar or Tavern**.

1. *Accessory Sale of Alcohol for Off-Premises Consumption*. The accessory sale of alcohol for off-premises consumption may be permitted if the following criteria are met:
   a. The seller shall have valid state and local ABC permits authorizing the sale of package liquor; and
   b. The floor area used for the sale of package liquor shall be no larger than 10% of the floor area of the seating area of the primary use or 100 square feet; whichever is less.
2. *Semi-Urban Residential (SU) Districts*. Where permitted with limitations ("L") in the SU district, a bar or tavern shall only be located within a Corner Store building type or a Mixed-Use Building type that is on a lot immediately adjacent to an intersection of two non-alley public rights of way.
3. A new bar or tavern may not be established within 500 feet of a pre-existing sober living home or sober living facility.

B. **Bed and Breakfast Inn**.

1. *Parking*. Parking shall be provided in accordance with Division 11, *Parking, Loading, and Circulation*, except where the applicant demonstrates to the satisfaction of the Administrator or, where required, the Board of Architectural Review and Development (BOARD) that on-street parking is readily available.
2. *Dining*. Food service may be provided for resident guests only.

C. **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.

D. **Currency Exchange (Check Cashing Business) or Payday Loan Business**. No new currency exchange or payday loan business may be established within 1,500 feet of a lot containing an existing currency exchange or payday loan business.

E. **Entertainment, Indoor**. Indoor entertainment uses shall have no openings other than stationary windows and fire exits within 50 feet of any SR or RR district.

F. **Entertainment, Outdoor**.

1. *Bufferyard*. Per Sec. 04.12.5, a Type III bufferyard shall be required adjacent to any abutting residential district or residential use.
2. *Lighting*. After-hours lighting shall be limited to that necessary only for security purposes and shall not spill over onto adjacent properties.

G. **Fuel Sales (Retail)**.

1. *Setback*. All gasoline pumps shall have a minimum front-yard or corner side-yard setback of 25 feet.
2. *Bufferyard*. Per Sec. 04.12.5, a Type III bufferyard shall be required adjacent to any abutting residential district or residential use.
3. *Canopies*. Fuel pump canopies shall be connected to or integrated into the architectural design of the building in terms of color, cladding, roofing, and roof pitch.
4. *Trucks*. Refueling or delivery trucks shall not take ingress and egress from an urban local street as designated in the Kenton County Comprehensive Plan.

H. **Mini-Warehouse**.

1. *Arterial Street*. The site shall be adjacent to an arterial street as designated in Kenton County Comprehensive Plan.
2. *Site Area*. The site shall have a minimum area of two acres. This requirement does not apply to a Mini-Warehouse established as an accessory use to a separate permitted primary use.
3. *Accessibility*. All storage units shall be accessible from inside the building.

I. **Office** or **Retail Repair, Sales, and Service**.

1. *SU and TUR Districts*. Within the Semi-Urban Residential (SU) or Traditional Urban Residential (TUR) character districts, the following restrictions apply:
   a. *Floor Area*. The maximum floor area shall be 2,000 square feet.
   b. *Building Type.*
      1. If associated with a permitted residential building type, the building shall remain or shall be constructed so that the exterior design and ornamentation is of residential character in keeping with the immediate neighborhood, and so that there is no evidence from the street that the use is other than residential (except for the permitted sign).
      2. If associated with a Corner Store building type, an office use type may be on the first floor or an upper floor; a retail repair, sales, and service use type may be located on the first floor.
2. *Drive-In or Drive-Through Facilities*. Where a drive-in or drive-through facility is permitted and provided within or adjacent to a residential or mixed-use character district, the following standards apply:
   a. A Type III, IV, or V bufferyard, in accordance with Sec. 04.12.5, *Bufferyards*, shall be provided between a drive-in or drive-through facility and adjacent or abutting properties that include a residential use.
   b. Drive-in or drive-through facilities may be located only in interior side or rear yards.
   c. Loudspeakers and similar instruments shall not be located within 50 feet of any property that includes a residential use.

J. **Pawn Shop.**

1. *Distance*. No new pawn shop may be established within 1,500 feet of an existing pawn shop.
2. *Enclosed Building*. All activities shall be conducted within a completely enclosed building.
3. *Outdoor Storage or Display*. No outdoor storage or display is permitted.

K. **Package Liquor**. No new package liquor establishment may be located within 500 feet of a lot containing an existing Sober Living Facility or Sober Living Home.

L. **Restaurant** or **Restaurant Drive-in or Drive-through**.

1. *Accessory Sale of Alcohol.* The accessory sale of alcohol for off-premises consumption is permitted if the following criteria are met:
   a. The seller shall have valid state and local ABC permits authorizing the sale of package liquor; and
   b. The floor area used for the sale of package liquor shall be no larger than 10% of the floor area of the seating area of the primary use or 100 square feet; whichever is less.
2. *Drive-In or Drive-Through Facilities*. Where a drive-in or drive-through facility is permitted and provided within or adjacent to a residential or mixed-use character district, the following standards apply:
   a. A Type III, IV, or V bufferyard, in accordance with Sec. 04.12.5, *Bufferyards*, shall be provided between a drive-through or drive-in facility and adjacent or abutting properties that include a residential use.
   b. Drive-in or drive-through facilities may be located only in interior side or rear yards.

c. Loudspeakers and similar instruments shall not be located within 50 feet of any property that includes a residential use.

M. **Sexually Oriented Business**.

1. *General*. The City Commission, along with Kenton County and other municipalities in the county, has adopted ordinances regulating sexually oriented business. In the ordinance adopted by the City Commission regulating the the use 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 land use regulation, which this Section implements.
2. *Prohibited Uses*. The following uses are prohibited in the City of Covington and county-wide under Kenton County Ordinance No. 451.9 if the City of Covington's ordinance is repealed. No Zoning Permit may be issued for the following prohibited uses:
   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 KRS 309.350 et seq.;
   e. Sexually oriented modeling studio;
   f. Sexually oriented nude modeling studio; and
   g. Sexually oriented escort bureau.
3. *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:
   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.
4. *Permitted Districts.*
   a. A media store carrying some sexually oriented media is permitted in any character district where other Retail Repair, Sales, and Service establishments are permitted.
   b. A sexually oriented media store, sex shop or service oriented escort bureau is permitted in the following districts:
      1. DTC, Downtown Core; and
      2. AUC, Auto Urban Commercial
   c. A sexually oriented business featuring on-premise entertainment such as sexually oriented motion picture theatre, cabaret, or theatre is permitted in the following character districts:
      1. DTC, Downtown Core;
      2. AUC, Auto Urban Commercial;
      3. LI, Limited Industrial; and
      4. GI, General Industrial.
   d. Zoning Permit. A sexually oriented business is required to obtain a Zoning Permit and a Sexually Oriented Business License. The applicant shall apply for a Zoning Permit first and a Kenton County License second.
5. *Separation Standards*.

a. *Separation Distances*.

1. Minimum required distances between specified uses, buildings, or properties shall be calculated per Sec. 09.28.7, *Distance Between Uses and Buildings*.
2. 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 a residential use or district or within 500 feet of a Civic use in any other district.
3. No sexually oriented business offering on-premise entertainment (sexually oriented motion picture theatre, cabaret or theatre) may be located within 1,000 feet of a residential district or within 1,000 feet of a Civic use.
4. No sexually oriented business may be located within 1,000 feet of any other sexually oriented business. The separation is required regardless of whether it is located within the City or within the County.

b. *Single Use*. There may be no more than one type of sexually oriented business at any one location.

c. *Nonconformity*. No legally established and permitted sexually oriented business will become nonconforming through subsequent establishment of a Civic use; nor may a Zoning Permit for a sexually oriented business be denied based on the filing of a Zoning Permit application for a residential or Civic use after the filing of such application for a sexually oriented business.

6. *Standards for Parking*. Table 03.07.5, *Sexually Oriented Business Parking Ratios*, establishes minimum and maximum parking requirements for such businesses.

Table 03.07.5, *Sexually Oriented Business Parking Ratios*

Use	Minimum Spaces Required	Maximum Spaces Allowed
Sexually oriented media store, sex shop or service oriented escort bureau	1 / 300 sf. GFA	1 / 200 sf. GFA
Sexually oriented cabaret or theatre	1 / 150 sf. for dancing or assembly area, or 1 / 4 persons based on design capacity, whichever is greater + 1 / 2 employees	1 / 100 sf. for dancing or assembly area, or 1 / 3 persons based on design capacity, whichever is lesser + 1 / employee
Sexually oriented motion picture theatre	1 / 4 seats based on maximum seating capacity + 1 / 2 employees	1 / 3 seats based on maximum seating capacity + 1 / employee
Notes: sf. = square feet; GFA = Gross Floor Area		

7. *Standards for Exterior Lighting*.

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

b. 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.

8. *Individual Business Standards*.

a. *Service Oriented Escort Bureau*. A service oriented escort bureau shall be subject to the following additional standards:

1. *Room Size*. The establishment shall operate all business in an open area of at least 600 square feet of gross 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 shall be well lit at alighting level of least 30 footcandles measured three feet from the floor.

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

1. *Separate Room*. The sexually explicit media shall 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 shall 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 shall 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.
5. *Lighting*. The area occupied by customers shall be well lit at alighting level of least 30 footcandles measured three feet from the floor.

c. *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 shall operate all business in an open area of at least 600 square feet of gross 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.
3. *Lighting*. The area occupied by customers shall be well lit at a lighting level of least 30 footcandles measured three feet from the floor.

d. *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 shall occur in a room open to all customers of the establishment and containing at least 1,000 square feet of gross 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 shall be at least 5 footcandles as measured at the floor.
3. *Seating*. Seating shall 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 shall be provided in accordance with the applicable provisions of the building code and the Americans with Disabilities Act.

e. *Sexually Oriented Cabaret or Theatre*. A sexually oriented cabaret or theater is subject to the following additional standards:

1. *Presentation Area*. All entertainment shall occur in an unobstructed room of at least 600 square feet of gross floor area with a person in any part of such room having a clear view of all entertainment areas.
2. *Performance Stage*. All entertainment shall 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 shall 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 shall be at least 15 footcandles as measured three feet from the floor.
4. *Seating*. Seating shall consist of chairs or open booths. No couches, beds, or loose cushions or mattresses, or of any form may be provided.

f. *Conflicts with Licensing Ordinance*. If there are any conflicts between the requirements of this Section and the City's licensing ordinance, the requirements of this Section control.

N. **Vehicle Repair, Major** or **Vehicle Service, Minor**.

1. *Servicing*. All servicing shall be conducted wholly within a completely enclosed building.
2. *Arterial Street*. For Vehicle Repair, Major, the use shall be located on a lot adjacent to an arterial street, as identified in the Comprehensive Plan.
3. *Outdoor Storage*. No outdoor storage of any material (usable or waste) is permitted except within enclosed containers.

4. *Vehicle Storage*. No vehicle may be stored more than 10 days while awaiting repairs and shall only be stored on-site. Storage of such vehicles on public or private streets is prohibited.

(Ord. No. O-13-21, 09/28/2021; Ord. No. O-25-22, 11/29/2022)

Effective on: 11/29/2022

Sec. 03.07.6 Industrial

The following standards apply to industrial uses that are Conditional or Permitted with Limitations in Article 158.02, *Character Districts*, and in Table 03.06.3, *Permitted Uses by District*.

A. **Heavy Industrial, Less-Intense and Heavy Industrial, More Intense**. All structures, excluding screening or vehicle use areas, shall be no closer than 200 feet from any residential structure.

B. **Limited and Conditional Light Industrial Uses**. Except for Micro-Manufacturing.

1. *Mixed Use, AUC, and SO Districts*.

a. *Outdoor Storage*. No outdoor storage is permitted.

b. *Enclosed Use*. The use shall be conducted wholly within enclosed buildings.

2. *Nuisance Mitigation*. Where such buildings are located within 100 feet of any residential use, no openings facing a residential use are permitted other than stationary windows, fire exits, or garage doors that are open only when necessary to permit immediate vehicle access and then are immediately closed.

C. **Micro-Manufacturing**. The maximum gross floor area of a micro-manufacturing facility in the mixed use districts shall not exceed 2,000 square feet.

1. *Mixed Use, AUC, and SO Districts*.

a. *Outdoor Storage*. No outdoor storage is permitted.

b. *Gross Floor Area*. The gross floor area shall not exceed 5,000 square feet.

2. *DTC Districts*. There is no gross floor area maximum for the DTC District.

3. *Nuisance Mitigation*. Where such buildings are located within 50 feet of any residential use, no openings facing a residential use are permitted other than stationary windows, fire exits, or garage doors that are open only when necessary to permit immediate vehicle access and then are immediately closed.

D. **Salvage Yard**. A salvage yard shall be setback from the centerline of any county, state, federal, or limited access highway or turnpike, including bridges and bridge approaches, a minimum of 2,000 feet unless a permit for such operation is obtained from the Kentucky Transportation Cabinet, in accordance with KRS 177.905 to 177.950, or as amended. Salvage yards shall be screened to from view of all adjacent properties and road rights-of-way with a Type III bufferyard per Sec. 04.12.5, *Bufferyards.*

E. **Waste Transfer Facility**. All Waste Transfer Facilities in an Industrial character district shall be conditional uses. In addition to considerations pursuant to state law for requests for a conditional use permit, consideration shall also be given to market need, with an emphasis on whether the facility is being utilized for mandatory trash collection by ordinance, regulation or other, with an emphasis on whether it is serving as a facility for waste generated within the City of Covington.

1. *Minimum Lot Size*. Due to the environmental impact of this use, a minimum lot size of 13 acres shall be required.

2. *Compliance With Other Statutes*. Prior to approval for operation, the facility/operation must be compliant with all Solid Waste Statutes, Ordinances and any other applicable regulation.

3. *Future Activity*. Submittal for a conditional use permit shall also include an operational plan and all future activity conducted in accordance with the operational plan.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 03.07.7 Accessory Uses

A. **Associated Principal Uses**. The use type definitions in 09.27.3, *Definitions*, show which accessory uses are permitted in conjunction with a principal use.

B. **Accessory Structures**. Refer to Sec. 04.08.4, *Accessory Structures*, for provisions related to accessory structures.

C. **Multiple Uses**. Where the Administrator determines that two or more uses on a property have similar or complementary characteristics based on the list in Sec. 03.06.2.C, *Decision Criteria*, then the Administrator may deem all such uses principal uses, which are subject to the requirements of this NDC, including, but not limited to, requirements for the property owner to obtain a Conditional Use Permit where Table 03.06.3, *Permitted Uses by District*, requires such approval.

D. **Standards that Apply to All Accessory Uses**. The following standards shall apply to accessory uses and structures except as this Section or NDC indicate otherwise.

1. *Associated Principal Uses*. Except as otherwise expressly provided in this NDC, accessory uses are permitted in connection with any lawfully established principal use according to the accessory uses associated with each use type defined in Article 158.09, *Definitions and Calculations*. Unless otherwise expressly stated, accessory uses are subject to the same regulations as the principal use.
2. *Subordination*. The accessory use shall be subordinate to and serve a primary use.
3. *Commercial Use*. Accessory structures located on residentially zoned or used property shall not be used for commercial purposes other than home occupations that comply with this Section.
4. *Same Property*. An accessory use shall be located on the same parcel or lot as the primary use.

E. **Accessory Dwelling Unit (ADU)**.

1. *ADU Types*. There are two types of ADUs: (1) integrated ADUs, and (2) detached ADUs.
2. *Integrated ADUs*.
   a. Integrated ADUs are located within a permitted building and shall comply with the building placement standards for the permitted and associated principal building type.
   b. Integrated ADUs may be established by dividing space within a principal building (Figure 03.07.7-1, *Integrated Basement ADU*), or by adding floor area to an existing building (Figure 03.07.7-2, *Integrated Rear Addition ADU*). Integrated ADUs may be accessed from within the principal building or from outside, according to the standards of this Section.
   c. Integrated ADUs appearance:
      1. Integrated ADUs shall not involve design modifications to the exterior of the principal building that make their presence obvious.
      2. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a residential dwelling (e.g. side doors, French doors, etc.).
      3. Any exterior stairs that would serve as the primary entrance to the ADU shall be located on the side or rear of the principal structure and are prohibited from being located on the front of the principal structure.
      4. If a principal building is expanded to accommodate an integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building.
      5. Only one entrance may be located on the front facade of the principal building facing the street unless the building contained additional front entrances prior to the ADU's construction.
3. *Detached ADUs*.
   a. Detached ADUs are dwelling units that are located inside of an accessory structure, such as a detached residential garage, and are permitted within Carriage Houses that comply with the standards in Subsec. 04.08.3.C, *Carriage House*.
   b. Where an improved alley adjacent to the lot exists, vehicular access to the ADU shall take place from the alley.
   c. Generally, access to second floor units shall be from internal stairs. External stair may be permitted where they are not located parallel to an interior side property line or where the Administrator determines that screening features are in place to protect the privacy of an adjacent lot's side yard.
   d. In the RR, SR, and mixed-use districts, where a detached ADU is proposed, the owner of the subject property shall live in either the principal residence or the ADU.

4. *Prohibited Locations*. ADUs may not be established within manufactured homes or structures and vehicles that do not have a permanent foundation, including, but not limited to recreational vehicles, travel trailers, or campers.
5. *Maximum Floor Area of the ADU*.
   a. Measurement. The floor area is measured as the area within the ADU itself and does not include areas of an accessory building that are used for other purposes, such as a detached garage or a workshop that is not incorporated into the ADU.
   b. Standard. The floor area of an ADU shall not exceed 50 percent of the total square footage of the principal residential building to which it is accessory, or 1,000 square feet, whichever is less.
6. *Required Parking for ADUs*. In the RR and SR districts, in addition to the parking requirements for the principal residential use set out in Sec. 04.11.3, Required Parking Ratios, one off-street parking space for the ADU shall be provided.

Figure 03.07.7-1, *Integrated Basement ADU*

Illustrated below is an integrated ADU (shown in yellow) that is located in a basement.

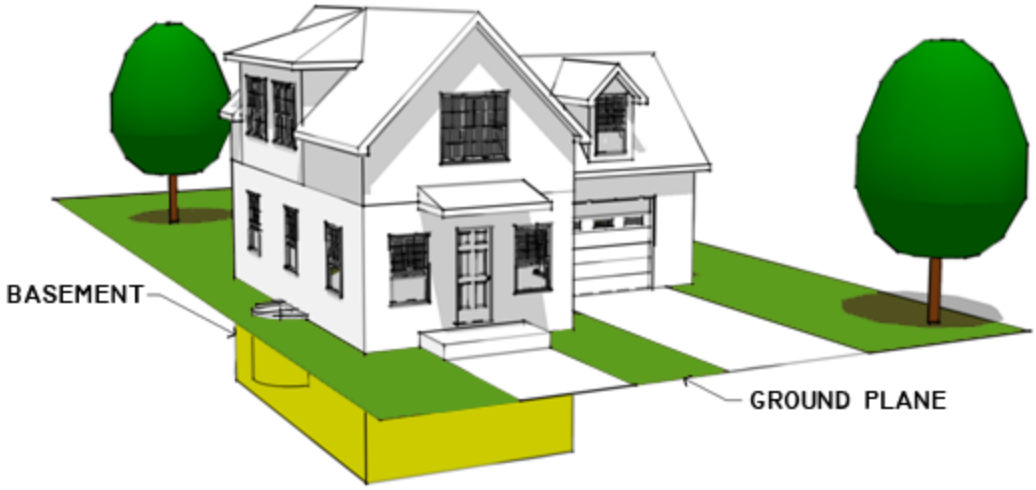


Figure 03.07.7-2, *Integrated Rear Addition ADU*

Illustrated below is an integrated ADU (shown in yellow) that is located at ground level, behind the principal residence.

F. **Family Daycare**. In addition to the standards in Subsection F, *Home Occupations*, below, a family daycare is permitted with a maximum of six clients at any given time.

G. **Home Occupations**. A home occupation is permitted in association with a permitted or nonconforming residential use subject to the following standards.
   1. *Employees*. No persons other than members of the household residing in the premises may be engaged in such operation.

2. *Maximum Floor Area*. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 50 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.
3. *Outside Appearance*. 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 Division 13, *Signs*.
4. *Accessory Structures*. Home occupations may be conducted only within the dwelling unit or within an accessory structure the complies with the relevant provisions of this NDC, including, but not limited to Sec. 04.08.4, *Accessory Structures*.
5. *Parking*. Home occupations may not displace any required off-street parking spaces.
6. *Outdoor Storage*. There shall be no exterior storage of any materials on the premises.
7. *Retail Sales*. The in-person retail sale of goods is not permitted on the premises in connection with such home occupation.
8. *Traffic and Deliveries*. No traffic may be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. The occupation shall not require the daily delivery or shipment of materials, merchandise, goods, or equipment by vehicles other than passenger motor vehicles.
9. *Nuisances*. 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.

H. **Overnight Animal Boarding**. Indoor overnight animal boarding as an accessory use to a Restaurant use type is permitted subject to approval by the Northern Kentucky Health Department prior to receipt of a Zoning Permit or any other approval from the City. Outdoor overnight animal boarding is prohibited.

I. (Reserved)

J. **Outdoor Display and Outdoor Storage.**

1. *Outdoor Display*. Outdoor display areas are permitted in the mixed use districts and the AUC district subject to the following standards:
   a. *Location of Display Area*. Outdoor display / sales areas shall be contiguous, located entirely on private property, and outside of any required setback, unless otherwise specified below. In districts without required setbacks, outdoor display 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 NDC.
   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 six feet in height above grade.
   e. *Litter*. A permanent trash receptacle shall be installed at each entrance and exit to an outdoor display area.
   f. *Screening*. All outdoor display shall be screened from adjacent public streets by decorative solid walls, fences, or landscaped berms that are at least three 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 NDC.
   g. *Exception*. Only merchandise for sale may be permitted to encroach in the sidewalks within the mixed use districts 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 four feet from the front of the structure housing the retail operation.

3. Displays shall not obstruct 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 shall 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 shall be in compliance with the Americans with Disabilities Act and any similar applicable regulations. A walking space at least four 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.

2. *Outdoor Storage*. Outdoor storage areas are permitted in the industrial districts subject to the following standards:

a. *SI District*.

1. *Locations*. Outdoor storage may take place adjacent to principal buildings in side or rear yards, provided that all minimum setback depths are maintained.
2. *Surfacing and Drainage*. All outdoor storage facilities, except for those in the GI district, including access aisles, driveways and maneuvering areas, shall be composed of an all-weather surface.
3. *Buffering and Screening*. Outdoor storage areas shall be screened from the public right-of-way and from adjacent properties with a Type III bufferyard per Sec. 04.12.5, Bufferyards, together with a fence or wall that is a minimum of six feet and a maximum of eight feet in height.
4. *Height of Storage*. In no case may the height of products or materials being stored exceed the height of screening.
5. *Area of Storage*. 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.

b. *LI and GI Districts*.

1. *Location*. Outdoor storage may take place within side and rear yards of the property provided that the storage of materials, supplies, and products are within an area screened from view at the nearest district boundary with a Type III bufferyard per Sec. 04.12.5, Bufferyards.
2. *Surfacing and Drainage*. In the GI district, access aisles and maneuvering areas of enclosed outdoor storage areas may be composed of gravel.

c. *Exemptions*. The following types of outdoor storage are exempt from the screening requirements of this Section:

1. Retail planting stock and landscape stone or similar landscape materials, associated with a nursery or greenhouse;
2. Commercial vehicles related to a permitted business on-site; and
3. Finished recreational vehicles, automobiles, portable buildings, boats, trailers, manufactured homes and other similar vehicles or equipment sold by a permitted use on-site.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 03.07.8 Temporary Uses

A. **General**. The following standards shall apply to all uses that require a temporary use permit.

1. *Temporary Use Permit*. Any operator of a temporary use shall receive and display a valid temporary use permit from the Administrator.
2. *Duration*. The maximum duration of a temporary use is for 30 days at one location, renewable up to two additional times, for a total period of 90 days per calendar year at a single location.

3. *Property Owner's Permission*. The operator of a temporary use shall obtain, in writing, the permission of the property owner to operate on his or her property and shall submit a copy to the Administrator.
4. *Required Principal Use*. Establishment of a temporary use requires a permanent principal use.
5. *Unlisted Temporary Uses*. Sec. 03.06.2, *Unlisted or Functionally Similar Uses*, regulates the Zoning Permit review standards and procedure for an unlisted.
6. *Public Convenience and Litter Control*.
   a. Waste equipment shall be required on-site and the Administrator may require adequate public restroom facilities.
   b. After the temporary use is finished, the site shall be returned to its condition prior to the temporary use being established, including, but not limited to, removal of all litter and any other facilities related to the use, at no expense to the City.
7. Sales Tax or Tax Exemption. The applicant shall have a valid Kentucky sales tax certificate or proof of tax exemption.
8. C*ode Violations*. If the operator of a temporary use is issued a notice of any municipal code violation at the location assigned for the permit, then the operator or their agent(s) are not eligible to renew the permit at that location for a period of one year.
9. *Other Codes*. The temporary use shall meet all applicable local and state codes.

B. **Temporary Structures**. Refer to Sec. 04.08.5, *Temporary Structures*, for provisions related to the placement and design of temporary structures.

C. **Boat Docking Facilities**. Temporary or seasonal boat docking areas may not include permanent year-round mooring or boat fueling service or repairs.

D. **Mobile Food Vending Service**. All mobile food vending services permitted with limitations ("L") shall comply with the following standards:
1. The mobile food vending service shall not be located in any required setback, sight distance triangle, or buffer.
2. Any operator of a mobile food vending service must receive and display a valid zoning compliance permit from the Zoning Administrator.
3. The operator of a mobile food vending service shall obtain, in writing, the property owner's permission to operate on the property and shall submit a copy to the Zoning Administrator with their application for a zoning permit.
4. The mobile food vendor must meet all applicable local and state laws, rules, regulations and ordinances, including but not limited to the Mobile Food Unit Regulations and permitting requirements in the Covington Code of Ordinances Sections 111.550 to 111.558, or as amended.

E. **Mobile Retail Vending Service**.
1. *Permitted Uses*. Only those uses in the Retail Repair, Sales, and Service use type that are permitted without limitations ("P") in Table 03.06.3 are permitted as mobile retail vending services. Other uses in this use type that are permitted with limitations ("L") or conditionally ("C") are prohibited as a mobile retail vending service.
2. *Location*. The mobile vehicle/structure shall be located in a vehicle parking space and shall not occupy or obstruct use of any accessible parking space required in Subsec. 04.11.4.D, *ADA Parking*.
3. *Hours of Operation*. The hours of operation are generally permitted between 7:00 am and 11:00 pm, but are limited to no earlier than 9:00 am and no later than 7:00 pm when the mobile retail vending service is within 150 feet of a residential character district, such as Rural Residential (RR), Suburban Residential (SR), or Semi-Urban Residential (SU).
4. *Signage*. One temporary sidewalk sign is permitted per the stipulations in Sec. 04.13.5.D, *Temporary Signs*.

F. **Temporary Vendor**. Temporary vendors are subject to the following standards:
1. *Permitted Uses*. A proposed temporary vendor use shall only be permitted if it is permitted within the same character district as a non-temporary use.
2. *Location*. Temporary vendors shall be located a minimum of 10 feet from all property lines.
3. *Fireworks*. Temporary firework vendors are allowed only as permitted in KRS 227.715, or as amended.
4. *Number of Vendors*. There shall be only one temporary vendor permitted to operate on a property.

5. *Public Right-of-Way*. No signs, merchandise, or other elements of a temporary vendor service shall be located in the public right-of-way.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

ARTICLE 158.04 DEVELOPMENT DESIGN STANDARDS

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Division 08 General

Contents:

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Sec. 04.08.6 Frontage Types
Sec. 04.08.7 Civic and Open Space Types
Sec. 04.08.8 Additional Standards for Large Development Sites

Sec. 04.08.1 Purposes and Timing of Compliance

A. **Purposes.** The purposes of this Article are to:

1. *General*.
   a. *Neighborhood Types*. Establish descriptions of cluster, planned, and tiny house neighborhood types together with dimensional standards that permit their development.
   b. *Building, Frontage, and Open Space Types*. Establish standards for the housing and building types, frontage types, and civic and open space types allowed in each character district or as associated with each building type; and
   c. *Large Development Sites*. Establish standards for large development sites.
2. *Lots*. Consolidate provisions related to lot dimensions and density.
3. *Buildings, Elements, and Utilities*.
   a. *Encourage Safety*. Provide for the structural integrity, safety, durability, and improved maintenance of the facades of buildings;
   b. *Promote Diversity*. Promote coordinated design, authenticity, visual interest, articulation, and human scale for the exterior of a building; and
   c. *Character*. Ensure that buildings include high-quality materials, are well-designed, and contribute to the character of the community.
4. *Parking, Loading, and Circulation*.
   a. *Character*. Protect the character and quality of life in neighborhoods from excessive, obtrusive, or inadequate parking;
   b. *Appropriate Size*. Avoid large expanses of paved areas that disrupt pedestrian circulation, create or worsen flooding issues, and drive up development cost;
   c. *Modes of Transportation*. Accommodate or bolster the use of all modes of transportation including walking, bicycling, transit, and driving;

d. *Interference*. Ensure that loading areas do not interfere with the function of other vehicular use areas and with surrounding properties; and

e. *Circulation and Stacking*. Require circulation and stacking areas to ensure safe and efficient circulation and all transportation modes within sites.

5. *Landscaping, Fencing, and Buffering*.

a. *Environment*. Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, stormwater runoff mitigation, and groundwater recharge;

b. *Nuisances*. Aid in the abatement of noise and glare;

c. *Tree Canopy*. Aid in energy conservation by preserving and supplementing the City's tree canopy;

d. *Fencing*. Establish standards for the placement, height, and design of fences;

e. *Visual Buffering*. Provide visual buffering between certain uses or developments, and relief from the built environment;

f. *Property Values and Beautification*. Protect and enhance property values and public and private investment, and enhance the beautification of the City; and

g. *Installation and Maintenance*. Establish requirements for the installation and maintenance of landscaping on developed properties in order to improve, protect, and preserve the appearance, character and value of such properties and their surrounding neighborhoods.

6. *Signs*. The purpose of Division 13, *Signs*, 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. As a basis for adopting these regulations, the City of Covington finds:

a. Signs are an essential form of communication in the built environment, providing way-finding guides to residents, visitors, public safety officials, customers and potential customers of local businesses, delivery people and others.

b. Signs also provide communication on public issues, as the U.S. Supreme Court found in City of LaDue v. Gilleo: Signs that react to a local happening or express a view on a controversial issue both reflect and animate change in the life of a community. Often placed on lawns or in windows, residential signs play an important part in political campaigns, during which they are displayed to signal the resident's support for particular candidates, parties, or causes. They may not afford the same opportunities for conveying complex ideas as do other media, but residential signs have long been an important and distinct medium of expression.

c. Retailers and other businesses depend on signs to help people find their businesses, and, in a large and expensive media market like that of Cincinnati (a market which includes Covington), many small businesses depend on signs as one of the most affordable forms of advertising.

d. Although signs thus serve many important purposes in society in general and in Covington in particular, there are other considerations that the City of Covington weighs heavily.

e. Signs may distract drivers and lead to deaths and injuries to pedestrians and cyclists as well as to drivers and passengers and to property damage. Moving, flashing and rapidly changing signs are particularly distracting to drivers. A proliferation of signs on a particular site can have the same effect as moving signs, as drivers try to sort through the visual cacophony to find the information that they want or need.

f. The Covington City Commission, with the advice of the Kenton County Planning Commission and its professional staff, and with input from residents through the Kenton County Comprehensive Plan planning process, has placed an increasing emphasis on preserving the sense of place and the design of the built environment; limiting the size, height and number of signs is an important tool in preserving a sense of place, a tool that accompanies the County's standards for landscaping.

g. The Kenton County Comprehensive Plan recommends that policies, regulations and incentives be developed and implemented that preserve and improve the existing community fabric.

h. Balancing these competing considerations is particularly difficult in residential areas, where people value both their pleasing and visually appealing environments and their ability to communicate their opinions regarding candidates and public issues through yard signs.

i. In updating its ordinance in 2016 after the Supreme Court's landmark decision in Reed v. Town of Gilbert, the Covington City Commission, working with Kenton County Planning and Desgin Services staff and an outside consultant, has made a major effort to limit content as a factor in its sign regulations. After due consideration, however, it has concluded that one way to leave room for extensive free expression through signs in residential areas while limiting total sign clutter is to maintain significant limits on commercial signs in residential areas. Recognizing the importance of "for sale" and "for lease" signs in maintaining the occupancy of healthy neighborhoods (see the U.S. Supreme Court decision in Linmark Associates, Inc. v. Willingboro), those signs must remain. There is a similar utility in providing for yard sale signs, which allow people to dispose of unwanted items without sending them to a landfill.

j. Although as the Court found in Reed v Gilbert, time limits on signs can be arbitrary, as the Court recognized in 2009 in Pleasant Grove v. City of Summum, a significant distinction between speakers expressing an opinion and signs is that "Speakers, however long-winded, will eventually come to the end of their remarks." Members of the Covington City Commission have long noted that signs for political campaigns as well as those advertising pancake breakfasts and spaghetti dinners for civic organizations are often abandoned after the events, contributing to clutter long after they have served their purpose. Although such signs were once typically paper or cardboard that would eventually decay, many today are plastic and will remain until removed. Thus, despite the expressed concern of the Supreme Court with time limits, the Covington City Commission finds that it has a substantial governmental interest in clarifying the status of signs for past events that thus no longer serve a purpose so that there is a legal basis for the City of Covington to remove them or force their removal.

k. The City of Covington has long allowed unlimited numbers of small signs bearing non-commercial messages to allow merchants and others to designate handicapped parking places, provide directions to ATMs and restrooms, warn of guard dogs and other hazards and provide a variety of other place-based information. With the prohibition of commercial messages on such signs, it has been the observation of Covington City Commission Fiscal Court members and their professional staff members that property owners are judicious and appropriate in posting such signs. The City of Covington thus finds that it has a substantial interest in allowing merchants and property owners freely to post necessary informational signs but without allowing an endless proliferation of commercial messages.

l. Although in findings above the City of Covington has recognized the multiple values of signs in the built environment, Covington officials after consultation with the Planning Commission and representatives of cities and towns in the County concluded several years ago that there is no place for signs of overwhelming size and no relation to context in an urban and urbanizing environment like Covington. Although previous versions of these regulations followed the pattern of state and federal laws by defining such billboard as "off-site" signs, this ordinance addresses the same issue by establishing a form of circuit breaker size limit, prohibiting very large signs on small lots, on vacant lots, or on lots with only small buildings.

m. These are complex public policy issues, and the Covington City Commission with the help of its professional planners, attorneys and outside consultant, has attempted to balance the competing considerations in a way that it believes best protects the public health, safety and welfare of the citizens of Covington, including its many valued businesses and the tens of thousands of visitors who arrive or pass through the City of Covington each month.

7. *Environment*. Promote the public health, safety, and general welfare and minimize public and private loss due to flooding by provisions designed to address the following elements:

a. *Uses*. Restrict or prohibit uses which are dangerous to health, safety, general welfare, and property due to water erosion hazards, or which contribute to erosion, flood height, or velocity;

b. *Flood Damage Protection*. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

c. *Human Alterations*. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

d. *Development Activities*. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

e. *Flood Hazard Prevention*. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

B. **Timing of Compliance**. No Certificate of Occupancy shall be issued per Sec. 07.21.4, *Certificate of Occupancy,* until all site improvements required in this Article are constructed in conformance with the approved permit or plan required in Article 158.07, *Development Review Procedures*.

Effective on: 10/15/2020

Sec. 04.08.2 Cluster, Planned, and Tiny House Neighborhoods

A. **General**. Three neighborhood types with special development standards are allowed in the districts set out in this Section. Development of any neighborhood type is at the option of the applicant. No neighborhood type is mandatory in any district. Properties within contexts that were developed before the effective date of the Neighborhood Development Code are subject to the standards of the applicable Character District.

B. **Cluster Neighborhood**.

1. *Purpose and Permitted Districts*. A Cluster Neighborhood is permitted in the RR and SR districts and consists of Single-Family Dwellings developed in accordance with the cluster development standards in this Section, with smaller lots that are clustered together in order to provide for additional common open spaces. Often, the common open space is set-aside for resource features such as parks, recreation areas, woodlands, creeks and streams and their Riparian Areas, floodplains, and the like. Therefore, cluster development may be used to preserve environmental resources by clustering development on the buildable portions of the property. See Figure 04.08.2-1, *Illustrative Cluster Neighborhood*.

2. *Minimum Site Area*. The minimum site area required for a Cluster Neighborhood is 10 acres.

3. *Common Open Space Requirements*.

   a. Common open space shall, to the greatest extent practicable, be interconnected with other open space areas, greenways, and trail systems (if provided) within the development and on abutting lands where such integration is practical and does not materially compromise the resource value of the protection areas.

   b. At least 25 percent of the required common open space shall consist of the Park open space type, established in Sec. 04.08.7, *Civic and Open Space Types*, and be improved with active or semi-active outdoor recreational amenities, such as public swimming pools, private swimming pools, play areas, ball fields, picnic tables, or walking trails. The remainder of the required common open space shall consist of the natural area open space type per Subsec. 04.08.7.G, *Natural Areas*.

   c. Open space shall be integrated into the development design so as to bring access to significant open space to the maximum number of properties; provided, however, that physical access may be limited if such limitation would materially enhance natural resource management.

4. *Minimum Lot Area Adjacent to Other Development*. Where adjacent to existing single-family development, cluster neighborhood lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent lots. Alternatively, the dwelling units on the perimeter cluster lots shall be set back from the boundary of the cluster neighborhood a minimum of the following distances based on the number of cluster lots being developed:

   a. One to 10 lots: Required rear or side setback;

   b. 11 to 30 lots: 30 feet; and

   c. 31 or more lots: 50 feet.

Figure 04.08.2-1, *Illustrative Cluster Neighborhood*

C. **Planned Neighborhood**.

1. *Purpose and Permitted Districts*. A Planned Neighborhood is permitted in the SR district. It allows four housing types, as delineated in Table 04.08.2, *Cluster, Planned, and Tiny House Neighborhood Development Standards*, and utilizes commonly-owned areas as organizing features. See Figure 04.08.2-2, *Illustrative Planned Neighborhood*.
2. *Minimum Site Area*. The minimum site area required for a Planned Neighborhood is 10 acres.
3. *Abutting Different Building Types*.
   a. Different housing types within a planned neighborhood may be integrated together or may be located apart from one another with the required open space providing a buffer between the housing types.
   b. Where a planned neighborhood abuts, is adjacent to, or is located across an urban local street or urban minor collector street, as designated in Kenton County Comprehensive Plan, from existing housing, the proposed development on lots that are immediately adjacent and/or across the street from existing housing shall be comparable to the existing housing in terms of the housing type (unless such a housing type is not permitted per Table 04.08.2), scale, and method of access.
4. *Common Open Space Requirements*.
   a. The required common open space may consist of any open space type permitted in the SR district and established in Sec. 04.08.7, *Civic and Open Space Types*.
   b. Where Single-Family Detached or Single-Family Attached dwelling units abut Duplexes, a bufferyard in accordance with Sec. 04.12.5, *Bufferyards*, may be used to provide for enhanced compatibility between housing types.
5. *Vehicular Access to Lots within Development*. Lots shall take access to an interior street, alley, parking court, or shared driveway. If a perimeter street is also an urban local street as designated in Kenton County Comprehensive Plan, lots shall front on the perimeter street and may take access from it if the lots across the street also take access from the street.
6. *Minimum Lot Area Adjacent to Other Development*. Where adjacent to existing single-family development, Planned Neighborhood lots on the perimeter shall be equal to or greater than the lot area and width of the adjacent lots. Alternatively, the dwelling units on the perimeter planned lots shall be set back from the boundary of the Planned Neighborhood a minimum of the following distances:
   a. One to 10 lots: Required rear setback;
   b. 11 to 30 lots: 75 feet; and
   c. 31 or more lots: 100 feet

Figure 04.08.2-2, *Illustrative Planned Neighborhood*

D. **Tiny House Neighborhood**.

1. *Purpose and Permitted Districts*. A Tiny House Neighborhood is permitted in the SR and SU character districts. It allows a concentration of Tiny Houses, as delineated in Table 04.08.2, *Cluster, Planned, and Tiny House Neighborhood Development Standards*, and utilizes common areas as organizing features.
2. *Minimum Site Area*. The minimum site area required for a Tiny House Neighborhood is three acres.
3. *Minimum Dwelling Units in SU District*. A Tiny House Neighborhood in the SU character district shall include a minimum of 50 Tiny Houses.
4. *Tiny House Building Requirements*. Tiny Houses that are part of a Tiny House Neighborhood shall be constructed on a permanent foundation. Tiny Houses on wheels or other non-permanent foundation are regulated as Recreational Vehicles and are prohibited from being part of a Tiny House Neighborhood.
5. *Bufferyard Requirements*. Where located adjacent to a separate property in an RR, SR, SU, or mixed use district, a Type II bufferyard in accordance with Sec. 04.12.5, Bufferyards, shall be planted around the outer perimeter of the community.
6. *Required Vehicular Access to Tiny House Neighborhood*. A Tiny House Neighborhood requires direct access from a collecter or arterial street.
7. *Required Lot Access*.
   a. Each lot or building site shall have direct access to public rights-of-way or to an access easement.
   b. Access within a Tiny House Neighborhood requires:
      1. A minimum pavement width of 30 feet for a minimum distance of 60 feet from a public right-of-way;
      2. A minimum pavement width of 24 feet for two-way traffic or 15 feet (with an unobstructed width of 24 feet) for one-way traffic for a minimum distance of 60 feet from a public right-of-way; and
      3. In the SR district, a maximum cul-de-sac length of 150 feet and with a minimum turning radius adequate for emergency vehicles.
   c. A cul-de-sac in a Tiny House Neighborhood is prohibited in the SU districts.

8. *Required Elements*. A tiny house community shall include the following common elements:

   a. The minimum open space required by Table 04.08.3.O, *Tiny House*, shall include natural or planted open space, improved pedestrian walkways to each dwelling, and connections to the public sidewalk network;

   b. A shared parking area, a common building used for recreation and/or storage, a picnic area, community garden space, or other common amenity; and

   c. If a common building is provided, it shall not exceed 1,000 square feet of gross floor area and shall not be used as a permanent dwelling unit.

E. **Sample Calculations for Maximum Permitted Number of Units**.

1. *Cluster*. In the SR district, cluster neighborhood type:

   a. **Parcel Size**: Assume a 40-acre parcel proposed for development

   b. **Required Open Space**: 40 acres multiplied by a minimum open space ratio of 0.25 (required in Minimum open space ratio in Table 04.08.2, below) = 10 acres

   c. **Buildable Acres**: 40 acres minus 10 acres of open space = 30 buildable acres

   d. **Maximum Permitted Units**: 30 buildable acres multiplied by 1.5 units per acre = 45 units (as opposed to 40 units in a non-cluster neighborhood)

2. *Planned*. In the SR district, planned neighborhood type:

   a. **Parcel Size**: Assume a 40-acre parcel proposed for development

   b. **Required Open Space**: 40 acres multiplied by a minimum open space ratio of 0.45 (required in Minimum open space ratio in Table 04.08.2, below)= 18 acres

   c. **Buildable Acres**: 40 acres minus 18 acres of open space = 22 buildable acres

   d. **Acres per Building Type**. In this sample calculation, the developer has chosen to split their 22 buildable acres into 3 acres of single-family detached, 10 acres of single-family attached, 4 acres of duplexes, and 5 acres of lot line dwellings per the following:

      a. Acres of Single-Family Detached: 3 acres of single-family detached multiplied by 2.825 units per acre = 8 units

      b. Acres of Single-Family Attached: 10 acres of single-family attached multiplied by 5.932 units per acre = 59 units

      c. Acres of Duplexes: 4 acres of duplexes multiplied by 3.387 units per acre = 14 units

      d. Acres of Lot Line: 5 acres of lot line multiplied by 4.088 units per acre = 20 units

   e. **Maximum Permitted Units**: 101 mixed housing units total (as opposed to 96 units in a cluster neighborhood or 83 in a non-cluster neighborhood)

F. **Development Standards**. Table 04.08.2, *Cluster, Planned, and Tiny House Neighborhood Development Standards*, sets forth the standards for these residential neighborhood types. The standards in this table supercede the standards for specific housing types in Sec. 04.08.3, *Housing and Building Types*, where applicable to the Rural Residential (RR), Suburban Residential (SR), and Semi-Urban Residential (SU) districts. See Division 28, *Calculations and Measurements*, for the methodology of measuring the standards in each column heading under Development Standards and Lot and Building Standards in the table.

Table 04.08.2, *Cluster, Planned, and Tiny House Neighborhood Development Standards*

District	Neighborhood Type and/or Development Type	Development Standards			Lot and Building Standards				
						Min. Setbacks (feet)			
		Max. DUs / Acre	Min. Open Space Ratio[1]	Min. Lot Area per DU	Min. Lot Width	Street	Interior Side	Street Side	Rear
RR	Cluster (SFD)	1.5	25%	20,000 sf.	90 feet	35	15	20[2]	25
SR	Cluster (SFD)	2.417	25%	12,500 sf.	80 feet	25	7.5	15[2]	25
SR	Planned SFD	2.825	45%	7,500 sf.	60 feet	25	5	15[2]	25
SR	Planned SFA	5.932	45%	3,000 sf.	30 feet	10	0/5[3]	15[2]	10[4]
SR	Planned Duplex	3.387	45%	6,000 sf.	60 feet	25	5	15[2]	25

SR	Planned	Lot Line	4.088	45%	5,000 sf.	40 feet	25	0/10[3]	15[2]	15[4]
SR	Tiny House		10.045	35%	2,000 sf.	25 feet	10	5	10	10
SU	Tiny House		16.579	35%	1,000 sf.	20 feet	5	5	5	5

TABLE NOTES:

sf. = Square feet; SFD = Single-family detached; SFA = Single-family attached.

[1] Per subdivision, not per lot.

[2] A garage shall be setback a minimum of 25 feet if it opens to exterior side yard.

[3] The zero-foot setback applies to the side of a dwelling unit that is attached to another dwelling unit or is permitted to be constructed along a side lot line.

[4] A 20-feet setback is required if abutting a principal arterial street or interstate.

G. **Requirements for Phased Developments**. The maximum residential development capacity of the entire parcel proposed for development shall be used for calculating compliance with the minimum open space ratio and maximum dwelling units per acre set out in Table 04.08.2, *Cluster, Planned, and Tiny House Neighborhood Development Standards*. In addition, the required open space shall be proportionately provided per phase.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.08.3 Housing and Building Types

Subsec. 04.08.3.A General Provisions

1. **Purpose**. The purpose of this Section is to define building types found in each district which represent the existing character or implements the desired character of each district.
2. **Applicability**. This Section applies to:
   a. *New*. New principal buildings and accessory dwelling units;
   b. *Partial Compliance*. An expanded or altered portion of any existing principal building or existing accessory dwelling unit; and
   c. *Major Expansions or Alterations*. The entire existing principal building or existing accessory dwelling unit when an expansion or alteration exceeds 50 percent of the building's existing square footage prior to the expansion or alteration.
3. **Permitted Building Types by District**. Building types may be constructed only within districts where the building type is permitted per Table 04.08.3.A, *Permitted Building Types by District*, below.
4. **Permitted Building Types and Associated Land Use Types**. A building type may accommodate an associated land use type as established in each district in Article 158.02, *Character Districts*.
5. **Building Design Requirements**. All buildings shall comply with the building design requirements established in Division 10, *Buildings, Elements, and Utilities*.
6. **Existing Buildings**. Refer to Sec. 05.16.2, *Structures, Fences, and Walls*, for existing buildings that are not fully compliant with a building type.
7. **Most Similar Building Type**. If the applicant proposes to expand or alter an existing structure, standards of the most similar housing or building type shall apply. In cases of uncertainty, the Administrator may determine the building type that most closely corresponds to the existing structure. The Administrator's determination shall be based on the following aspects of the existing structure:
   a. The dimensional aspects of the structure;
   b. The placement of the structure on the lot;
   c. The uses currently and customarily associated with the structure;
   d. The number of legally established residential and/or nonresidential units within the structure (where applicable); and
   e. The frontage type of the structure.

8. **Permanence**. Except for Qualified Manufactured Homes or permitted temporary structures, all principal and accessory buildings shall be permanently erected on a permanent foundation. All buildings shall be connected to all required utilities.
9. **Multiple Buildings**. Where multiple principal buildings are proposed for a single property, the applicant shall provide potential lot lines, which conform with this NDC and the Subdivision Regulations, to determine compliance with housing and building type standards.
10. **Building Type Table**. Table 04.08.3.A, *Permitted Building Types by District*, specifies the buildings types permitted in each district. Buildings listed below as "permitted" are only permitted within a Character District if an associated use of the building type is also permitted in the given location, unless otherwise noted. Buildings must meet the remaining requirements of the NDC, including the standards of Table 04.10.2, *Building Placement and Massing Standards*.
11. **Special Purpose Character Districts**.
    1. Permitted building types in the Resource Protection (RP) district are identified in Subsec. 02.04.5.A.
    2. Permitted building types in the Recreation (REC) district are identified in Subsec. 02.04.5.B.

Table 04.08.3.A, *Permitted Building Types by District*

Building Type[1]	Character Districts														Standards
	RR[2]	SR[2]	SU	CMU	CRM	DTC	DTR	TUMU	TUR	AUC	SO	SI	LI	GI	
Apartment	--	--	P	P	P	P	P	P	P	P	--	--	--	--	04.08.3.B
Carriage House	P	P	P	--	--	--	--	--	P	--	--	--	--	--	04.08.3.C
Corner Store	--	--	P	P	P	P	--	P	P	P	P	P	P	--	04.08.3.D
Duplex	--	P	P	P	P	P	P	P	P	--	--	--	--	--	04.08.3.E
Flex Building	--	--	--	--	--	--	--	--	--	--	P	P	P	P	04.08.3.F
Large Format Building	--	--	--	--	--	--	--	--	--	P	P	P	P	P	04.08.3.G
Lot Line Dwelling	P	P	P	P	P	P	--	P	P	--	--	--	--	--	04.08.3.H
Mixed-Use Building	--	--	P	P	P	P	P	P	P	P	--	--	--	--	04.08.3.I
Public and Civic Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	04.08.3.J
Qualified Manufactured Home	P	P	P	--	--	P	--	P	P	--	--	--	--	--	04.08.3.K
Shop	--	--	P	P	P	P	P	P	P	P	P	P	P	--	04.08.3.L
Single-Family Attached Dwelling	P	P	P	P	P	P	--	P	P	--	--	--	--	--	04.08.3.M
Single-Family Detached Dwelling	P	P	P	P	P	P	--	P	P	--	--	--	--	--	04.08.3.N
Tiny House	P	P	P	--	--	P	--	P	P	--	--	--	--	--	04.08.3.O
Townhouse/Rowhouse	--	--	P	P	P	P	P	P	P	--	--	--	--	--	04.08.3.P
Triplex/Quadplex	--	--	P	P	P	P	P	P	P	--	--	--	--	--	04.08.3.Q

TABLE NOTES:
"P" means permitted; "--" means prohibited

[1] For complete definitions of the different building types, refer to Article 158.09, *Definitions and Calculations*. Refer to Sec. 03.06.3, *Permitted Uses by District*, for details on the use types associated with each building type that are permitted, limited, or conditional uses.

[2] Certain building types are permitted only as part of Sec. 04.08.2 Cluster, Planned, and Tiny House Neighborhood Developments.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 11/19/2024

Subsec. 04.08.3.B Apartment

Example Apartment in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.B, *Apartment*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.B, *Apartment*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.B, *Apartment*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

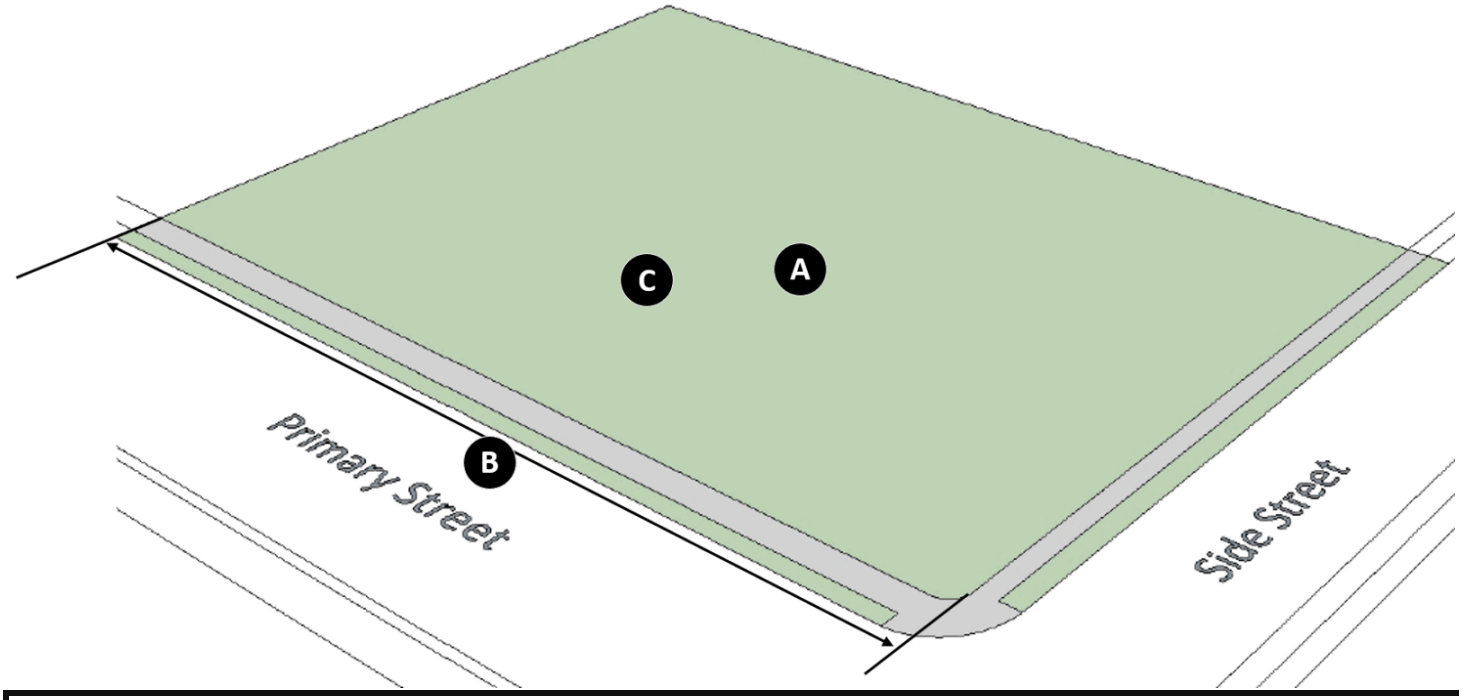
8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.B, *Apartment*, and the following dimensional standards and feature requirements apply to the Apartment building type or a given lot that incorporates such a building type.
   a. *Required Buffering*. An Apartment building adjacent to a Single-Family Dwelling use or RR or SR district shall provide a Type III bufferyard as established in Sec. 04.12.5, *Bufferyards*.
   b. *Street-Facing Garage Doors*. Attached street-facing garages shall meet at least one of the following standards.
      i. The garage doors shall not comprise more than 40% of the total length of the building's facade; or
      ii. Every set of two single-bay garage doors or every double garage door shall be offset by at least five feet from the front plane of an adjacent garage door.
   c. *Height Restrictions*. Any portion of an Apartment building that is closer than 20 feet from an abutting lot that is improved with a non-apartment residential structure shall be no taller than 12 feet above the height of such buildings, regardless of other provisions in this NDC.
   d. *Exterior Stairs*. Exterior stairs, other than fire escapes, that provide access to units on upper floors shall be covered overhead by a roof or similar element.

Table 04.08.3.B, *Apartment*[1]

Permitted Frontage Types[2, 3]	
Forecourt	Subsec. 04.08.6.C
Open Yard	Subsec. 04.08.6.D
Stoop	Subsec. 04.08.6.I

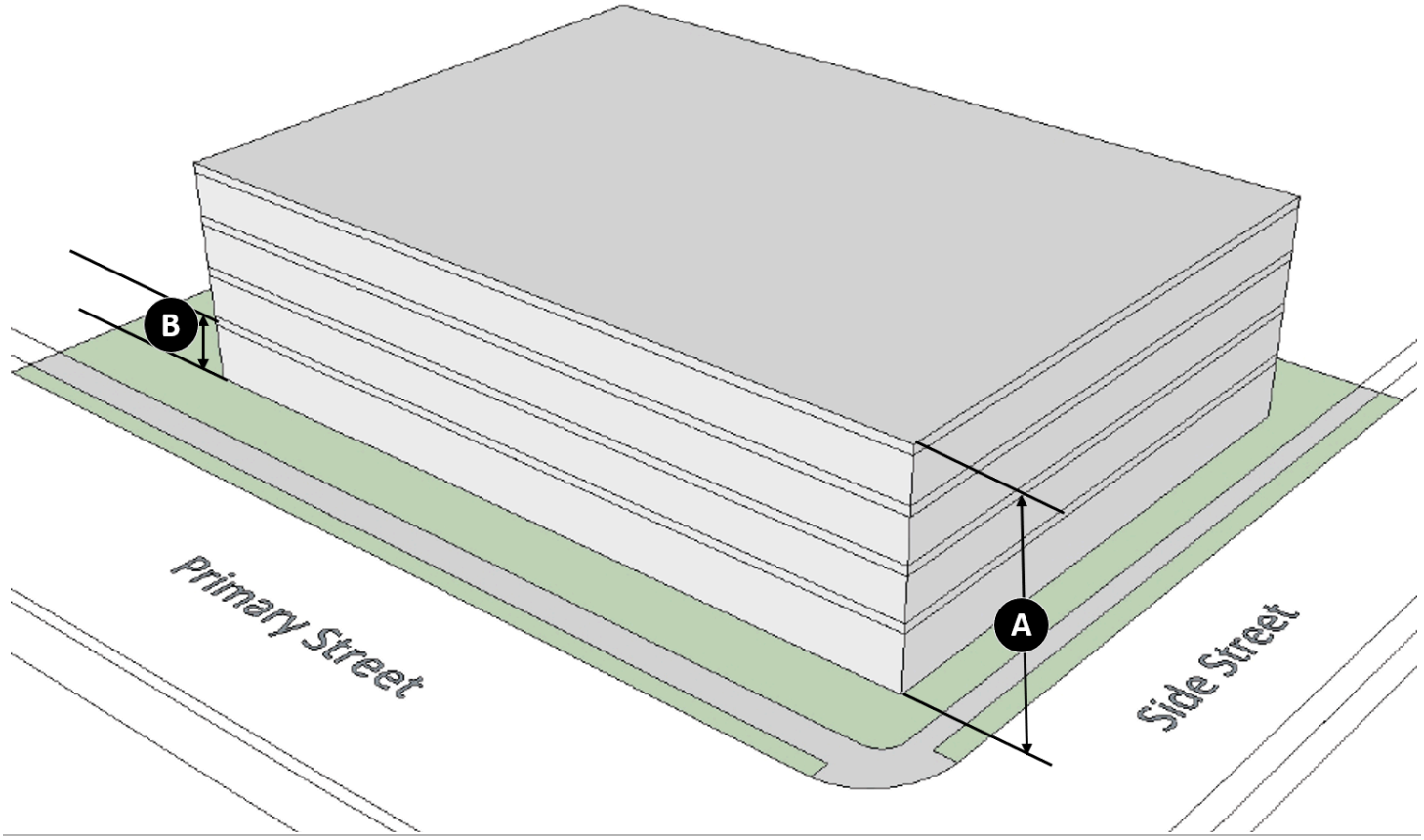
Lot Dimensions (for Mixed-Use and SU Districts)[4]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 10,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 60 feet or (2) lot width of the narrowest similarly-developed lot within the context
(C) in Diagram	Area per Dwelling Unit (minimum square feet)	400 sq. ft.

Lot Dimensions Diagram



Story Height of Specific Floors		
(A) in Diagram	Story Height of Ground Floor (minimum feet)	13
(B) in Diagram	Story Height of Upper Level Floors (minimum feet)	N/A

Story Height of Specific Floors Diagram



Activation of Street-Facing Elevations		
(A) in Diagram	Ground Floor Transparency (minimum percent)	40
(B) in Diagram	Upper Floor Transparency (minimum percent)	20
(C) in Diagram	Ground Floor Blank Wall Width (maximum linear feet)	30 on front street; 50 on side street

Activation of Street-Facing Elevations Diagram

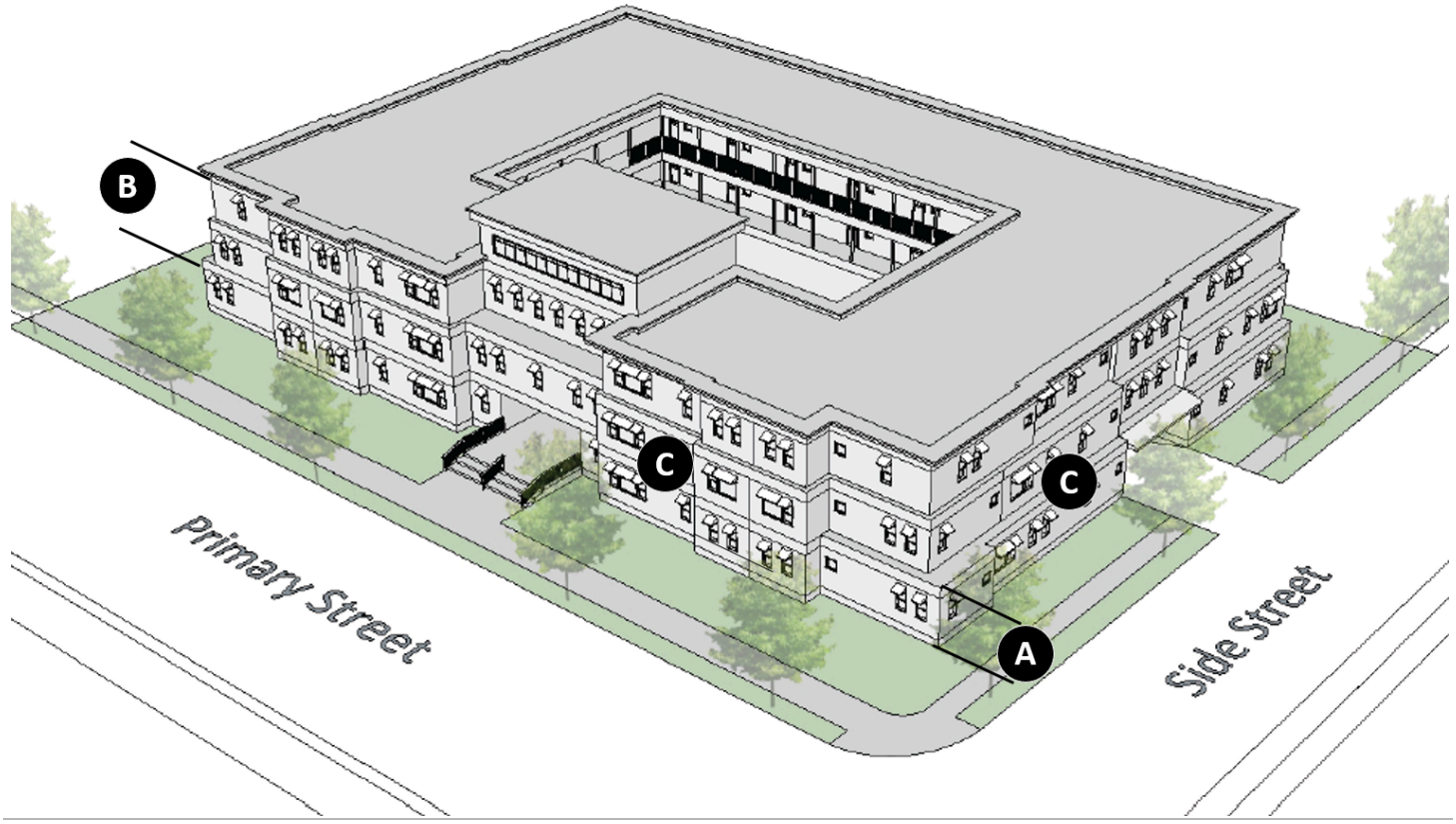


TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] Regardless of the provisions in this Table 04.08.3.B, a Parking Frontage type may be permitted for this building type within specified character districts per Table 04.11.4.E, *Vehicle Surface Parking*.

[4] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.08.3.C Carriage House

Example Carriage House in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Carriage Houses do not require a frontage type.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.C, *Carriage House*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.C, *Carriage House*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.
8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.

9. **Accessory Dwelling Units**. Carriage Houses are commonly associated with the Accessory Dwelling Unit use. Standards for the Accessory Dwelling Unit use are located in Sec. 03.07.7, *Accessory Uses*.

10. **Additional Building-Type-Specific Standards**. Table 04.08.3.C, *Carriage House*, and the following dimensional standards and feature requirements apply to the Carriage House building type or a given lot that incorporates such a building type.

    a. *Maximum Size of a Carriage House*.

        i. *Measurement*. The building footprint of the Carriage House is measured as the outer limits of the building as seen from an aerial view.

        ii. *Standard.* The building footprint area of a Carriage House shall not exceed 50 percent of the building footprint area of the principal residential building to which it is accessory, or 1,000 square feet, whichever is less.

    b. *Carriage House Location*. A Carriage House may be established as an accessory structure used exclusively for the dwelling (Figure 04.08.3.C-1, *Carriage House without Garage*) or as part of a detached residential garage (Figure 04.08.3.C-2, *Carriage House with Garage*).

Table 04.08.3.C, *Carriage House*[1]

Lot Dimensions (for Mixed-Use and SU Districts)[2]

(A) in Diagram	Area (minimum square feet)	Refer to the standards for the associated principal building
(B) in Diagram	Width (minimum feet)	Refer to the standards for the associated principal building

Lot Dimensions Diagram

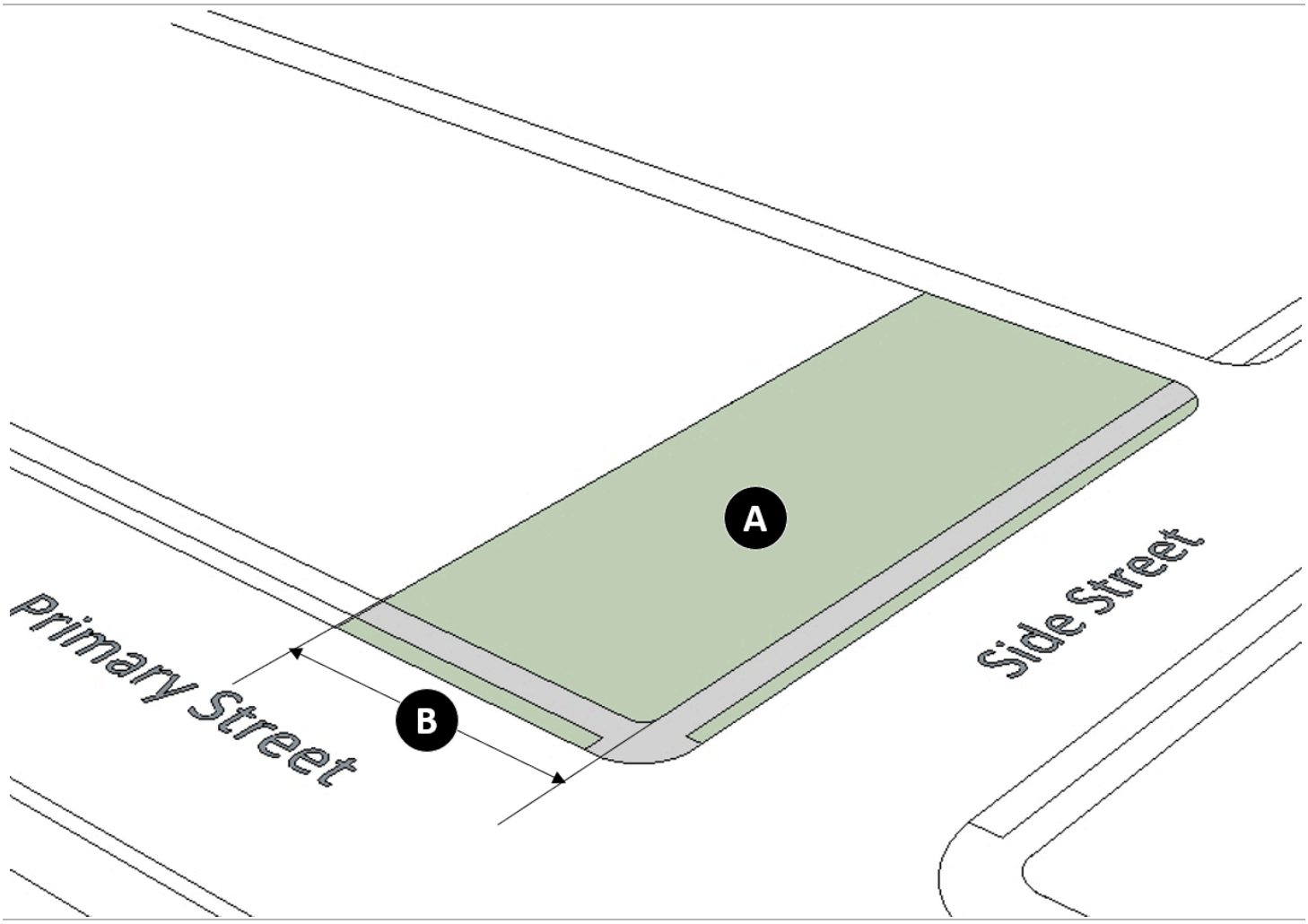
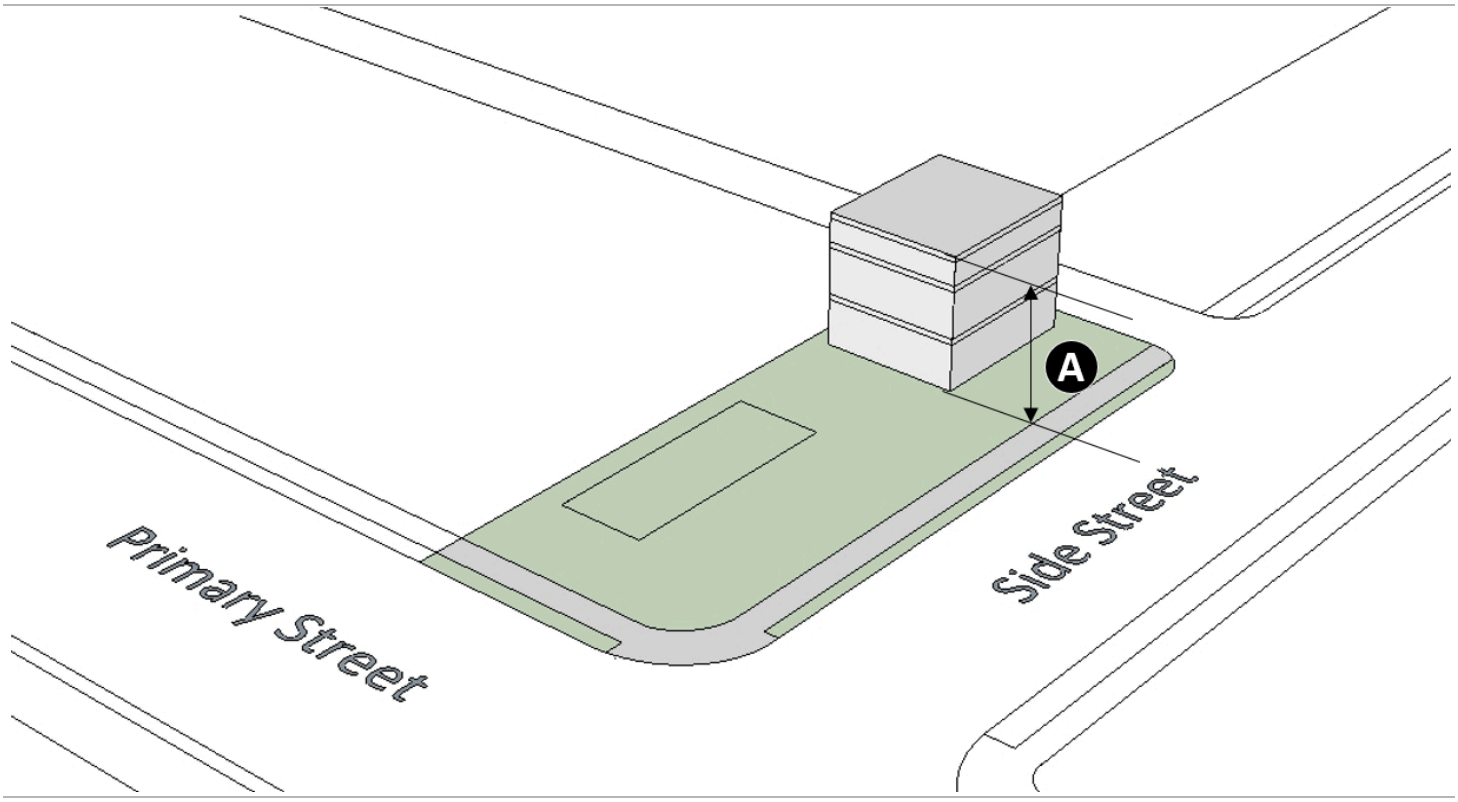


Table 04.08.3.C, *Carriage House*[1]

Building Height

(A) in Diagram	Overall height (maximum feet)	Less than the height of the associated principal structure on the same lot

Building Height Diagram



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	10
(B) in Diagram	Upper Floor Transparency (minimum percent)	20

Activation of Street-Facing Elevations Diagram

Table 04.08.3.C, *Carriage House*[1]

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where such a development is proposed.

Figure 04.08.3.C-1 *Carriage House without Garage*

Illustrated below is a carriage house without a garage (shown in yellow) located on the rear 1/2 of the lot.

Figure 04.08.3.C-2 *Carriage House with Garage*

Illustrated below is a carriage house (shown in yellow) above a detached residential garage.

Figure 04.08.3.C-2 ***Carriage House with Garage***

Effective on: 10/15/2020

Subsec. 04.08.3.D Corner Store

Example Corner Store in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, Frontage Types, and summarized in Table 04.08.3.D, *Corner Store*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.D, *Corner Store*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.D, *Corner Store*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.D, *Corner Store*, and the following dimensional standards and feature requirements apply to the Corner Store building type or a given lot that incorporates such a building type.

a. *Maximum Front Yard Setback*.

i. If a public entrance is at the corner of a building, the angular façade containing the entrance may be recessed a maximum of eight feet from the intersection of the two right-of-way lines.

ii. Buildings may exceed the maximum setback by a maximum of 10 feet to provide:

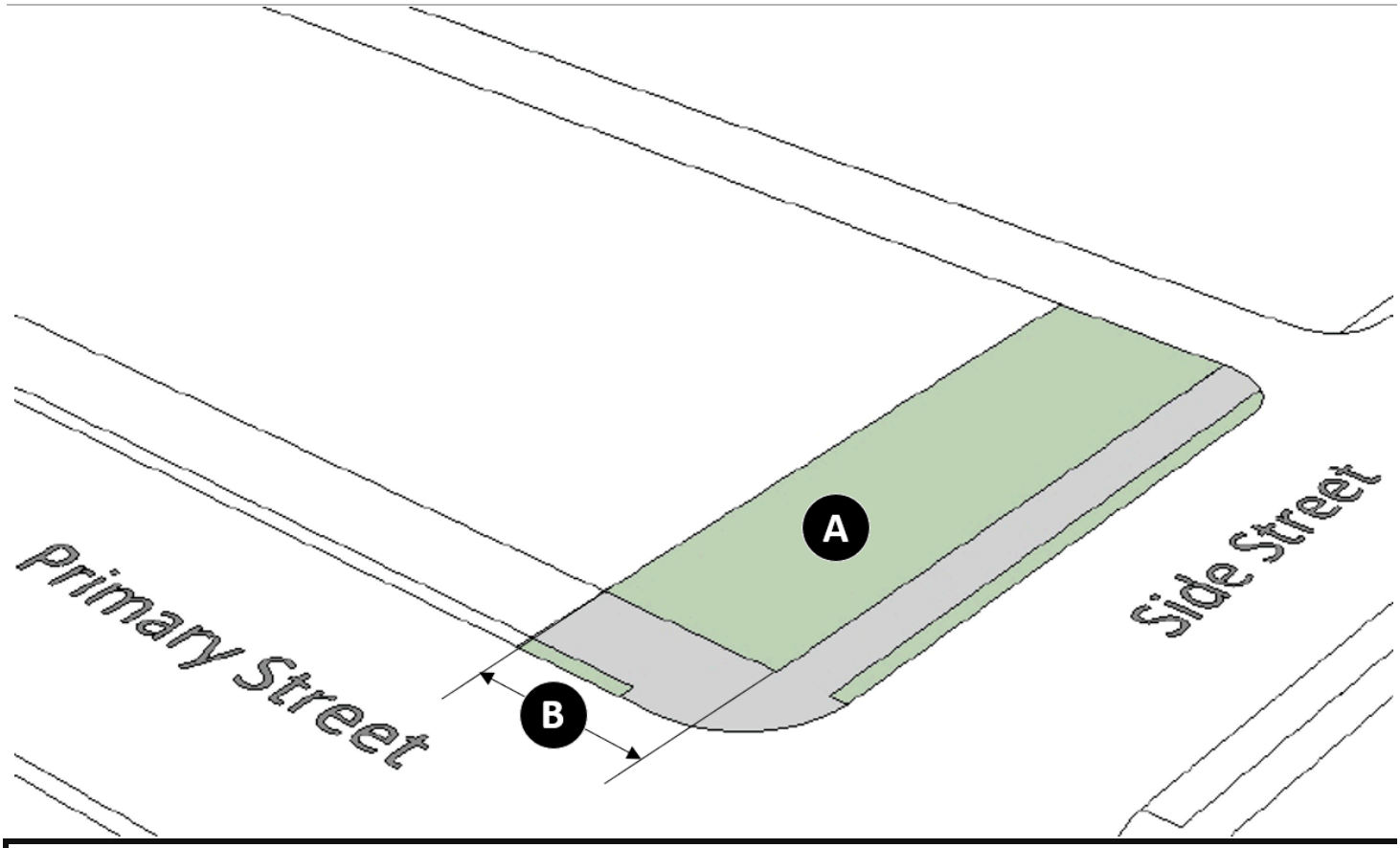
A. A wider sidewalk along the building frontage; or

B. A public gathering area that offers seating or dining, landscape or hardscape enhancements, public displays, or other pedestrian amenities.

iii. *Maximum Lot Coverage*. A permitted or legally established Corner Store building type may cover 100% of its lot in any permitted character district. All other standards of this NDC, including Division 12, *Landscaping, Fencing, and Buffering*, continue to apply unless otherwise expressly stated.

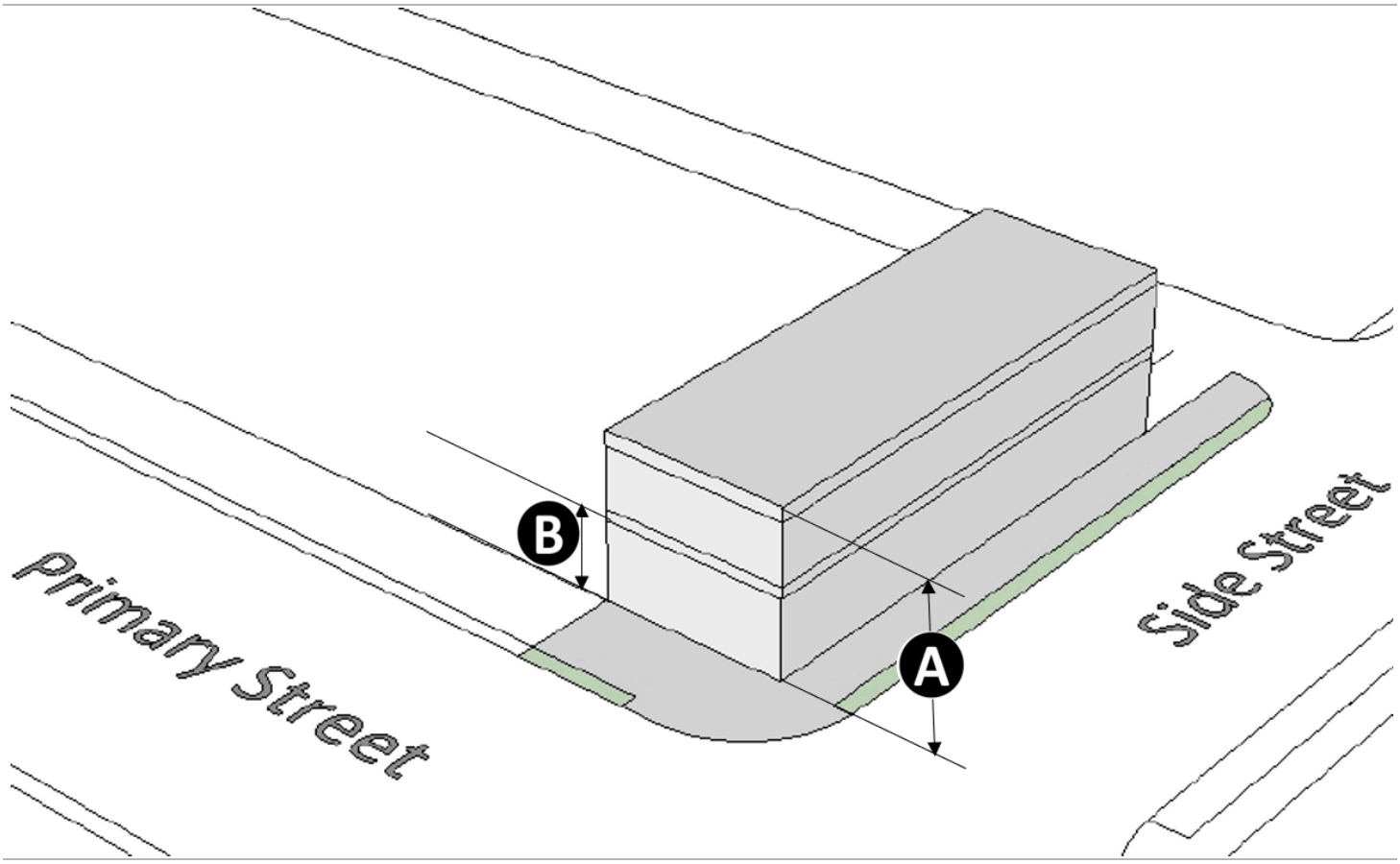
Table 04.08.3.D, *Corner Store*[1]

Permitted Frontage Types[2]		
Arcade/Gallery		Subsec. 04.08.6.B
Shopfront		Subsec. 04.08.6.G
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 3,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 30 feet or (2) lot width of the narrowest similarly-developed lot within the context
Lot Dimensions Diagram		



Story Height of Specific Floors		
(A) in Diagram	Story Height of Ground Floor (minimum feet)	13
(B) in Diagram	Story Height of Upper Level Floors (minimum feet)	9

Story Height of Specific Floors Diagram



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	70
(B) in Diagram	Upper Floor Transparency (minimum percent)	40
(C) in Diagram	Ground Floor Blank Wall Width (maximum linear feet)	10 on front street; 30 on side street

Activation of Street-Facing Elevations Diagram

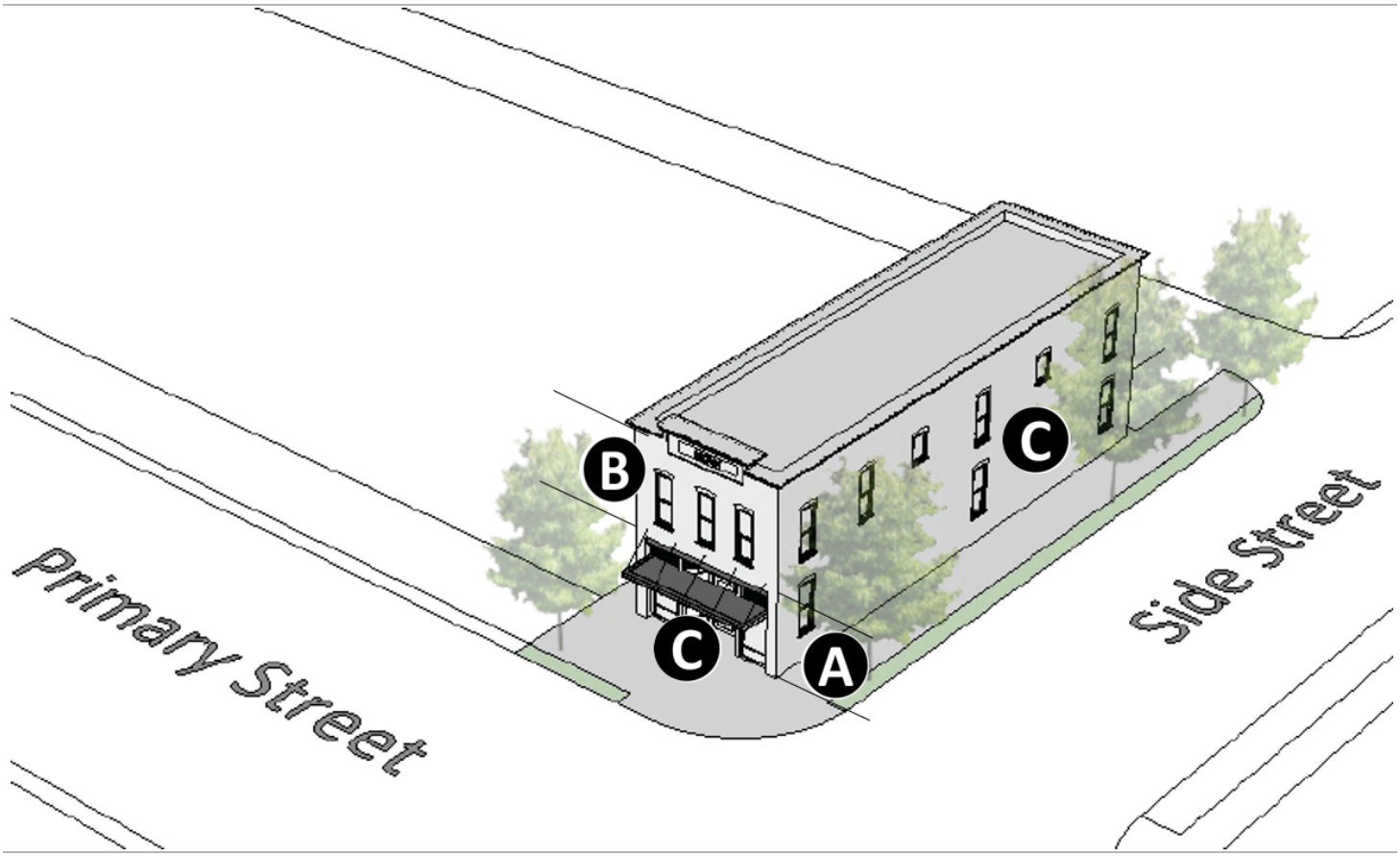


TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern.

Effective on: 10/15/2020

Subsec. 04.08.3.E Duplex

Example Duplex in Covington

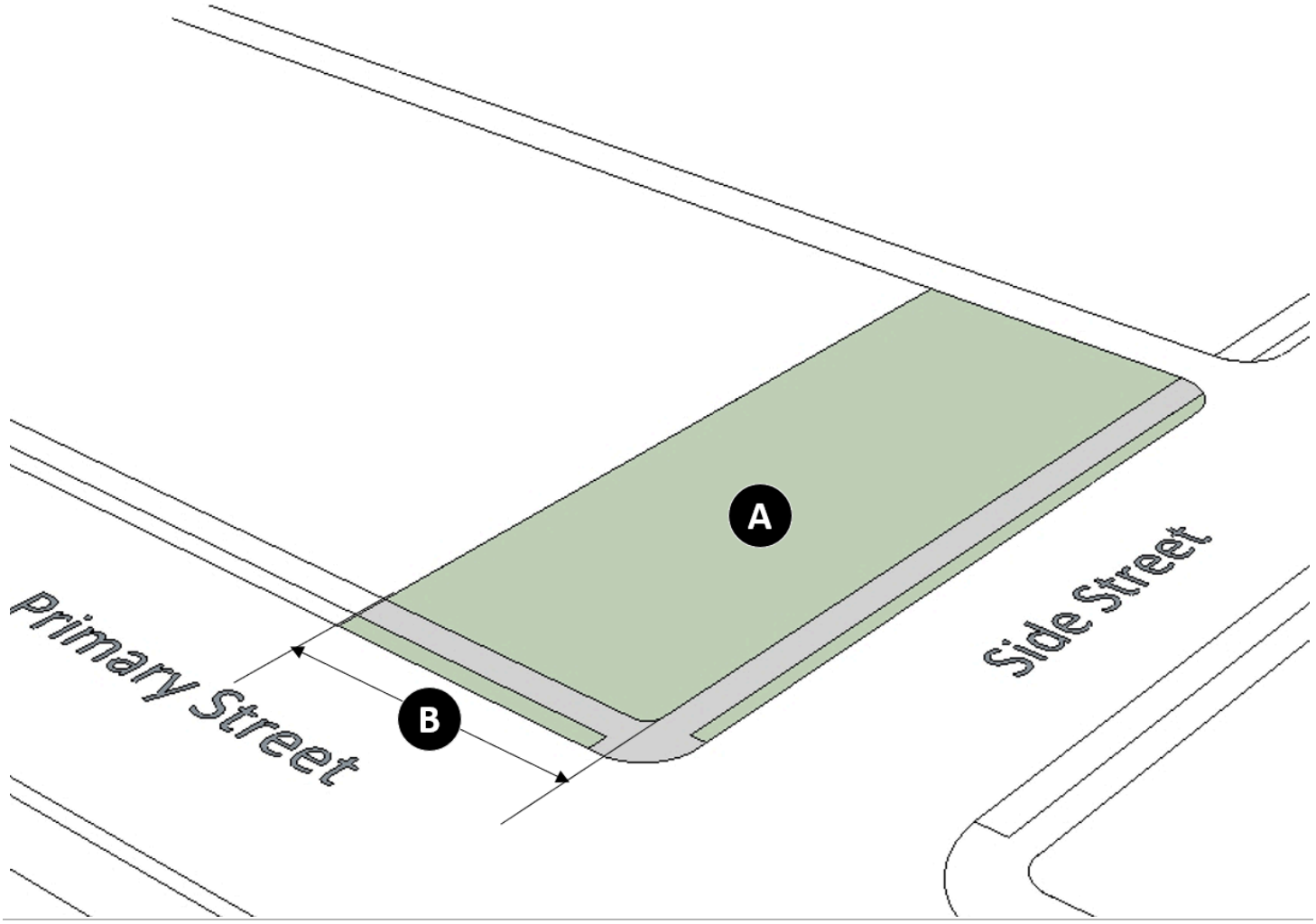
1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.E, *Duplex*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.E, *Duplex*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.E, *Duplex*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.E, *Duplex*, and the following dimensional standards and feature requirements apply to the Duplex building type or a given lot that incorporates such a building type.
   a. *Carriage House*. Where a Carriage House is permitted to be accessory to a Duplex, refer to Subsec. 04.08.3.C, *Carriage House*, for related provisions.
   b. *Planned Neighborhood*. Where a Duplex is permitted as part of a Planned Neighborhood, the standards in this subsection may be modified per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where such a development is proposed.

Table 04.08.3.E, *Duplex*[1]

Permitted Frontage Types[2]		
Open Yard		Subsec. 04.08.6.D
Porch		Subsec. 04.08.6.F
Side Entry		Subsec. 04.08.6.H
Stoop		Subsec. 04.08.6.I
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 2,200 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 25 feet or (2) lot width of the narrowest similarly-developed lot within the context

Lot Dimensions Diagram



Activation of Street-Facing Elevations		
(A) in Diagram	Ground Floor Transparency (minimum percent)	20
(B) in Diagram	Upper Floor Transparency (minimum percent)	20

Activation of Street-Facing Elevations Diagram

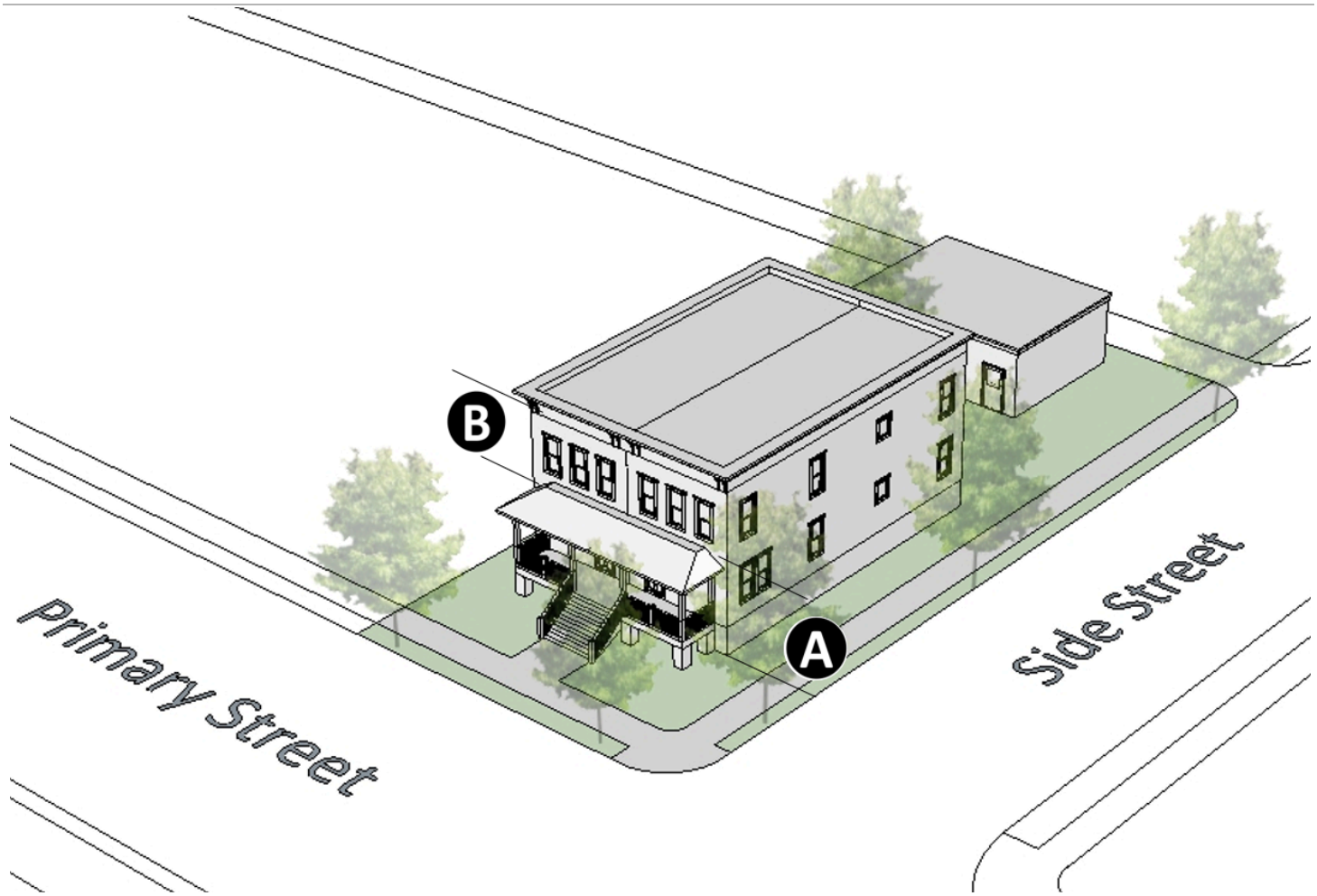


TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods* where such a development is proposed.

Effective on: 10/15/2020

Subsec. 04.08.3.F Flex Building

Example Flex Building in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.F, *Flex Building*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.F, *Flex Building*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.F, *Flex Building*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.
8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.F, *Flex Building*, and the following dimensional standards and feature requirements apply to the Flex Building building type or a given lot that incorporates such a building type.

a. *Service, Storage, and Loading*. Loading docks, truck parking, and other functions shall be designed to screen views from adjacent properties and public streets.

b. *Transparency along Primary Street*. In the SO district, the majority of the required ground and upper floor transparency shall be consolidated in a prominent area of the building facade.

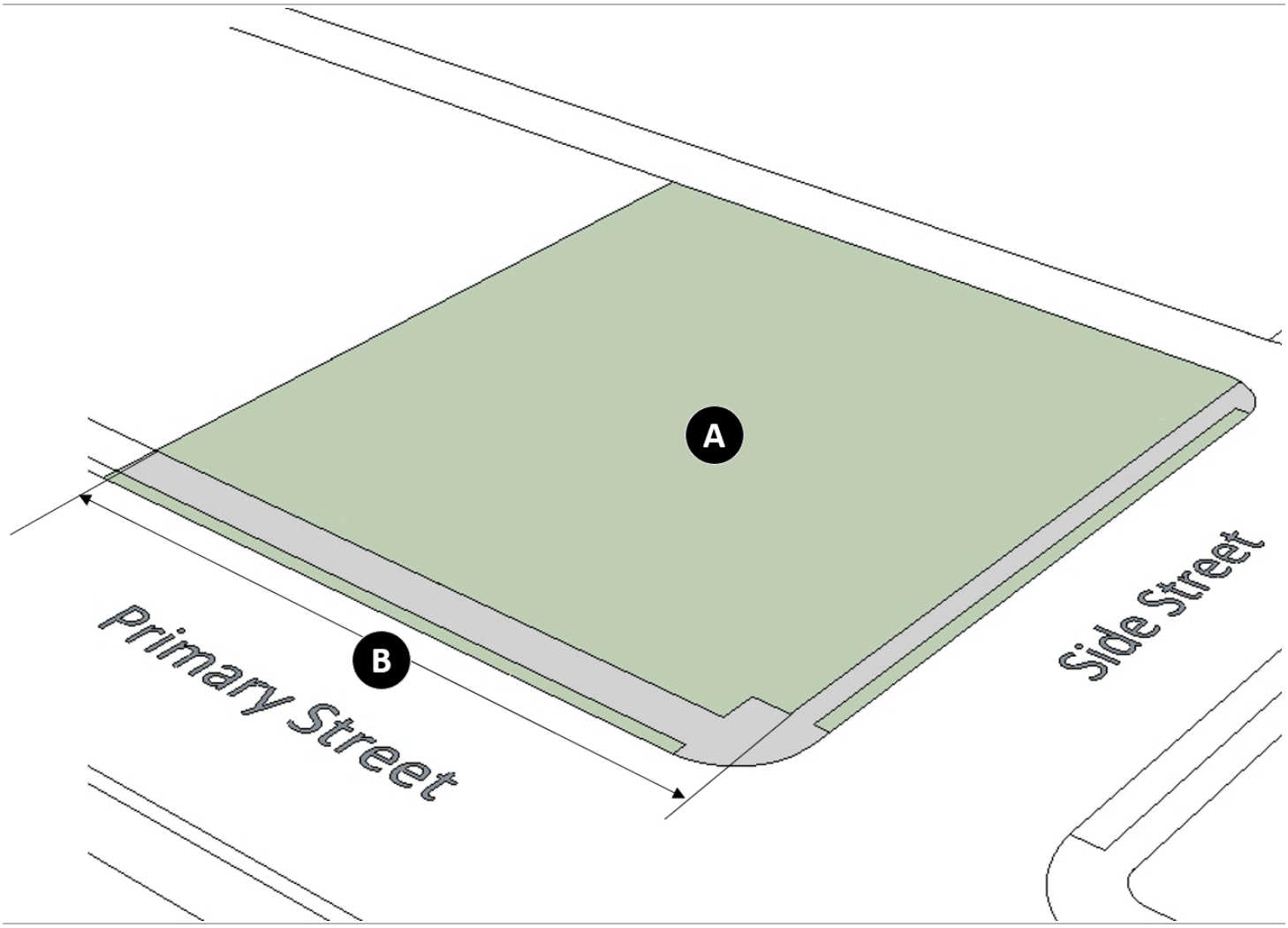
c. *Front Parking*. In the SO district, a maximum of 25 percent of the required parking may take place between the front facade of the building and the primary street.

Table 04.08.3.F, *Flex Building*[1]

Permitted Frontage Types[2]	
Open Yard	Subsec. 04.08.6.D
Parking Frontage	Subsec. 04.08.6.E

Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	30,000 sq. ft.
(B) in Diagram	Width (minimum feet)	100 feet

Lot Dimensions Diagram



Activation of Street-Facing Elevations		
(A) in Diagram	Ground Floor Transparency (minimum percent)	40
(B) in Diagram	Upper Floor Transparency (minimum percent)	30
(C) in Diagram	Ground Floor Blank Wall Width (maximum linear feet)	40 on front street; 60 on side street

Activation of Street-Facing Elevations Diagram

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern.

Effective on: 10/15/2020

Subsec. 04.08.3.G Large Format Building

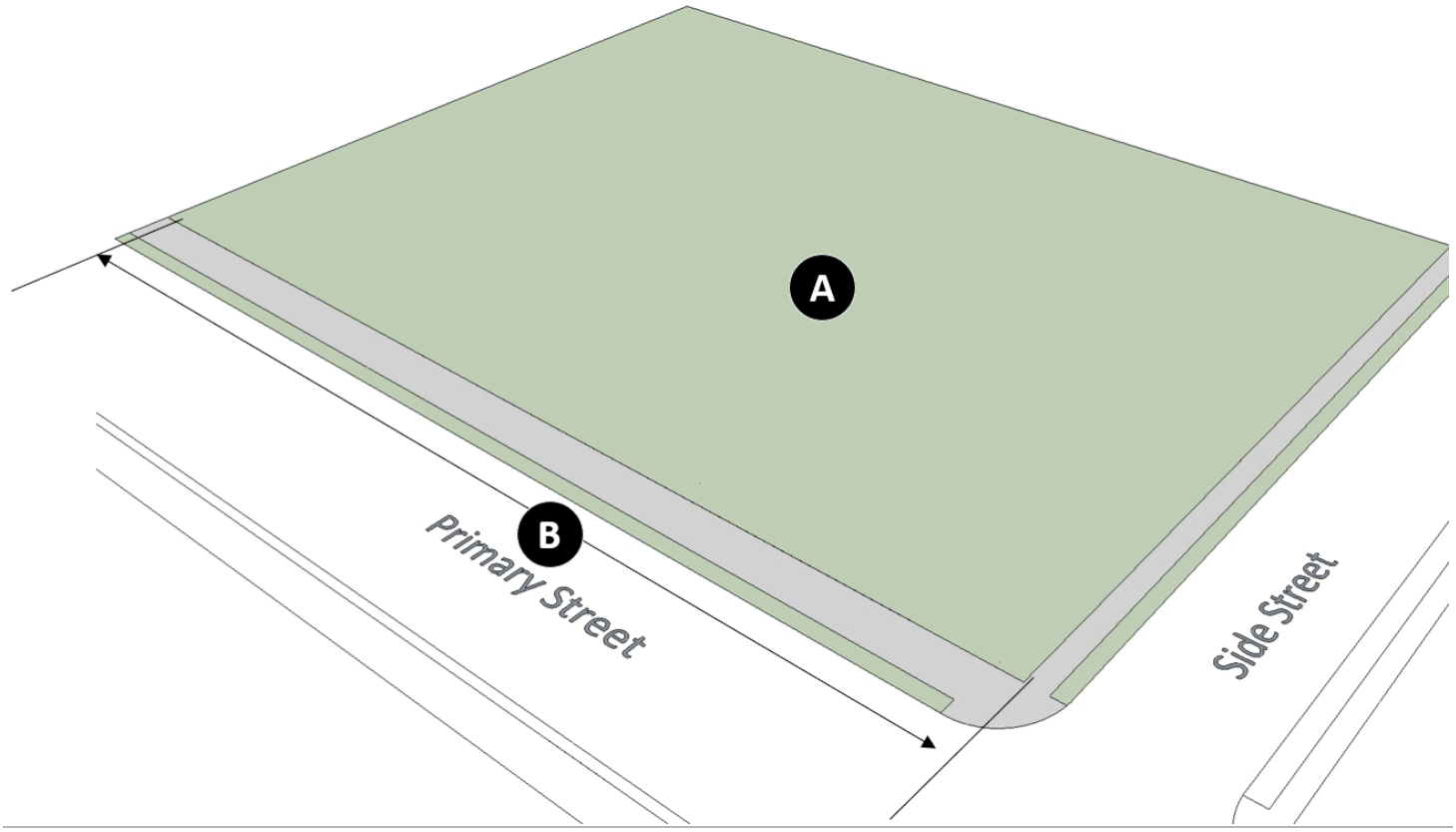
Example Large Format Building in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.G, *Large Format Building*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.G, *Large Format Building*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.G, *Large Format Building*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.G, *Large Format Building*, and the following dimensional standards and feature requirements apply to the Large Format Building building type or a given lot that incorporates such a building type.
   a. *Open Yard Frontage*. A Large Format Building with open yard frontage may:
      1. Reduce the required parking lot screening in Sec. 04.12.5, *Bufferyards*, to only that portion parallel, or approximately parallel, to a public street; or
      2. Increase the maximum permitted lot coverage by 10 percent where required parking lot screening per Sec. 04.12.5, *Bufferyards*, is not reduced per the paragraph above.
   b. *Parking Frontage in AUC District.* The following shall apply in the AUC district to Large Format Buildings with a Parking Frontage:
      1. At least 60 percent of the street frontage(s) shall be screened with Shop building types, in accordance with the standards in Subsec. 04.08.3.L, *Shop; or*
      2. A maximum of 25 percent of the required parking may take place between the front facade of the building and the primary street.

Table 04.08.3.G, *Flex Building*[1]

Permitted Frontage Types[2]		
Open Yard		Subsec. 04.08.6.D
Parking Frontage		Subsec. 04.08.6.E
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	1 acre
(B) in Diagram	Width (minimum feet)	150 feet
Lot Dimensions Diagram		



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	70
(B) in Diagram	Upper Floor Transparency (minimum percent)	60
(C) in Diagram	Ground Floor Blank Wall Width (maximum linear feet)	30 on front street; 50 on side street

Activation of Street-Facing Elevations Diagram

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern.

Effective on: 10/15/2020

Subsec. 04.08.3.H Lot Line Dwelling

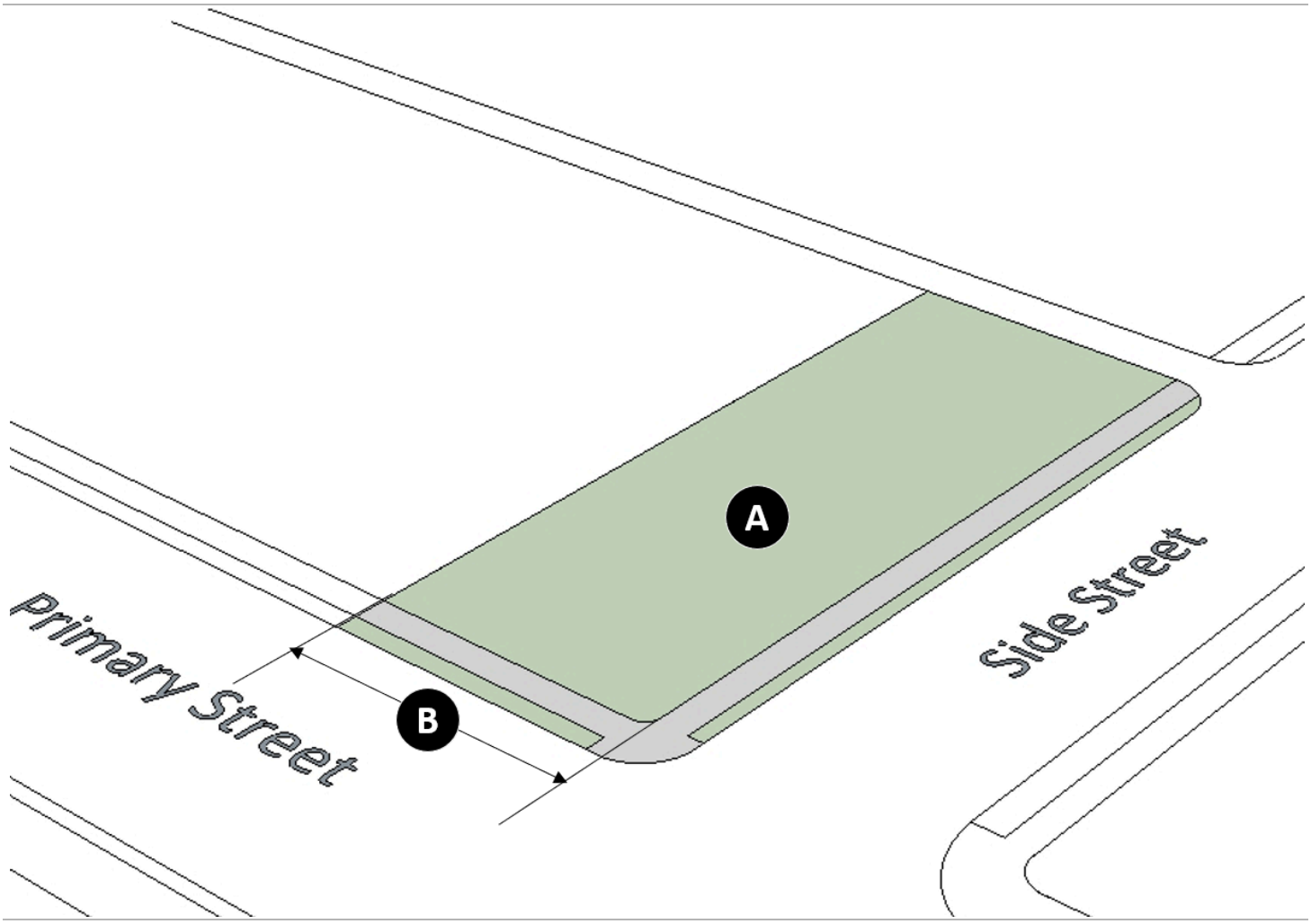
Example Lot Line Dwelling in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.H, *Lot Line Dwelling*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.H, *Lot Line Dwelling*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.H, *Lot Line Dwelling*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.H, *Lot Line Dwelling* and the following dimensional standards and feature requirements apply to the Lot Line Dwelling building type or a given lot that incorporates such a building type.
   a. *Zero Side Setback.*
      i. The side setback on one side of a lot may be reduced to zero. The minimum setback on the other side of the lot shall comply with the applicable side setback standards of Sec. 04.10.2, *Building Placement and Massing Table*.
      ii. If the zero side setback is along an alley, then no other side setbacks may be reduced to zero.
   b. *Easement*. When the exterior wall or eaves are set back less than three feet from a given lot line, the property owner is responsible for obtaining an easement from the abutting owner that would be recorded with the Kenton County Clerk and would ensure at least five 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.

Table 04.08.3.H, *Lot Line Dwelling*[1]

Permitted Frontage Types[2]		
Porch		Subsec. 04.08.6.F
Side Entry		Subsec. 04.08.6.H
Stoop		Subsec. 04.08.6.I
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context
Lot Dimensions Diagram		



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	20
(B) in Diagram	Upper Floor Transparency (minimum percent)	20

Activation of Street-Facing Elevations Diagram

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where such a development is proposed.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.08.3.I Mixed-Use Building

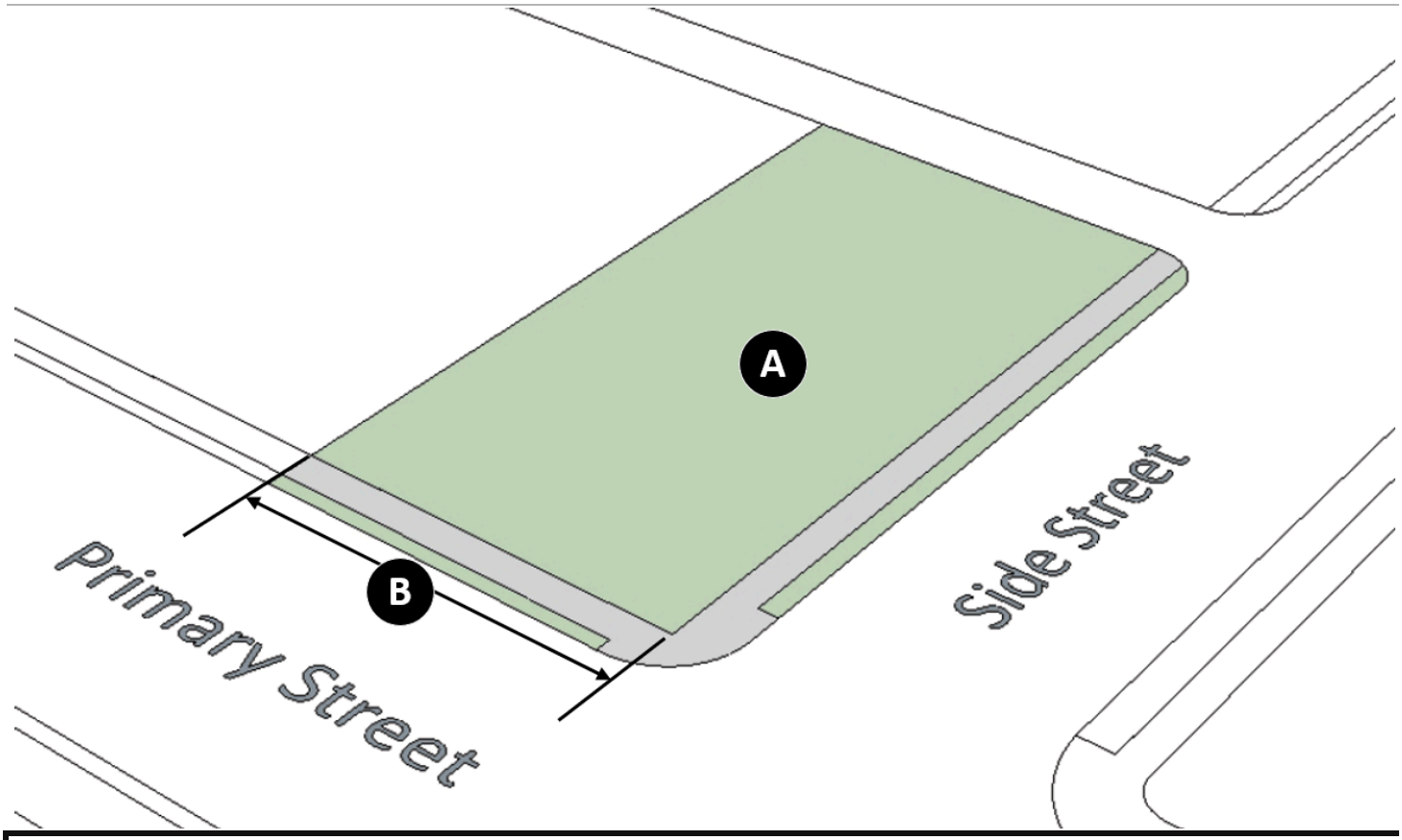
Example Mixed-Use Building in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, Frontage Types, and summarized in Table 04.08.3.I, *Mixed-Use Building*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.I, *Mixed-Use Building*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.I, *Mixed-Use Building*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.I, *Mixed-Use Building*, and the following dimensional standards and feature requirements apply to the Mixed-Use Building type or a given lot that incorporates such a building type.
   a. *Lot Coverage Increase*. A permitted or legally established Mixed-Use Building type may cover 100% of its lot in any permitted character district. All other standards of this NDC, including Division 12, *Landscaping, Fencing, and Buffering*, continue to apply unless otherwise expressly stated.
   b. *Increased Maximum Height*. A Mixed-Use Building that incorporates a white or green roof in compliance with the U.S. Green Building Council standards for high reflectance and vegetated roofs for at least 75% of its building footprint area shall receive a one-story increase in the maximum height allowance above the height permitted per a given character district in Sec. 04.10.2, *Building Placement and Massing Standards*.
   c. *Increased Maximum Front Yard Setback*.
      i. If a public entrance is at the corner of a building, the angular façade containing the entrance may be recessed a maximum of eight feet from the intersection of the two right-of-way lines.
      ii. Buildings may exceed the maximum setback to a maximum of 10 feet to provide:
         A. A wider sidewalk along the building frontage; or
         B. A public gathering area that offers seating or dining, landscape or hardscape enhancements, public displays, or other pedestrian amenities.
   d. *Uses*. Permitted residential, public and institutional, Overnight Accommodations, and Office uses may occupy the upper stories of a Mixed-Use Building. Permitted public and institutional, Retail Repair, Sales, and Service, Restaurant, Overnight Accommodations, and Office uses may occupy the ground floor of a Mixed-Use Building.

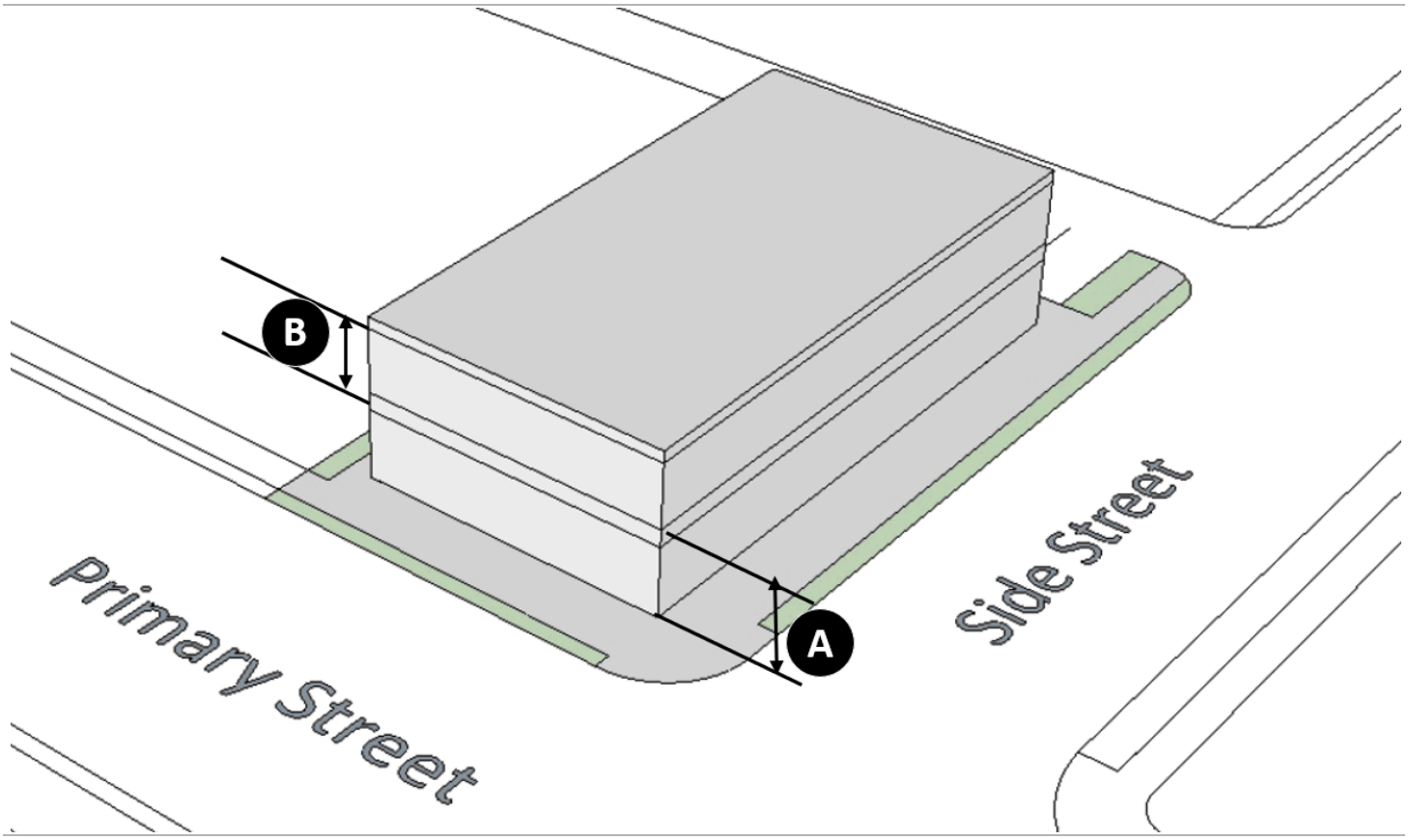
Table 04.08.3.I, *Mixed-Use Building*[1]

Permitted Frontage Types[2]		
Arcade/Gallery		Subsec. 04.08.6.B
Forecourt		Subsec. 04.08.6.C
Shopfront		Subsec. 04.08.6.G
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 3,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 30 feet or (2) lot width of the narrowest similarly-developed lot within the context
Lot Dimensions Diagram		



Story Height of Specific Floors		
(A) in Diagram	Story Height of Ground Floor (minimum feet)	15
(B) in Diagram	Story Height of Upper Level Floors (minimum feet)	9

Story Height of Specific Floors Diagram



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	70
(B) in Diagram	Upper Floor Transparency (minimum percent)	40
(C) in Diagram	Ground Floor Blank Wall Width (maximum linear feet)	20 on front street; 40 on side street

Activation of Street-Facing Elevations Diagram

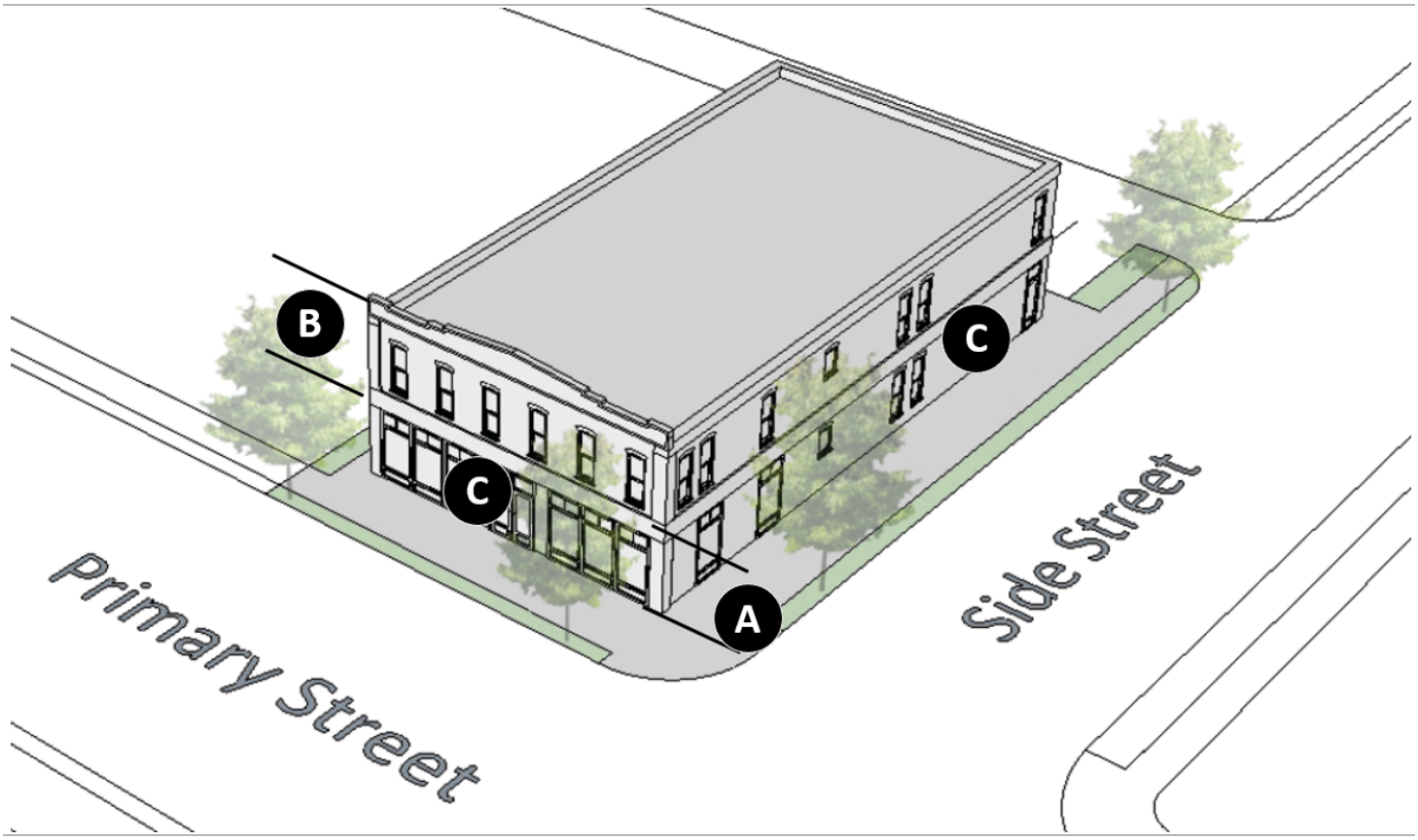


TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern.

Effective on: 10/15/2020

Subsec. 04.08.3.J Public and Civic Building

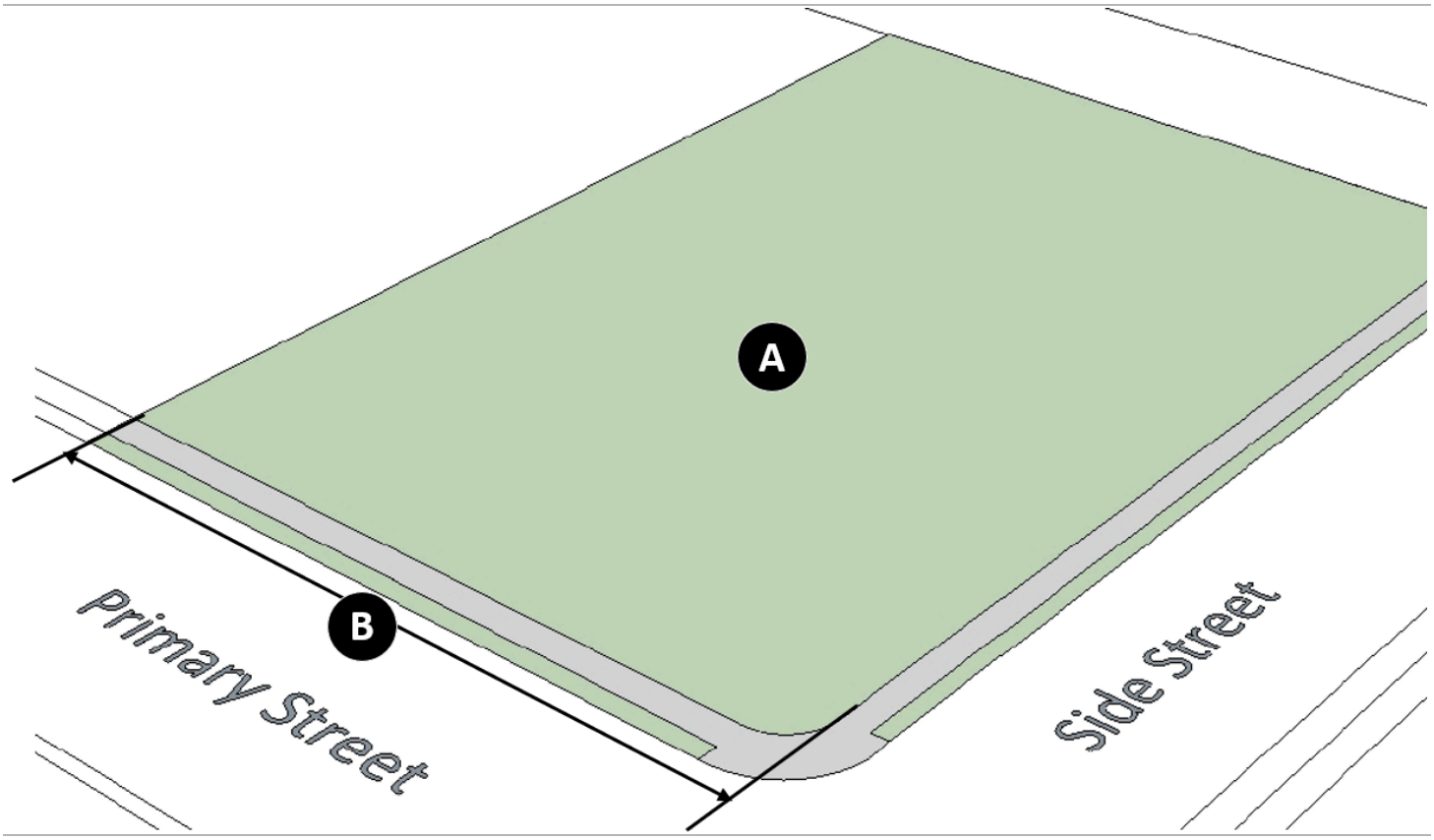
Example Mixed-Use Building in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, Frontage Types, and summarized in Table 04.08.3.J, *Public and Civic Building*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.J, *Public and Civic Building*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.J, *Public and Civic Building*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.J, *Public and Civic Building*, and the following dimensional standards and feature requirements apply to the Public and Civic Building type or a given lot that incorporates such a building type.
   a. *Open Yard and Parking Frontages*. The open yard frontage (Subsec. 04.08.6.D, *Open Yard*) for a Public and Civic Building is only permitted in the RR, SR, AUC, SO, SI, LI, and GI districts. The parking frontage (Subsec. 04.08.6.E, *Parking Frontage*) or a Public and Civic Building is only permitted in the AUC, SO, SI, LI, and GI districts.
   b. *Parking Frontage in AUC District.* The following shall apply in the AUC district to Public and Civic Buildings with Parking frontage:
      i. At least 60 percent of the street frontage(s) shall be screened with Shop building types, in accordance with the standards in Subsec. 04.08.3.L, *Shop*; or
      ii. A maximum of 25 percent of the required parking may take place between the front facade of the building and the primary street.

Table 04.08.3.J, *Public and Civic Building*[1]

Permitted Frontage Types[2]		
Arcade/Gallery		Subsec. 04.08.6.B
Forecourt		Subsec. 04.08.6.C
Open Yard		Subsec. 04.08.6.D
Parking Frontage		Subsec. 04.08.6.E
Porch		Subsec. 04.08.6.F
Shopfront		Subsec. 04.08.6.G
Stoop		Subsec. 04.08.6.I
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 6,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 60 feet or (2) lot width of the narrowest similarly-developed lot within the context
Lot Dimensions Diagram		



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	60
(B) in Diagram	Upper Floor Transparency (minimum percent)	50
(C) in Diagram	Ground Floor Blank Wall Width (maximum linear feet)	30 on front street; 40 on side street

Activation of Street-Facing Elevations Diagram

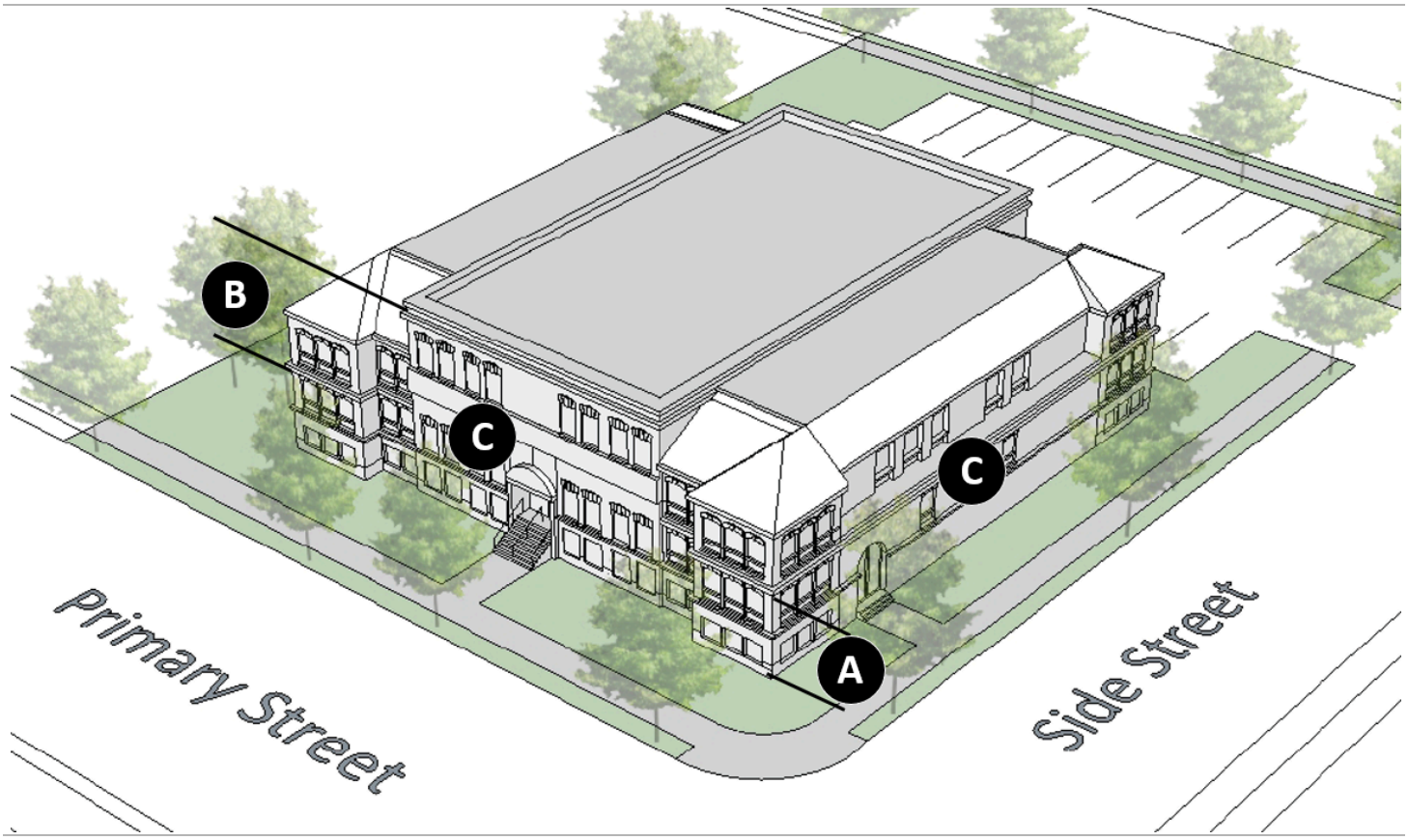


TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern.

Effective on: 10/15/2020

Subsec. 04.08.3.K Qualified Manufactured Home

Example Qualified Manufactured Home

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.K, *Qualified Manufactured Home*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.K, *Qualified Manufactured Home*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.K, *Qualified Manufactured Home*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.K, *Qualified Manufactured Home* and the following dimensional standards and feature requirements apply to the Qualified Manufacture Home building type or a given lot that incorporates such a building type.
   a. *Cluster, Planned, and Tiny House Neighborhoods*. The standards in Table 04.08.3.K, *Qualified Manufactured Home*, relate to conventional development in the RR and SR districts. Refer to Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods,* for standards for Qualified Manufactured Homes in those types of developments.
   b. *Open Yard Frontage*. The open yard frontage (Subsec. 04.08.6.D, *Open Yard*) for a Qualified Manufactured Home is only permitted in the RR and SR districts.
   c. *Purpose*. These standards are intended to ensure that when a qualified manufactured home is placed in a permitted district, it is compatible, in terms of assessed value, with existing housing located:
      i. Within the surrounding context as identified in Sec. 09.28.2, *Identifying the Context*.
      ii. Immediately adjacent to either side of the proposed site within the same block face front;
      iii. Immediately adjacent to the rear; and
      iv. Within a one-eighth mile radius of the proposed location of the qualified manufactured home.
   d. *Compatibility Determination.*
      i. A qualified manufactured home's design shall be generally similar in exterior appearance, building materials, and living area to other dwelling units that have been constructed on adjacent tracts, lots, and parcels.
      ii. Qualified manufactured homes that have been illegally placed upon a lot shall be removed before the Administrator accepts an application to place a qualified manufactured home.
      iii. The application shall include:
         A. Information reasonably necessary to make a determination of conformity with the standards of this subsection;
         B. Sample materials or photos of the proposed materials of the front, side, and rear of the qualified manufactured home’s exterior finish;
         C. Photographs taken from the proposed site of the dwelling unit in the northerly, easterly, southerly, and westerly direction, and photographs of any adjacent dwelling units. The photographs shall be taken no more than 30 days before submittal of the application.
         D. A site plan or plot plan containing appropriate information including, but not limited to, the following:
            1. Location of all existing buildings, structures, easements, and boundary lines;
            2. North arrow, scale, city and land lot;
            3. Existing use of adjacent property; and
            4. Location of all proposed buildings, structures, and land uses.
      iv. The qualified manufactured home shall be compatible with:
         1. Adjacent development or surrounding developments;
         2. Other residential development on the block face; and
         3. Proposed development permitted in the same district or general area.
      v. Compatibility with architectural appearance is based on the following:
         A. Setbacks;
         B. Overall massing;
         C. Siding and exterior materials;
         D. Roof pitch; and
         E. Square footage.
      vi. Compatibility with the orientation and location of existing structures is based on the following:
         A. Building height;
         B. Building width;
         C. Building depth; and

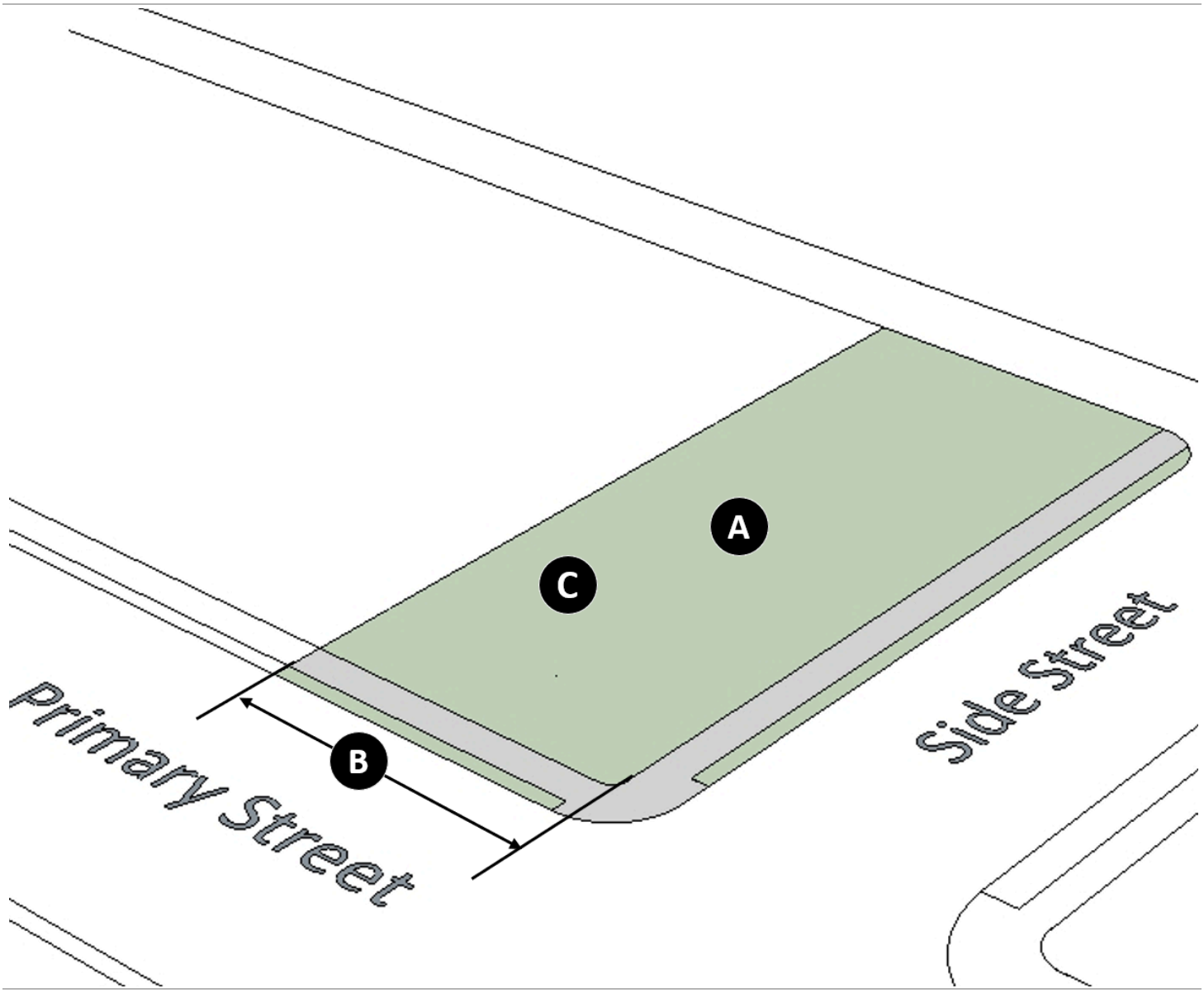
D. Building setbacks.

Table 04.08.3.K, *Qualified Manufactured Home*[1]

Permitted Frontage Types[2]	
Open Yard	Subsec. 04.08.6.D
Porch	Subsec. 04.08.6.F
Side Entry	Subsec. 04.08.6.H
Stoop	Subsec. 04.08.6.I

Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 2,200 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 25 feet or (2) lot width of the narrowest similarly-developed lot within the context
(C) in Diagram	Area per Dwelling Unit (minimum square feet)	900 sq. ft.

Lot Dimensions Diagram



Activation of Street-Facing Elevations		
(A) in Diagram	Ground Floor Transparency (minimum percent)	15

Activation of Street-Facing Elevations Diagram

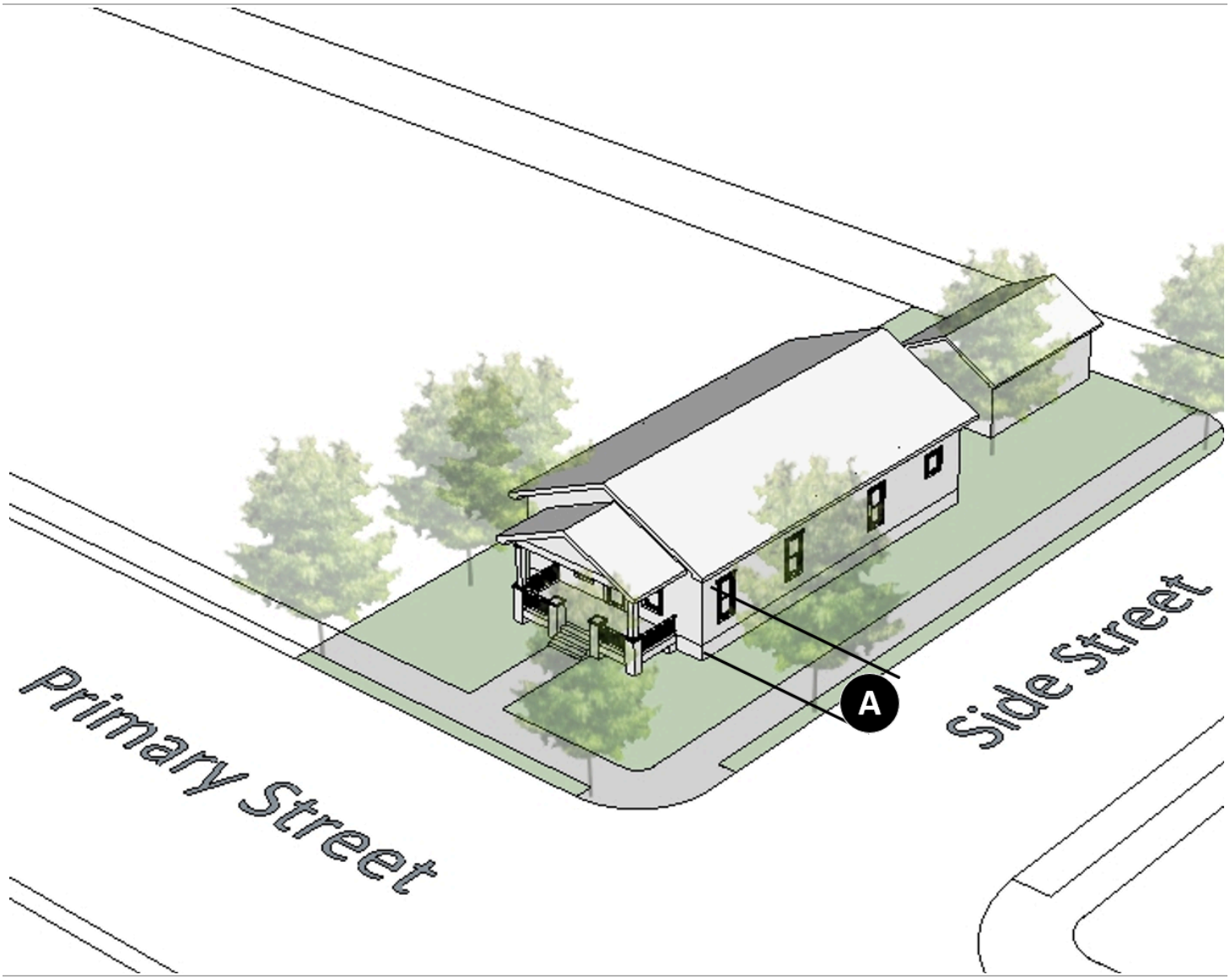


TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster and Planned Neighborhood*, where such a development is proposed.

Effective on: 10/15/2020

Subsec. 04.08.3.L Shop

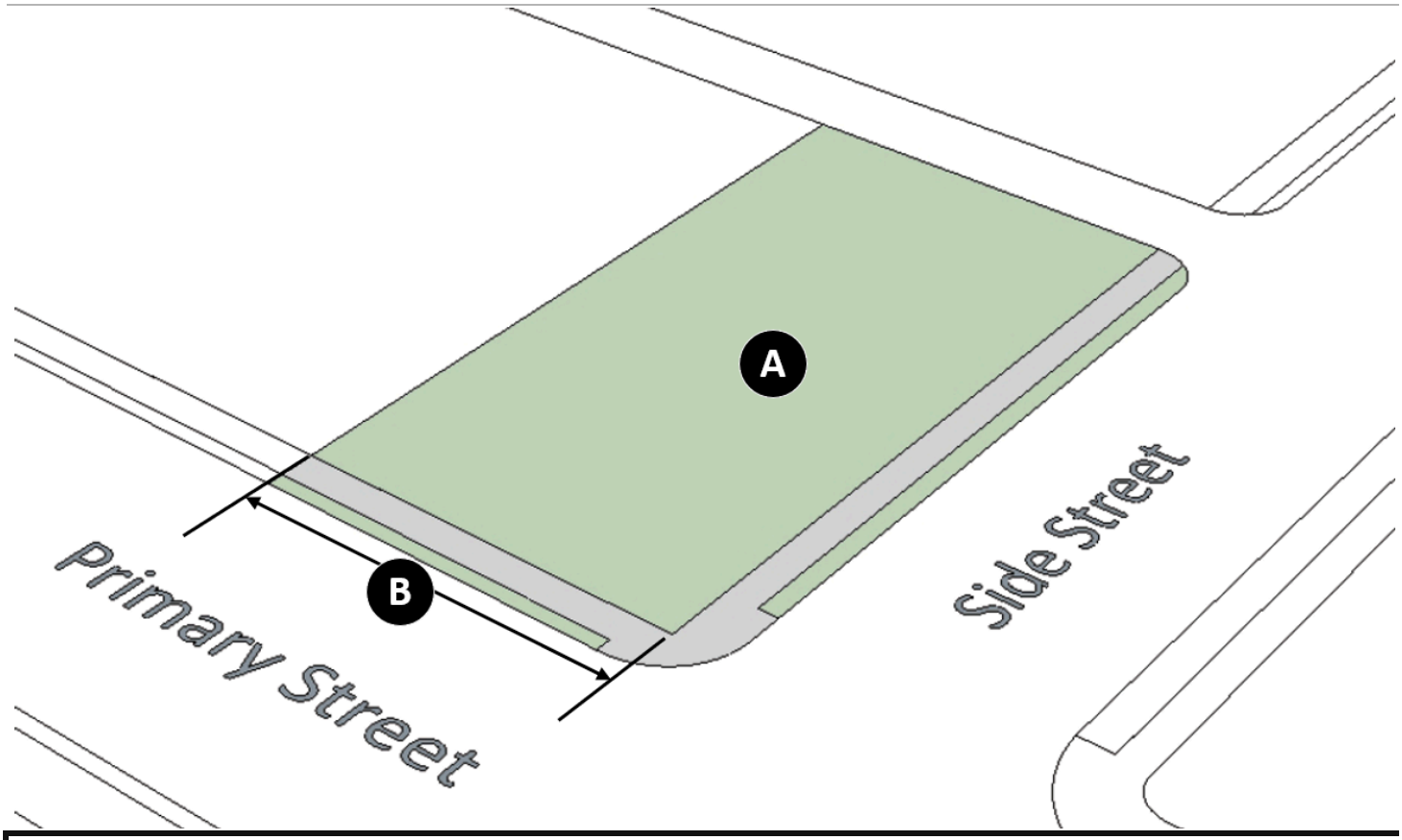
Example Shop in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, Frontage Types, and summarized in Table 04.08.3.L, *Shop*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.L, *Shop*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.L, *Shop*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.L, *Shop*, and the following dimensional standards and feature requirements apply to the Shop type or a given lot that incorporates such a building type.
   a. *Lot Coverage Increase*. A permitted or legally established Shop building type may cover 100% of its lot in any permitted character district. All other standards of this NDC, including Division 12, *Landscaping, Fencing, and Buffering*, continue to apply unless otherwise expressly stated.
   b. *Increased Maximum Front Yard Setback*.
      i. If a public entrance is at the corner of a building, the angular façade containing the entrance may be recessed a maximum of eight feet from the intersection of the two right-of-way lines.
      ii. Buildings may exceed the maximum setback to a maximum of 10 feet to provide:
         A. A sidewalk along the building frontage; or
         B. A public gathering area that offers seating or dining, landscape or hardscape enhancements, public displays, or other pedestrian amenities.
   c. *Uses*. Permitted residential, public and institutional, and office uses may occupy the upper story (where provided) of a Shop building type. Permitted public and institutional, and commercial and office uses may occupy the ground floor of a Shop building type.

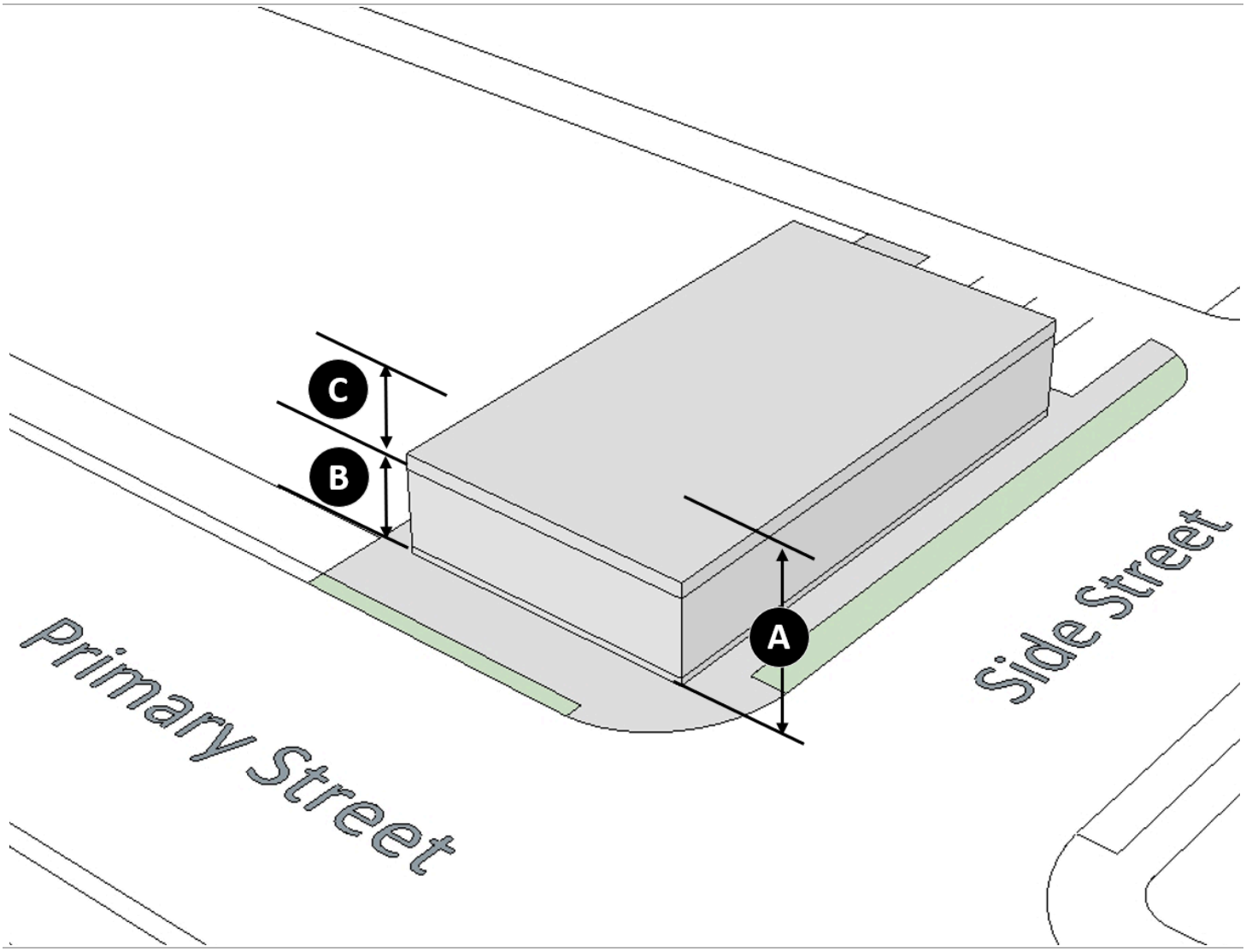
Table 04.08.3.L, *Shop*[1]

Permitted Frontage Types[2]		
Forecourt		Subsec. 04.08.6.C
Shopfront		Subsec. 04.08.6.G
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 40 feet or (2) lot width of the narrowest similarly-developed lot within the context
Lot Dimensions Diagram		



Story Height of Specific Floors		
(A) in Diagram	Story Height of Ground Floor (minimum feet)	13
(B) in Diagram	Story Height of Upper Level Floors (minimum feet)	9

Story Height of Specific Floors Diagram



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	70
(B) in Diagram	Upper Floor Transparency (minimum percent)	40
(C) in Diagram	Ground Floor Blank Wall Width (maximum linear feet)	10 on front street; 40 on side street

Activation of Street-Facing Elevations Diagram

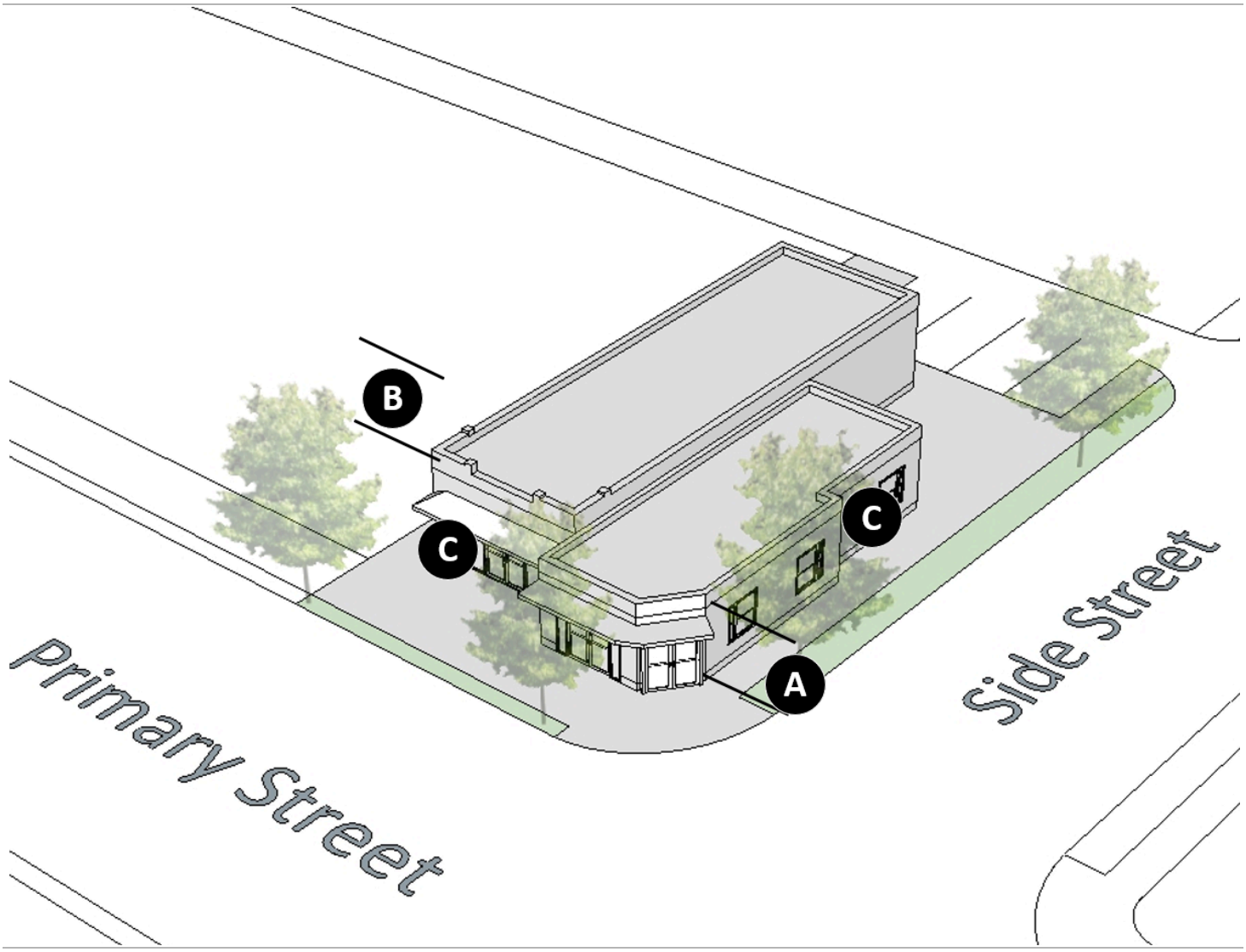


TABLE NOTES:

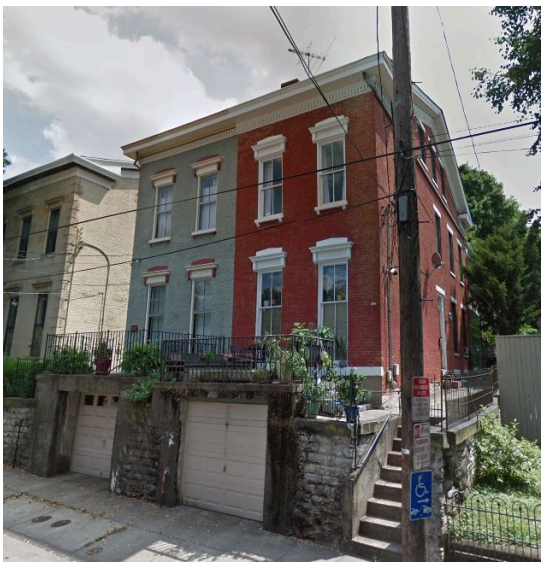
[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern.

Effective on: 10/15/2020

Subsec. 04.08.3.M Single-Family Attached Dwelling



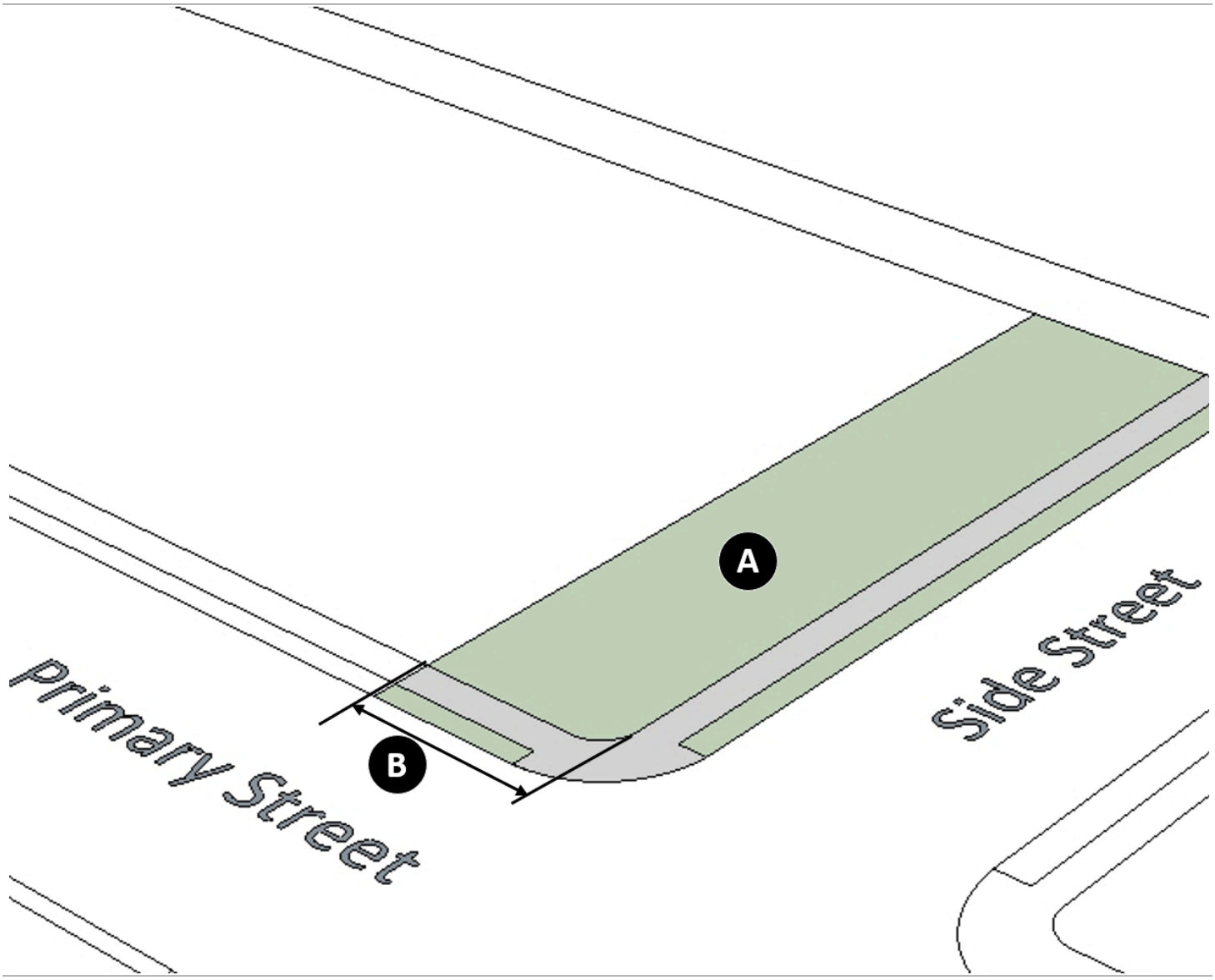
Example Single-Family Attached Dwelling in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.M, *Single-Family Attached Dwelling*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized inTable 04.08.3.M, *Single-Family Attached Dwelling*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.M, *Single-Family Attached Dwelling*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.M, *Single-Family Attached Dwelling*, and the following dimensional standards and feature requirements apply to the Single-Family Attached Dwelling building type or a given lot that incorporates such a building type.
   a. *Required Adjacency*. The common or abutting wall shall be shared for at least 50 percent of the length of the side of the dwelling units.
   b. *No Setback for Abutting Walls*. No side setback is required for common or abutting walls.
   c. *Street-Facing Garage Doors*. With the exception of Single-Family Attached Dwellings in the RR and SR districts, street-facing garage doors may comprise no more than 40 percent of the width of the front façade and shall be recessed at least five feet from the front façade.

Table 04.08.3.M, *Single-Family Attached Dwelling*[1]

Permitted Frontage Types[2]		
Porch		Subsec. 04.08.6.F
Side Entry		Subsec. 04.08.6.H
Stoop		Subsec. 04.08.6.I
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context
Lot Dimensions Diagram		



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	20
(B) in Diagram	Upper Floor Transparency (minimum percent)	20

Activation of Street-Facing Elevations Diagram

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where such a development is proposed.

Effective on: 10/15/2020

Subsec. 04.08.3.N Single-Family Detached Dwelling

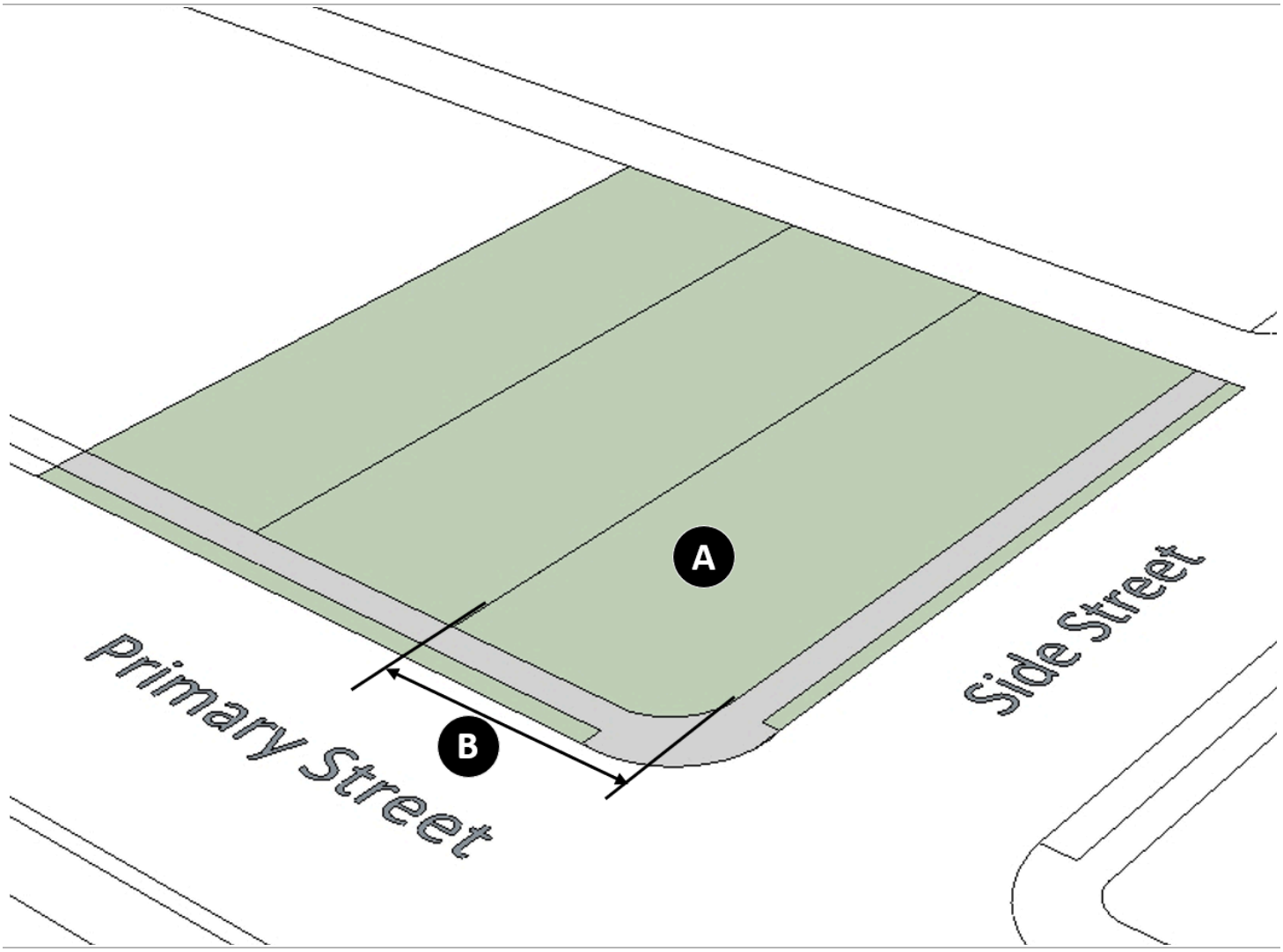
Example Single-Family Detached Dwelling in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.N, *Single-Family Detached Dwelling*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.N, *Single-Family Detached Dwelling*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.N, *Single-Family Detached Dwelling*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.N, *Single-Family Detached Dwelling*, and the following dimensional standards and feature requirements apply to the Single-Family Detached Dwelling building type or a given lot that incorporates such a building type.
   a. *Open Yard Frontage*. The open yard frontage (Subsec. 04.08.6.D, *Open Yard*) for a Single-Family Detached Dwelling is only permitted in the RR and SR districts.
   b. *Street-Facing Garage Doors*. With the exception of Single-Family Detached Dwellings in the RR and SR districts, street-facing garage doors, where permitted, may comprise no more than 40 percent of the width of the front façade and shall be recessed at least five feet from the front façade.

Table 04.08.3.N, *Single-Family Detached Dwelling*[1]

Permitted Frontage Types[2]		
Open Yard		Subsec. 04.08.6.D
Porch		Subsec. 04.08.6.F
Side Entry		Subsec. 04.08.6.H
Stoop		Subsec. 04.08.6.I
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context
Lot Dimensions Diagram		



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	15
(B) in Diagram	Upper Floor Transparency (minimum percent)	15

Activation of Street-Facing Elevations Diagram

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where such a development is proposed.

Effective on: 10/15/2020

Subsec. 04.08.3.O Tiny House

Example Tiny House

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Tiny Houses do not require a frontage type.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized inTable 04.08.3.O, *Tiny House*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.O, *Tiny House*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

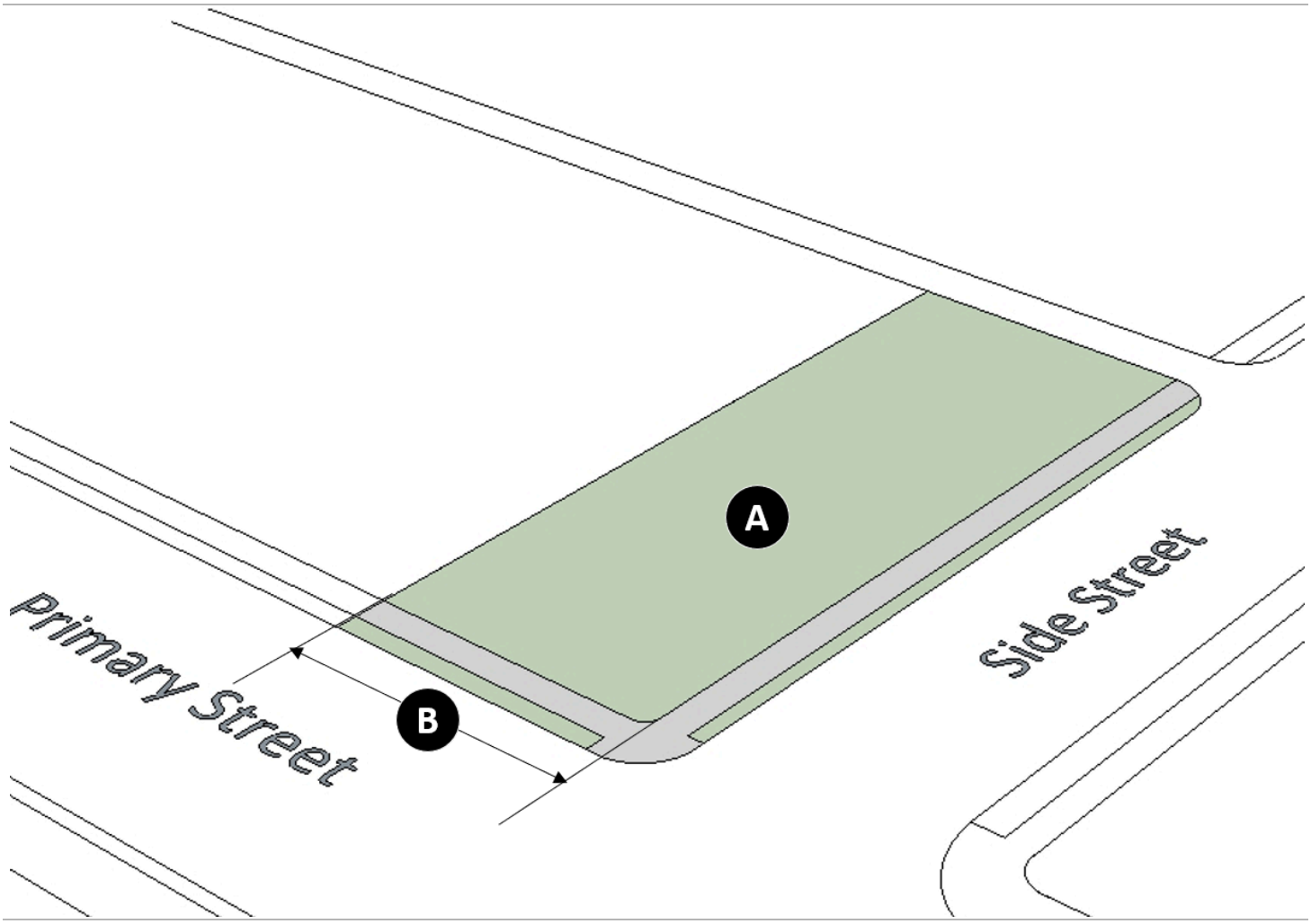
8. **Minimum Tiny House Building Standards**. The following building standards apply to all Tiny Houses regulated as a principal structure or as an accessory structure:
   a. *Minimum Floor Area*.
      i. Each tiny house dwelling shall have no less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant, with a maximum gross floor area of 600 square feet.
      ii. In a tiny house dwelling with two or more rooms, every room occupied for sleeping purposes by one occupant shall contain no less than 70 square feet of floor area, and any room occupied for sleeping purposes for more than one occupant shall contain no less than 50 square feet of floor area for each additional occupant.
   b. *Minimum Specifications*. A tiny house shall have the following:
      i. Kitchen with a sink;
      ii. Cooking appliance, refrigerator, and a clear working space of not less than 30 inches;
      iii. Bathroom with bathing facilities;
      iv. Provision for water supply and wastewater collection and treatment;
      v. A minimum ceiling height of six feet six inches is required for no less than 50 percent of any room with a sloped or arched ceiling; and
      vi. The minimum width of a tiny house shall be no more less than eight and one-half feet.
9. **Tiny House Neighborhood**. Standards regarding lot dimensions, landscaping, parking, and related provisions for a single development of multiple Tiny Houses are established in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.
10. **Tiny House as Principal Structure**.
   a. *Permanent Foundation Required*. A Tiny House that qualifies as a principal structure shall be constructed on a permanent foundation, and placed on an individual lot as the principal structure, or within a Tiny House Neighborhood per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.
   b. *Construction Requirements*. The construction of a tiny house on a permanent foundation shall adhere to Appendix Q of the 2018 International Residential Code (IRC), and comply with all applicable building and life safety codes of the City and County.
11. **Tiny House as Accessory Structure**.
   a. *Non-Permanent Foundation*.
      i. A Tiny House on wheels is classified as a self-contained Recreational Vehicle and is not permitted as a principal structure on a lot.
      ii. A Tiny House on wheels is subject to the laws and requirements of 902 KAR 15:020, *Recreational Vehicles*.
      iii. Any Tiny House on wheels that is occupied for a period of six consecutive months or more, where permitted, shall be affixed with a seal of the National Organization of Alternative Housing (NOAH).
   b. *Tiny House as Carriage House*. Site-built tiny houses, that are not on wheels, that function as accessory dwellings are subject to the lot dimensions, building height, and activation of street-facing elevations standards of Subsec. 04.08.3.C, *Carriage House*.

Table 04.08.3.O, *Tiny House*[1]

Lot Dimensions (for Mixed-Use and SU Districts)[2]

(A) in Diagram	Area (minimum square feet)	Lesser of (1) 1,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context

Lot Dimensions Diagram



Activation of Street-Facing Elevations

(A) in Diagram	Ground Floor Transparency (minimum percent)	20

Activation of Street-Facing Elevations Diagram

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where such a development is proposed.

Effective on: 10/15/2020

Subsec. 04.08.3.P Townhouse/Rowhouse

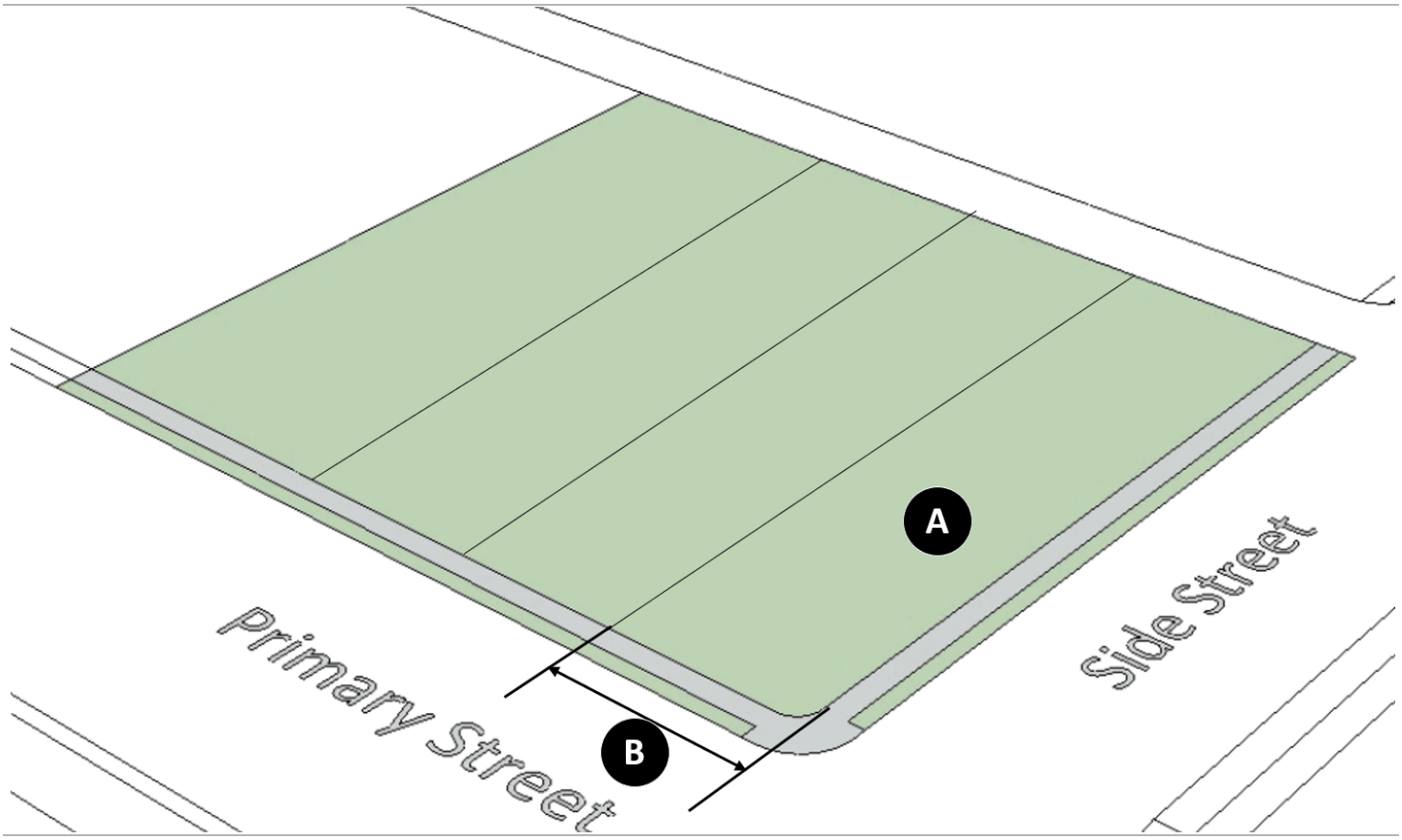
Example Townhouse/Rowhouse in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.P, *Townhouse/Rowhouse*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.P, *Townhouse/Rowhouse*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.P, *Townhouse/Rowhouse*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.P, *Townhouse/Rowhouse*, and the following dimensional standards and feature requirements apply to the Townhouse/Rowhouse building type or a given lot that incorporates such a building type.
   a. *Adjacency*. The common or abutting wall shall be shared for at least 50 percent of the length of the side of the dwelling units.
   b. *No Setback for Abutting Walls*. No side setback is required for common or abutting walls.
   c. *Groupings*. A grouping of townhouses/rowhouses may not exceed 200 linear feet.
   d. *Lot Coverage Increase*. In character districts where a Townhouse/Rowhouse building type is permitted, and where maximum lot coverage standards are established, the maximum permitted lot coverage for a lot containing an existing or proposed Townhouse/Rowhouse may be increased by 10 percent when the structure incorporates a white or green roof over 75% of its building footprint area in compliance with the U.S. Green Building Council standards for high reflectance and vegetated roofs.
   e. *Street-Facing Garage Doors*. Street-facing garage doors, where permitted, may comprise no more than 40 percent of the width of the front façade and shall be recessed at least five feet from the front façade.

Table 04.08.3.P, *Townhouse/Rowhouse*[1]

Permitted Frontage Types[2]		
Porch		Subsec. 04.08.6.F
Side Entry		Subsec. 04.08.6.H
Stoop		Subsec. 04.08.6.I
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 1,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser (1) 20 feet or (2) lot width of the narrowest similar-developed lot within the context
Lot Dimensions Diagram		



Activation of Street-Facing Elevations		
(A) in Diagram	Ground Floor Transparency (minimum percent)	20
(B) in Diagram	Upper Floor Transparency (minimum percent)	20

Activation of Street-Facing Elevations Diagram

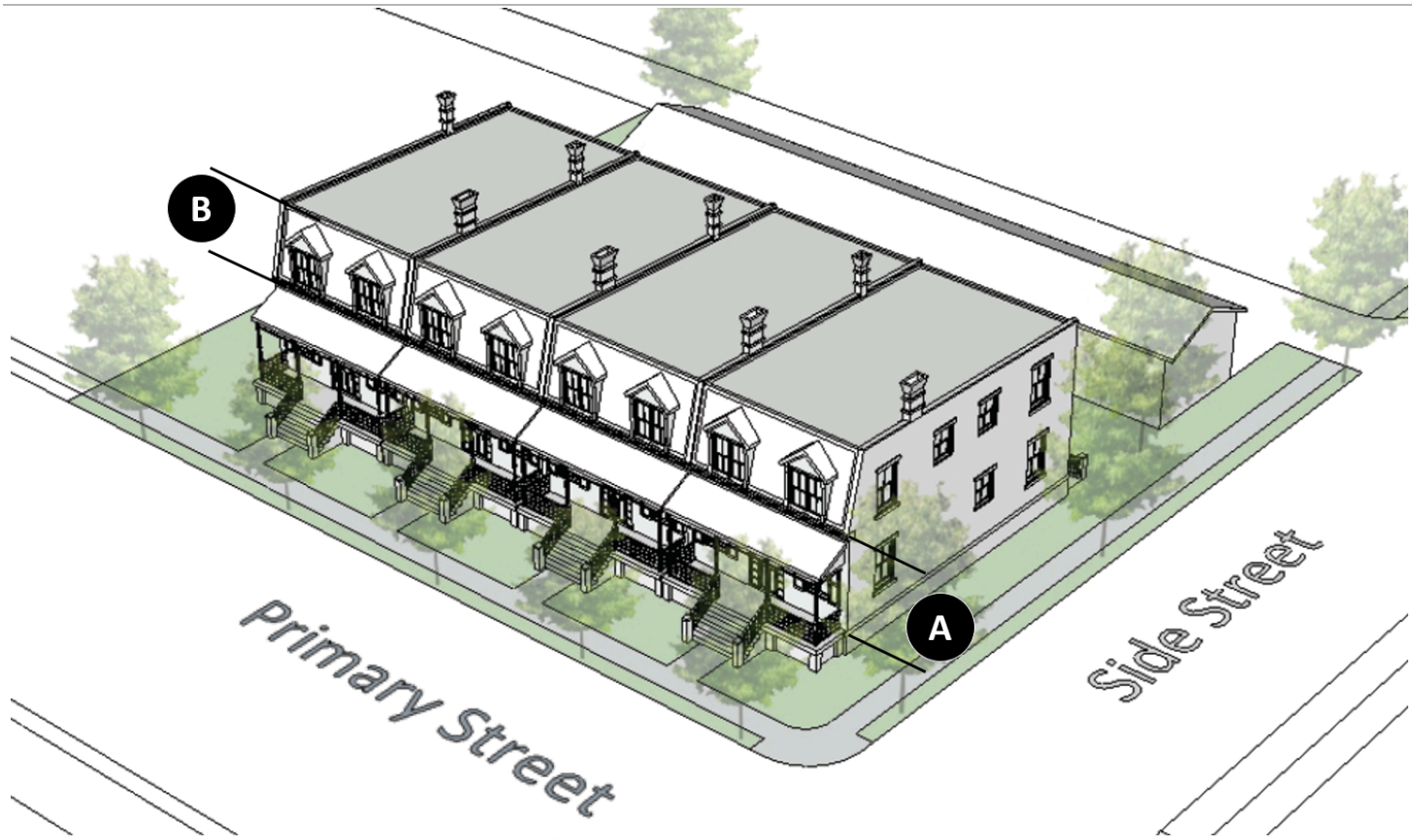


TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster and Planned Neighborhood*, where such a development is proposed.

Effective on: 10/15/2020

Subsec. 04.08.3.Q Triplex/Quadplex

Example Triplex/Quadplex in Covington

1. **Description**. Refer to 09.27.3, *Definitions*.
2. **Frontage Types**. Provisions for frontage types are established per Sec. 04.08.6, *Frontage Types*, and summarized in Table 04.08.3.Q, *Triplex/Quadplex*, below.
3. **Lot Dimensions**.
   a. *Mixed-Use and SU Districts*. Minimum lot area and lot width standards are established in the Mixed-Use Districts and the Semi-Urban Residential (SU) district by building type per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and summarized in Table 04.08.3.Q, *Triplex/Quadplex*, below.
   b. *Non-Mixed-Use or SU Districts*. Minimum lot area and lot width standards are established in the non-mixed-use or Semi-Urban Residential districts by character district per Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and are specified in Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*.
4. **Setbacks, Heights, and Frontage Width**. Minimum and maximum standards for building setbacks, overall heights, and frontage width are established for each character district per Sec. 04.10.2, *Building Placement and Massing Standards*. Where applicable, standards for minimum heights of specific building floors are established per Table 04.08.3.Q, *Triplex/Quadplex*, below.
5. **Permitted Encroachments**. Permitted setback and height encroachments are established for specific building or lot features per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
6. **Exterior Materials**. Standards for exterior building materials on street-facing elevations within the mixed-use districts are established for each character district per Sec. 04.10.4, *Exterior Material Standards*, and Table 04.10.4-4, *Material Requirements*.
7. **Parking Design, Location, and Use**. Standards related to parking are established per Division 11, *Parking, Loading, and Circulation*.
   a. *Parking Space Ratios*. Where required, minimum and maximum parking space ratios are established for each character district per Sec. 04.11.3, *Required Parking Ratios*.
   b. *Vehicular Access Point and Driveway Locations*. Where permitted, standards for the locations of vehicular access points and driveways are established for each character district per Subsec. 04.11.4.C, *Driveway Location and Width*.
   c. *Surface Parking Locations*. Where permitted, standards for the locations of vehicular surface parking are established for each character district per Subsec. 04.11.4.E, *Vehicular Surface Parking*.
   d. *Structured Parking Locations*. Where permitted, standards for the locations of vehicular structured parking are established for each character district per Subsec. 04.11.4.F, *Vehicular Structured Parking*.

8. **Mixed-Use Districts**. Refer to Sec. 02.04.3, *Mixed-Use Districts*.
9. **Additional Building-Type-Specific Standards**. Table 04.08.3.Q, *Triplex/Quadplex*, and the following dimensional standards and feature requirements apply to the Triplex/Quadplex building type or a given lot that incorporates such a building type.
   a. *Required Buffering*. A Triplex/Quadplex adjacent to a Single-Family Dwelling use or RR or SR district shall provide a Type II bufferyard as established in Sec. 04.12.5, *Bufferyards*.
   b. *Lot Coverage Increase*. In character districts where a Triplex/Quadplex building type is permitted, and where maximum lot coverage standards are established, the maximum permitted lot coverage for a lot containing an existing or proposed Triplex/Quadplex may be increased by 10 percent when the structure incorporates a white or green roof over 75% of its building footprint area in compliance with the U.S. Green Building Council standards for high reflectance and vegetated roofs.
   c. *Street-Facing Garage Doors*. Street-facing garage doors, where permitted, may comprise no more than 40 percent of the width of the front façade and shall be recessed at least five feet from the front façade.

Table 04.08.3.Q, *Triplex/Quadplex*[1]

Permitted Frontage Types[2]		
Forecourt		Subsec. 04.08.6.C
Porch		Subsec. 04.08.6.F
Side Entry		Subsec. 04.08.6.H
Stoop		Subsec. 04.08.6.I
Lot Dimensions (for Mixed-Use and SU Districts)[3]		
(A) in Diagram	Area (minimum square feet)	Lesser of (1) 5,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context
(B) in Diagram	Width (minimum feet)	Lesser of (1) 40 feet or (2) lot width of the narrowest similarly-developed lot within the context
(C) in Diagram	Area per Dwelling Unit (minimum square feet)	700 sq. ft.
Lot Dimensions Diagram		

Activation of Street-Facing Elevations		
(A) in Diagram	Ground Floor Transparency (minimum percent)	15
(B) in Diagram	Upper Floor Transparency (minimum percent)	15

Activation of Street-Facing Elevations Diagram

TABLE NOTES:

[1] Where context is referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[2] In case of discrepancy with permitted frontage types, the standards in Table 04.08.6.A, *Permitted Frontage Types by Building Type*, shall govern.

[3] In case of discrepancy with lot dimensions standards in this summary table, the standards in Sec. 04.09.2, *Dimensional and Lot Formula Tables*, shall govern. These standards may also be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where such a development is proposed.

Effective on: 10/15/2020

Sec. 04.08.4 Accessory Structures

A. **General**. Except as otherwise provided in this Section, the following standards shall apply to all accessory structures.

1. *Time of Construction*. Accessory structures shall be constructed in conjunction with or after the principal building.
2. *Subordination*. Accessory structures shall be of secondary importance and subordinate to the principal building.
3. *Lot and Building Standards*. The lot and building standards of the primary district or principal building type apply to an accessory structure, unless otherwise expressly stated.
4. *Lot Coverage.* In the Residential and Mixed-Use districts, the combined footprint floor area of all detached, covered accessory structures on a given lot shall not exceed the footprint floor area of the principal building on the same lot. In all other districts, a single detached, covered accessory structure may not have a larger footprint floor area than the building footprint of the principal building on the same lot.
5. *Height of Accessory Structures*. Unless otherwise expressly stated, accessory structures may not exceed the height of the principal building on the same lot.

B. **Accessory Uses**. Refer to Sec. 03.07.7, *Accessory Uses*, for provisions related to accessory uses.

C. **Specific Standards**. The following standards shall apply to specified accessory structures.

1. *Carriage House*. The standards for a carriage house building type are provided in Subsec. 04.08.3.C, *Carriage House.*
2. *Carport*.
   a. A carport shall be set back at least 5 feet from the front facade of the principal building. Where an improved alley is available, carport access shall take place from the alley.
   b. A carport shall be set back at least five feet from rear property lines.
3. *Residential Attached and Detached Garages.*
   a. Residential garages shall be located on the same lot as the principal building.
   b. 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 dwelling, attached dwelling, or two-unit dwelling to which it is accessory. Such street-facing garage doors shall be recessed from the front facade at least five feet and shall be set back from the front property line per the standards in Sec. 04.10.2, *Building Placement and Massing Standards*. The intent of these standards is to prevent garages from being the dominant visual feature on the front of the building.
   c. Detached garages shall be set back at least five feet from side property lines and rear property lines, except where the Director of Public Works confirms through an approved Encroachment Permit that a shorter setback from side property lines and rear property lines would still meet pedestrian safety, vehicular maneuvering, and public infrastructure alteration standards.
4. *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 shall comply with all setback requirements of the subject zone, except as expressly indicated in Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
   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 shall be located in a manner so as to detract as little as possible from the architectural character of the building.
      2. Satellite dish antennas shall comply with all setback requirements of the subject district, except as expressly indicated in Sec. 04.10.3, *Permitted Setback and Height Encroachments*.
      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.

D. **Exemptions**. Refer to Sec. 07.21.9, *Zoning Permit*, for provisions related to exemptions from zoning permit requirements.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.08.5 Temporary Structures

A. **General**. Except as otherwise provided in this Section, the following standards shall apply to all temporary structures.

1. *Temporary Use Permit*. Any owner of a temporary structure shall receive and display a valid temporary use permit from the Administrator. Any activity taking place within or on the temporary structure shall comply with the standards in Sec. 03.07.8, *Temporary Uses.*
2. *Duration*. The maximum duration of a temporary structure 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.
3. *More than Two Renewals.* A Conditional Use Permit in accordance with Sec. 07.23.2, *Conditional Use Permit*, shall be required if an applicant wishes to renew a temporary use permit for the same or similar structure on the same property more than two times in a calendar year.

4. *Property Owner's Permission*. The owner of a temporary structure shall obtain, in writing, the permission of the property owner to place a temporary structure on his or her property and shall submit a copy to the Administrator.
5. *Right-of-Way*. The placement of a temporary structure in the public right-of-way shall require an Encroachment Permit from the Director of Public Works. A temporary structure in the public right-of-way shall not require a zoning permit.

B. **Specific Standards**. The following standards shall apply to specific temporary structures, which shall require a Temporary Use Permit.

1. *Outdoor Dining (Nonresidential)*.
   a. A decorative fence, wall, or similar barrier shall be erected and maintained between an outdoor dining area and a right-of-way. The fence, wall or barrier shall be at least three feet in height. The barrier shall be designed to permit access from the building to the adjacent public right-of-way.
   b. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced, and maintained.
2. *Portable Storage.*
   a. Portable storage containers that are not deemed a permanent structure are prohibited within a Residential or Mixed-Use district or upon a vacant Commercial and Office or Industrial lot, except where the containers provide necessary storage for an active construction project, are necessitated by an unforeseen and uncontrollable event, or to assist in moving in or out of a residence.
   b. A portable storage unit shall not encroach into setbacks or over sidewalks.
   c. On nonresidential parcels, the unit shall be located behind the principal building.
   d. The maximum duration of a portable storage unit shall be two weeks if located in a residential driveway. The maximum duration shall be three months if it is located behind a principal building and screened from view from public rights-of-way and surrounding residential and mixed-use properties.
   e. Storage containers that comply with the building code shall be deemed a permanent structure and shall comply with the applicable requirements of Sec. 04.10.4, *Exterior Material Standards.*
3. *Temporary Construction Office or Equipment Storage*. The office or equipment storage shall be permitted from the time a Building Permit is approved until 30 days after a Certificate of Occupancy is issued.

C. **Exemptions**. The following temporary structures shall not require a Temporary Use Permit but shall comply with the standards in Subsection A., *General*, above and may require other approvals according to the Code of Ordinances.

1. Garage or yard sales;
2. Outdoor seasonal produce sales;
3. Sidewalk sale; and
4. Parklet.

D. **Temporary Uses**. Refer to Sec. 03.07.8, *Temporary Uses*, for provisions related to temporary uses.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.08.6 Frontage Types

Subsec. 04.08.6.A General Provisions

A. **Frontages**. Frontage consists of the area between the front facade of a principal building and the property line adjacent to a street, internal driveway, or open space. The frontage types specified in this Section regulate the design of the frontage of a building and how it relates to the street, internal driveway, or open space. Frontage types are associated with building types and permitted per the provisions of Table 04.08.6.A, *Permitted Frontage Types by Building Type*. Standards for specific frontage types are provided in the remaining subsections of Sec. 04.08.6.

B. **Most Similar Frontage Type**. In cases of uncertainty, the Administrator may determine the frontage type that most closely corresponds to the proposed development. The Administrator's determination shall be based on the following aspects of the proposed development, as applicable:

1. Pedestrian- or automobile-oriented nature;
2. Dimensional aspects including height, width, and depth;
3. Amount of transparency as a ratio of the frontage; and
4. Amount of paving and hardscaping as a ratio of the affected yard.

C. **Adjacent Streets or Driveways**. Every lot that requires a specific building type shall have a frontage on a public or private street, internal driveway, or open space as provided in Sec. 04.08.7, *Civic and Open Space Types*.

D. **Corner Lots**. On a corner lot, the building and its frontage shall be sited in the following priority order:

1. At the corner of two public streets;
2. At the corner of a public street and a private street or internal driveway;
3. At the corner of two private streets or internal drives; or
4. At the corner of a public or private street or internal driveway and open space.

E. **Multiple Buildings**. Two or more principal buildings on a lot shall be arranged and designed with allowable frontages based on building type.

Table 04.08.6.A, *Permitted Frontage Types by Building Type*

Building Type	Frontage Types[1]							
	Arcade/Gallery	Forecourt	Open Yard	Parking Frontage[2]	Porch	Shopfront	Side Entry	Stoop
	Subsec. 04.08.6.B	Subsec. 04.08.6.C	Subsec. 04.08.6.D	Subsec. 04.08.6.E	Subsec. 04.08.6.F	Subsec. 04.08.6.G	Subsec. 04.08.6.H	Subsec. 04.08.6.I
Apartment Building	--	♦	♦	--	--	--	♦	♦
Accessory Dwelling Unit/Carriage House	--	--	--	--	♦	--	♦	♦
Corner Store	♦	--	--	--	--	♦	--	--
Duplex	--	--	♦	--	♦	--	♦	♦
Flex Building	--	--	♦	♦	--	--	--	--
Large Format Building	--	--	♦	♦	--	--	--	--
Lot Line Dwelling	--	--	--	--	♦	--	♦	♦
Mixed Use Building	♦	♦	--	--	--	♦	--	--
Public and Civic Building	♦	♦	♦	♦	♦	♦	--	♦
Qualified Manufactured Home	--	--	♦	--	♦	--	♦	♦
Shop	--	♦	--	--	--	♦	--	--
Single-Family Attached Dwelling	--	--	--	--	♦	--	♦	♦
Single-Family Detached Dwelling	--	--	♦	--	♦	--	♦	♦
Townhouse/Rowhouse	--	--	--	--	♦	--	♦	♦
Triplex/Quadplex	--	♦	--	--	♦	--	♦	♦

TABLE NOTES:
♦ = permitted
-- = prohibited

[1] Frontage types generally permitted in this table may be restricted within specific character districts per the provisions in Sec. 04.08.3, *Housing and Building Types*.

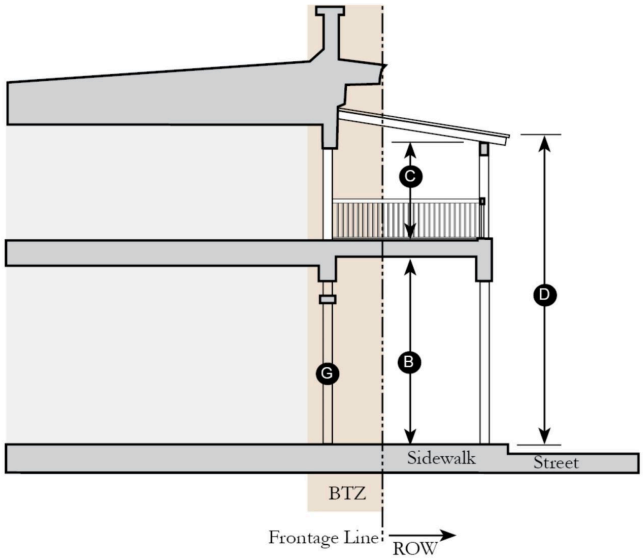
[2] Regardless of the provisions in this Table 04.08.6.A, a Parking Frontage type may be permitted for any permitted building type within specified character districts per Table 04.11.4.E, *Vehicle Surface Parking*.

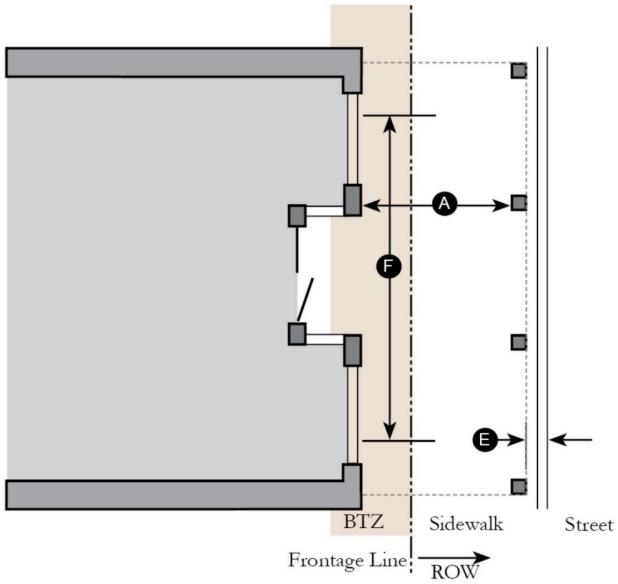
(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.08.6.B Arcade/Gallery

See Sec. 04.08.3, *Housing and Building Types*, for associated buildings





Key for Diagrams

Build-to-Zone (BTZ)
Frontage/Property Line

Arcade

1. Description

In the Gallery or Arcade frontage type, a covered walkway with or without habitable space above encroaches over a sidewalk or walkway. An arcade should be used to provide pedestrian circulation along a frontage and it should extend far enough from the building to provide adequate protection and circulation space for pedestrians. An arcade is intended for buildings with ground floor commercial uses and is common along public courtyards and walkable streets.

2. Size

Depth, Clear	8 ft min	**A**
Ground floor height, Clear	11 ft min	**B**
Upper floor height, Clear	9' min	**C**
Height	2 stories max with encroachment	**D**
Setback from back of curb	2 ft min	**E**
Width	75% facade width min	**F**

3. Miscellaneous

Arcade Frontages shall be used in conjunction with the standards for the Shopfront frontage type. In case of a conflict between them, the Arcade frontage type standards prevail.	**G**
Arcades shall have a consistent depth along a frontage.	
Arcades with more than 2 floors of habitable space above the colonnade shall not encroach onto a public right-of-way, and shall be located so that they abut the right-of-way.	

A gallery with slender metal columns

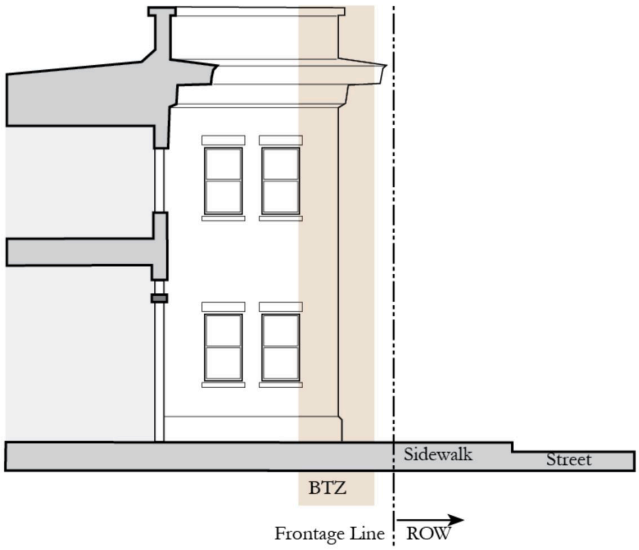
A wood framed gallery

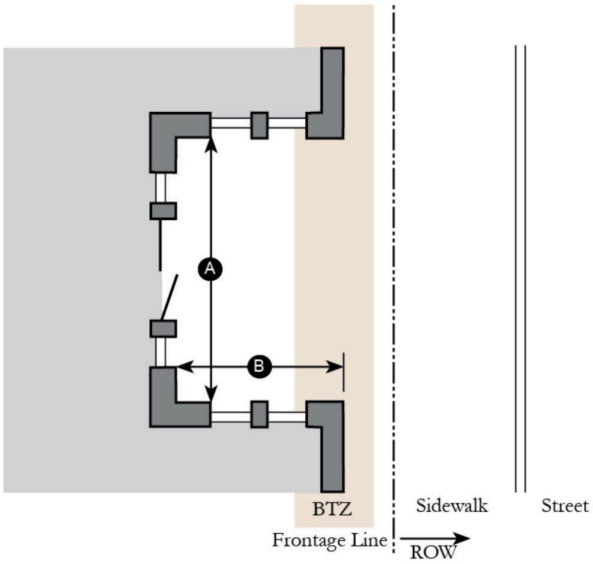
A masonry gallery with habitable space on second floor

Effective on: 10/15/2020

Subsec. 04.08.6.C Forecourt

See Sec. **04.08.3**, *Housing and Building Types*, for associated buildings





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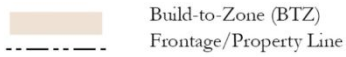


Forecourt

1. Description

In the Forecourt frontage type, the primary portion of the building's front façade is at the build-to- zone while a small percentage is set back, creating a courtyard space. This space can be used as entry court, garden space, or for outdoor seating, dining or retail.

2. Size

Width, Clear	12 ft min.	**A**
Depth, Clear	12 ft min.	**B**

3. Miscellaneous

Forecourts are especially useful along larger, more auto-dominant thoroughfares in order to provide well-shaped, intimately sized public outdoor spaces.

The proportions and orientation of courtyard spaces shall be carefully considered for solar orientation and user comfort.

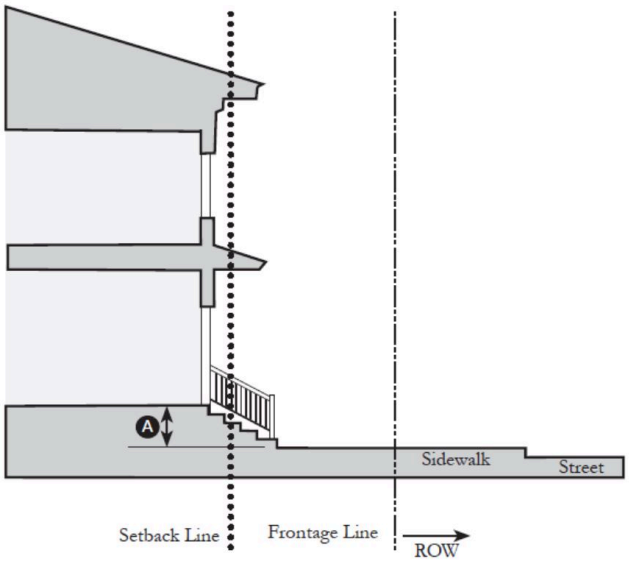
An elevated forecourt

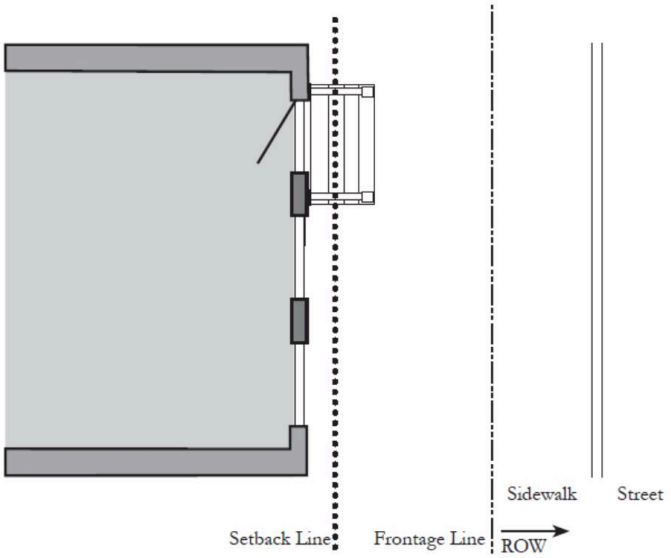
An elevated forecourt forming a dining terrace

Effective on: 10/15/2020

Subsec. 04.08.6.D Open Yard

See Sec. 04.08.3, *Housing and Building Types*, for associated buildings





Key for Diagrams

Setback Line

Frontage/Property Line

Open Yard

1. Description

In the Open Yard frontage type, a landscaped yard separates the building and the street. It is intended for non-urban areas with moderate to considerable setbacks. It is also appropriate for areas transitioning from non-urban residential to non-urban commercial where the frontage maintains the residential character of the street. A fence at the frontage line may help to maintain privacy and street spatial definition. A visually continuous yard can be created without fencing. If there is a porch it is a secondary feature.

2. Size

Finish Level above Sidewalk	24" min	**A**

3. Miscellaneous

The entry to the house could be in the front or to the side.

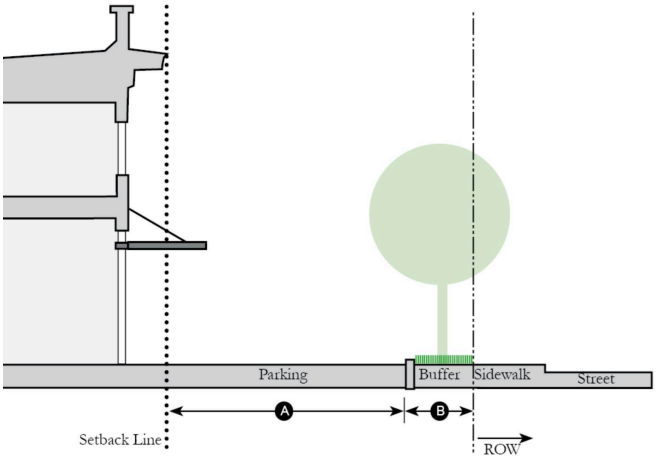
The Open Yard frontage is only permitted in the RR, SR, and SO districts.

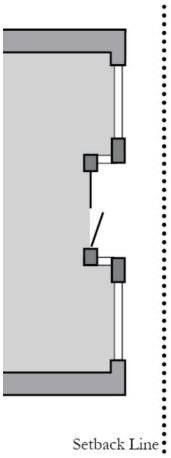
An open yard in a suburban context

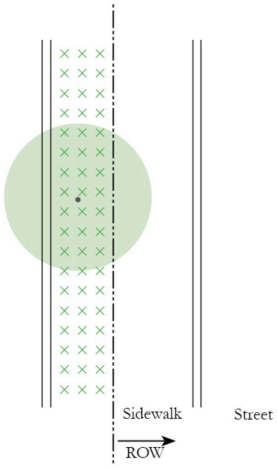
Effective on: 10/15/2020

Subsec. 04.08.6.E Parking Frontage

See Sec. 04.08.3, *Housing and Building Types*, for associated buildings







Key for Diagrams

Setback Line

Frontage/Property Line

Parking

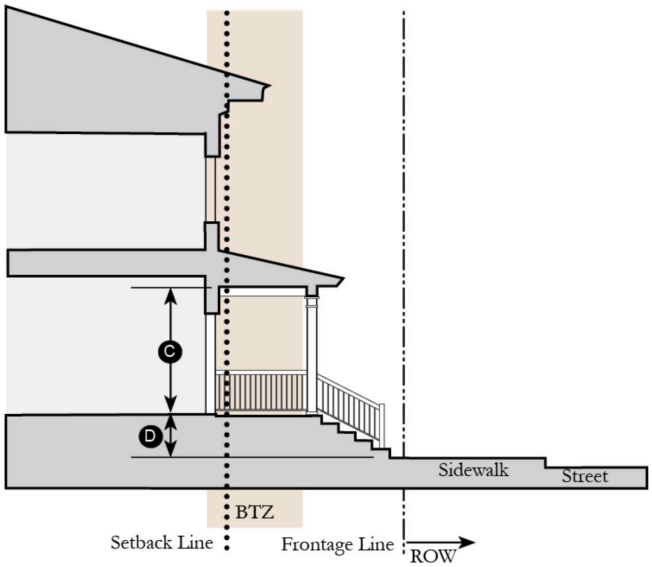
1. Description		
In the Parking frontage type, front access to buildings by vehicles is provided while maintaining a moderate level of walkability. A maximum of two rows of off-street parking and one drive aisle is provided between the building and the street. Setbacks and low vegetated or structural screening separate the parking area from the sidewalk.		
2. Size		
Depth	60' max (two rows of 90 degree parking and one drive aisle)	**A**
Buffer	The buffer between the parking area and the sidewalk shall comply with Sec. 04.12.5, Bufferyards.	**B**
3. Miscellaneous		
The Parking frontage is generally prohibited in the Semi-Urban Residential district and the Mixed-Use districts.		
The Shop building type may be used in conjunction with Parking frontages in the AUC district.		

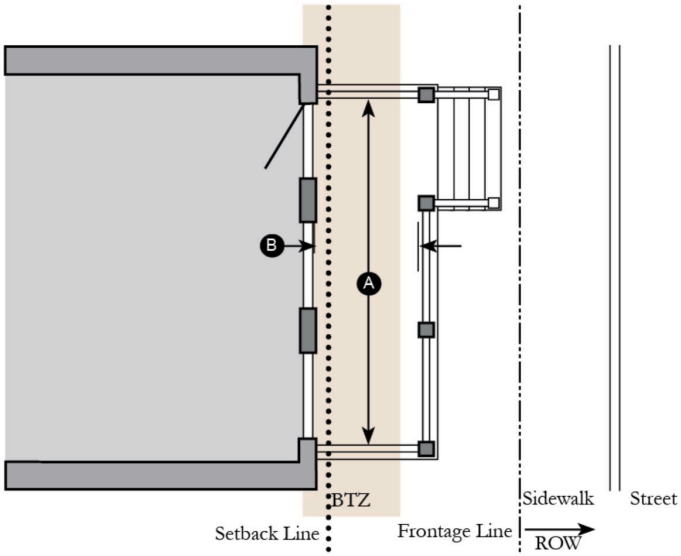
A Parking frontage in a suburban context

Effective on: 10/15/2020

Subsec. 04.08.6.F Porch

See Sec. **04.08.3**, *Housing and Building Types*, for associated buildings





Key for Diagrams

Build-to-Zone (BTZ)
Frontage/Property Line
Setback Line

Porch

1. Description

In the Porch frontage type, the front façade of the building is at the build-to-zone or setback line and the porch projects forward. The Porch is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building. A porch is large enough to function as an outdoor living space. Stairs from the porch may descend forward or to the side. Porches may extend forward of the build-to-zone or Setback Line.

2. Size

Width, Clear	8 ft min.	**A**
Depth, Clear	6 ft min.	**B**
Height, Clear	8 ft min.	**C**
Height	2 story max	
Finish Level Above Sidewalk	0 ft min.	**D**

3. Miscellaneous

Stairs from the Porch may extend into the Right-of-Way if permitted by the Director of Public Works.

A 6’ minimum clear zone for pedestrians shall be maintained on the sidewalk.

Metal Porch at Amos Shinkle Townhouse in Covington

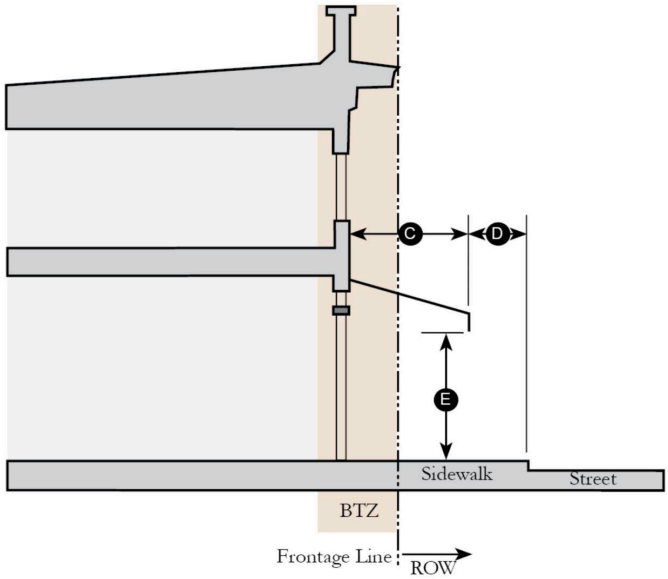
A two-story porch on an apartment building

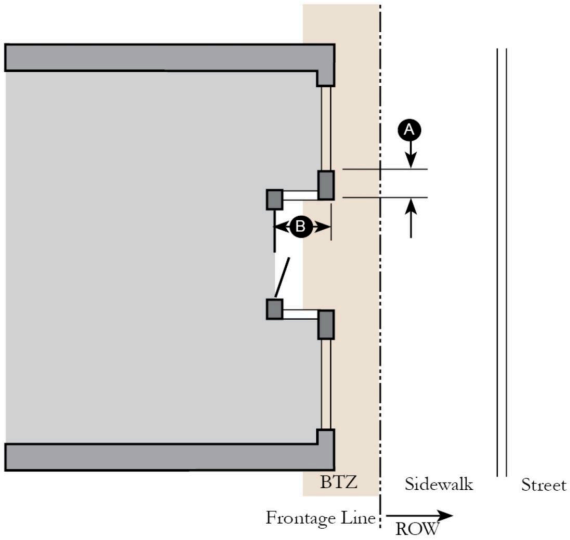
(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.08.6.G Shopfront

See Sec. 04.08.3, *Housing and Building Types*, for associated buildings





Key for Diagrams

Build-to-Zone (BTZ)
Frontage/Property Line

Shopfront

1. Description		
In the Shopfront frontage type, the front façade of the building is at or near the frontage line with an at-grade entrance along the public right-of-way. The Shopfront frontage also includes a canopy or awning element that overlaps the sidewalk along the majority of the frontage. The canopy is a structural cantilevered shed roof and the awning is canvas or similar material and is often retractable. A shopfront may be used in conjunction with other frontage types.		
2. Size		
Distance between glazing	2 ft max	**A**
Ground floor transparency between 3 ft and 8 ft above floor level	70% min and should allow a view of at least 5 feet of interior space	
Upper floors transparency between 3 ft and 8 ft above floor level	40% min	
Depth of recessed entries [1]	5 ft max	**B**
3. Canopy or Awning		
Depth	4 ft min	**C**
Width, cumulative	70% facade width min	
Setback from back of curb	2 ft min	**D**
Height, Clear	8 ft min	**E**
4. Miscellaneous		
Doors maybe recessed as long as Front Facade is at BTZ.		
Operable awnings are encouraged.		
Open-ended awnings are encouraged		
Notes: [1] A recessed entry may be designed in a variety of configurations (recessed door, sawtooth pattern, etc.) and may be located on the front facade or the corner of a building.		

A shopfront with a centered doorway in Covington

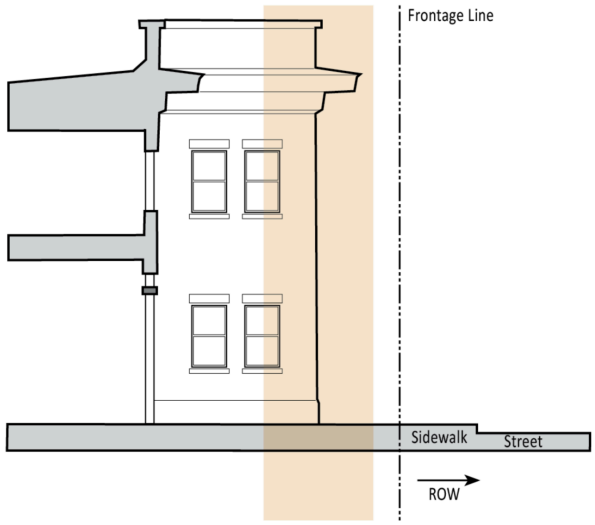
A shopfront with a recessed doorway

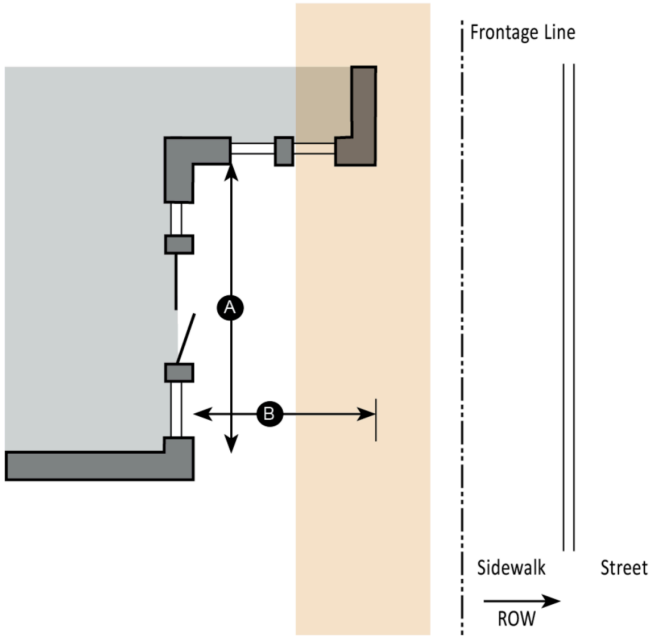
(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.08.6.H Side Entry

See Sec. 04.08.3, *Housing and Building Types*, for associated buildings





Key for Diagrams

Build-to-Zone (BTZ) Setback Line
Frontage/Property Line

Side Entry		
1. Description		
In the Side Entry frontage type, the entry can serve as either the primary or secondary access to a building. Side entries shall meet the street and side yard setbacks.		
2. Size		
Offset from Front of Building	10 ft min.	**A**
Width	5 ft min.	**B**
3. Miscellaneous		
Side entries can be accompanied by a one or two-story porch, a stoop, or be built as an extension of the principal building.		
A side entry may only be used on the end units of a set of townhouses.		

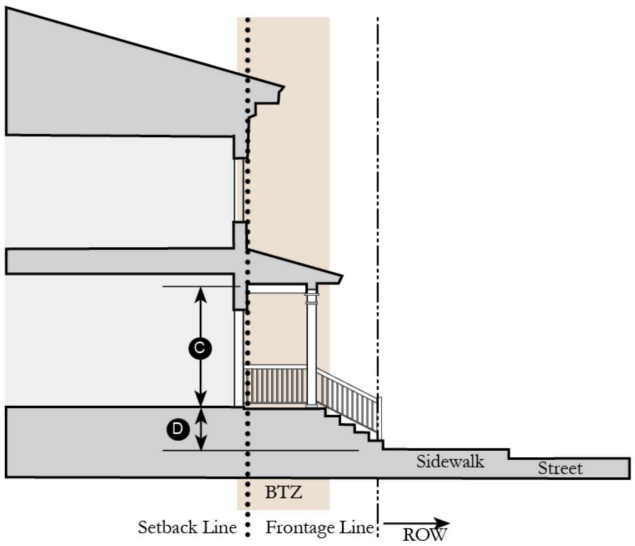
Side entry on a single-family detached house

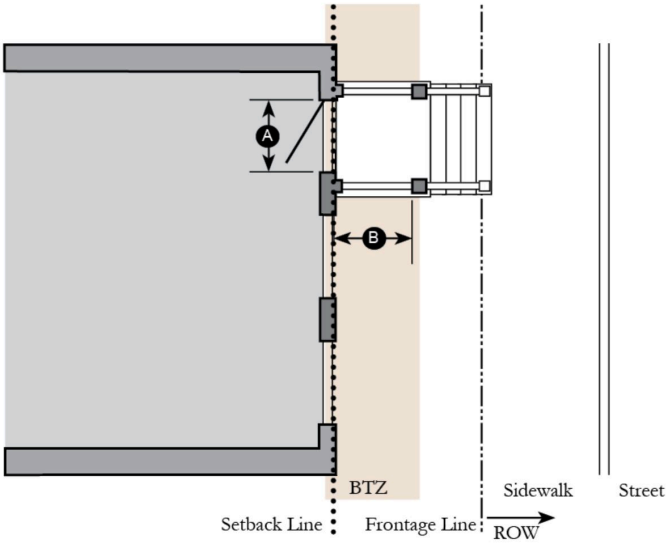
(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.08.6.I Stoop

See Sec. 04.08.3, *Housing and Building Types*, for associated buildings





Key for Diagrams

Build-to-Zone (BTZ)
Frontage/Property Line
Setback Line

Stoop

1. Description		
In the Stoop frontage type, the front façade of the building is at the build-to-zone or setback line and the elevated stoop projects forward. The stoop is elevated above the sidewalk to ensure privacy within the building. The stoop usually is composed of stairs and a landing.		
2. Size		
Width, Clear	5 ft min., 8 ft max	**A**
Depth, Clear	5 ft min., 8 ft max	**B**
Height, Clear	8 ft min.	**C**
Height	1 story max	
Finish Level Above Sidewalk	0 ft. min.	**D**
3. Miscellaneous		
A stoop is appropriate for residential uses with small setbacks.		
Stoops may extend forward of the build-to-zone or setback line and, if permitted by the Director of Public Works, into the right-of-way.		
A six-foot minimum clear zone for pedestrians shall be maintained on the sidewalk.		
Stairs may be perpendicular or parallel to the building facade.		
The entry doors are encouraged to be covered or recessed to provide shelter from the elements.		
Gates are not allowed.		
All doors shall face the street.		

A Stoop at La Salette Academy in Covington

An Uncovered Stoop

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.08.7 Civic and Open Space Types

Subsec. 04.08.7.A General Provisions

1. **Purpose**. This Section establishes types and standards for new development to provide parks, open space, and civic spaces (referred to collectively in this section as "open space") into the development design. Both private and public open space shall be distributed throughout the development site and provide not only aesthetic quality compatible with the underlying character district but serve recreational and civic functions as well. A variety of open spaces shall be conveniently accessible to all residents, employees, and patrons and provide pedestrian linkages throughout the development.
2. **Applicability**. The provisions of this Section shall apply to the development of all land in the City subject to a Preliminary Plat, Development Plan, or Site Plan that exceed the following thresholds.
   a. *Residential Development.*
      i. Five acres; or
      ii. 35 dwelling units.
   b. *Nonresidential and Mixed-Use Development*. Any nonresidential or mixed-use development, excluding land within the LI or GI character districts, that exceeds:
      i. Two primary buildings;
      ii. Two nonresidential tenants;
      iii. A gross building area of 60,000 square feet (in one or more buildings); or
      iv. Three acres of a site or lot area.
3. **Exemptions**.
   a. Residential lots that are a half-acre or more may be excluded from the open space set-aside calculation.
   b. Otherwise applicable developments whose boundaries are within 1,320 feet of an existing open space, based on the shortest distance along a sidewalk or street, shall be exempt from the requirements of this Section if the land area of the open space meets the set-aside requirements of this Section.
   c. Open space shall not be required when the minimum open space set-aside calculation for:
      i. Residential development yields less than 5,000 square feet; or
      ii. Nonresidential or mixed-use development yields less than 2,500 square feet.
4. **Minimum Open Space.** Open Space shall be provided in accordance with Table 04.08.7.A-1, *Minimum Open Space*.

Table 04.08.7.A-1, *Minimum Open Space*

Character District	Minimum Open Space Set Aside	Required Open Space Type
All Districts[1]	5%	Any combination as permitted by district
RR	30% (cluster neighborhoods)	Natural Area
SR	30% (cluster neighborhoods)	Natural Area
SR	45% (planned neighborhoods)	Any combination as permitted by district

TABLE NOTES:

[1] Provisions in this row apply to all non-cluster neighborhood and non-planned neighborhood developments which meet the applicability criteria in subparagraph 2, above.

5. **Calculation of Minimum Open Space.**
   a. The minimum open space set-aside calculation shall be based on the entire development site.
   b. Parking areas, driveways, buildings, required sidewalks along streets, public right-of-ways, and individual private yards, porches, or balconies shall not be counted as open space. However, green roofs in compliance with the U.S.

Green Building Council standards for vegetated roofs shall qualify as open space.

6. **Required Landscaping**. For all open space types, a minimum of one canopy tree and two ornamental trees shall be preserved or provided per 2,500 square feet of open space area.
7. **Ownership, Management, and Maintenance of Open Spaces**. Required open space area shall be owned, managed and maintained as permanent open space through one or more of the following options:
   a. *Maintenance of Open Spaces*. Dedicated open space areas shall be maintained in reasonable order and condition. Responsibility for managing and maintaining open space areas lies with the owner of the land comprising the areas. Failure to maintain open space areas in a manner consistent with the Kenton County Subdivision Regulations or with the standards of Article 158.04, *Development Design Standards*, shall be a violation of this NDC. Identification of who bears responsibility for managing and maintaining open space areas shall be shown on any recorded subdivision plat for the development or any approved construction plan for the development (if no subdivision approval is required).
   b. *City or Other Public Agency*. Open space areas may be dedicated to the public and conveyed to the City or other public agency that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes. Land dedicated to the City shall take the form of a fee simple ownership and the City may accept a dedication if:
      i. The land is accessible to the residents of the City;
      ii. There is no cost of acquisition other than any cost normally associated with closing on real estate;
      iii. An environmental survey of the property is submitted;
      iv. A metes and bounds and boundary survey of the property is submitted; and
      v. A warranty deed is submitted to verify ownership, along with a submittal determining property value.
   c. *Third-Party Beneficiary*. Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.
   d. *Property Owners' or Homeowners' Association*. Open space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes.
   e. *Owner(s)*. Open space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open space purposes.
8. **Civic and Open Space Types**. The following civic and open space types in Table 04.08.7.A-2 are permitted in the character districts indicated. Each civic or open space shall comply with all standards and tables of the corresponding open space types defined in Subsections 04.08.7 A - 04.08.7 G

Table 04.08.7.A-2, *Civic and Open Space Types*

Civic and Open Space Description	Illustration	Character Districts Where Permitted
Park: A park is an open space that may be designed for active or passive recreational use, such as amenity centers, neighborhood pools, or athletic fields. Parks can be available for credit as formal or informal open space set-aside requirements depending on the intensity of the improvements. Parks create a central open space, which services an entire neighborhood or group of neighborhoods or incorporates physical features that are assets to the community (i.e., water frontage, high ground, or significant stands of woodlands). Parks may be combined or interconnected with other open space types.		All Districts

Common Green:
A common green is a public, urban open space available for unstructured and limited amounts of structured recreation. Buildings face onto a common green and the space consists of lawns, trees, and shrubs planted in formal patterns with paths and benches in shaded areas. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the common green.
The space may serve as a location of occasional commercial and civic uses such as neighborhood fairs or festivals, concerts, or other public events.

All Districts

Plaza:
A plaza is a public, urban open space that offers abundant opportunities for civic gathering. Plazas add to the vibrancy of streets within the more urban areas of the City and create formal open spaces available for civic purposes and commercial activity. Building frontages define the edges of plazas.
Plazas have a balance of hardscape and planting. Seating consists of a combination of planter seat walls, steps, benches, and chairs. Trees provide shade and should be formally arranged and of appropriate scale. Plazas typically are located at the intersection of highly traveled streets. A minimum of one public street frontage is required for plazas.

All Districts except RR and RS

Playground:
Playground areas are family-oriented play areas within urban and suburban open contexts that are conducive to the recreational needs of children. Playground areas range in style from urban pocket parks within mixed-use developments to playscapes within neighborhood parks.
These play areas are protected from the street and typically located where users do not have to cross major streets to access. An open shelter, play structures, or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided for ease of supervision.
A larger playground may be incorporated into a park or common green.

All Districts

Square:
A square is a public, urban open space dedicated to unstructured public use. Square types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and the buildings fronting the space. Squares are located at the intersection of highly traveled streets.
The square should have an urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square.
The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

All Districts except RR and SR

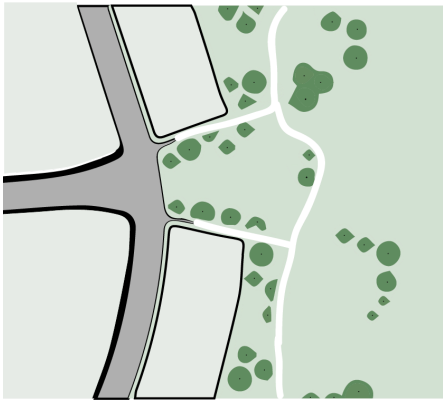
Natural Area: A natural area is an open space that is maintained but left in a natural state. Natural areas may contain hillsides, hillcrests, moderate to steep slopes (exceeding 15 percent), floodplains and riparian buffers, streams, ponds, agricultural lands, forests, fields, meadows, tree save areas, scenic corridors and viewsheds, wildlife habitats, or vegetated stormwater management features. These areas may also contain historic or culturally significant areas, such as cemeteries, battlefields, or other archeologically significant resources.		RR and SR

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.08.7.B Park

Park Standards



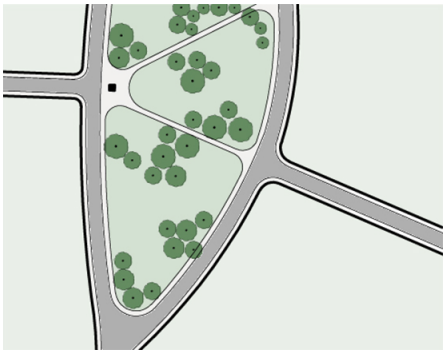
A park is an open space that may be designed for active or passive recreational use, such as amenity centers, neighborhood pools, or athletic fields. Parks can be available for credit as formal or informal open space set-aside requirements depending on the intensity of the improvements. Parks create a central open space, which services an entire neighborhood or group of neighborhoods or incorporates physical features that are assets to the community (i.e., water frontage, high ground, or significant stands of woodlands). Parks may be combined or interconnected with other open space types.

Typical Characteristics
General Character
Informal open space
Focused on family-oriented use
Open shelters, seating, paths, lawns, and trees formally arranged
Play structures, interactive art or fountains
Standards
Minimum size: 5,000 sq.ft. Maximum size: None
Minimum pervious cover: 90%; remainder shall consist of amenities, crushed stone, or pavers
Connected by sidewalk or paved path to any adjacent street
Typical Uses
Active and passive recreation
Casual seating

Effective on: 10/15/2020

Subsec. 04.08.7.C Common Green

Common Green Standards



A common green is a public, urban open space available for unstructured and limited amounts of structured recreation. Buildings face onto a common green and the space consists of lawns, trees, and shrubs planted in formal patterns with paths and benches in shaded areas. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the common green.

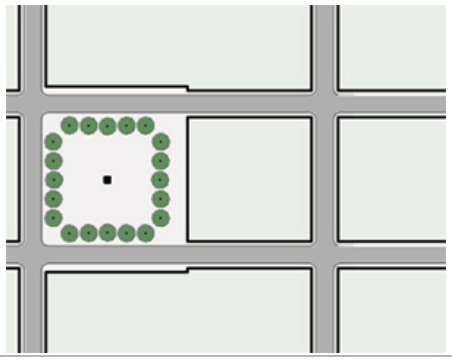
The space may serve as a location of occasional commercial and civic uses such as neighborhood fairs or festivals, concerts, or other public events.

Typical Characteristics
General Character
Formal open space
Spatially defined by buildings or streets
Open shelters, seating, paths, lawns, and trees formally arranged
Abundant seating opportunities
Walkways and plantings at all edges
Standards
A minimum of one side of the common green shall abut a street
Minimum size: 5,000 square feet Maximum size: 15 acres
Minimum pervious cover: 60%; remainder shall consist of amenities, crushed stone, or pavers
No service or mechanical equipment
Typical Uses
Unstructured and passive recreation
Community gathering with occasional commercial and civic uses

Effective on: 10/15/2020

Subsec. 04.08.7.D Plaza

Plaza Standards



A plaza is a public, urban open space that offers abundant opportunities for civic gathering. Plazas add to the vibrancy of streets within the more urban areas of the City and create formal open spaces available for civic purposes and commercial activity. Building frontages define the edges of plazas.

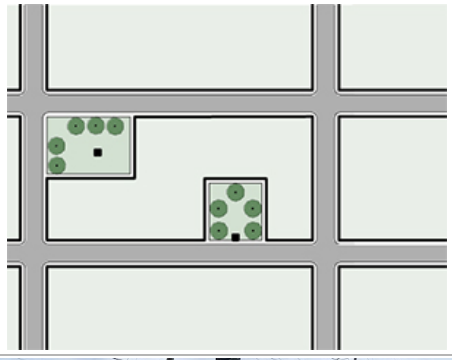
Plazas have a balance of hardscape and planting. Seating consists of a combination of planter seat walls, steps, benches, and chairs. Trees provide shade and should be formally arranged and of appropriate scale. Plazas typically are located at the intersection of highly traveled streets. A minimum of one public street frontage is required for plazas.

Typical Characteristics
General Character
Formal open space
Defined seating areas
A balance of hardscape and planting
Trees important for shade
Spatially defined by building frontages
Standards
Minimum size: 0.25 acre Maximum size: 1 acre
Minimum width: 30 feet
Maximum pervious cover: 20%; remainder shall consist of amenities and pavers
Minimum perimeter frontage on public right of way: 25%
Located at intersections of highly traveled streets, at vista termini, or at entrances to public/civic buildings
Typical Uses
Commercial and civic uses
Formal and casual seating
Tables and chairs for outdoor dining
Retail and food kiosks

Effective on: 10/15/2020

Subsec. 04.08.7.E Playground

Playground Standards



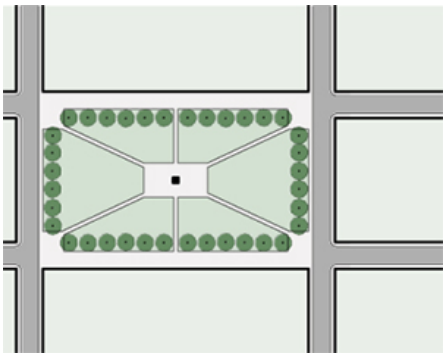
Playground areas are family-oriented play areas within urban and suburban open contexts that are conducive to the recreational needs of children. Playground areas range in style from urban pocket parks within mixed-use developments to playscapes within neighborhood parks.
These play areas are protected from the street and typically located where users do not have to cross major streets to access. An open shelter, play structures, or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided for ease of supervision.
A larger playground may be incorporated into a park or common green.

Typical Characteristics
General Character
Focused on family-oriented use
Open shelter
Shade and seating provided
Play structure, interactive art or fountains
Standards
Minimum size: None Maximum size: None
Minimum pervious cover: 60%; remainder shall consist of amenities, crushed stone, or pavers
ADA compliant
A walkway shall connect to the adjacent sidewalk
Compliant with U.S. CPSC standard 325, 2010, "Public Playground Safety Handbook," U.S. Consumer Protection Safety Commission, Bethesda, MD
Typical Uses
Active and passive recreation
Unstructured recreation
Casual seating, paths and trails, accessor structures, drinking fountains

Effective on: 10/15/2020

Subsec. 04.08.7.F Square

Square Standards



A square is a public, urban open space dedicated to unstructured public use. Square types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and the buildings fronting the space. Squares are located at the intersection of highly traveled streets.

The square should have an urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square.

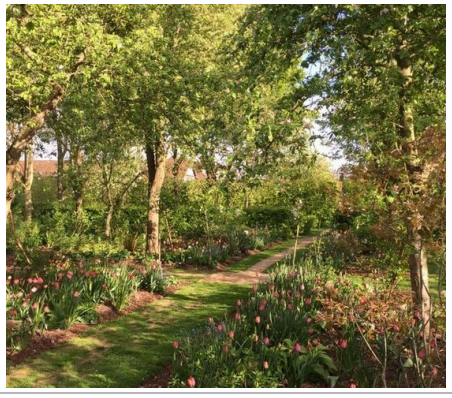
The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

Typical Characteristics
General Character
Formal open space
Spatially defined by buildings and tree-lined streets.
Open shelters, paths, lawns, benches, and trees formally arranged
Walkways and plantings at all edges
Abundant seating opportunities
Standards
Minimum size: 0.25 acres Maximum size: 5 acres
Minimum width: 25 feet
Maximum pervious cover: 50% remainder shall consist of amenities and pavers
Located at intersections of highly traveled streets
Typical Uses
Unstructured and passive recreation – no organized sports.
Community gathering
Occasional commercial and civic uses

Effective on: 10/15/2020

Subsec. 04.08.7.G Natural Areas

Natural Areas Standards



A natural area is an open space that is maintained but left in a natural state. Natural areas may contain hillsides, hillcrests, moderate to steep slopes (exceeding 15 percent), floodplains and riparian buffers, streams, ponds, agricultural lands, forests, fields, meadows, tree save areas, scenic corridors and viewsheds, wildlife habitats, or vegetated stormwater management features. These areas may also contain historic or culturally significant areas, such as cemeteries, battlefields, or other archeologically significant resources.

Typical Characteristics
General Character
Informal natural space
Spatially defined by natural features
Barns, paths, meadows, and forests are designed to reflect the natural and cultural heritage of the site
Potential to interconnect with other natural areas
Standards
Minimum size: 1 contiguous acre
Minimum width: 25 feet at any location
Located in areas of sensitive environmental resources, including but not limited to woodlands, waterways and riparian buffers, steep slopes, and floodplains
Typical Uses
Unstructured and passive recreation – no organized sports
Agriculture, wildlife habitat, scenic corridors and viewsheds, vegetated stormwater management features, tree save areas.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.08.8 Additional Standards for Large Development Sites

A. **Applicability**. The following provisions apply for new development or redevelopment on sites or lots of sizes specified below.

B. **Pedestrian Passages**. For new development proposed on 50 percent or more of the square footage of an existing block that is over 800 feet in length along any adjoining public right-of-way, the following standards shall apply to ensure pedestrian connectivity through the site;

1. *Purpose*. A pedestrian passage shall be provided for convenient and easy walking access through the block between adjoining public thoroughfares. Pedestrian passages are restricted to pedestrian use and may have limited vehicular access for maintenance and operational purposes.
2. *Location*. Pedestrian passages shall be located near the middle of a block, and are intended to provide connectivity to existing pedestrian networks and connect to other public spaces such as sidewalks, plazas, courtyards, thoroughfares, alleys, and parking garages.
3. *Width*. Pedestrian passages shall be designated as a public access easement or public right of way and shall be a minimum of 20 feet in width with a paved walkway a minimum of 10 feet wide.
4. *Existing Pedestrian Passage*. Where a pedestrian passage currently exists within a development or redevelopment site, it may be improved upon to meet the standards above and satisfy the requirement of this Section.

C. **Low Impact Development**. On any development or redevelopment site larger than two acres, a minimum of 25 percent of required landscaped areas shall be designed and constructed to serve as stormwater infiltration and treatment facilities for stormwater falling on impervious surfaces within the development. Such facilities may include a green roof.

Effective on: 10/15/2020

Division 09 Lots

Contents:

Sec. 04.09.1 Applicability

Sec. 04.09.2 Dimensional and Lot Formula Tables

Sec. 04.09.1 Applicability

A. **Consolidated References**. Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, and Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, provide a consolidated reference for lot area and width requirements in this NDC. If there is a conflict between these tables and the requirements in the subsections of Division 04, *Primary Districts*, or Sec. 04.08.3, *Housing and Building Types*, then Tables 04.09.2-1 and 04.09.2-2 shall govern.

B. **Mixed-Use and SU Districts**. Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, provides standards based on a given building type and applies to the following character districts:

1. Semi-Urban Residential (SU), Subsec. 02.04.1.C;
2. Commercial Mixed Use (CMU), Subsec. 02.04.3.A;
3. Central Riverfront Mixed-Use District (CRM), Subsec. 02.04.3.B;
4. Downtown Core (DTC), Subsec. 02.04.3.C;
5. Downtown Riverfront (DTR), Subsec. 02.04.3.D;
6. Traditional Urban Mixed Use (TUMU), Subsec. 02.04.3.E; and
7. Traditional Urban Residential (TUR), Subsec. 02.04.3.F.

C. **Non-Mixed Use or SU Districts**. Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed Use or SU Districts)*, provides standards based on a given character district and applies to the following character districts:

1. Rural Residential (RR), Subsec. 02.04.1.A;
2. Suburban Residential (SR), Subsec. 02.04.1.B;
3. Auto-Urban Commercial (AUC), Subsec. 02.04.2.A;
4. Suburban Office (SO), Subsec. 02.04.2.B;
5. Suburban Industrial (SI), Subsec. 02.04.4.A;
6. Limited Industrial (LI), Subsec. 02.04.4.B; and
7. General Industrial (GI), Subsec. 02.04.4.C.

Effective on: 10/15/2020

Sec. 04.09.2 Dimensional and Lot Formula Tables

A. **Nonconformities**. Nonconforming lots and buildings are subject to the provisions of Article 158.05, *Nonconformities*.

Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*[1, 2, 3, 4]

Building Type	Minimum Lot Area	Minimum Lot Width	Minimum Building Gross Floor Area Per Dwelling Unit[5, 6]
Apartment Building	Lesser of (1) 10,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 60 feet or (2) lot width of the narrowest similarly-developed lot within the context	400 sq. ft.
Corner Store	Lesser of (1) 3,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 30 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A[6]

Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*[1, 2, 3, 4]

Building Type	Minimum Lot Area	Minimum Lot Width	Minimum Building Gross Floor Area Per Dwelling Unit[5, 6]
Duplex	Lesser of (1) 2,200 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 25 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A
Flex Building	30,000 sq. ft.	100 feet	N/A
Large Format Building	1 acre	150 feet	N/A
Lot Line Dwelling	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A
Mixed Use Building	Lesser of (1) 3,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 30 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A[6]
Public and Civic Building	Lesser of (1) 6,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 60 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A
Qualified Manufactured Home	Lesser of (1) 2,200 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 25 feet or (2) lot width of the narrowest similarly-developed lot within the context	900 sq. ft.
Shop	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 40 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A
Single-Family Attached Dwelling	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A
Single-Family Detached Dwelling	Lesser of (1) 2,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context	N/A
Tiny House[7]	Lesser of (1) 1,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 20 feet or (2) lot width of the narrowest similarly-developed lot within the context	See Subsec. 04.08.3.O, *Tiny House*
Townhouse/Rowhouse	Lesser of (1) 1,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser (1) 20 feet or (2) lot width of the narrowest similar-developed lot within the context	N/A
Triplex/Quadplex Building	Lesser of (1) 5,000 sq. ft. or (2) lot area of smallest similarly-developed lot within the context	Lesser of (1) 40 feet or (2) lot width of the narrowest similarly-developed lot within the context	700 sq. ft.

TABLE NOTES:

[1] This Table 04.09.2-1, *Lot and Building Area Standards (Mixed-Use and SU Districts)*, applies to development only in the character districts specified in Sec. 04.09.1, *Applicability*.

[2] Where referenced, the standards for identifying a context are established in Sec. 09.28.2, *Identifying the Context*.

[3] Where referenced, "similarly-developed lot" means a lot improved with a similar building as the proposed.

[4] These standards may be modified in instances of a Cluster Neighborhood, Planned Neighborhood, or Tiny House Neighborhood development per the provisions of Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods.*

[5] Gross Floor Area is calculated per Sec. 09.28.1, *Buildings, Walls, and Fences*.

[6] Where permitted, an Upper-Story Dwelling Unit shall require a minimum building gross floor area of 400 sq. ft. per dwelling unit.

[7] Where a Tiny House Neighborhood is proposed in the SU district, these standards may be modified per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*.

Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*[1]

Character District		Dimensional Standards (Units are in feet unless otherwise stated.)					
		Maximum Dwelling Units per Acre	Minimum Lot Area[2]	Minimum Lot Width	Minimum Site Area[3]	Minimum Open Space (percentage of total development land area)	Maximum Floor Area Ratio[4]
Rural Residential (RR)[5]	Auto-Oriented Neighborhood[6]	1.000	40,000 sf.	125 ft.	N/A	N/A	N/A
	Cluster Neighborhood[7]	1.500	20,000 sf.	90 ft.	10 acres	30%	N/A
Suburban Residential (SR)[5]	Auto-Oriented Neighborhood[6]	2.064	20,000 sf.	100 ft.	N/A	N/A	N/A
	Cluster Neighborhood[7]	2.417	12,500 sf.	80 ft.	10 acres	30%	N/A
	Planned Neighborhood[7]	2.825	7,500 sf.	60 ft.	10 acres	45%	N/A
	Tiny House Neighborhood[7]	10.045	2,000	25 ft.	3 acres	35%	N/A
Auto-Urban Commercial (AUC)		N/A	20,000 sf.	125 ft.	N/A	30%	.33
Suburban Office (SO)		N/A	20,000 sf.	150 ft.	N/A	45%	.66
Suburban Industrial (SI)		N/A	N/A	150 ft.	N/A	20%	.66
Limited Industrial (LI)		N/A	N/A	150 ft.	N/A	15%	.80
General Industrial (GI)		N/A	N/A	200 ft.	N/A	10%	.80
Resource Protection (RP)		N/A	1 acre	150 ft.	N/A	N/A	N/A
Recreation (REC)		N/A	5 acres	150 ft.	N/A	N/A	N/A

TABLE NOTES:

sf. = Square Feet; ft. = Feet

[1] This Table 04.09.2-2, *Lot and Building Area Standards (Non-Mixed-Use or SU Districts)*, applies to development only in the character districts specified in Sec. 04.09.1, *Applicability*.

[2] The standards in this column apply to individual lots developed with separate principal buildings and/or uses.

[3] The standards in this column apply to the total land area of one lot or a collection of adjoining or adjacent lots upon which a specified type of development is proposed.

[4] Floor Area Ratio is calculated per Sec. 09.28.1, *Buildings, Walls, and Fences*.

[5] The standards in these rows apply only to residential development in the Rural Residential (RR) and Suburban Residential (SR) districts. Where non-residential development is permitted within those districts, the corresponding lot and building area standards for the Suburban Office (SO) district apply.

[6] The standards for auto-oriented neighborhoods apply to residential developments that are not considered part of a Cluster Neighborhood, Planned Neighborhood, or Tiny House Neighborhood, per Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where permitted.

[7] The standards in these rows may be modified by the provisions in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, where permitted.

Effective on: 10/15/2020

Division 10 Building Design, Elements, and Utilities

Contents:

Sec. 04.10.1 Applicability

Sec. 04.10.2 Building Placement and Massing Table

Sec. 04.10.3 Permitted Setback and Height Encroachments

Sec. 04.10.4 Exterior Material Standards

Sec. 04.10.5 Utility Requirements

Sec. 04.10.1 Applicability

Table 04.10.2, *Building Placement and Massing Standards*, provides a consolidated reference for minimum and maximum building setback, building width, impervious area, and total building height requirements in this NDC. If there is a conflict between this table and the requirements in Sec. 04.08.3, *Housing and Building Types*, then Table 04.10.2 shall govern.

Effective on: 10/15/2020

Sec. 04.10.2 Building Placement and Massing Table

Table 04.10.2, *Building Placement and Massing Standards by District*

Character District		Dimensional Standards[1,2] Units are in feet unless otherwise stated. A= Front Street Setback B= Side Street Setback C= Interior Side Setback D= Rear Setback E= Street-Facing Garage Door Setback F= Total Building Height (stories or feet, as indicated)					
		A	B[3]	C[10]	D	E[4]	F[7]
Rural Residential (RR)	Min.	Lesser of (1) 30 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average	10 ft.	Lesser of (1) 5 ft. or 80% of context average	Same as front street setback	1 story
	Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 35 ft. or (2) 120% of context average
Suburban Residential (SR)	Min.	Lesser of (1) 20 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
	Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 35 ft. or (2) 120% of context average
Semi-Urban Residential (SU)	Min.	Greater of (1) zero feet or (2) 80% of context average	Greater of (1) zero feet or (2) 80% of context average	Lesser of (1) 4 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 25 ft. or (2) 80% of context average for front garage door setbacks	Greater of (1) 1 story or (2) 80% of context average
	Max.	Greater of (1) 10 ft. or (2) 120% of context average	Greater of (1) 10 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 35 ft. or (2) 120% of context average
Auto-Urban Commercial (AUC)	Min.	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
	Max.	Greater of (1) 25 ft. or (2) 120% of context average	Greater of (1) 25 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 2 stories or (2) 120% of context average
Suburban Office (SO)	Min.	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
	Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average

Table 04.10.2, *Building Placement and Massing Standards by District*

Character District		Dimensional Standards[1,2] Units are in feet unless otherwise stated. A= Front Street Setback B= Side Street Setback C= Interior Side Setback D= Rear Setback E= Street-Facing Garage Door Setback F= Total Building Height (stories or feet, as indicated)					
		A	B[3]	C[10]	D	E[4]	F[7]
Commercial Mixed Use (CMU)[9]	Min.	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	1 story
	Max.	Greater of (1) 20 ft. or (2) 120% of context average	Greater of (1) 20 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 3 stories or (2) 120% of context average
Central Riverfront Mixed-Use (CRM)[9]	Min.	Zero feet	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	2 stories
	Max.	Lesser of (1) 15 ft. or (2) 120% of context average	Lesser of (1) 15 ft. or (2) 120% of context average	N/A	N/A	N/A	10 stories
Downtown Core (DTC)[9]	Min.	Zero feet	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	2 stories
	Max.	5 ft.	5 ft.	N/A	N/A	N/A	Greater of (1) 7 stories or (2) 120% of context average (with a minimum of 2 stories)
Downtown Riverfront (DTR)[9]	Min.	Zero feet	Zero feet	Zero feet	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	2 stories
	Max.	Lesser of (1) 15 ft. or (2) 120% of context average	Lesser of (1) 15 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 20 stories or (2) 120% of context average (with a minimum of 2 stories)

Table 04.10.2, *Building Placement and Massing Standards by District*

Character District		Dimensional Standards[1,2] Units are in feet unless otherwise stated. A= Front Street Setback B= Side Street Setback C= Interior Side Setback D= Rear Setback E= Street-Facing Garage Door Setback F= Total Building Height (stories or feet, as indicated)					
		A	B[3]	C[10]	D	E[4]	F[7]
Traditional Urban Mixed Use (TUMU)[9]	Min.	Zero feet	Zero feet	Lesser of (1) 3 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	2 stories
	Max.	Lesser of (1) 15 ft. or (2) 120% of context average	Lesser of (1) 15 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 3 stories or (2) 120% of context average
Traditional Urban Residential (TUR)[9]	Min.	Greater of (1) zero feet or (2) 80% of context average	Greater of (1) zero feet or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 20 ft. or (2) 80% of context average for front garage door setbacks	1 story
	Max.	Lesser of (1) 15 ft. or (2) 120% of context average	Lesser of (1) 15 ft. or (2) 120% of context average	N/A	N/A	N/A	Greater of (1) 3 stories or (2) 120% of context average
Suburban Industrial (SI)	Min.	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
	Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average
Limited Industrial (LI)	Min.	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
	Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average
General Industrial (GI)	Min.	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 15 ft. or (2) 80% of context average	Lesser of (1) 10 ft. or (2) 80% of context average	Lesser of (1) 5 ft. or (2) 80% of context average	Same as front street setback	1 story
	Max.	N/A	N/A	N/A	N/A	N/A	Greater of (1) 4 stories or (2) 120% of context average
Resource Protection (RP)[8]	Min.	50 ft.[8]	25 ft.[8]	25 ft.[8]	50 ft.[8]	N/A	N/A
	Max.	N/A	N/A	N/A	N/A	N/A	25 ft.

Table 04.10.2, *Building Placement and Massing Standards by District*

Character District		Dimensional Standards[1,2] Units are in feet unless otherwise stated. A= Front Street Setback B= Side Street Setback C= Interior Side Setback D= Rear Setback E= Street-Facing Garage Door Setback F= Total Building Height (stories or feet, as indicated)					
		A	B[3]	C[10]	D	E[4]	F[7]
Recreation (REC)	Min.	50 ft.	25 ft.	25 ft.	50 ft.	N/A	N/A
	Max.	N/A	N/A	N/A	N/A	N/A	35 ft.

TABLE NOTES:
ft. = Feet

[1] The standards in this table apply generally to all structures within specified character districts but may be modified by the standards in Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*, and the building-specific standards in Sec. 04.08.3, *Housing and Building Types*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.

[2] Where a given standard relates to a context average, the context shall be defined per Sec. 09.28.2, *Identifying the Context and 09.28.3, Setbacks and Yard Types*.

[3] This set of standards for side street setback applies to side street lot lines as defined in Sec. 09.28.4, *Lots and Lot Lines*, that are not set along the primary street of a given property; such as a corner lot.

[4] This set of standards for street-facing garage door setback applies only where street-facing garage doors are provided. Certain building types are prohibited from having a street-facing garage door regardless of the Character District per the building-specific standards in Sec. 04.08.3, *Housing and Building Types*, Sec. 04.08.4, *Accessory Buildings*, and Sec. 04.08.5, *Temporary Buildings*.

[5] [Reserved]

[6] [Reserved]

[7] This set of standards for overall building height may be further restricted or permitted to increase for lots with specific building types as indicated in applicable subsections of Sec. 04.08.3, *Housing and Building Types*.

[8] Development within the RP district further requires a 50-foot setback from any adjacent or included Riparian Areas.

[9] In case of discrepancy with similar provisions in individual mixed-use character districts, this Table 04.10.2 shall govern.

[10] The interior side setback standards are cumulative for each lot. For example, if this column reads a five (5) feet minimum, then a given lot could provide a setback of zero (0) and five (5), one (1) and four (4), etc.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.10.3 Permitted Setback and Height Encroachments

A. **Purpose**. The provisions of this Section provide qualifications, flexibility, and allowances for development standards related to building placement and massing that apply to any character district or building type in this NDC.

B. **Features Allowed to Encroach in Minimum and Maximum Setbacks**. In character districts that have minimum setbacks, such required setbacks shall be unobstructed and unoccupied from the ground to the sky except where the building features, structures, and site enhancements are allowed to encroach into them as indicated in Table 04.10.3, *Permitted Setback and Height Encroachments*. In addition, Table 04.10.3 shows items that may be located within a maximum setback or build-to zone.

Table 04.10.3, *Permitted Setback and Height Encroachments*

Encroachment	Minimum Setbacks			Maximum Setback / Build-to-Zone
	Street and Street Side	Interior Side	Rear	
Accessory Structure / Accessory Dwelling Unit	No	Yes[2]	Yes[1]	No
Awning or Canopy	Yes[3]	Yes[2,5]	Yes[2,5]	Yes
Rear and/or Side yard porch or deck	No	Yes[8]	Yes[8]	No
Balcony	Yes[8]	No	Yes[8]	Yes[6, 8]
Bay Window	Yes[4]	Yes[4]	Yes[4]	Yes

Chimney	Yes[5]	Yes[5]	Yes[5]	Yes
Driveway	Yes[10]	Yes[10]	Yes[10]	No
Eave or Gutter	Yes[4]	Yes[7]	Yes[4]	Yes
Fence or Wall	Refer to Division 12, *Landscaping, Fencing, and Buffering*			
Fire Escape	Yes[4]	Yes[4]	Yes[4]	Yes
Front Porch or Stoop	Refer to Sec. 04.08.6, *Frontage Types*			
Gallery/Arcade	Refer to Sec. 04.08.6, *Frontage Types*			
Incidental Accessory Structures	Refer to Sec. 04.08.4.C, *Exemptions*			
Patio, Uncovered	No	Yes	Yes	No
Recreational; Equipment (e.g., swing sets and playhouses)	No	No	Yes	No
Sill, belt course, cornice, buttress and other architectural features	Yes[4]	Yes[4]	Yes[4]	Yes
Wheelchair Lift or Ramp	Yes[9]	Yes[9]	Yes [9]	Yes[9]

TABLE NOTES:
Yes = Encroacement is Permitted
No = Encroachment is not Permitted

[1] Detached residential garages, carports, and carriage houses may encroach into the rear yard up to the limits established in Sec. 04.08.4, Accessory Structures. Other accessory buildings shall be set back at least one foot from a given property line.

[2] Shall be set back at least 3 feet from the applicable property line.

[3] May not encroach more than 6 feet into required setback.

[4] May not encroach more than 3 feet into required setback.

[5] May not encroach more than 30 inches into required setback.

[6] Refer to Sec. 02.04.3, *Mixed-Use Districts*, for details on balcony encroachments.

[7] May not encroach more than 18 inches into required setback.

[8] Shall be uncovered, open on at least 2 sides, located on the ground floor, and shall provide at least a 1-foot setback from the applicable property line. This provision does not apply to any area of a porch or deck that is underneath a roof or similar covering.

[9] Shall comply with federal, state, and local accessibility standards.

[10] Except where a driveway is prohibited or where a driveway crosses a given property line to access a public right-of-way or interior access drive, driveways shall be set back at least 1 foot from property lines to which they run approximately parallel, as established in Subsec. 04.11.4.C, *Driveway Location and Width*. Joint access driveways that are shared across two or more lots are not required to be set back from the shared property line.

C. **Allowances for Maximum Height Standards**.

1. *Exemption*. Except as provided below, the height limitations of this NDC do not apply to mechanical equipment and electrical penthouses, spires, towers, smokestacks, and other similar features, provided they comply with all other applicable City standards and FAA regulations.
2. *Residential and Mixed-Use Districts*. In residential and mixed-use character districts, mechanical equipment and required screening, electrical penthouse, stairway enclosures, and elevator penthouses that exceed the allowable building height shall:
   a. Be set back at least 20 feet from the front of the building; and
   b. Not exceed the greater of nine feet in overall height or extend more than five feet above the building parapet.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.10.4 Exterior Material Standards

A. **Purpose**. The purpose of this Section is to strengthen and enhance the aesthetic quality and visual identity of Covington.

B. **Maintenance and Repair**. This Section shall not prevent the ordinary maintenance and repair of any exterior building material on an existing building, including prohibited building materials.

C. **Applicability and Requirements**. Table 04.10.4-1, *Material Requirements*, shows the proportions of primary, standard, and limited materials required on the applicable building elevations within specified character districts.

Table 04.10.4-1, *Exterior Material Requirements*

Applicable Districts	
Districts	All Mixed-Use Districts: CMU, CRM, DTC, DTR, TUMU, and TUR
Percentage of Street-Facing Building Facades	
Primary Materials	70% minimum
Standard Materials	30% maximum

TABLE NOTES:

[1] "Street-or Public-Facing" refers to building elevation(s) fronting on or most directly facing a non-alley public street.

D. **Approved Building Materials**. The following are permitted building materials outside of the Historic Preservation (HP) and 12th Street (TS) secondary districts.

1. *Primary*. The primary building materials used for exterior finishes shall be of high-quality and durability. These materials are shown in Table 04.10.4-2, *Primary Materials*, below.

Table 04.10.4-2, *Primary Materials*

Material	**Image**
Brick, including thin brick or brick veneer	
Architectural (textured - not smooth face) concrete masonry units, including split face, weathered face, sandblasted face, and ground face blocks	
Glass	

Table 04.10.4-2, *Primary Materials*

Material	Image
Ceramic	
Terra cotta	
Natural stone or cultured stone that simulated natural stone, limestone, granite, marble, and terra cotta	

2. *Standard*. The standard building materials used for exterior finishes are shown in Table 04.10.4-3, *Standard Materials*, below:

Table 04.10.4-3, *Standard Materials*

Material	Image
Stucco (Portland cement plaster) with three coats over metal lath or wire fabric lath	

Table 04.10.4-3, *Standard Materials*

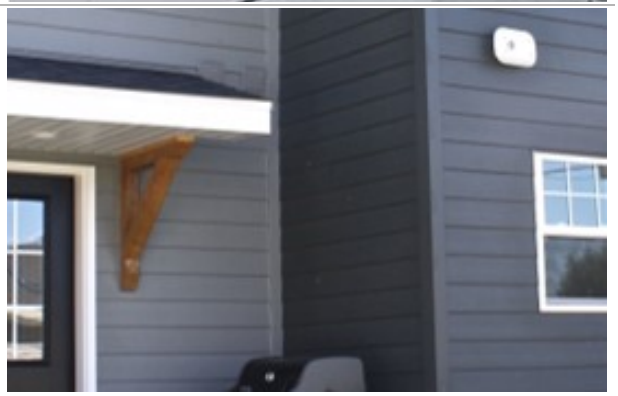
Material	Image
Precast concrete panel (tilt-wall) incorporating exposed aggregate, hammered, or sandblasted surfaces, or covered with a decorative cement-based acrylic coating	
Lap siding (wood, composite, fiber cement siding, or vinyl) in the residential districts	
Pre-finished architectural metal panel, which may or may not include an embossed finish with an appearance of masonry or stucco	
Exterior Insulation Finish System (EIFS), provided use of a wall drainage system (barrier wall systems are prohibited)	

Table 04.10.4-3, *Standard Materials*

Material	Image
Metal siding	

D. **Substitution Materials**.

1. Accent materials other than those listed above may be substituted on up to 10 percent of any street-facing façade.
2. The materials in 04.10.4-2, *Standard Materials*, may be substituted with architectural glass (other than windows or doors), spandrel glass, or polished metal panels with less than 20 percent reflectance for up to 30 percent of any building facade.

E. **Prohibited Materials**. The following exterior walls, siding, and cladding are prohibited:

1. Painted brick, manufactured stone, and cementitious stucco.
2. Unfired clay, sand, or shale rock; and
3. Plywood or wood fiber;
4. Plastic siding;
5. Vinyl siding (non-residential development);
6. Smooth-faced concrete block;
7. Corrugated metal panel;
8. Corrugated galvanized metal; and
9. Aluminum siding or cladding.

F. **Alternative Materials**. Other building materials, that are not listed as approved or prohibited, may be used by approval of the Administrator if it is demonstrated by material specifications that they have comparable durability, impact resistance, and aesthetic quality as the approved materials and either they are part of a building:

1. That is EPA certified and designed to earn ENERGY STAR, and the materials substantially improve the energy efficiency of the building compared to approved materials; or
2. Designed for bronze (or higher) certification in Leadership in Energy and Environmental Design ("LEED"), and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists.

G. **Habitable Shipping Containers**. A shipping container or group of shipping containers may be re-purposed as a habitable structure provided that they are modified to comply with the Building Code. Such containers shall comply with all requirements of this NDC with which a conventional building shall comply.

H. **Minor Modifications**. In order to ensure that a certain degree of design flexibility may be applied to the building material requirements, the Administrator may approve minor deviations where an alternative and equivalent material is proposed that meets the intent of this Section. Minor modifications are to be used when a negligible modification is requested and there is an unlikelihood of any adverse effects. Examples of these modifications include:

1. Interpretations of street-facing facades;
2. A substitute material is proposed that exhibits an equal or greater durability and lifecycle, construction quality, and imperceptible aesthetic;

3. An alternative material is proposed that is of greater energy efficiency and is of equal or greater integrity than a required material;
4. A proposed substitution material warrants interpretation as to its building application to a building element or its relative proportional allowance; and
5. Other similar minor deviations of little to no material consequence.

I. **Major Modifications**. Where this Section applies to a development, and modifications from these standards do not fit the criteria of a minor modification, above, the development shall require a Design Waiver per Sec. 07.23.6, *Design Waiver*.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.10.5 Utility Requirements

A. **New Development and Larger-Scale Redevelopment**. For new developments and redevelopment projects that are 60,000 square feet or greater in site area, all poles, wires, pipes, conduit, and structures to supply electricity, communication services, gas, water, sanitary sewer, storm sewer and similar or associated services shall be installed underground, within designated utility easements that comply with the Kenton County Subdivision Regulations, by the property owner or utility company.

B. **Smaller-Scale Redevelopment**. Utilities for redevelopment projects that are less than 60,000 square feet in site area shall not require the underground placement of utilities.

C. **Exceptions**. Nothing in this Section shall prohibit:

1. *Construction and Emergencies*. The temporary aboveground location of utility lines during construction or emergency conditions;
2. *Replacement, repair, and Maintenance*. Replacement, repair, or maintenance of existing aboveground utility lines by a utility provider;
3. *Natural Constraints*. Above-ground utility lines where underground location would not be feasible due to soil conditions, physical obstructions or terrain; or
4. *Appurtenances*. The at- or above-grade level location of transformers, service or meter pedestals, and similar accessory installations.
5. *Typical Above-Ground Utilities*. Typical above-ground utilities including all above-ground utility lines necessarily or customarily extending above-grade level in an underground utility line system, including, but not limited to:
   a. Poles used exclusively for street or area lighting or traffic control signals;
   b. Radio, television, and wireless communication towers and antennas;
   c. Off-site utilities that serve properties adjacent to but not within areas being developed or redeveloped;
   d. Electric distribution or transmission lines with capacities of 3,000 KVA or more;
   e. Utility lines that cross alleys;
   f. Utility lines that traverse floodplains, drainage easements, major drainage ways, or other areas where there is frequently standing water.

D. **Access**. Adequate access for underground utilities shall be provided at no cost to the utility.

Effective on: 10/15/2020

Division 11 Parking, Loading, and Circulation

Sec. 04.11.1 Applicability and Exemptions

A. **Standards**. The standards of this Division apply:

1. *New Development*. To all new buildings constructed and all new uses established in all character districts where parking, loading, or stacking spaces are required or limited; or
2. *Expansions and Substantial Modifications*. When an existing structure or use is expanded or enlarged resulting in an increase in required parking, loading, or stacking spaces, whether through the addition of dwelling units, floor area, or other units of measurement used for establishing off-street parking, loading, and stacking spaces; or
3. *Change of Use*. When a change of use in any structure creates a need for an increase of more than 10 percent in required parking, loading, or stacking spaces.

B. **Exemptions**.

1. *Minor Change*.
   a. In case a change in use or unit of measurement creates a need for an increase of less than three parking spaces, no additional off-parking spaces or facilities are required.
   b. Uses with off-street parking in excess of the maximum allowed resulting from a change of use in an existing building are not required to remove the excess parking spaces.
2. *Smaller Parcels*. No off-street parking spaces are required for any parcel less than 5,000 square feet in area.
3. *Historic Districts*. No minimum off-street parking, loading, or stacking spaces are required for rehabilitation or reuse of structures existing on October 15, 2020, within locally designated historic districts.
4. *Chapter 99 Development Plan Areas*. The minimum off-street parking ratios established in Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*, 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. In these cases, the number of parking spaces required will be governed by the approved redevelopment plan.

C. **Applicability in the Event of Damage or Destruction of Existing Use**. When a conforming or nonconforming structure or use that does not comply with applicable required parking, loading, or stacking spaces is damaged or destroyed, if the building may be reconstructed in the same footprint and to the same square footage as it existed immediately before the damage or destruction per Article 158.05 Nonconformities, then the number of parking and loading spaces that existed at the time of damage or destruction may also be reconstructed in the same footprint.

D. **Reduction Below Minimums/Expansion Above Maximums**. Any applicable minimum or maximum parking standards may not be further reduced or further increased except per the remaining provisions of Division 11, *Parking, Loading, and Circulation* and Sec. 07.21.1, *Administrative Adjustment*.

E. **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 parking, loading, or stacking spaces required in this NDC.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.11.2 General Provisions

A. **Generally**. A site shall comply with the minimum and maximum parking spaces, where required, based on Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*, for permitted, limited, and conditional uses in Article 158.02, *Character Districts*, and adjusted according to the standards of Sec. 04.11.6, *Credits and Reductions*, if applicable. In addition, off-street loading, and stacking shall be provided, located and designed in accordance with the standards of this Section.

B. **Vehicle Use Area Plan**. Plans for all vehicle use areas (VUA) shall be submitted to the Administrator for review and for compliance with the provisions of this Division.

C. **Maneuvering Space**.

1. *Prohibited*.

a. In order to park, load, unload, or stack, no vehicle use area shall require a vehicle to maneuver into a public right-of-way except in the case of a single- or two-family dwelling unit or where vehicular access is from an alley.

b. In addition, no VUA shall:

1. Hinder the free movement of pedestrians and vehicles over a sidewalk or street; or

2. Overhang or encroach into a public right-of-way, including a sidewalk or into a walkway on private property, except where an encroachment permit is granted; or

3. Overhang or encroach an adjacent property under separate ownership except where an easement, shared driveway, or private street as described in the Kenton County Subdivision Regulations, is in place.

2. *Dimensions*. Parking, loading, and stacking space dimensions are exclusive of access drives or aisles. All such spaces shall have a vertical clearance of at least seven feet.

D. **Location**. Except as permitted in Sec. 04.11.6, *Credits and Reductions*, a vehicle use area required by this Division shall be located within 400 feet of or on the same property as the building, use, or structure it serves.

E. **Generally Required Setback**. The perimeter of all vehicle use areas (VUAs) larger than 1,200 square feet shall set back at least seven feet from front street and side street property lines, as identified per Sec. 09.28.4, *Lots and Lot Lines*, with adequate screening provided per Sec. 04.12.4, *Screening and Fencing*.

F. **Marking**. Except as provided in this Division, all off-street parking and loading spaces shall be clearly marked.

G. **Calculations**.

1. *Accessory Uses and Structures.* The basis of calculation, including but not limited to, gross floor area, dwelling units, or number of beds, for required or permitted parking shall be based on the principal use or structure together with accessory uses and structures on-site.

2. *Fractions*. If the final calculated number of required parking, loading, or stacking spaces includes a fractional space, the number of required spaces is rounded down to the previous whole number.

3. *Multiple Nonresidential Uses*. If several nonresidential uses occupy a single parcel or building, the parking requirements shall be calculated separately for each use within the development, or as set out in Sec. 04.11.6, *Credits and Reductions*, whichever results in a lesser number of minimum and/or lesser number of maximum required spaces.

H. **Surfacing and Drainage**. All vehicle use areas shall be graded, surfaced, and maintained so that water does not accumulate, flow, or drain onto abutting public or private property. The surfacing of vehicle use areas shall consist of asphalt, concrete, pervious materials, impervious materials, or other such material approved by the Director of Public Works.

I. **Dedication of Spaces**. Off-street parking, loading, and stacking spaces shall not interfere with one another nor shall they be used interchangeably to meet one another's requirements except that Retail Repair, Sales, and Service use types may utilize off-street parking spaces for loading and unloading provided that the loading and unloading only takes place outside of business hours.

J. **Unlisted Uses**. Upon receiving a development application for a use not specifically addressed in this Division, the Administrator shall apply the off-street parking standard specified for the use that the Administrator deems most similar to the proposed use according to Sec. 03.06.2, *New and Unlisted Uses*, or require that the applicant provide a special study according to Sec. 04.11.5, *Special Studies*.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.11.3 Required Parking Ratios

A. **Generally**. Off-street parking spaces shall be provided for the uses or specified building types listed in Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*. Lots containing these uses or building types shall provide the

minimum number of off-street parking spaces, and parking spaces may not exceed the maximum number of spaces. Spaces required for compliance with the Americans with Disabilities Act (ADA) will be counted toward fulfilling the total number of spaces required by this Section, after applicable reductions pursuant to Sec. 04.11.5, *Credits and Reductions*.

B. **Residential Parking**. Parking spaces for Household Living use types or specified building types that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:

1. *Dimensions*. The area is at least 9 feet wide and 20 feet deep in dimension and is not part of an access drive to a private garage or carport;
2. *Encroachment*. The area does not encroach upon a public sidewalk;
3. *Surface*. The area has an improved hard surface; and
4. *Access*. The area is accessible from the street or alley.

C. **Minimum and Maximum Ratios**.

1. *Applicability*. The Minimum Spaces Required and the Maximum Spaces Permitted columns in Table 04.11.3 apply to the following character districts:
   a. Rural Residential (RR);
   b. Suburban Residential (SR);
   c. Auto-Urban Commercial (AUC);
   d. Suburban Office (SO);
   e. Suburban Industrial (SI); and
   f. General Industrial (GI).
2. *Maximum Only*. For any character district not listed in paragraph 1, *Applicability*, above, only the Maximum Spaces Permitted column in Table 04.11.3 shall apply.

Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*[1]

Permitted Land Uses or Building Types	Vehicle Parking	
Land Use Types, Specific Building Types, and Specific Uses	**Minimum Spaces Required**	**Maximum Spaces Permitted**
Agriculture and Animal Service		
Community garden	Zero	1 / 2,500 sf. GFA
Market garden	Zero	1 / 2,000 sf. GFA
Kennel	1 / 1,000 sf. GFA	1 / 250 sf. GFA
Roadside stand	1 / 5,000 sf. GFA	1 / 1,000 sf. GFA
Stable (public or commercial)	1 / 1,000 sf. of office, + 1 space per 3 stalls	1 / 300 sf. of office, + 1 space per stall
Veterinary clinic or veterinary hospital	1 / 1,000 sf. GFA	1 / 350 sf. GFA
Other Agriculture and Animal Services	Zero	N/A
Household Living (Includes Select Building Types)		
Accessory Dwelling Unit / Carriage House[2]	Zero	1 / dwelling unit
Dwelling, Lot Line	1 / dwelling unit	2 / dwelling unit
Dwelling, Multi-Family	.75 / dwelling unit	1.5 / dwelling unit
Dwelling, Single-Family Attached	1 / dwelling unit	2 / dwelling unit
Dwelling, Single-Family Detached	2 / dwelling unit	N/A
Dwelling, Three- or Four-Family	1 / dwelling unit	2 / dwelling unit
Dwelling, Two-Family	1 / dwelling unit	2 / dwelling unit
Manufactured home park	Zero	2 / dwelling unit
Qualified Manufactured Home	1 / dwelling unit	2 / dwelling unit
Short-Term Rental	1 / tenant room	2 / tenant room
Townhouse	Zero	2 / dwelling unit

Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*[1]

Permitted Land Uses or Building Types	Vehicle Parking	
Land Use Types, Specific Building Types, and Specific Uses	**Minimum Spaces Required**	**Maximum Spaces Permitted**
Upper-Story Residential	Zero	1 / dwelling unit
Group Living		
Addiction treatment facility	1 / 1,000 sf. GFA	1 / 200 sf. GFA
Nursing home	1 / 1,000 sf. GFA	1 / 200 sf. GFA
Residential care facility	1 / dwelling unit + 1	2 / dwelling unit + 1
Youth shelter	1 / 1,000 sf. GFA	1 / 200 sf. GFA
Civic		
Airport or heliport	Special Study, refer to Sec. 04.11.5	
Bus or train passenger terminal	Special Study, refer to Sec. 04.11.5	
Cemetery, columbarium, mausoleum, or memorial park	Zero	N/A
College, university, or vocational school	Special Study, refer to Sec. 04.11.5	
Day Care, type 1 or 2	1 / 1,000 sf. GFA	1 / 300 sf. GFA
Government service	Zero	N/A
Library, aquarium, museum, or gallery	1 / 1,000 sf. GFA	1 / 200 sf. GFA
Park, playground, and common open space	1 / 2 acres or 3 spaces, whichever is greater	N/A
Park-and-Ride Facility	Special Study, refer to Sec. 04.11.5	
Public assembly facility	1 / 1,000 sf. or 1 / 4 seats in assembly area, whichever is greater	1 / 250 sf. or 1 / 3 seats in assembly area, whichever is less
School, elementary or middle	1 / 3,000 sf. GFA	N/A
School, high	1 / 1,500 sf. GFA	N/A
Other Civic uses including: Adult day care; Community, senior, or youth center; Government/non-profit parking lot or maintenance area; or Pre-school or child day care center	Zero	1 / 300 sf. GFA
Medical Facilities		
Hospital	Special Study, refer to Sec. 04.11.5	
Chiropractor, or acupuncture, medical or dental clinic	Zero	1 / 350 sf. GFA
Other Medical Facilities including: Blood or plasma center; Drug, alcohol or psychiatric treatment center, out-patient; hospice center; Medical or dental laboratory	1 / 3,000 sf. GFA	1 / 350 sf. GFA
Social Service		
All Social Service	Special Study, refer to Sec. 04.11.5	
Utilities		
Utilities, minor or major (public or private)	Zero	N/A
Wireless communication towers	See the Kenton County Regulations for Cellular Antenna Towers and Small Cell Towers	
Entertainment, Indoor		
Bar or tavern	Zero	1 / 3 seats or 1 / 3-person seating capacity, whichever is greater
Body art service	Zero	1 per 200 sf. GFA
Bowling center	1.5 / lane	4 / lane
Fitness gym	1 / 350 sf. GFA	1 per 200 sf. GFA
Pool hall	Zero	1 / 3 seats or 1 / 3-person seating capacity, whichever is greater
Skateboard or trampoline park	Special Study, refer to Sec. 04.11.5	

Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*[1]

Permitted Land Uses or Building Types	Vehicle Parking	
Land Use Types, Specific Building Types, and Specific Uses	**Minimum Spaces Required**	**Maximum Spaces Permitted**
Other Indoor Entertainment including: Archery / firearms range (indoor); Axe throwing lounge; Bingo hall; Brewpub; Convention center; Dance club or dance hall; Gymnastic, dance, or martial arts facility ; Microbrewery or micro-distillery; Movie or other theater; Skating rink; Swimming pool (public); Tennis or racquetball facility	1 / 4 seats or 1 / 4-person seating capacity, whichever is greater	1 / 3 seats or 1 / 3-person seating capacity, whichever is greater
Entertainment, Outdoor (Large) or (Small)		
Golf course, golf driving range, or mini-golf course	1 / acre	5 / acre
Marina	1 / 10 boat slips	1 / 2 boat slips
Other Outdoor Entertainment including: Amphitheater; Amusement park; Campground without overnight accommodation; Fairgrounds, Farmers market; Paintball facility; Race track (vehicle); Skateboard park; Stadium, running track, or ball field	Special Study, refer to Sec. 04.11.5	
Office		
Currency exchange (check cashing) or payday loan business	1 / 500 sf. GFA	1 / 350 sf. GFA
Other Office uses including: Accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel; bank or credit union; tv or radio studio	1 / 400 sf. GFA	1 / 350 sf. GFA
Overnight Accommodations		
Bed and breakfast inn	Zero	1 / bedroom
Campground or RV Park	Zero	N/A
Other Overnight Accommodations including: hotel or motel; resort	1 / room	1.5 / room
Restaurant		
All Restaurants with or without a drive-in or drive-through (does not include required drive-through stacking spaces refer to Subsec. 04.11.4.I)	1 / 2,000 sf. dining area	1 / 250 sf. dining area
Retail Repair, Sales, and Service		
Funeral and internment services	1 / 4 seats	1 / 3 seats
Package liquor sales	1 / 1,000 sf. GFA	1 / 400 sf. GFA
Pawn shop	1 / 1,000 sf. GFA	1 / 400 sf. GFA
Other Retail Repair-, Sales-, and Service-Oriented Uses	1 / 1,000 sf. GFA	1 / 300 sf. GFA
Self-Service Storage		
All Self-Service storage	1 / 20 storage stalls	1 / 10 storage stalls
Sexually-Oriented Business		
All Sexually oriented businesses	Refer to Sec. 03.07.5.M	
Vehicle Sales and Service		
Car wash	1 / bay	1.5 / bay
Fuel sales (retail)[3]	1 / 1,000 sf. GFA	1 / 300 sf. GFA
Vehicle accessories and parts sales	1 / 1,000 sf. GFA	1 / 300 sf. GFA

Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces*[1]

Permitted Land Uses or Building Types	Vehicle Parking	
Land Use Types, Specific Building Types, and Specific Uses	**Minimum Spaces Required**	**Maximum Spaces Permitted**
Other Vehicle Sales and Services uses including: Rental or sales of manufactured homes, mobile homes, portable buildings or trailers; Truck stop; Vehicle sales, rental, and leasing; Vehicle repair, major; Vehicle service, minor	1 / 1,000 sf. GFA	1 / 200 sf. GFA
Light Industrial		
Micro-manufacturing	1 / 1,000 sf. GFA	1 / 300 sf. GFA
All other Light industrial as defined in Sec. 09.27.3, *Definitions*	Zero	1 / 500 sf. GFA
Heavy Industrial		
All Heavy Industrial as defined in Sec. 09.27.3, *Definitions*	Zero	1 / 500 sf. GFA
Waste Related Service		
All Waste Related Service as defined in Sec. 09.27.3, *Definitions*	Zero	1 / 1,000 sf. GFA

TABLE NOTES:

sf. = Square Feet; GFA = Gross Floor Area, as calculated per Sec. 09.28.1, *Buildings, Walls, and Fences*.

[1] Gross Floor Area (GFA) is calculated per Sec. 09.28.1, *Buildings, Walls, and Fences*.

[2] The standards for Accessory Dwelling Unit / Carriage House may be modified based on the character district per use-specific standards in Sec. 03.07.7, *Accessory Uses*.

[3] Does not include the area adjacent to the pump.

(Ord. No. O-13-21, 09/28/2021)

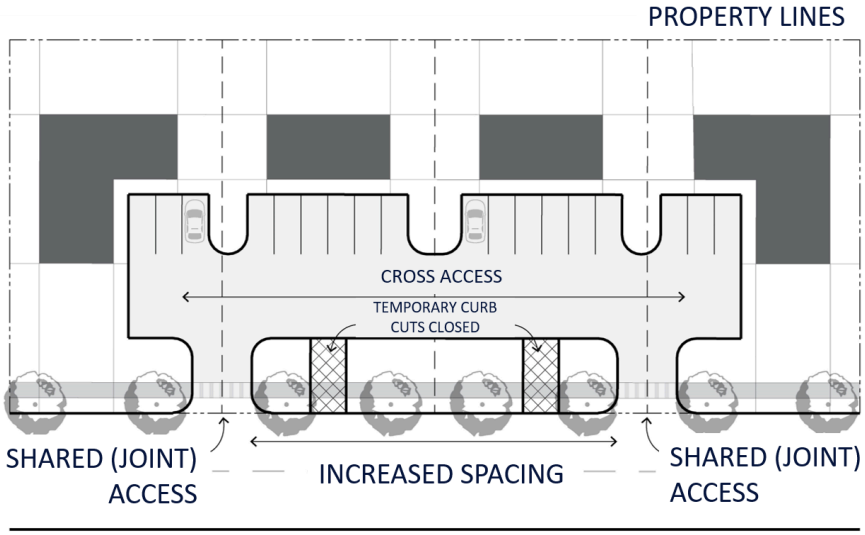
Effective on: 10/6/2021

Sec. 04.11.4 Parking Design and Use

Subsec. 04.11.4.A Joint Access

1. **Joint Access**. Nonresidential and mixed-use parcels that front on arterial or collector streets shall, to the extent practicable, provide joint access driveways together with cross-access for vehicles, pedestrians, and bicycles (See Figure 04.11.4.A, *Joint Access*).
2. **Connections Possible but not Existing**. Where connections to abutting nonresidential or mixed-use parcels are possible, but not currently existing, the parcel proposed for development shall include a stub-out of driving aisles and sidewalks at a location that allows for two-way vehicular connection and pedestrian connection on the abutting parcel (i.e., one that allows for reasonable development of both parcels) in the future.
3. **Easement**. The applicant shall record a cross-access easement in a form acceptable to the City Attorney to allow for future connection of the stub-outs to a comparable land use on the abutting parcel.
4. **Legal Instrument Required**.
   a. *Recordation*. Access that is shared by adjacent properties, whether under single or separate ownership, shall be preserved using an appropriate legal instrument acceptable to the City Attorney, such as an access agreement, and recorded with the Kenton County Property Valuation Administrator at the applicant's expense. The obligation to provide and maintain the cross-access runs with the land.
   b. *Existing Joint Access*. If there is an existing joint access for which there is no recorded legal documentation, the joint access shall continue and appropriate legal documentation shall be executed and recorded, in a form acceptable to the City Attorney.

Figure 04.11.4.A, *Joint Access*



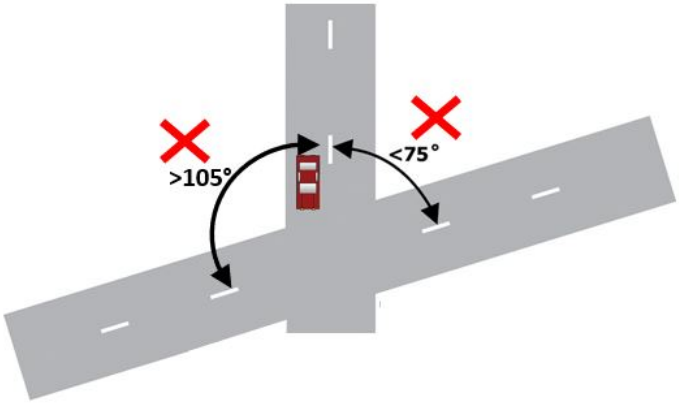
Effective on: 10/15/2020

Subsec. 04.11.4.B Vehicular Access Point Spacing and Clearance

1. **Generally**.
   a. *Applicable Streets*. To promote greater safety of passage between street and properties, improve the convenience and ease of movement of travelers on the street, permit reasonable speeds and economy of travel, and increase and protect the capacity of streets, the location and design of vehicular access points onto streets shall comply with the following access control requirements. These requirements apply along all arterial and collector streets, as identified in the Kenton County Comprehensive Plan.
   b. *Minimize Conflicts*. Where permitted, vehicular access points shall be located to minimize conflict with pedestrian, cyclist, and vehicular traffic on the abutting public right-of-way.
2. **Provision of Reserved Turning Lanes**. At those access points where vehicles turning to and from the arterial and collector streets affect the roadway capacity, as demonstrated by a traffic study provided by the developer and based on the policies of the Kentucky Transportation Cabinet, turn lanes shall be constructed by the developer.
3. **Coordination of Vehicular Access Points**. Major access points on opposite sides of arterial and collector streets shall be located opposite each other, otherwise turning movement restrictions may be imposed by the Planning Commission or Administrator, whichever is applicable. In addition, to maximize the efficient utilization of vehicular access points, access drives shall be designed, located, and constructed in a manner that provides or makes 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 Administrator may require joint access in accordance with Subsec. 04.11.4.A, *Joint Access*. Where coordination is not necessary in the opinion of the City Engineer, then major access points on the opposite side of arterial and collector streets shall be located a minimum of 125 feet apart.
4. **Spacing of Signalized Access Points.**
   a. *Distance*. Access points that warrant signalization shall be spaced a minimum distance of 0.25 miles apart. The exact location of the signal light shall be determined by a traffic engineering study, which shall at least account for the following variables:
      i. Safety of pedestrians and cyclists;
      ii. Minimization of potential collisions; and
      iii. Roadway geometrics;
   b. *Turning*. Turning movements shall prioritize safety of pedestrians and cyclists.
5. **Intersection Alignment**. The centerline of all vehicular access points shall 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 105 degrees, as depicted in Figure 04.11.4.B, P*rohibited Access Angles*, unless approved by the Planning Commission or Administrator, whichever is applicable, due to certain exceptional conditions including, but not limited to, steep topography, adjacent or nearby

historic properties that could be negatively impacted, or public utilities that would be severely impacted by the construction.

Figure 04.11.4.B, *Prohibited Access Angles*



6. **Spacing of Unsignalized Access Points**.
   a. All developments shall meet the requirements of Article 8, *Access Control Regulations,* of the Kenton County Subdivision Regulations. The design of all roadway elements shall be in compliance with Section 4.1, *Streets*, of the Kenton County Subdivision Regulations.
   b. Modifications to the access management requirements of this Article may be granted following the procedures in the Sections 3.8, *Minor Deviations by Staff,* and 3.9, *Waivers to the Regulations*, of the Kenton County Subdivision Regulations.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.11.4.C Driveway Location and Width

1. **Vehicular Access Point and Driveway Location and Number**.
   a. *Setback*. All driveways must be set back at least 1 foot from property lines to which they run approximately parallel. Joint access driveways that are shared across two or more lots are not required to be set back from the shared property line.
   b. *Number of Vehicular Access Points*. A given lot may provide more than one vehicular access point, subject to the minimum and maximum widths established in this section, the approval by the Director of Public Works, and other applicable standards in this NDC.
   c. *Alley Access*. In all character districts, if an improved alley a minimum of 12 feet in paved width is adjacent to the property, then new vehicular access points and driveways shall access the alley, except as provided below.
   d. *Mixed-Use Districts (Except TUR)*. Except for structured parking, as established in Subsec. 04.11.4.F, *Vehicular Structured Parking*, all new vehicular access points and driveways in a mixed-use character district shall access an alley or a secondary thoroughfare.
   e. *SU and TUR Districts*.
      i. All new driveways in the SU and TUR districts shall access either an alley, secondary thoroughfare, or principal thoroughfare public right-of-way based on the prevailing access orientation of the block face.
      ii. If a majority (50% or more) of the lots (excluding the lot for which there is an application for a new vehicular access point) within the block face containing the subject property do not provide a vehicular access point from a secondary thoroughfare or a principal thoroughfare, then the vehicular access point and driveway may only provide access from an alley public right-of-way.
      iii. If a majority (50% or more) of lots (excluding the lot for which there is an application for a new vehicular access point) within the block face containing the subject property do not provide a vehicular access point from a

secondary thoroughfare or a principal thoroughfare, and no alley is available, then a new vehicular access point and driveway shall not be permitted.

f. *All Other Character Districts*. All new vehicular access points and driveways in all other character districts may access an alley, secondary thoroughfare, or principal thoroughfare subject to compliance with all other relevant provisions of this Section.

g. *Design Waiver*. Any proposed vehicular access point that does not meet the applicable criteria above must receive a Design Waiver per Sec. 07.23.6 to be permitted.

2. **Vehicular Access Point and Driveway Width**.

a. Except for apartments, for a residential building type, each vehicular access point may be no more than 20 feet and not less than 12 feet in width. For all other building types, access points may not be less than 12 feet nor more than 28 feet in width. The width shall 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. In accordance with Sec. 07.21.1, *Administrative Adjustment*, the Administrator may permit a wider or narrower driveway width to provide for a more efficient and safe channelization and/or flow of traffic, subject to the following criteria:

i. Location of infrastructure, including, but not limited to street trees, fire hydrants, bicycle parking, and utility poles will not be negatively impacted by the driveway; and

ii. For residential uses, a proposed increase in driveway width is not intended to accommodate significantly wide or large vehicles or equipment.

3. **Exceptions to Vehicular Access Point Requirements**. Where situations develop that may require special treatment, the Director of Public Works may waive requirements of this Subsection, provided that a traffic engineering report is prepared by a qualified traffic engineer, establishing that the special treatment shall have no adverse effects on the roadway safety and capacity.

4. **Vehicular 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 street, the access point spacing requirements, as contained in this Subsection, may have to be increased to adequately address traffic safety and circulation issues.

5. **Double-Track Driveways**. Double-track/wheel strip driveways are permitted, provided each wheel strip is a minimum of 18 inches in width and the area between the wheel strips is landscaped with living groundcover. However, within the public right-of-way, the driveway shall be fully paved along its total width, from the property line to the curbline.

6. **Approval of Vehicular Access Points Required**. Plans for all new and modified access points (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) shall be submitted to the Director of Public Works. The proposed access point shall 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 shall also include parking and off-street loading and/or unloading plans in accordance with this NDC.

7. **Approval of Vehicular Access Points Along State Maintained Streets by the Kentucky Transportation Cabinet**. A copy of the plans for all access points to be constructed along a state-maintained route shall also be submitted to the Kentucky Transportation Cabinet for review and approval during the same time as plans are submitted to the Administrator. No access point plans shall be approved, or permits issued for construction by the City Engineer, until the access point plans have been approved by the Kentucky Transportation Cabinet.

8. **Principal Structure Required**. Except where the permitted principal use is vehicular surface parking, a driveway is only permitted on a lot that is improved with a principal structure.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

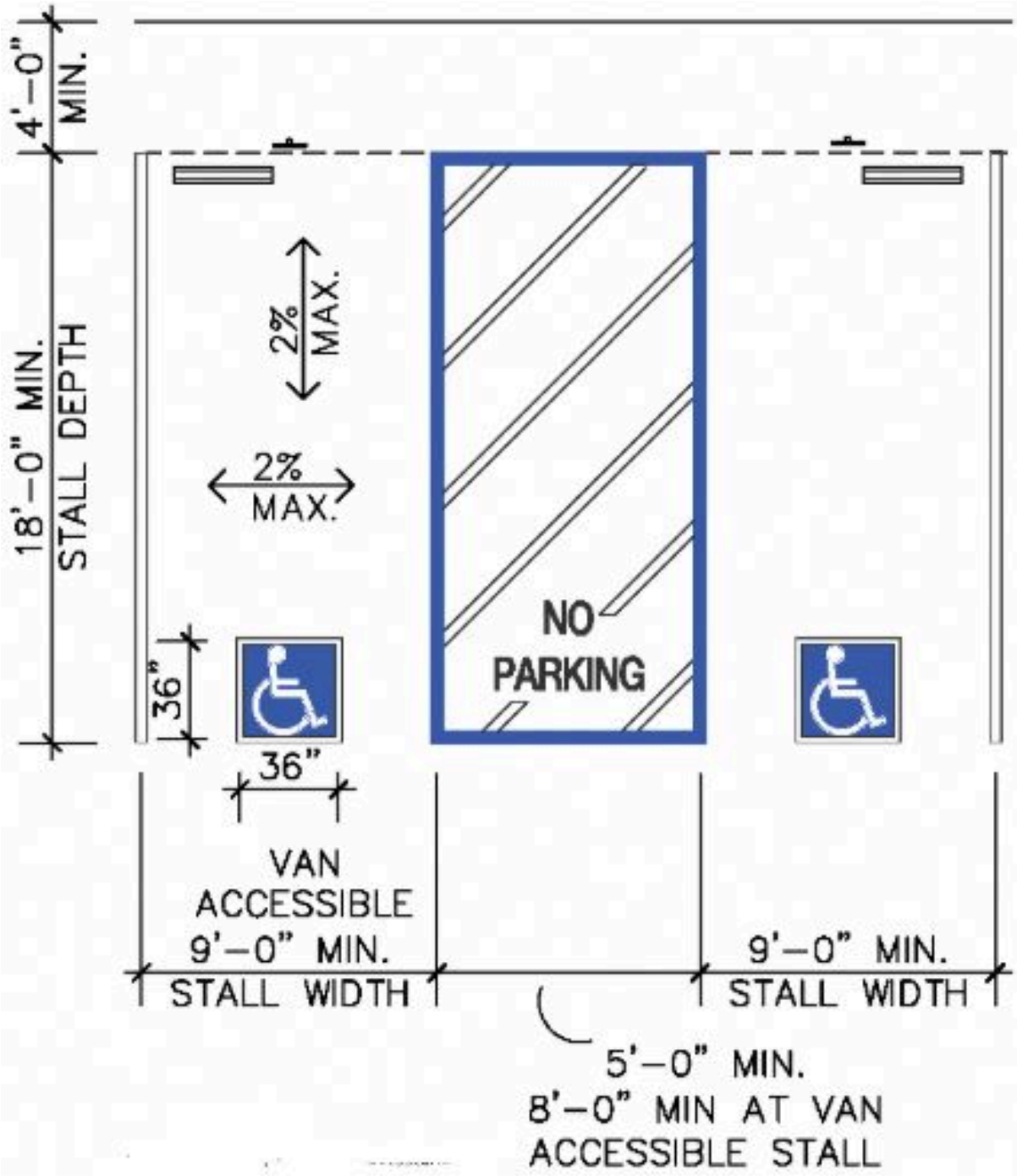
Subsec. 04.11.4.D ADA Parking

1. **Generally**. All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be provided in accordance with Table 04.11.4.D, *Required Accessible Spaces Based on*

Conventional. Such spaces shall specifically be designated, located, marked, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act (ADA).

2. **Measurements.** Where required, the dimensions of accessible and van-accessible spaces shall be designed in accordance with Figure 04.11.4.D, *Accessible Space Dimensions.*

Figure 04.11.4.D, *Accessible Space Dimensions*



3. **Number**. The number of required accessible parking spaces shall conform to the following:

Table 04.11.4.D, *Required Accessible Spaces Per Required Conventional Spaces*

Total Conventional Spaces	Required Accessible Spaces	Required Off-Street Van Accessible Spaces
1–25	1	1 per 6 required accessible spaces
26–50	2	1 per 6 required accessible spaces
51–75	3	1 per 6 required accessible spaces
76–100	4	1 per 6 required accessible spaces

Table 04.11.4.D, *Required Accessible Spaces Per Required Conventional Spaces*

Total Conventional Spaces	Required Accessible Spaces	Required Off-Street Van Accessible Spaces
101–150	5	1 per 6 required accessible spaces
151–200	6	1 per 6 required accessible spaces
201–300	7	1 per 6 required accessible spaces
301–400	8	1 per 6 required accessible spaces
401–500	9	1 per 6 required accessible spaces
Over 500	2% of total required conventional spaces	1 per 6 required accessible spaces

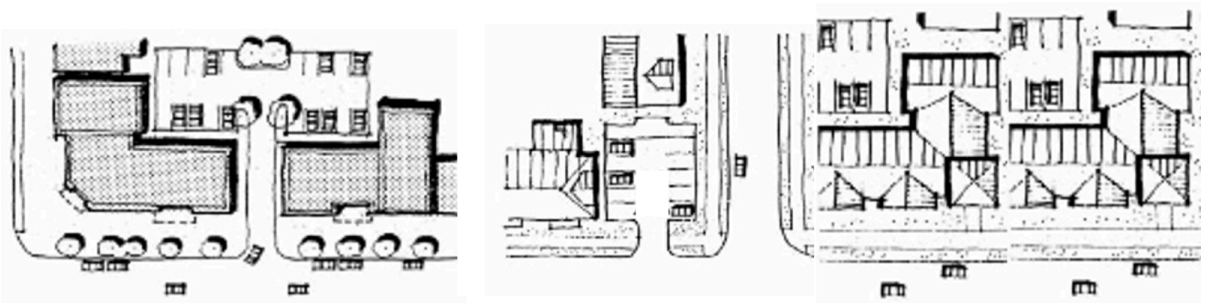
(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.11.4.E Vehicular Surface Parking

1. **Parking Location**.
   a. *Generally*. Vehicular surface parking shall be located on the subject property in relation to the principal building in accordance with Table 04.11.4.E-1, *Vehicle Surface Parking Location*.
   b. *Exception to Parking Location*. If vehicle surface parking is located more than 100 feet from a public right-of-way, the parking may be located within any yard, regardless of the limitations of Table 04.11.4.E-1.

Table 04.11.4.E-1, *Vehicle Surface Parking Location*



Rear Yard Parking | Front Street Yard Parking | Side Street Yard Parking | Interior Side Yard Parking

Character Districts	Parking Location in Relation to Building[1]			
	Rear Yard	Front Street Yard	Side Street Yard	Interior Side Yard
RR, SR, AUC, SO, SI, GI, RP, REC	♦	♦[2]	♦	♦
LI	♦	--	♦	♦
SU, TUR	♦	--	♦[3]	♦
Mixed-Use Districts other than TUR[4]	♦	--	--	♦

TABLE NOTES:
♦ = Permitted; -- = Not permitted

[1] Yards are identified per Sec. 09.28.3, *Setbacks and Yard Types*.

[2] In case of discrepancy where a Parking Frontage type is prohibited per Table 04.08.6.A, *Permitted Frontage Types by Building Type*, for a given building type in the specified character districts, this Table 04.11.4.E, *Vehicle Surface Parking Location*, shall govern.

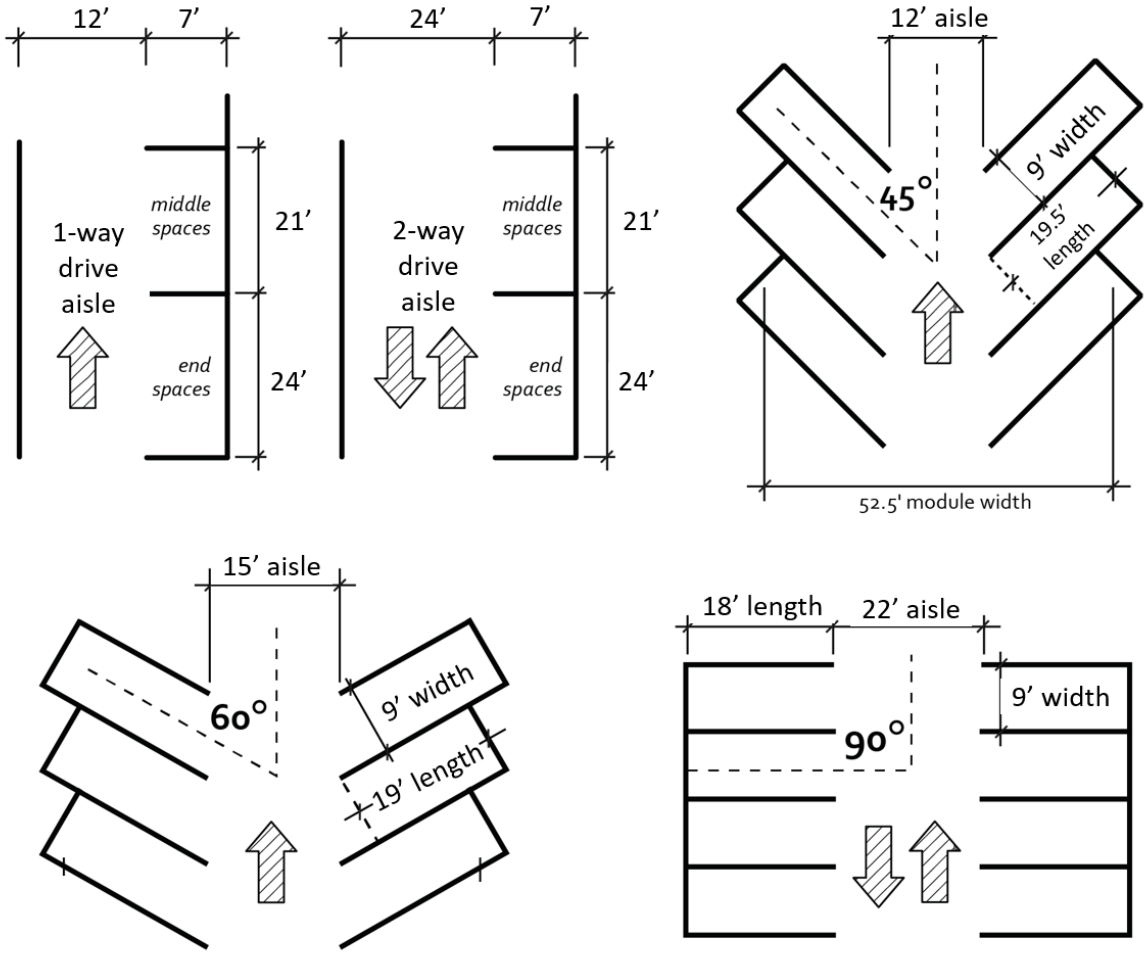
[3] Only permitted if interior side parking constitutes 50 percent or more of the block face as identified in Sec. 09.28.2, *Identifying the Context*.

[4] See the individual Mixed-Use districts for parking setback requirements.

2. **Size of Surface Parking Spaces and Aisles**.
   a. *Generally*. Individual surface parking spaces and drive aisles shall comply with the dimensions depicted in Figure 04.11.4.E-2, *Minimum Surface Parking Dimensions.*
   b. *Compact Spaces*. Compact spaces, with signs indicating such, may compose a maximum of 15 percent of required parking. Individual compact spaces shall be a minimum of eight feet in width and 16 feet in depth. A reduction of two feet in required aisle width established in Figure 04.11.4.E-2, *Minimum Surface Parking Dimensions*, below, is permitted if all abutting parking spaces are compact.

c. *Combinations*. When any combination of these types of parking is used (facing the same aisle), the widest aisle or access drive width requirements shall prevail. In addition, a two-foot overhang is permitted on the external sides of a parking area.

Figure 04.11.4.E-2, *Minimum Surface Parking Dimensions*



3. **Pedestrian Facilities**.

a. *Walkways*. All parking lots with three or more double-loaded aisles shall provide internal pedestrian walkways within the parking area and outside of the parking row. The walkway shall be located to serve the maximum number of parking stalls.

b. *Width*. The walkway shall be a minimum of eight feet in width. Walkways may be reduced to five feet in width if designed as a grade-separated walkway with planting strips on either side.

c. *Number of Walkways*. One walkway is required for every three double-loaded aisles.

d. *Connection Outside of Site*. The walkway shall provide a direct connection to building entrances from the spaces most distant from the entrances. At least one walkway shall provide a direct connection between the building entrances and adjacent pedestrian easements, trails, and public rights-of-way.

e. *Striping*. Where provided, pedestrian walkways shall be clearly marked with high-visibility striping or with alternative materials, such as pavers. Where walkways cross a drive aisle, the walkway shall have a continuous surface treatment across the drive aisle.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Subsec. 04.11.4.F Vehicular Structured Parking

1. **Structured Parking Types**.

   a. *Generally*. Parking structure types shall be permitted in accordance with Table 04.11.4.F-1, *Permitted Parking Structure Types*.

Table 04.11.4.F-1, *Permitted Parking Structure Types*

Character Districts	Parking Structure Types				
	Tuck-Under	Stand-Alone[1]	Activated	Integrated	Rooftop
RR, SR, SU, TUR	♦	--	--	♦	--
SO, RP, REC	♦	--	--	♦	♦
AUC, SI, LI, GI	♦	♦	♦	♦	♦
Mixed-Use Districts other than TUR	♦	--	♦	♦	♦

NOTES:
♦ = Permitted; -- = Not permitted

[1] For purposes of this Division 11, *Parking, Loading, and Circulation*, accessory detached garages for dwellings are not considered "Stand-Alone" parking structures. Standards related to accessory detached garages for dwellings are established in Sec. 04.08.4, *Accessory Structures*.

   b. *Parking Structure Descriptions*. Table 04.11.4.F-2, *Parking Structure Type Descriptions and Standards*, provides a description, associated standards, and an image for various permitted parking structure types.

Table 04.11.4.F-2, *Parking Structure Type Descriptions and Standards*

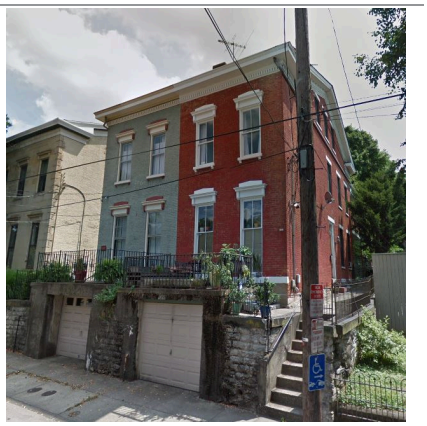
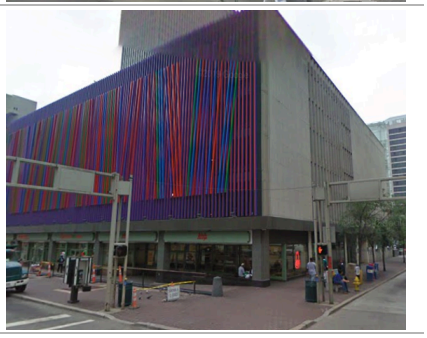
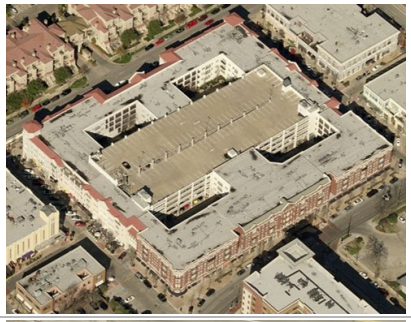
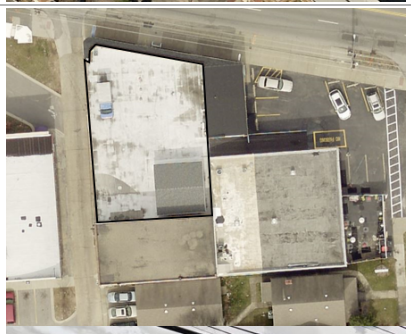
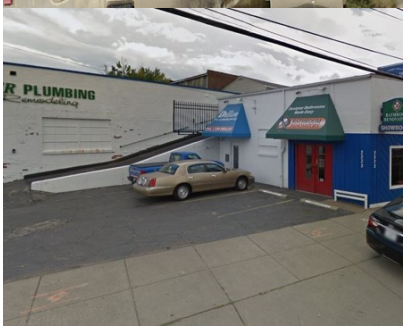
Descriptions	Standards	Image
Tuck-under parking consists of a single row of covered parking spaces beneath a building.	Access to tuck-under parking shall be provided by a drive aisle in a parking lot or alley unless front-facing tuck-under parking is present in the context area as established in Sec. 09.28.2, *Identifying the Context*. Tuck-under parking may be combined with other parking types and is particularly appropriate for properties that slope away from the street right-of-way. In the mixed-use character districts, tuck-under parking shall be oriented toward an alley.	
Stand-alone parking structures are freestanding structures located in the center of a larger block.	Access to stand-alone structures shall be provided from an alley or from a primary thoroughfare or secondary thoroughfare where no alley is present. Stand-alone structures shall be separated from adjacent buildings by a minimum of 20 feet to provide sufficient light and privacy for adjacent structures. This separation may accommodate an alley and/or rear yards.	
Activated structures are parking structures with retail uses at the base that are oriented solely toward the street.	Liner buildings associated with activated structures may be directly attached or detached by a minimal fire separation distance. Access to activated structures shall be provided from an alley or from a primary thoroughfare or secondary thoroughfare where no alley is present.	

Table 04.11.4.F-2, *Parking Structure Type Descriptions and Standards*

Descriptions	Standards	Image
Integrated structures are parking structures located within an occupied building.	Integrated structures may be fully or partially integrated with the surrounding building. Access to an integrated structure shall be provided directly from an alley or a secondary thoroughfare, where present. Integrated structures may provide direct access into the building on each floor.	
Rooftop parking is the combined use of a building, other than a parking garage, and vehicle parking taking place on the roof.	Rooftop open-air parking shall require a parapet wall of sufficient height to ensure vehicles are not visible from the nearest sidewalk. Such parapet wall shall be a minimum of four feet in height.	 

2. **Size of Structured Parking Spaces**. Individual parking spaces for structured parking facilities (parking garages) shall be a minimum of 8.5 feet in width and 16 feet in depth.
3. **General Design Standards**. Parking structures shall be designed as follows:
   1. Internal circulation and parking levels shall be oriented so that a horizontal, rather than sloped, plane faces the principal thoroughfare abutting the structure.
   2. Rooftop open-air parking shall be screened with a parapet of at least four feet in height.

Effective on: 10/15/2020

Subsec. 04.11.4.G Bicycle Parking

1. **Minimum Space Requirements**. Table 04.11.4.G, *Bicycle Space Requirements*, sets out the minimum required number of long-term bicycle parking and short-term bicycle parking. One bicycle parking rack may have room for several short-term spaces. Where an option is provided, whichever results in the greatest number of spaces is the minimum required.

Table 04.11.4.G, *Bicycle Space Requirements*

Land Use / Building Type	Required Long-Term Bicycle Spaces	Required Short-Term Bicycle Spaces
Household Living, except those listed below:	None	None
Triplex/Quadplex or Apartment	2 spaces or 1 space per 10 units; whichever is greater	None
Civic, except those listed below:	2 spaces or 1 space per 50 employees[1]; whichever is greater	2 spaces or 1 space per 10,000 sf. GFA; whichever is greater

Table 04.11.4.G, *Bicycle Space Requirements*

Land Use / Building Type	Required Long-Term Bicycle Spaces	Required Short-Term Bicycle Spaces
School, elementary or middle (public or private); School, high (public or private)	2 spaces or 1 space per 50 employees; whichever is greater	1 per classroom
Entertainment, Indoor or Sexually-Oriented Business	2 spaces or 1 space per 50 employees; whichever is greater	2 spaces, or 1 space per 20 seats, or 1 per 1,000 sf. GFA; whichever is greater
Entertainment, Outdoor	2 spaces or 1 space per 50 employees; whichever is greater	8 spaces or 1 space per 500 seats; whichever is greater
Heavy Industrial; Light Industrial; Warehousing and Freight Movement; Waste Related Service; and Wholesale Trade	2 spaces or 1 space per 20 employees; whichever is greater	None
Medical Facilities	2 spaces or 1 space per 50 employees; whichever is greater	None
Office[2]	2 spaces or 1 space per 15,000 sf. GFA; whichever is greater	2 spaces or 1 space per 15,000 sf. GFA; whichever is greater
Overnight Accommodations	2 spaces or 1 space per 50 employees; whichever is greater	2 spaces or 1 space per 50 rooms; whichever is greater
Parking, Freestanding	None	None
Restaurants	2 spaces or 1 space per 50 employees; whichever is greater	2 spaces if less than 10 seats, 4 spaces if 10 or more seats
Retail Repair, Sales, and Service[3]	2 spaces or 1 space per 40,000 sf. GFA; whichever is greater	2 spaces or 1 space per 20,000 sf. GFA; whichever is greater

TABLE NOTES:

[1] Employees on largest shift.

[2] Office uses below 10,000 sf. GFA are exempt from bicycle requirements.

[3] Retail Repair, Sales, and Service uses below 3,000 sf. GFA are exempt from bicycle parking requirements.

2. **Anchors.** All spaces provided shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.
3. **Location**.
   a. Bicycle parking shall be located in a secure area, ideally covered from weather and shall be located as close to a building entrance as the closest on-site automobile parking space or within 40 feet of the entrance.
   b. Bicycle spaces shall be required on-site, except that public short-term bicycle parking facilities within the same block face, or within 400 feet of the main entrance may satisfy short-term parking requirements. Secured indoor spaces on-site with ample room and accessibility for bicycles may satisfy long-term parking requirements.
4. **Waiver**. Where subsurface conditions or below-ground infrastructure make bicycle parking difficult or infeasible, the Administrator may reduce or waive the required bicycle parking or may approve different design and location standards for required bicycle parking spaces.
5. **Balcony Spaces**. Required long-term bicycle spaces shall not be located on a residential balcony.
6. **Off-Street Parking Credit**. Refer to Sec. 04.11.6, *Credits and Reductions*, for off-street parking credits provided for bicycle parking that exceeds the minimums in Table 04.11.4.G, *Bicycle Space Requirements*.

Effective on: 10/15/2020

Subsec. 04.11.4.H Loading

1. **Loading Table**. Off-Street loading spaces shall be provided in accordance with the minimum ratios of Table 04.11.4.H, *Required Loading Spaces*. Unlisted use types do not require off-street loading spaces.

Table 04.11.4.H, *Loading Space Requirements*

Land Use Type	Building Floor Area (sf. GFA)[1]	Required Loading Spaces	Space Size (width feet x depth feet)
Civic	1 - 9,999	None	N/A
	10,000+	1 + 1 per 50,000 sf. GFA above 50,000 sf. GFA	10 x 25

Table 04.11.4.H, *Loading Space Requirements*

Land Use Type	Building Floor Area (sf. GFA)[1]	Required Loading Spaces	Space Size (width feet x depth feet)
Entertainment, Indoor, Entertainment, Outdoor, Medical Facilities, Overnight Accommodations, Restaurants, Sexually-Oriented Business	1 - 9,999	None	N/A
	10,000+	1 + 1 per 50,000 sf. GFA above 50,000 sf. GFA	10 x 25
Heavy Industrial; Light Industrial; Warehousing and Freight Movement; Waste Related Service; and Wholesale Trade	1 - 4,999	None	N/A
	5,000+	1 up to 40,000 sf. GFA + 1 additional up to 100,000 sf. GFA + 1 per 100,000 sf. GFA above 100,000	10 x 25; 10 x 50 for building over 20,000 sf. GFA
Retail Repair, Sales, and Service	1 - 4,999	None	N/A
	5,000 - 9,999	1	10 x 25
	10,000 - 24,999	2	10 x 25
	25,000 - 39,999	2	10 x 50
	40,000 - 99,999	3	10 x 50
	100,000 - 249,999	4	10 x 50
	250,000+	1 per 200,000 above 250,000	10 x 50

TABLE NOTES:

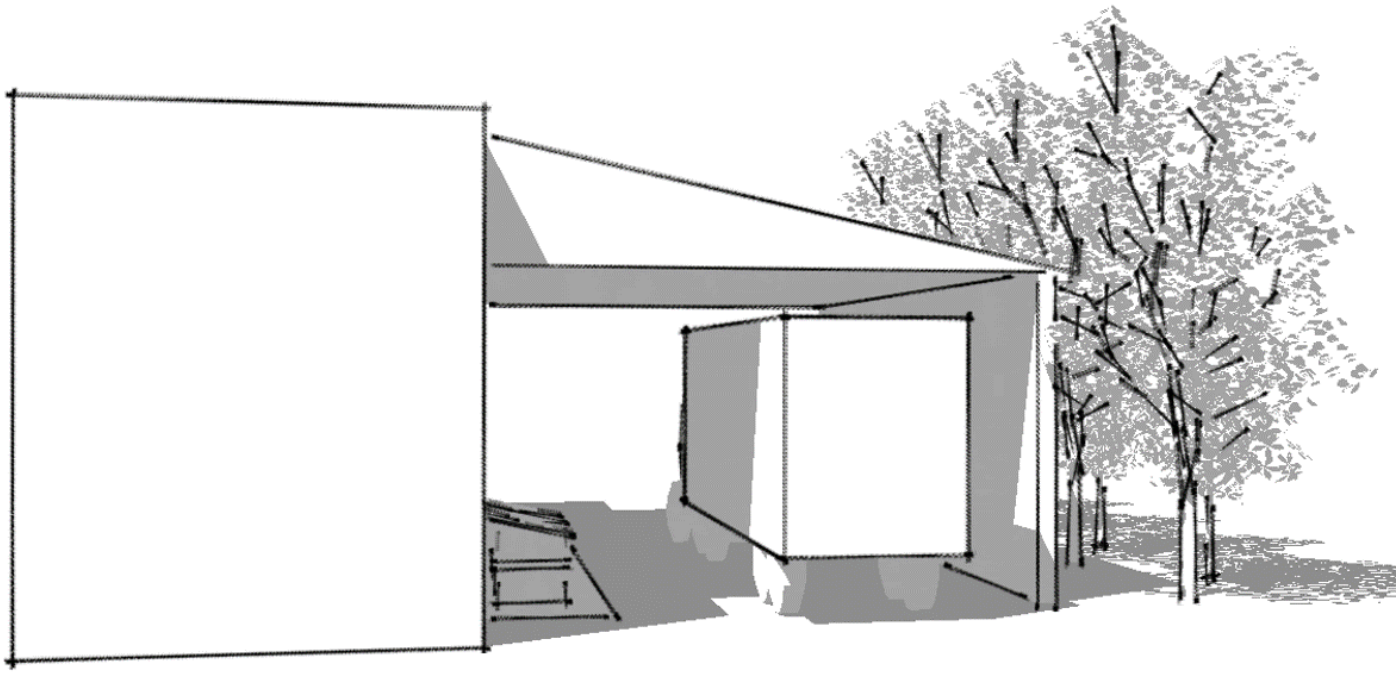
1. This calculation may include building floor area and outdoor storage space per Sec. 04.11.4.H.3.

2. **Mixed-Use Developments**. Where mixed-use developments may be adequately and conveniently served by a common loading area, the Administrator may approve a reduction in spaces required in Table 04.11.4.H, *Loading Space Requirements*, per Sec. 04.11.6, *Credits and Reductions*. For this purpose, the minimum number of required spaces shall be based on the median number of required spaces for each land use type n the development.
3. **Outdoor Storage**. For the purposes calculating loading requirements, each two square feet of exterior area used for outdoor storage shall be considered equivalent to one square foot of enclosed gross floor area.
4. **Location**. All off-street loading spaces shall be located on the same lot or an abutting lot as the use served. Loading areas for new development may be located in the side and minimum required rear setbacks, provided that all loading facilities shall be set back a minimum of 10 feet from the rear lot line and minimum side setback clearances are maintained. Loading areas for existing buildings in the mixed-use and SU districts that have undergone a change in permitted use are not required to observe these setback.
5. **Use of Off-Street Loading Space**. No building of any kind may be erected in any off-street loading area.
6. **Design and Layout**.
   a. The vehicle use area plan required in Sec. 04.11.2, *General Provisions*, shall show the number and location of loading 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 shall also be prepared in accordance with the requirements of this article.
   b. Each required off-street loading or unloading space shall be designed with direct access via an approved access drive to a public right-of-way that offers efficient ingress, egress, and safety for trucks. Access drives or aisles shall 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.
   c. All off-street loading or unloading areas, including spaces, maneuvering, and storage areas for truck parking shall be paved with asphalt, concrete, or Portland cement concrete.
   d. Any lighting used to illuminate off-street loading or unloading areas may not glare on any right-of-way or adjacent property.
   e. All loading areas in a Commercial and Office character districts shall be effectively screened in one of the following manners on each side adjoining or fronting on any property situated in a Residential, Mixed-Use, or Special Purpose character district:

a. The loading area shall be enclosed by a roof and a wall between the principal building and the property boundary line (as depicted in Figure 04.11.4.H, *Illustrative Example of Enclosed Loading*, below) so that the portion of the bufferyard between the enclosed loading and the property line may be reduced by one level of opacity with the remainder of the bufferyard being the opacity level required by Table 04.12.5, *Bufferyards*, for the applicable character district; or

b. The loading area shall be screened along its length by a district bufferyard per Sec. 04.12.5, *Bufferyards*, that has one additional level of opacity (for example, from a Type II bufferyard to a Type III bufferyard) than required by Table 04.12.5 and, additionally, the loading area shall contain an eight-foot tall masonry wall that is designed and constructed to compliment the primary exterior finish materials or design of the principal building.

Figure 04.11.4.H, *Illustrative Example of Enclosed Loading*



Effective on: 10/15/2020

Subsec. 04.11.4.I Stacking

1. **Generally**. Any development that involves a drive-through facility shall provide stacking spaces in accordance with this Section.
2. **Dimensions**. Stacking lanes shall have a minimum width of nine feet and a minimum depth of 18 feet.
3. **Uses**.
   1. *Restaurants*. A drive-through restaurant shall provide a minimum of five such stacking spaces for each stacking lane, measured from the pick-up window.
   2. *All Other Uses*. Any use with a drive-through, except for a restaurant, shall provide a minimum of three stacking spaces, measured from a payment window, ATM, or entrance of a washing or mechanical bay.
4. **Queuing**. Stacking lanes shall not cause queued vehicles to encroach upon or interfere with the use of the adjacent public right-of-way.

Effective on: 10/15/2020

Sec. 04.11.5 Special Studies

A. **Generally**.

1. *Specific Uses*. Certain uses require a Special Study in Table 04.11.3, *Minimum and Maximum Vehicle Parking Spaces.* These uses have widely varying parking demand characteristics, making it impossible in this NDC to specify a single off-street parking standard.

2. *Submittal, Credits, and Reductions*. An applicant may also submit a special study to support a request to reduce the number of required parking spaces required for any use to less than that set out in Table 04.11.3 or allowed by right in Sec. 04.11.6, *Credits and Reductions*. The special study shall include and support all requested reductions in parking.

B. **Special Study Requirements**.

1. *Qualifications*. A special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant's expense.

2. *Analytical Requirements*. The special study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable professional estimates 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 shall document the source of data used to develop the recommendations.

C. **Application of Study**. Upon receiving a special study that meets the requirements of this Section, the Administrator may rely on the recommendations of the study to establish off-street parking requirements for the proposed development.

Effective on: 10/15/2020

Sec. 04.11.6 Credits and Reductions

A. **Generally**. The reductions in this Section are cumulative and multiple credits and reductions may be used on a single site.

B. **Shared Parking**.

1. *Description*. Shared parking represents an arrangement whereby two or more uses with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.

2. *Authorization and Criteria*.

a. The Administrator is authorized to approve shared parking arrangements.

b. When any land or building is used for two or more uses that are listed in Table 04.11.6-1, *Shared Parking Table*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 04.11.6-2, *Illustrative Shared Parking Credit Calculation*, showing an example of how to calculate shared parking reductions.

1. Determine the minimum parking requirements for each use type in Column (A) as if it were a separate use excluding spaces reserved for use by specified individuals or classes of individuals (for example, accessible spaces or spaces posted as “reserved”);

2. Multiply the sum of required parking spaces for each use by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 04.11.6-1, below;

3. Calculate the total for each time period; and

4. The median total is the required number of shared spaces.

Table 04.11.6-1, *Shared Parking Table*

(A) Use Type	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential[1]	60%	90%	80%	90%	100%
Office or Industrial[2]	100%	10%	10%	5%	5%
Retail Repair, Sales, and Service	60%	90%	100%	70%	5%
Overnight Accommodations	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%

Table 04.11.6-1, *Shared Parking Table*

Entertainment, Indoor Entertainment, Outdoor, or Sexually-Oriented Business	40%	100%	80%	100%	10%
All Others	100%	100%	100%	100%	100%

TABLE NOTES:

[1]Residential Use Types are: Household Living and Group Living

[2]Industrial Use Types are: Heavy Industrial, Light Industrial, Warehousing and Freight Movement, Waste-Related Service, and Wholesale Trade

Table 04.11.6-2, *Illustrative Shared Parking Reduction Calculation*

EXAMPLE: A mixed-use building or site has 50 apartment units, 10,000 square feet of general office space, and 25,000 square feet of retail space. Separately, these uses would require 87 parking spaces ((50 units. x (.75 sp. / unit)) + (10,000 sf. x (1 sp. / 400 sf.)) + (25,000 sf. x (1 sp. / 1,000 sf.)) = 87). However, combined, they could share 56 parking spaces. (56 being the median of: 62, 57, 56, 51, and 39)

(A) Use Type	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential 37 spaces	60% x 37 = 22	90% X 37 = 33	80% x 37 = 29	90% x 37 = 33	100% x 37 = 37
Office or Industrial 25 spaces	100% x 25 =25	10% x 25 = 2	10% x 25 = 2	5% x 25 = 1	5% x 25 = 1
Retail Sales and Service 25 spaces	60% x 25 = 15	90% x 25 = 22	100% x 25 = 25	70% x 25 = 17	5% x 25 = 1
COLUMN TOTALS	**62**	**57**	**56**	**51**	**39**

TABLE NOTE:
The median number, 56, is the number of parking spaces required. This example is a 36 percent reduction compared to individual calculations.

3. *Maximum Parking*. Where maximum parking ratios apply, the maximum number of permitted shared spaces shall be 125% percent of the number derived from Table 04.11.6-1.
4. *Location of Shared Parking Facility*. A use for which an application is being made for shared parking shall 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 along a sidewalk. .
5. *Agreement*. An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the Administrator, in a form approved by the 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 shall be provided as otherwise required by this Division.

C. **On-Street Parking Credit**.

1. *Applicability*. On-street parking spaces may provide credit to satisfy the minimum parking space requirements except in the RR, SR, Commercial and Office (as provided in Sec. 02.04.2), and Industrial (as provided in Sec. 02.04.4) character districts or on any property adjacent to a street where on-street parking is prohibited. The use of on-street parking spaces to satisfy minimum parking requirements in no way guarantees the use of such parking spaces to customers, employees, or visitors of the subject property.
2. *Location and Availability*. On-street spaces shall be located on a public or private street, shall be available to the general public, and directly abutting the subject property.
3. *Prohibited Parking*. Bus stops, clear zones adjacent to curb cuts, and other areas in which parking is prohibited shall nc the calculation of available on-street parking spaces.
4. *Dimensions*. An on-street parking space shall be a minimum of 20 feet in length. A minimum of 16 linear feet of an on-street parking space shall be directly adjacent to the subject property in order to be counted as a parking space.

D. **Off-Site Parking Credit**. Off-site parking spaces may provide credit to satisfy the minimum parking space requirements in any nonresidential or Mixed-Use character district subject to the following:

1. *Generally*. The parking lot complies with all applicable requirements of this NDC; and

2. *Location*. The off-site parking lot is within 300 feet of the subject property, measured from the nearest property lines along a sidewalk; and
3. *Character District*. The parking lot is wholly within a Commercial and Office, Mixed-Use, or Industrial character district.

E. **Bicycle Parking Credit.** For every five bicycle parking spaces provided in excess of those required in Subsec. 04.11.4.G, *Bicycle Parking,* the minimum vehicle parking requirement shall be reduced by one space, for a maximum of a 15 percent reduction in required parking. Existing parking may be converted to take advantage of this provision**.**

F. **Mass Transit Credit.** A 10 percent reduction in the minimum vehicle parking requirement shall apply to any nonresidential or mixed-use development within 200 feet of a designated Transit Authority of Northern Kentucky transit route.

G. **Hillside Parking Credit**. A 20 percent reduction in the minimum vehicle parking requirement shall apply within the Hillside Stability (HS) secondary district for parking areas with the following characteristics:

1. Structured parking in compliance with Subsec. 04.11.4.F, *Vehicular Structured Parking*;
2. Outdoor parking that is located on the uphill side of the building; or
3. Parking areas located on existing flat portions of the site.

Effective on: 10/15/2020

Division 12 Landscaping, Fencing, and Buffering

Contents:

Sec. 04.12.1 Applicability

Sec. 04.12.2 General Provisions

Sec. 04.12.3 Tree Preservation

Sec. 04.12.4 Screening and Fencing

Sec. 04.12.5 Bufferyards

Sec. 04.12.6 Development Landscaping

Sec. 04.12.7 Installation and Maintenance

Sec. 04.12.1 Applicability

A. **Activities**. The standards of this Division apply to all development that involves:

1. New construction of a principal structure;
2. Expansion of an existing principal structure by 2,500 square feet or more;
3. Repair or rehabilitation of a property that, after review by the Administrator, exceeds 150% of the property's assessed value according to the Property Valuation Administrator and based on a cost estimates provided by the applicant; or
4. New construction or reconstruction of a vehicle use area, or expansion of a vehicle use area by 25% of the surface area, or as may be required per Division 11 Parking, Loading, and Circulation.

B. **Exception**. Resealing or re-striping of a parking lot, which does not entail paving, resurfacing, or replacement of the asphalt, concrete, or other surface paving material, is not considered reconstruction for the purposes of this section.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.12.2 General Provisions

A. **Plan Approval.** A landscape plan that is in compliance with the provisions of this Division shall be submitted as part of any activity that requires compliance with the standards of this Division.

B. **Landscaping Types**. This Division generally requires three types of landscaping that shall be provided on a site:

1. *Screening and Fencing*. Conceals from public view the area behind such structure or planting;
2. *Bufferyards.* Used to mitigate conflicts between incompatible uses and along streets; and
3. *Development Landscaping*. Vehicle use area, plantings, and building foundation plantings.

C. **Landscape and Tree Protection**. All required landscaping areas shall be protected from vehicular encroachment by curbs or wheel stops. All trees shall be installed and trimmed to ensure that no tree limb or portion thereof extends below the level of six feet above the ground.

D. **Vision Clearance.** Landscaping shall comply with the site triangle standards of Sec. 09.28.5, *Sight Triangle.*

E. **Size.**

1. *Trees*. Required trees shall have a minimum caliper of two and one-half inches and be a minimum of 10 feet in height.
2. *Shrubs*. Required shrubs shall be a minimum of five gallons in size.

F. **Planting Materials**. All trees, shrubs, and other planting materials shall be living plants and shall be native to the Northern Kentucky area, or native-compatible as determined by the adopted Covington Urban Forestry Best Management Practices (BMPs), and to the specific conditions of the site (soil conditions, slopes, etc.).

G. **Alternative Compliance**. The Administrator may approve a landscape plan with alternative compliance. In doing so, the Administrator shall consider the following criteria in determining the appropriateness of alternative compliance:

1. *Purpose*. The proposed alternate meets the purpose of this Division;
2. *Screening or Buffering not Possible*. For topographic reasons, a fence or wall or other required screening device will not screen activities from an abutting property as required by this Division;
3. *Stormwater Management*. The proposed alternative treatments, such as a green roof, rain garden, and permeable pavement, would create sufficient surface area of on-site stormwater management comparable to otherwise required landscaping treatments.
4. *Comprehensive Plan*. The approved alternate conforms with the Kenton County Comprehensive Plan and any other applicable adopted plan; and
5. *Natural Screening or Buffering*. The existing topography or vegetation achieve the purpose of this Division.

H. **Conflicting Requirements.** In instances of conflicting or overlapping requirements for landscaping in a given development, the standards which require the greatest volume of landscaping or landscaping-related elements shall govern.

I. **Modifications.** Upon recommendation by the Urban Forester, the Administrator may administratively approve requests for minor modifications to any approved landscape plan, such as changes in plant materials, plant locations, or species, provided those changes comply with the requirements of this Division and do not materially alter the appearance of the site.

Effective on: 10/15/2020

Sec. 04.12.3 Tree Preservation

A. **Generally**. Protected trees shall be preserved and disturbed areas shall be replanted in conformance with the standards of this Section.

B. **Protected Trees**. For the purposes of this Section, protected trees are those that are healthy, of a native or non-invasive species, and a minimum of eight inches Diameter at Breast Height (DBH).

C. **Exemptions**. The following activities shall be exempt from this Section:

1. *Single- and Two-Family Residential Properties*. Tree removal on single and two-family residential properties of trees that are less than twelve inches Diameter at Breast Height (DBH);
2. *Mining or Stockpiling*. Land clearing, grading, removal or stockpiling of soil, sand, gravel, or rock as part of a permitted operation, such as a sand and gravel materials plant;
3. *Investigative Excavation*. Exploratory digging or boring by a soils engineer, geologist, archeologist, or similar professional for the purposes of investigating site conditions;
4. *Non-Native Vegetation*. Removal of non-native invasive vegetation (refer to the list maintained by Urban Forester);
5. *Installation and Maintenance*. Landscape installation and maintenance; and
6. *Agricultural Activity*. Gardening and farming.

D. **Clear Cutting**. Development sites subject to the applicability of this Division, that include significant stands of trees shall not allow earth disturbing activity in preparation of development that results in a clear cut of existing vegetation within the limits of construction. Instead, existing vegetation shall be removed only if one or more of the following apply:

1. *Unhealthy*. They are unhealthy or structurally unsound;
2. *Building Footprint*. They are within 10 feet of an approved building footprint;
3. *Paved Areas*. They are within five feet of the paved area of an approved street or parking lot;
4. *Recreation Area*. They are within eight feet an approved outdoor recreation area that by its nature requires the removal of the trees (e.g., ballfields);
5. *Stormwater Area*. They are within an approved stormwater retention/detention area and are not adapted to such conditions; or
6. *Easements*. They are within six feet of a utility easement and would interfere with the use of the easement as determined by the Administrator.

E. **Tree Inventory.**

1. *Generally*. Development shall be designed, laid out, and constructed to incorporate and preserve protected trees.
2. *Tree Preservation Plan*. An applicant for Development Plan or Zoning Permit review, whichever happens first, shall submit a tree preservation plan, prepared by a Registered Consulting Arborist or an International Society of Arboriculture Board Certified Master Arborist, to the Urban Forrester showing the approximate location, species, condition, and size of all trees of eight inches or more DBH, and of trees proposed for tree credit in accordance with Subsection I., *Tree Preservation Credits*, below, that are within the area to be affected by the proposed development. The plans shall differentiate between such protected trees and unprotected trees that are proposed to be removed.

F. **Tree Protection.**

1. *Generally.* Protected trees shall be native or non-invasive.
2. *Barriers*. Except as provided in this Section, protected trees shall not be destroyed due to construction activity on a development site. Protected trees shall be designated for preservation and marked with bright ribbons encircling the tree trunk at a height of four feet above the ground, and shall be surrounded by tree protection barriers to form a critical root zone (CRZ). The CRZ shall meet the following standards:
   a. Soil or other materials shall not be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved.
   b. A maximum of 25 percent of the CRZ of trees to be preserved may be paved with concrete, asphalt, or other impervious material and shall be subject to the approval of the Urban Forester.
   c. A minimum of 75 percent of the CRZ of an existing tree shall be permanently maintained as a pervious area at grades existing prior to site development unless special provisions are made for the protection and survival of the tree. Such special provisions, including but not limited to the use of permeable paving materials, shall be subject to the approval of the Urban Forester.
   d. All tree protection barriers shall be accompanied by “Tree Save Area” signage placed upon the barriers not more than every 20 feet.
   e. Barriers shall be typical orange construction fencing, or an alternative barrier approved by the Urban Forester, or in their absence, the Public Works Director.
   f. Barriers shall be at least four feet in height around the critical root zone (CRZ).
   g. Barriers shall be installed prior to the commencement of construction.

G. **Protection and Replacement**. The following requirements apply to all protected trees that are not included as part of a tree preservation credit per Subpart I (Tree Preservation Credit):

   a. 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 the Urban Forester.
   b. 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 according to the following rates:
      a. Trees eight inches or greater DBH: at a rate of two diameter-inches for every diameter-inch of a tree irreparably damaged or killed; and
      b. Trees less than eight inches DBH: at a rate of one diameter-inch for every diameter-inch of tree irreparably damaged or killed.
   c. The Urban Forester may take final action on a tree preservation plan and may refer a plan to the Urban Forestry Board for their review and final action.

H. **Tree Mitigation.** The removal of more than 40 percent of unprotected trees on an entire site, or more than 60 percent within the limits of construction, shall require mitigation in the following manners.

1. The property owner shall provide a mitigation plan, prepared by a Registered Consulting Arborist or an International Society of Arboriculture Board Certified Master Arborist, to replace lost tree canopy. The Urban Forester shall take final action on the mitigation plan. Such plan shall show:
   a. Symbols depicting the general location where trees are proposed to be planted or preserved throughout the development, including both landscape and restoration elements;
   b. A legend with species delineated by designated symbols, size/diameter at maturity, and number; and

c. Specifications for tree planting depicting the associated ANSI standards for both installation on hillsides and within the landscape.

2. The Urban Forester may deem a site as "restrictive" if the arborist who prepared the mitigation plan demonstrates a minimum of one of the following characteristics of the site:

a. The site is too small in area to accommodate the proposed development and all of the required tree plantings to mitigate lost canopy at maturity;

b. The site has soil characteristics that make newly planted trees unlikely to grow; or

c. The site has some other characteristic that would prevent the planting of the mitigating trees.

3. If the site is too restrictive for planting to meet the required mitigation of diameter inches lost, then planting shall take place off-site and within the surrounding watershed area according to the following two options:

a. In coordination with the Urban Forester, the owner shall determine planting locations, tree species, agreed upon planting specification, and post-planting tree care for the required replacement trees; or

b. The owner may pay into the in-lieu-fee tree mitigation program, at the cost of $250 per diameter-inch.

I. **Tree Preservation Credits**.

1. *Credits for Preserved Trees***.** Development sites that preserve trees may be given credit towards the fulfillment of their landscape requirements as contained in this Division. Credit may only be granted for protected trees located on the same lot or parcel and only those as detailed on the tree protection plan.

2. *Rate of Credit*. The rate at which credit will be given for the preservation of protected trees. shall be one canopy tree for every 2 inches at DBH of tree preserved/retained.

3. *Application of Tree Preservation Credit*. The tree preservation credit is applied towards the requirements for the area where the tree is located. If there are no requirements for that area, the credit applies in the following order of descending priority:

a. Site landscaping requirements;

b. Parking lot landscaping requirements; and

c. Bufferyard requirements, provided that the tree is located between the bufferyard to which the credit applies and the building or use that is being buffered.

4. *Replacement of Credited Trees*. Should any tree for which credit is received under the provisions of this Section die or be removed at any time, the owner shall, within 90 days, replace the tree. The owner shall replace the tree with the number of credited trees. (For example, if a 14"-caliper existing tree dies, then the owner shall replace the tree with seven new canopy trees.) The replacement trees shall be of equivalent species or a species that will obtain the same height, spread and growth characteristics.

Effective on: 10/15/2020

Sec. 04.12.4 Screening and Fencing

A. **Vehicle Use Area Screening from Street**.

1. *Planted Screening*. As illustrated in Figure 04.12.4-1, *Vehicle Use Area Screening*, the perimeter of all vehicle use areas (VUAs) larger than 1,200 square feet shall be set back per the requirements in Sec. 04.11.2, *General Provisions*, and effectively screened from view of adjacent streets. This screening shall meet the following requirements:

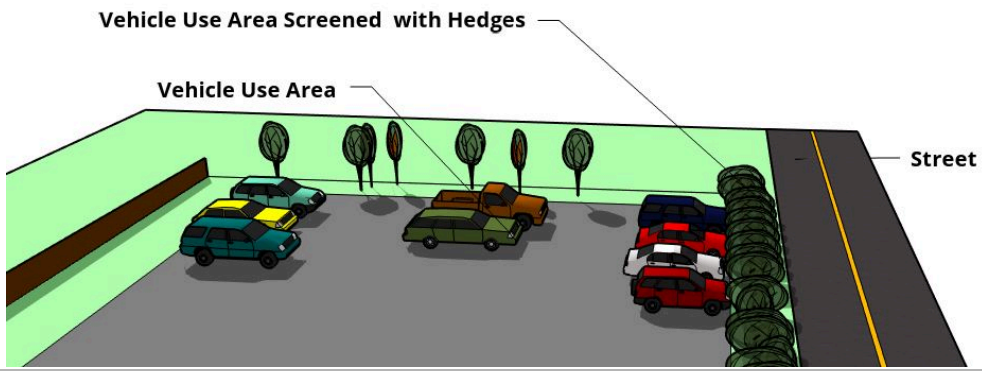
a. The view of such VUAs from all abutting streets shall be visually screened either by permitted buildings (other than fences or walls) or by a hedge, not less than three feet in height and not more than four and one-half feet in height, or by a combination of buildings and hedges.

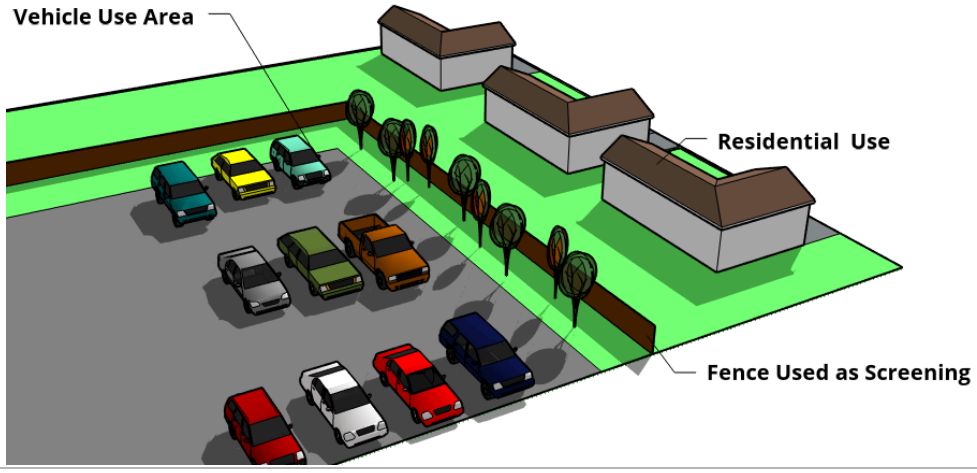
b. Hedges used to satisfy the standards of this section shall consist of individual shrubs with a minimum width of 24 inches, spaced no more than 36 inches on center.

c. Visual screening shall be located between the perimeter of the VUA and the street property line(s).

d. The remainder of the required seven-foot VUA setback shall be landscaped and shall include at least one tree for every 25 linear feet of building width. Trees shall have a minimum caliper size of two and one-half inches.

Figure 04.12.4-1, *Vehicle Use Area Screening*





2. *Natural Screening*. Where vegetative or topographic conditions that provide natural screening exist prior to development of properties in question, every effort shall 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 Administrator or Planning Commission, as required by this section.
3. *Access*. This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings reasonably necessary for access drives and walkways.
4. *Bumper Overhangs*. Notwithstanding the other provisions of this NDC, the front or rear bumper overhang of vehicles parked within the VUA may encroach upon the required minimum street setback up to a maximum distance of two feet. This allowed overhang area may be included in the calculation of the required depth of each abutting parking space.

B. **VUA Screening from Residential and Institutional Use.**

1. *Screening*. Screening of a vehicle use area (VUA) from residential and civic uses in the same character district shall consist of a Type II Bufferyard as established in Sec. 04.12.5, *Bufferyards*.
   a. Chain-link fences are prohibited.
   b. Walls or fences used for screening shall be constructed out of masonry or wood and shall be:
      1. Complimentary in materials to the principal building;
      2. Planted with vines; or
      3. Decorated in a manner that is complementary or historically or architecturally appropriate to the neighborhood.
   c. Notwithstanding the other provisions of this NDC, the front or rear bumper overhang of vehicles parked within the VUA may encroach upon the required street minimum setback up to a maximum distance of two feet. This allowed overhang area may be included in the calculation of the required depth of each abutting parking space.

2. *Fencing*. Ornamental fencing is required to be installed along the perimeter of VUAs adjacent to front and street side property lines and abutting any existing street yard of property located within a residential or mixed-use character district.
   a. The required ornamental fencing shall be installed behind the required perimeter landscape area, at least five feet from abutting property lines.
   b. Required fences are limited to a height of no more than four and one-half feet above grade unless the Administrator determines that the fence is necessary for security purposes, in which case the fence may be a maximum of six feet in height.

C. **Loading Area Screening.** Refer to Sec. 04.11.4.H.6, *Design and Layout*, for screening requirements for off-street loading areas.

D. **Fences and Walls**.

1. *General*.
   a. The construction of a new fence or wall, or reconstruction of at least 50 percent of an existing fence or wall, shall comply with the standards of this Subsection. The height standards of this Subsection do not apply to fences or walls required for bufferyards, as set forth in Sec. 04.12.5, *Bufferyards*. A fence or wall may encroach upon any required yard, provided the fence or wall is aligned parallel or radial to the adjacent property line. A fence may be placed along and be extended to any lot line provided that the height and other requirements of this Section are met.
   b. No fence or wall may:
      1. Encroach upon a public right-of-way without a license in accordance with Section 96.01, *Encroachments on or in the Public Right-of-Way*, of the City Code;
      2. Conflict with corner visibility as set forth in Sec. 09.28.5, Sight Triangle;
      3. Interfere with any utility line; or
      4. Obstruct any required access point.
   c. Fences proposed within the Historic Preservation (HP) secondary district, the 12th Street (TS) secondary, district, and KRS Chapter 99 Development Plan Areas that include design guidelines are subject to the provisions in Sec. 07.21.3, *Certificate of Appropriateness (Staff)* or Sec. 07.23.7, *Certificate of Appropriateness (BOARD)*.
2. *Materials*.
   a. Fences and walls shall be constructed of permanent, durable materials, including but not limited to, brick, stone, concrete, textile block, wood, iron, or steel.
   b. No fence or wall may be constructed of barbed wire, concertina wire, razor wire, electrically charged wire, railroad ties, standard, fluted, or split face concrete masonry units (CMU), scrap metal, tarps, recycled materials, or any other material determined by the Chief Building Official to be detrimental to the public health, safety, and welfare.
3. *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 chainlink), 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; and
   h. Class 8: Earthen or concrete walls intended to contain or redirect flooding waters
4. *Height.* Fences or walls are subject to the height standards in Table 04.12.4, *Maximum Fence and Wall Height*. Refer to Sec. 09.28.1, *Buildings, Walls, and Fences*, for the height measurement methodology for walls and fences. Refer to Sec. 09.28.3, S*etbacks*, for a depiction of what constitutes street, street side, interior side, and rear yards and setbacks. The height of a fence does not include the height of a retaining wall it is constructed on top of.

Table 04.12.4, *Maximum Fence and Wall Height*

Districts	Fence or Wall Class[6]	Maximum Fence and Wall Height by Yard/Setback Type (feet)			
		Street and Street Side Yard	Interior Side Yard	Rear Yard	Sight Triangle[1]
Resource Protection and Recreation	1	--	8	8	--
	2	8	8	8	3
	3[4]	8	8	8	3
	4	8	8	8	3
	5	--	8	8	--
	6	8	8	8	3
	7[4]	--	5-foot minimum, 2-foot maimum above primary fence		--
	8	According to engineering requirements			
Residential	1	4	6	7	--
	2[2]	4 1/2	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			
Commercial and Office	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	--	6	7	--
	8	According to engineering requirements			
Industrial	1[5]	6	7	7	--
	2[5]	6	7	7	3
	3[5]	6	7	7	3
	4[5]	6	7	7	3
	5[5]	6	7	7	--
	6[5]	6	7	7	--
	7	5-foot minimum, 2-foot maximum above primary fence			
	8	According to engineering requirements			
Mixed-Use	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			

Table 04.12.4, *Maximum Fence and Wall Height*

Districts	Fence or Wall Class[6]	Maximum Fence and Wall Height by Yard/Setback Type (feet)			
		Street and Street Side Yard	Interior Side Yard	Rear Yard	Sight Triangle[1]

TABLE NOTES:

[1]Triangular portion at corner, 12 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 shall 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

[5]Barbed wire may be placed on top of fence classes 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.

[6]Fencing, walls, and other screening elements around waste equipment may not incorporate Class 3 fences (woven wire or chain link materials).
-- means not allowed

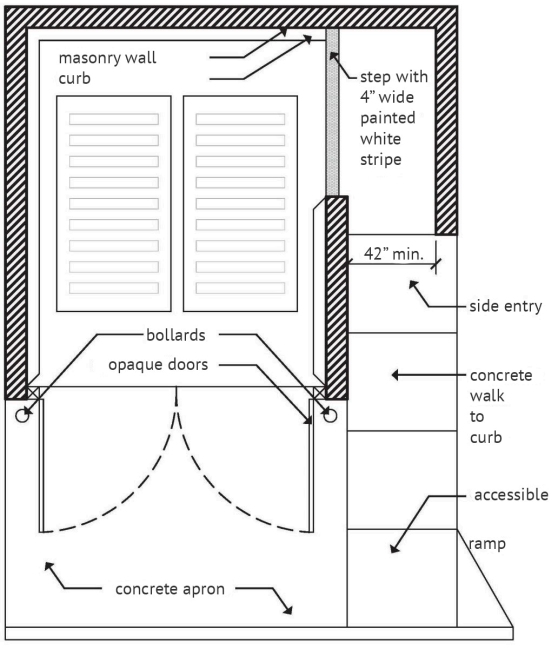
5. *Fences or Walls on Vacant Properties*.
   a. The construction of fences or walls is allowed on a property with no principal structure provided that a property under the same ownership as the vacant property is within a 600-foot radius of the vacant property. The fence or wall constructed shall meet all regulations of this Section. No accessory structure other than a fence or wall may be constructed on a vacant property. Fence or wall material shall be consistent all the way around the property.
   b. Fences shall be permitted by specific yard type per Sec. 09.28.3, *Setbacks and Yard Types*, and the provisions of Table 04.12.4, *Maximum Fence and Wall Height*.
   c. The fence or wall on a vacant property shall be a Class 1 through 5 fence or wall and it shall be of an equal or higher class (smaller number) as the predominate fence Classes on the block face.
   d. Chain-link fences are prohibited on vacant properties in all Residential and Commercial and Office districts.
6. *Finish*. All fence posts and related supporting members of a fence shall be erected so that the finished sides of the fence face the adjacent property or public right-of-way.
7. *Maintenance*. Fences and walls, including supports, shall be maintained in a proper state of repair. The property owner shall repair any damage to or deterioration of a fence or wall, whether due to vandalism, weather, age, loss of mortar, or peeling paint.

E. **Waste Equipment Screening**.
1. *Applicability*. All of the following uses and developments shall provide for the enclosure and screening of waste equipment, which includes carts on wheels (food waste, trash, and recycling), waste oil containers, compactors, or dumpsters (trash and recycling):
   a. Multi-unit buildings;
   b. Business, commercial, or industrial 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.
2. *Paved Surface*. Waste equipment shall be placed on a paved surface of either concrete or asphalt.
3. *Screening Methods*.
   a. Required waste equipment screening may be achieved by designating an enclosed space for waste equipment within a principal building or within an accessory structure such as a garage.
   b. Where waste equipment is not enclosed within a principal or accessory structure, they shall be screened on all sides (except for the gate area) by permanent and durable materials, other than chain-link or woven wire materials, permitted in Sec. 04.12.4.D, *Fences and Walls,* with a minimum height of six feet. One side of the waste equipment area shall be furnished with an opaque, lockable gate. In addition, waste equipment screening shall contain the elements depicted in Figure 04.12.4-2, *Waste Equipment Enclosure Screening*.
   c. The screening walls required by this Section may:
      1. Be planted with vines; or
      2. Be architecturally compatible, in material and color, with the principal structure on the property; or

3. Display a mural.

d. Final renderings of waste equipment screening shall be submitted to Neighborhood Services, Solid Waste and Recycling Division, for review and approval prior to installation.

Figure 04.12.4-2, *Waste Equipment Enclosure Screening*



F. **Outdoor Swimming Pools**. An outdoor swimming pool, whether public or private, is permitted in association with a permitted residential use subject to the following standards.

1. Location. Except as provided in this Subsection, no swimming pool or associated equipment is permitted within any required setback or within any public utility easement. No swimming pool shall be located forward of the principal structure, or in the front yard of any lot.
2. Fence and Gate. Swimming pools, whether constructed in-ground or above ground, shall have a fence or wall, including a self-closing or self-latching door or gate, with the latches placed at least four feet above ground, around the pool or the property on which the pool is located. Fences Such fence or wall shall be at least four feet, but not more than six feet in height. Walls shall be at least four feet in height. Such fences or walls shall be constructed in such a manner that any openings do not allow the passage of a four-inch diameter sphere.
3. Above-Ground Pool Walls. 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 four feet in height above the surrounding ground level. Any access to above-ground pools by means of a ladder or stairway shall 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.
4. Lighting. Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.
5. Private Water Source. Water used in the swimming pool that is obtained from a source other than a public source shall be approved by the Northern Kentucky District Health Department.
6. Existing Pools. All existing swimming pools that are unprotected by a surrounding fence or wall, including gates or doors, as required in this Subsection, shall immediately be brought into compliance.
7. Sound. No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools may create a nuisance to adjacent residential properties.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.12.5 Bufferyards

A. **Generally.** The standards in this section apply at the time of changing a use or constructing a new structure on a given property when adjacent to a property of a separate character district per Table 04.12.5-1, *Character District Bufferyard Requirements*. Properties separated by a public right-of-way are considered adjacent for the purposes of this Section.

Table 04.12.5-1, *Character District Bufferyard Requirements*

District of Proposed Development	Adjoining Property District							
	RR, RP, REC	SR	SU	AUC, SO	Mixed-Use	SI	LI	GI
RR, RP, REC		--	I/II	I/II	I/II	I/II	I/II	I/II
SR	I/II		--	--	--	--	--	--
SU	I/II	I/II		--	--	I/II	I/II	I/II
AUC, SO	III/IV/V	III/IV/V	III/IV/V		--	--	I/II	I/II
Mixed-Use	I/II	I/II	--	--		I/II	I/II	I/II
SI	III/IV/V	III/IV/V	III/IV/V	III/IV/V	III/IV/V		--	--
LI	III/IV	III/IV	III/IV	III/IV	III/IV	I/II		I/II
GI	III/IV	III/IV	III/IV	III/IV	III/IV	III/IV	I/II	

TABLE NOTES:
I/II = Bufferyard I or II Required, choice of I or II at applicant's discretion
III/IV/V = Bufferyard III, IV, or V Required, choice of III, IV, or V at applicant's discretion
-- = No bufferyard required

B. **Bufferyard Types**. There are different types of bufferyards, each of which vary in width and the numbers and types of plants required per 100 linear-foot segment, or portion of such segment. The minimum planting requirements for each type of bufferyard are set out in Table 04.12.5-2 *Bufferyard Requirements per 100-Foot Segment.* The bufferyard types and their required plantings are illustrated in Figure 04.12.5-1 through Figure 04.12.5-5.

Table 04.12.5-2, *Bufferyard Requirements per 100-Foot Segment*

Type	Bufferyard Width (ft.) (A)	Required Plantings per 100 Linear Feet (B)			Screening Height (min. ft.) (C)	
		Canopy Trees	Evergreen / Ornamental Trees	Shrubs	Fence	Wall
I	7	--	4	--	Not Allowed	6
II	10	4	4	--	6	6[1]
III	20	4	6	40	Not Allowed	6
IV	35	5	6	60	6	6[1]
V	50	20	--	--	--	--

TABLE NOTES:
[1] Not required but may be provided in place of a fence

Figure 04.12.5-1, *Type I Bufferyard*

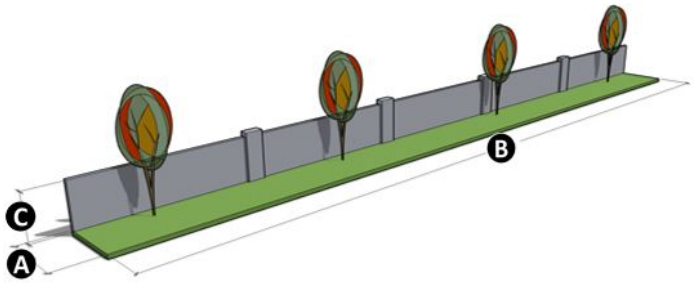


Figure 04.12.5-2, *Type II Bufferyard*

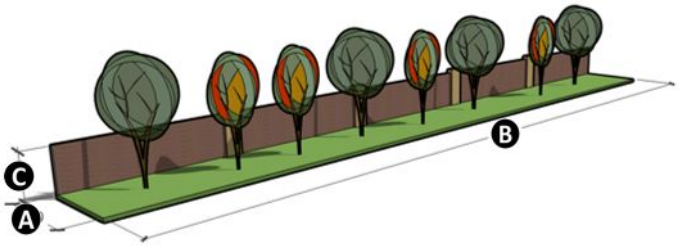


Figure 04.12.5-3, *Type III Bufferyard*

Figure 04.12.5-4, *Type IV Bufferyard*

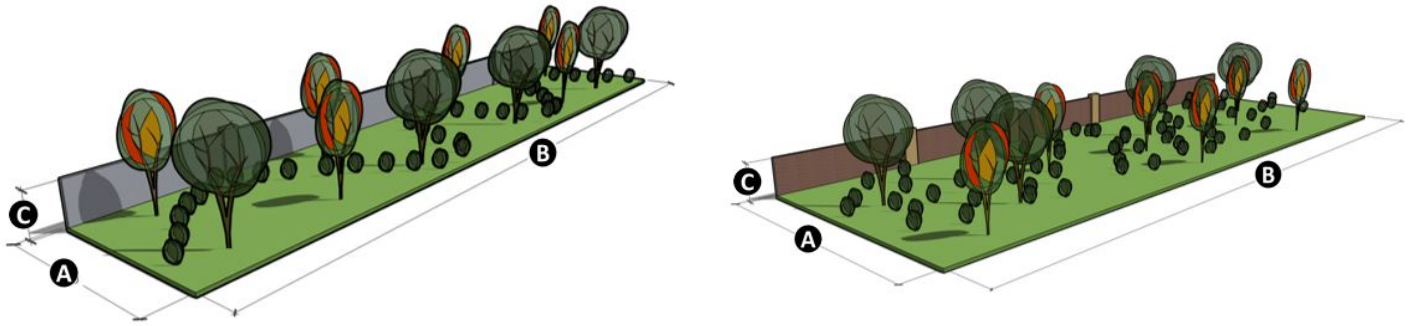
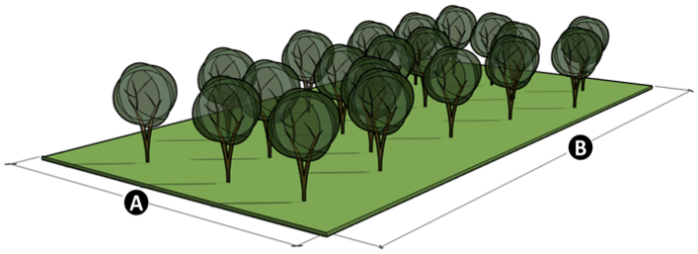


Figure 04.12.5-5, *Type V Bufferyard*



C. **Bufferyard Locations**.

1. *Generally*.

   a. A bufferyard shall be located along the outer perimeter of a parcel, parallel to the entirety of the adjacent lot line(s) for which a bufferyard is required. Landscaping shall be planted and a fence, wall, or berm shall be installed, if applicable, on the subject property.

   b. Plantings shall be positioned in a character district bufferyard between the fence or wall and the adjoining property.

   c. A required bufferyard shall not be located on any portion of an existing, dedicated, or reserved public right-of-way.

   d. Breaks for pedestrian, bicycle, and vehicle access are allowed. Driveways or walkways shall cross a bufferyard at as near a perpendicular angle as practical.

   e. The width of a required bufferyard is calculated on the average width per 100 feet or portion of bufferyard. The minimum width of the bufferyard at any one point shall not be less than one-half the required width of the buffer.

2. *Along Streets*.

   a. In place of a required bufferyard along a public right-of-way, street trees and othe rlandscaping improvements may be planted or installed in teh public right-of-way in consultation with the Director of Public Works and the Covington Urban Forester.

   b. The Covington Urban Forester may waive a requirement for a bufferyard along a public right-of-way where:

      1. Street trees of the minimum required number are already installed and maintained in a healthy, growing condition;

      2. There is already a well-established tree planted on the subject property along the street (outside of the public right-of-way), whose crown reaches over the public right-of-way and would cause overcrowding of the new required street tree; and

      3. The specific location of a curb cut, utility line, underground vault, transit stop or station, or other feature conflicts with the placement of a tree.

D. **Berms**. In place of a required wall or fence, a natural or human-made berm of a least six feet in elevation may be provided in a bufferyard. The subject property shall be located at an elevation lower than the adjacent property and the stabilized side slopes of the berm shall be no greater than 3:1.

E. **Reduced Bufferyard.**

1. *Mixed-Use Districts*. A development in a mixed-use character district is required to provide the character district bufferyard and plantings only if:
   a. The building heights of the new development are greater than eight feet taller than the building heights of the adjoining, existing development; or
   b. The residential element of the mixed-use development along the common lot line with the existing development is of greater density than the adjoining, existing development.
2. *Infill*. An infill development in the Mixed-Use or SU character districts is required to provide the character district bufferyard and plantings only if the overall area of the development is greater than 6,000 square feet.

F. **Encroachments**.
1. *Vehicles and Structures*. The parking of vehicles and the placement of structures except for walls, fences, and landscaping is not allowed in a required bufferyard.
2. *Low Impact Development*. Low impact development and other similar stormwater management features are permitted in a required bufferyard.

G. **Exemptions**. A parcel proposed for development, redevelopment, or substantial improvement may be exempt from the requirement to provide a bufferyard under the following conditions:
1. *Elevation Difference*. Where there is an elevation difference between two adjacent properties that is six feet or greater;
2. *Natural Area*. Where the subject property is separated from the adjacent property by a natural area that meets or exceeds the level of screening required by the applicable bufferyard; or
3. *Similar Adjacent Use*. Where the adjacent property that would otherwise require a bufferyard has a similar principal use, as determined by the Administrator.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.12.6 Development Landscaping

A. **VUA Landscaping.** All lots containing a vehicular use area (VUA) with an area of 3,000 square feet or more shall provide interior landscaping in accordance with the requirements of this Section.
1. *Required Landscape Area*. The area of the interior landscaping shall be equal to the amounts listed in Table 04.12.6,-1 *Minimum Interior Landscape Area for VUAs*.

Table 04.12.6-1, *Minimum Interior Landscape Area for VUAs*

Area of Vehicular Use Area (square feet)	Minimum Interior Landscaped Area
3,000 - 4,500	5% of VUA
4,501 - 30,000	7.5% of VUA
More than 30,000	10% of VUA

2. *Standards*. Required interior landscaping shall comply with the following standards:
   a. *Bufferyards*. The bufferyard requirements of Sec. 04.12.5, *Bufferyards*, shall not be counted toward satisfying interior landscaping standards.
   b. *Design and Dispersal*. Interior landscaped areas shall be designed to enhance the appearance and safety of the vehicular use areas. Such areas shall be reasonably dispersed throughout the vehicular use area.
   c. *Credits*. Existing plant material may be counted towards satisfaction of this requirement at an inch-for-inch rate, with properly installed tree protection zones per the adopted Covington Urban Forestry Best Management Practices (BMPs).
   d. *Plantings.* One canopy tree shall be planted for each 125 square feet of required interior landscape area. Six shrubs shall be required for every 25 parking spaces provided. Large mass plantings shall include a variety of

appropriate plant species, rather than a single plant species.

e. *Area*, Each separate landscaped island or area shall contain a minimum of 165 square feet of area, have a minimum dimension of eight 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.

f. *Soil*. The soil volume and composition for trees required within interior planting islands shall have three-foot minimum depth and topsoil shall be backfilled and mounded.

B. **Foundation Plantings**. For the SO, AUC, and SI character districts:

1. *Minimum Radius*. Buildings shall be surrounded by planting areas adjacent to the base of the building with a minimum width as set out in Table 04.12.6-2, *Foundation Planting Requirements*. Where planting areas are required, they may be crossed with sidewalks to provide access to the building and may be interrupted in the rear by required service and loading areas.

Table 04.12.6-2, *Foundation Planting Requirements*

Character District	Minimum Radius Around Building (feet)		
	Street Front and Street Side	Interior Side	Rear[1]
SO, AUC	10	10	6
SI	6	4	4

TABLE NOTE:
[1]Rear plantings are required only if the building has rear parking or a drive through. *Planting and Decorative Materials*.

2. *Street Front, Interior Side, and Street Side*. One canopy tree or two ornamental trees shall be planted within the foundation planting areas that face the street front, street side, and interior side setbacks for each 30 linear feet, measured parallel to the building. Remaining portions of the planting area shall be planted with groundcover. A maximum of 10 percent of the remaining portions of the planting area may consist of decorative pavers or stamped, dyed concrete. Wet ponds with fountains, vegetated rain gardens, naturalized wetlands, and/or xeriscape gardens may be used in lieu of or together with the required ground cover.

3. *Rear*.

a. If the base of the rear exterior wall of the building is visible from a residential or mixed-use property, an open space, or a public right-of-way, then the foundation planting area shall be planted in the same manner as required of a street, interior side, or street side foundation planting area.

b. If the rear exterior wall of the building is not visible from the properties listed in paragraph a., above, then no foundation plantings are required.

C. **Site Landscaping**.

1. *Planting Location*. All areas not designated as foundation plantings, bufferyards, VUA landscaping, or utilized for pedestrian and vehicular access to the building (for example, sidewalks, parking spaces, loading spaces, service areas, and drive-in or drive-through facilities) shall be landscaped meeting the requirements of this Subsection.

2. *Trees*. One canopy or evergreen tree, or three ornamental trees, shall be planted per 1,000 square feet of the site landscaping area.

3. *Shrubs*. Six shrubs shall be planted per 1,000 square feet of the site landscape area.

4. *Groundcover*. All remaining ground surface not covered by Subsection C.2. and C.3., above, shall be groundcover.

5. *Exception*. In place of the required groundcover and shrubbery, wet ponds with fountains, vegetated rain gardens, naturalized wetlands and/or xeriscape gardens may be installed.

6. *Calculation*. Existing trees, shrubs, and groundcover that are within the boundaries of the affected property and that will not be removed may count as meeting the site landscaping requirements. This provision does not exempt vehicular use areas from meeting the standards for minimum interior landscaping, above.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.12.7 Installation and Maintenance

A. **Installation.**

1. *Standard Practices*. Property owners are responsible for installing landscape materials required by this Division in accordance with standard practices of horticultural professionals.
2. *Conformance with Approved Plans*. The Administrator shall consult with the Urban Forester on the conformance of the landscaping plan with the requirements of this Division before taking final action on such plan. Landscaping that is completed out of conformance with approved plans shall be subject to Article 158.08, *Enforcement, Penalties, and Remedies*.
3. *Deferred Installation*. 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 Kenton County Chief Building Inspector is authorized to issue a temporary certificate of occupancy for a period of up to eight months. Required landscaping shall be in place prior to the expiration of the temporary certificate of occupancy. A permanent certificate of occupancy may be issued once required landscaping is in place.

B. **Maintenance.**

1. *Continued Conformance*. Landscape maintenance is binding to any subsequent property owners.
2. *Good Condition*. The property owner shall maintain required landscaping in good condition.
3. *Continual*. Maintenance of landscaping shall 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.
4. *Dead Vegetation*. Any damaged or dead trees, shrubs, or ground cover shall be removed and replaced within six months, or by the next planting period, whichever comes first, by plant material similar in type to that which was removed.
5. *Irrigation*.
   a. Irrigation, beyond establishment, is not required. Where installed, permanent irrigation systems shall:
      i. Utilize low-volume irrigation emitters such as bubbler, drip irrigation, and soaker hose emitters.
      ii. Be equipped with a meter, backflow preventer, and weather-based irrigation controller.
   b. Temporary spray irrigation systems may be used to establish seeded areas for grass and groundcover.

Effective on: 10/15/2020

Division 13 Signs

Sec. 04.13.1 Applicability

A. **Compliance Required**. It shall be a violation of this Division for any person to erect, install, convert, relocate, enlarge, or structurally modify in any way a sign, except as specifically allowed within this Division.

B. **Exemptions**. The following signs or sign elements are exempt from the provisions of this Division unless otherwise stated, but are subject to any other applicable laws and regulations:

1. *Interior Signs*. 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;
2. *Small Signs*. Any permanent or temporary 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;
3. *Mass Transit Signs*. Signs on mass transit vehicles operating in or passing through the City of Covington;
4. *Historic District Signs*. Any new or restored sign on a building or lot located within a locally designated historic district shall comply with the standards set forth in and specified by the approved Certificate of Appropriateness for that particular sign. Any standards in this NDC that are not expressly modified by the approved Certificate of Appropriateness shall still apply;
5. *Vehicle Signs*. Signs on vehicles and watercraft which are regularly used in the operation of a business where:
   a. The vehicle is operable and has current tags;
   b. The sign is an on-premise sign;
   c. The vehicle is legally parked within a parking space; and
   d. The display of the sign is incidental to the vehicle use.

C. **Signs Allowed Without A Permit**. The following signs or sign-like devices are allowed in all character districts without a sign permit and are not to be included in the determination of the allowable numbers, type, and area of a sign that requires a sign permit. The signs below may be subject to a Certificate of Appropriateness per Sec. 07.20.2. Signs subject to this Section shall conform to the requirements specified:

1. Address Numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;
2. Detached signs not greater than seven square feet, allowed in residential districts in accordance with Sec. 04.13.4, *Permanent Signs*, and Sec. 04.13.5, *Temporary Signs*;
3. Temporary signs not greater than 12 square feet, allowed in nonresidential and mixed-use districts;
4. Wall signs not greater than four square feet;
5. Cultural decorations or displays of noncommercial nature, mounted on private residential property, which pertain to cultural observances;
6. Cornerstones, foundation stones and memorial signs or tablets 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;
7. Symbols that are integrated into the architecture of a building;
8. Gravestones when erected in a lawful cemetery or graveyard;
9. Graphic images which are visible only from aircraft flying above;
10. Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products if they do not flash and if they are either not legible from any location 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;

11. 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, provided that such device is less than 12 square feet in size;
12. Ghost signs visible from a public right-of-way, place, or facility provided that such signs are not altered in any way that changes its original design, wording, or size; and
13. Murals provided that they may be painted or placed only on one exterior wall of a building where such wall does not face a residential character district; and
14. Detached incidental signs, permanent or temporary, provided that such signs are not illuminated.

D. **Other Actions Allowed Without A Permit**. The following signs and actions related to signs shall be exempt from the permit requirements of this Division but shall be subject to all other standards of this Division:

1. *Demolition*. Removal of a sign if the applicant obtains a Demolition Permit for the structure on which the sign is mounted;
2. *Change of Copy*. 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 Sec. 04.13.4, *Permanent Signs*; and
3. *Maintenance and Repair*. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.13.2 General Provisions

A. **Permit Required**. Except as otherwise provided, no sign shall be erected, installed, converted, relocated, enlarged, or structurally modified within the City without a sign permit issued in accordance with Sec. 07.21.7, *Sign Plan and Permit*.

B. **Signs Subject To Other Standards.** Signs listed in this Subsection shall be exempt from the permit requirements of this Division; but, shall, to the maximum extent allowed by law, be subject to the other standards of this Division. This subsection shall apply to the following types of signs:

1. Signs conforming to the Manual of Uniform Traffic Control Devices;
2. Signs installed by employees or officials of the City of Covington, Kenton County, a state or federal agency in the course of their governmental duties;
3. Signs required by a state or federal statute;
4. Signs required by an order of a court of competent jurisdiction;
5. Signs in a historic preservation overlay district, which shall comply with the Historic Preservation Guidelines and the approved Certificate of Appropriateness for the individual sign;
6. Signs installed by public utilities in their rights-of-way or on their facilities; and
7. 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.

C. **Court Orders.** Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this Division or otherwise deviate from the standards in this Division 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 Division.

D. **Product Displays, Sales Devices, Menus Boards**

1. Nothing in this Division shall prohibit or limit the outdoor display of products where allowed under this NDC, although a particular product may be a thing which would be prohibited by this Division if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this

Division. This Division 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 Division, but a separate sign attached to such a product shall be considered a sign and subject to regulation.

2. All signs on vending machines, gas pumps, news racks and similar machines and devices that do not have the characteristics described in Paragraph 04.13.1.C.11 shall be considered "signs" and shall be subject to all of the regulations of this Division.
3. If such a menu board or other device is larger than 12 square feet or if it is electrified, it shall require a sign permit.

E. **Policies And Rules Of Construction**. This Division shall be administered, enforced and construed in accordance with the following policies:

1. *Discretionary Review*. When one or more signs are part of a project or development, or a variance or conditional use permit is sought for sign(s) that 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 noncommunicative aspects of the sign. This provision does not override the billboard policy.
2. *Message Neutrality*. It is the City's policy to regulate signs in a constitutional manner.
3. *Regulations on Off-Site Messages*. This Division 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.
4. *Billboard Policy*. New billboards are prohibited. The City completely prohibits the construction, erection or use of any billboards, other than those that legally exist within the jurisdiction of this NDC, or for which a valid permit has been issued and has not expired, as of October 15, 2020. No permit shall be issued for any billboard that violates this policy, and the City shall take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Division. The City intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Division may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid, or unenforceable.
5. *Message Substitution*. 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.
6. *Regulatory Interpretations*. All regulatory interpretations of this Division 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 Division, or whenever a sign does not qualify as a "structure" as defined in the building code then in effect, then the Administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Division, in light of the policies stated in this Section.
7. *Non-communicative Aspects*. All rules and regulations concerning the noncommunicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
8. *Secondary (Overlay) Character Districts*. In any character district where both residential and nonresidential 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 character district, those regulations shall be applied; or (2) if no sign regulations are provided in the character district, residential uses shall be treated as if they were located in a character district 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 character district where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

9. *Property Owner's Consent*. 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.
10. *Legal Nature of Sign Rights*. As to all signs attached to real property, the signage rights, duties and obligations arising from this Division 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 Division or other law), or the ownership of sign structures. This provision does not apply to handheld signs or other images which are aspects of personal appearance.
11. *Severability*.
    a. *Generally*. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division 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 Division, except as limited by Paragraph b., below.
    b. *Severability Where Less Speech Results*. Without diminishing or limiting in any way the declaration of severability set forth above in Paragraph a., above, or elsewhere in this Division or this NDC, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Division is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Division, 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.
    c. *Severability of Provisions Pertaining to Prohibited Signs*. Without diminishing or limiting in any way the declaration of severability set forth above in Paragraph a., above, or elsewhere in this Division or in this NDC, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Division 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 Division that pertains to prohibited signs, including specifically those signs and sign types prohibited under Sec. 04.13.3, *Prohibited Signs*. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Division or of any part of this NDC 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 Division, except as expressly provided in Paragraph b., above.
    d. *Severability of Prohibition on Off-premise Signs*. If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Division and/or other provisions of this Division or other provisions of this NDC 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.

Effective on: 10/15/2020

Sec. 04.13.3 Prohibited Signs

A. **Generally**. This Section identifies sign types, materials, design elements and locations that are prohibited in the City or extraterritorial jurisdiction.

B. **Prohibited Sign Types**. Unless specifically authorized by another section of this Division, or by other law, the following sign types are prohibited at all times and in all zones:

1. New billboards;

2. Any freestanding sign with an area that exceeds 10 percent of the area of the site or parcel on which it is located; or two percent of the lawful, as-built floor area of the principal building on the site;
3. Portable signs, including folding portable signs and flashing portable signs;
4. Pennants, banners, streamers, balloons, and similar devices;
5. 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 Sec. 04.13.4, *Permanent Sign*, are not subject to this limitation;
6. 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;
7. Signs on vacant lots in nonresidential and mixed-use districts larger than 12 square feet in area;
8. 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
9. Signs using sounds, music, sound effects, noises, or other sound or noise-making or transmitting device or instruments.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.13.4 Permanent Signs

A. **Generally**.

1. *Permanent Signs*. This Section sets out which type of permanent signs are permitted and the standards that apply to them.
2. *Signage Classification*. Should there be any sign that has characteristics that could potentially classify it as more than one of the sign types in this Section, the more restrictive standard shall apply.
3. *Signage by Use*. Certain signage is regulated by both the character district and the primary use of a given property. Provisions that to Public and Institutional uses included uses in the following categories:
   a. Civic uses;
   b. Medical Facilities uses; and
   c. Social Service uses.
4. *Maximum Number of Signs*. Any number of signs for a given sign type may be permitted on each lot per the provisions below up to the cumulative maximum area, except where a maximum number of signs allowed applies. For example, if the maximum area for a wall sign is 50 square feet and no maximum number of signs applies, then signage may be provided in one 50 sq. ft. sign, two 25 sq. ft. signs, or five 10 sq. ft. signs, among other combinations that have a cumulative area of 50 square feet.

B. **Permanent Signs**. Tables 04.13.4-1 through 04.13.4-5 *Allowed Permanent Signs* set out:

1. The attached and detached sign types allowed in each character district;
2. The standards that apply to each sign type; and
3. Whether a sign permit is required or not.

C. **Unlisted Signs**. Signs that are not listed in Tables 04.13.4-1 through 04.13.4-5 or that are not expressly permitted as permanent signs per a separate provision in Division 13, *Signs*, are prohibited as permanent signs.

Table 04.13.4-1 *Allowed Permanent Signs (Special Purpose Districts)*

Character District	RP, REC
Detached Sign	**Allowed**
Number Allowed (Max.)	1 per occupied lot
Maximum Area	6 sq. ft.
Maximum Height	6 ft.

Table 04.13.4-1 *Allowed Permanent Signs (Special Purpose Districts)*

Character District	RP, REC
Illumination	Not allowed
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed
Public and Institutional Use Detached Sign	**Allowed**
Number Allowed (Max.)	1 per permitted use
Maximum Area	40 sq. ft.
Maximum Height	6 ft.
Illumination	Concealed or down lighting
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed
Public and Institutional Use Wall Sign	**Allowed**
Number Allowed (Max.)	1 per each public entrance of a Civic building
Maximum Area	4 sq .ft.
Maximum Height	--
Illumination	Concealed or down lighting
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed
Permanent Entrance Sign[1,2]	**Allowed**
Number Allowed (Max.)	2 (each located at opposite sides of the principal same entrance)
Cumulative Maximum Area	50 sq. ft.
Maximum Height	6 ft.
Illumination	Concealed or down lighting
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed
Wall Sign	**Allowed**
Number Allowed (Max.)	1 per dwelling unit if single-family use; 1 per each public entrance for all others
Maximum Area per Permitted Sign	4 sq.ft
Maximum Height	--
Illumination	Not allowed
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed

TABLE NOTES:

[1]Masonry wall, landscaping, or other similar materials or features permitted.

[2]Signs shall be located at the principal entrance(s) fronting arterial or collector streets as classified in the Kenton County Comprehensive Plan as a Principle Arterial - Urban, Minor Arterial - Urban, or Major Collector - Urban street.

Table 04.13.4-2 *Allowed Permanent Signs (Residential Districts)*

Character District	RR, SR	SU
Detached Sign	**Allowed**	**Allowed**
Number Allowed (Max.)	2 at any one time, including all wall signs, detached signs, temporary signs, and others, may contain commercial messages.	Principal: 1 per street frontage per site Directory: 1 per vehicle entrance Additional: 1 per public entrance per building
Maximum Area	6 sq. ft.	Principal: 25 sq. ft. Directory: 6 sq. ft. Additional: 6 sq. ft.
Maximum Height	6 ft.	Principal: 6 ft. Directory: 4 ft. Additional: 4 ft.
Illumination	Not allowed	Principal: Concealed or down lighting Directory: Concealed only Additional: Concealed only

Table 04.13.4-2 *Allowed Permanent Signs (Residential Districts)*

Character District	RR, SR	SU
Minimum Setback from the nearest property line	--	Principal: 5 ft. (front); 10 ft. (other) Directory:15 ft. Additional: 25 ft.
Changeable Copy	Not allowed	Not allowed
Public and Institutional Use Detached Sign	**Allowed**	**Allowed**
Number Allowed (Max.)	1	1
Maximum Area	40 sq. ft.	40 sq. ft.
Maximum Height	6 ft.	6 ft.
Illumination	Exposed or concealed	Exposed or concealed
Minimum Setback from the nearest property line	--	--
Changeable Copy	Allowed, but not to exceed 30% of the sign area	Allowed, but not to exceed 30% of the sign area
Public and Institutional Use Wall Sign	**Allowed**	**Allowed**
Number Allowed (Max.)	1 per each public entrance	1 per each public entrance
Maximum Area	32 sq. ft.	32 sq. ft.
Maximum Height	--	--
Illumination	Concealed or down lighting	Concealed or down lighting
Minimum Setback from the nearest property line	--	--
Changeable Copy	No	No
Permanent Entrance Sign[1,2]	**Allowed**	**Allowed**
Number Allowed (Max.)	2 (each located at opposite sides of the principal entrance)	2 (each located at opposite sides of the principal entrance)
Cumulative Maximum Area	50 sq. ft.	50 sq. ft.
Maximum Height	6 ft.	6 ft.
Illumination	Exposed or concealed	Exposed or concealed
Minimum Setback from the nearest property line	--	--
Changeable Copy	Not allowed	Not allowed
Wall Sign	**Allowed**	**Allowed**
Number Allowed (Max.)	1 per dwelling unit if single- or two-family use; 1 per each public entrance if other permitted use	1 per dwelling unit; If the building contains 3 or more dwelling units, one additional sign permitted at each public entrance
Maximum Area per Permitted Sign	4 sq. ft.	4 sq. ft.
Maximum Height	--	--
Illumination	Not permitted for single-family use; Exposed or concealed for other permitted use	Not permitted for residential use; Exposed or concealed for other permitted use
Minimum Setback from the nearest property line	--	--
Changeable Copy	Not allowed	Not allowed

TABLE NOTES:

[1]Masonry wall, landscaping, or other similar materials or features permitted.

[2]Signs shall be located at the principal entrance(s) fronting arterial or collector streets as classified in the Kenton County Comprehensive Plan as a Principle Arterial - Urban, Minor Arterial - Urban, or Major Collector - Urban collector street.

Table 04.13.4-3 *Allowed Permanent Signs (Commercial and Office Districts)*

Character District	SO	AUC
Detached Sign	**Allowed**	**Allowed**
Number Allowed (Max.)	Principal: 1 per street frontage per site Directory: 1 per vehicle entrance Other: 1 per public entrance	Principal: 1 per street frontage per site Directory: Not allowed Other: Not allowed

Table 04.13.4-3 *Allowed Permanent Signs (Commercial and Office Districts)*

Character District	SO	AUC
Maximum Area per Permitted Sign	Principal: 25 sq. ft. Directory: 6 sq. ft. Additional: 6 sq. ft.	Principal: 25 sq. ft. Other: 6 sq. ft.
Maximum Height	Principal: 8 ft. Directory: 4 ft. Additional: 4 ft.	Principal: 20 ft. Other: 4 ft.
Illumination	Principal: Exposed or concealed Directory: Concealed only Additional: Concealed only	Concealed only
Minimum Setback from the nearest property line	Principal: Five ft. (front); 10 ft. (other) Directory:15 ft. Additional: 25 ft.	Principal: 5 ft. from any other property line; 30 ft. from the nearest single-family residential district Other: 15 ft. from nearest single-family residential district
Changeable Copy	Principal: Automatic allowed; may cover up to 25% of sign face Directory: Not allowed Additional: Only manual changeable copy is allowed; may cover entire sign face	Not allowed
Permanent Entrance Sign[1,2]	**Allowed**	**Allowed**
Number Allowed (Max.)	2 (each located at opposite sides of the principal entrance)	2 (each located at opposite sides of the principal entrance)
Cumulative Maximum Area	50 sq. ft.	50 sq. ft.
Maximum Height	6 ft.	6 ft.
Illumination	Exposed or concealed	Exposed or concealed
Minimum Setback from the nearest property line	--	--
Changeable Copy	Not allowed	Not allowed
Wall Sign	**Allowed**	**Allowed**
Maximum Area	2 sq. ft. per lineal foot of building width on the side of the building on which the sign is located	2 sq. ft. per lineal foot of building width on the side of the building on which the sign is located
Maximum Height	--	--
Illumination	Concealed or direct source only	External or internal, concealed or direct source
Minimum Setback from the nearest property line	--	--
Changeable Copy	Not allowed	Automatic allowed; may cover up to 25 percent of the sign face area
Window Sign[3]	**Allowed**	**Allowed**
Maximum Area	25 percent of window area on a building wall	25 percent of window area on a building wall
Maximum Height	--	--
Illumination	No separate illumination allowed	External or internal, concealed or direct source
Minimum Setback from the nearest property line	--	--
Changeable Copy	Not allowed	Not allowed

TABLE NOTES:

[1] Masonry wall, landscaping, or other similar materials or features permitted.

[2] Signs shall be located at the principal entrance(s) fronting arterial or collector streets as classified in the Kenton County Comprehensive Plan as a Principle Arterial - Urban, Minor Arterial - Urban, arterial or Major Collector - Urban collector street.

[3] Signs that are installed behind windows, but that are legible from other private property or from driving lanes of adjacent streets shall be subject to limitations on both window signs and wall signs.

Table 04.13.4-4 *Allowed Permanent Signs (Mixed-Use Districts)*

Character Districts	CMU, CRM, DTC, TUMU, TUR, DTR
Detached Sign	**Not Allowed**
Number Allowed (Max.)	--
Maximum Area	--

Table 04.13.4-4 *Allowed Permanent Signs (Mixed-Use Districts)*

Character Districts	CMU, CRM, DTC, TUMU, TUR, DTR
Maximum Height	--
Illumination	--
Minimum Setback from the nearest property line	--
Changeable Copy	--
Public and Institutional Use Detached Sign	**Allowed**
Number Allowed (Max.)	1 per permitted use
Maximum Area	40 sq. ft.
Maximum Height	6 ft.
Illumination	Exposed or concealed
Minimum Setback from the nearest property line	--
Changeable Copy	Yes, but not to exceed 30% of the sign area.
Public and Institutional Use Wall Sign	**Allowed**
Maximum Area	2 sq. ft. per linear foot of building width, not to exceed 150 sq. ft.
Maximum Height	--
Illumination	Not allowed
Minimum Setback from the nearest property line	--
Changeable Copy	No
Permanent Entrance Sign	**Allowed**
Maximum Area	50 sq. ft.
Maximum Height	6 ft.
Illumination	Yes
Minimum Setback from the nearest property line	--
Changeable Copy	No
Projecting Sign[1]	**Allowed in CMU, CRM, DTC, TUMU, and DTR**
Maximum Area	50 sq. ft. per face (2 maximum equal faces)
Height of Bottom of Sign	Not less than 7 ft. measured from the sidewalk
Maximum Height	20 ft. above sidewalk, or the top of a parapet wall, whichever is less
Illumination	Internal, external, direct, indirect, exposed or any combination
Maximum Projection from Face of the Building	Six feet (as measured perpendicular to a wall), or two-thirds of the distance from the façade of the building to the street-side edge of the sidewalk, whichever is less
Changeable Copy	Automated allowed; may cover up to 50% of any sign face
Wall Sign[2]	**Allowed**
Maximum Area	2 sq. ft. of sign area per lineal foot of building width on the side of the building on which sign is located
Maximum Height	Not to extend above the top of the wall of the building, including parapets and architectural extensions
Illumination	Concealed source only
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed
Window Sign	**Allowed**
Maximum Area	25% of the window area of a building wall
Maximum Height	--
Illumination	No separate illumination allowed
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed

Table 04.13.4-4 *Allowed Permanent Signs (Mixed-Use Districts)*

Character Districts	CMU, CRM, DTC, TUMU, TUR, DTR

TABLE NOTES:

[1]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.

[2]See Subsection F, below, for wall sign standards for buildings taller than five stories or 50 feet, whichever is less.

Table 04.13.4-5 *Allowed Permanent Signs (Industrial Districts)*

Character District	SI, LI, GI
Detached Sign	**Allowed**
Number Allowed (Max.)	Principal: 1 per street frontage Directory: 1 per vehicle entrance and one per public entrance per building
Maximum Area per Permitted Sign	80 sq. ft. per sign face
Maximum Height	Principal and Directory: 15 ft.
Illumination	Concealed source only
Minimum Setback from the nearest property line	Principal and Directory: 15 ft. from nearest right-of-way; 20 feet from any other property line; 100 feet from nearest single-family residential district
Changeable Copy	Principal: Automatic allowed; may cover up to 25% of sign face allowed Directory: Not allowed
Permanent Entrance Sign	**Allowed**
Number Allowed (Max.)	2 (each located at opposite sides of the principal same entrance)
Cumulative Maximum Area	50 sq. ft.
Maximum Height	6 ft.
Illumination	Yes
Minimum Setback from the nearest property line	--
Changeable Copy	No
Wall Sign	**Allowed**
Cumulative Maximum Area	2 square feet of sign area per lineal foot of building width on the side of building on which sign is located
Maximum Height	Not to extend beyond the top of the building wall, including parapets and architectural extensions.
Illumination	Concealed source only
Minimum Setback from the nearest property line	--
Changeable Copy	Not allowed

D. **Illumination**. Signs may be illuminated as specified in this Section, consistent with the following standards:

1. *Location*. Summary tables 04.13.4-1 through 04.13.4-5 provide information about what types of illumination are permitted for each sign type in each character district.
2. *Visibility*. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
3. *Sign Illumination*. Signs shall not exceed 0.3 foot-candle of light over ambient light conditions.
4. *Types of Illumination*. Where permitted, illumination may be:
   a. Signs with exposed illumination are subject to the following standards:
      1. The source of the light shall be concealed by opaque covers.
      2. Any light sources intended to illuminate surfaces behind a sign letter or symbol to produce a halo effect shall be fully concealed from view.
      3. Exposed illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source shall be static in color.

Figure 04.13.4-1, *Example Signs With Exposed Illumination*

UPLIGHTING

DOWNLIGHTING

b. Signs with concealed illumination are subject to the following standards:

1. Internal illumination, including neon lighting, shall be static in intensity and color.
2. Message center signs and digital displays are permitted in accordance with the regulations contained in Sec. 04.13.4.G, *Changeable Copy.*

Figure 04.13.4-2, *Example Signs With Concealed Illumination*

CABINET SIGN

CONVENTIONAL CHANNEL LETTER SIGN

BACK-LIT CHANNEL LETTER SIGN (HALO EFFECT)

5. *Neon Lighting*. Where exposed illumination is permitted and where artistically appropriate, neon or similar tubing may be used in conjunction with other types of materials to attractively emphasize the business name and/or logo. Linear exposed neon lighting outlining the perimeters or architectural features of buildings is prohibited.

6. *Sign Electrical Raceways and Conduits.*

a. Electrical transformer boxes and raceways should be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway should be finished to match the background wall or integrated into the overall sign design.

b. If raceways are necessary, they should be as thin and narrow as possible and should never extend in width or height beyond the area of the sign's lettering or graphics.

E. **Projecting Signs**.

1. *Placement*. A projecting 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.
2. *Encroachment*. A projecting sign may not project over a street, alley, or driveway.
3. *Seal*. An application for a permit for a projecting sign shall bear the seal of an architect or engineer registered in the Commonwealth of Kentucky.

F. **Additional Wall Signs On Tall Buildings**. 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. *Height*. 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. *Area*. 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;
3. *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.);
4. *Total Area of Wall Signs*. The wall signs allowed under this subsection are allowed in addition to the wall signs allowed in the tables above, but the total area of wall signs on one face of the building shall in no case exceed 20 percent of the building face;
5. *Concealed Source*. Lighting for the signs allowed under this subsection shall be by concealed source only; and
6. *Changeable Copy*. Signs allowed under this subsection shall not include any form of changeable copy.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 04.13.5 Temporary Signs

A. **Temporary Residential Character District Signs**. A maximum of six temporary signs will be permitted on each lot in a residential character district, subject to the following standards and conditions:

1. The total combined sign area of all temporary signs on one property shall not exceed 36 square feet;
2. It shall be attached at all four corners or otherwise firmly affixed to a wall of the principal building or it may be freestanding; and
3. If it is freestanding, it shall not exceed four feet in height.

B. **Temporary Nonresidential or Mixed-Use Character District Signs**. One temporary sign will be permitted on each lot in a non-residential or mixed-use character district, subject to the following standards and conditions:

1. It shall not exceed 12 square feet in area;
2. It shall be attached at all four corners or otherwise firmly affixed to a wall of the principal building or it may be freestanding;
3. If it is freestanding, it shall be supported by one or more posts or similar devices in the ground and shall not exceed six feet in height;
4. 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;
5. If the message relates to an event, such sign shall be removed within seven days following the conclusion of the event; and
6. Such a sign may bear any noncommercial message or a commercial message.

C. **Temporary Subdivision Signs**. 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 50 lots in a proposed subdivision. Such sign shall not be illuminated and shall not exceed 32 square feet in area. Such sign shall be removed upon the earlier of the following:

1. A period of two years from the date of installation.
2. Sale of more than 90 percent of the lots in the subdivision; or
3. Installation of a permanent neighborhood identification sign.

D. **Temporary Civic Building Signs**. A Civic building type on a site larger than five acres may have in association with it banners that are subject to the following standards:

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;
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.

E. **Temporary Sidewalk Signs**. In the Mixed-Use districts, temporary 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 on the premises that front on the sidewalk.

F. **Temporary Banner Signs**. Any Civic building type on a site larger than five acres may have in association with it a banner sign that are subject to the following standards:

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. Such banners shall not be separately illuminated; and
6. 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.

Effective on: 10/15/2020

04.13.6 Installation, Design, and Construction Standards

A. **Location**.

1. 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.
2. No sign shall be located within eight vertical feet or four horizontal feet of overhead exposed electrical or other wires. This shall not apply to such wires that are insulated or wrapped for safety.
3. 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.
4. No sign shall be located so that it blocks the free airflow through windows in residential units.
5. No sign shall be located so that it obstructs access to or from a doorway, fire escape, or required escape window.
6. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.

B. **Flashing Signs, Moving Signs, And Changeable Copy Signs**.

1. *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 Division. 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.
2. *Rules for Automatic Changeable Copy Signs Allowed under this Division*. Automatic changeable copy signs shall be allowed only in those districts and for those uses in which “changeable copy sign, automatic” is listed as a permitted sign type and shall be subject to the following additional restrictions:
   a. Such technology shall be programed so that the message or image on the sign changes no more often than every eight seconds.
   b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
   c. 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.
   d. 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:
      1. 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.
      2. 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.
   e. 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 programed 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.
   f. The area of a sign consisting of electronic or electromechanical message board elements shall not constitute more than 200 square feet of a sign.

g. The following limitations shall apply to the location of signs using electronic or electro-mechanical technology for a message board:

1. A sign on which the electronic or electromechanical 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 or other jurisdiction's residential districts, although this restriction shall not apply to mixed-use districts and commercial districts allowing residential uses.
2. A sign on which the electronic or electromechanical 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 or other jurisdiction's residential districts, although this restriction shall not apply to mixed-use districts and commercial districts allowing residential use.
3. A sign on which the electronic or electromechanical 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.

3. *Rules for Manual Changeable Copy Signs Allowed under this Division*.

a. Manual changeable copy reader boards are only permitted on monument signs or marquee signs.

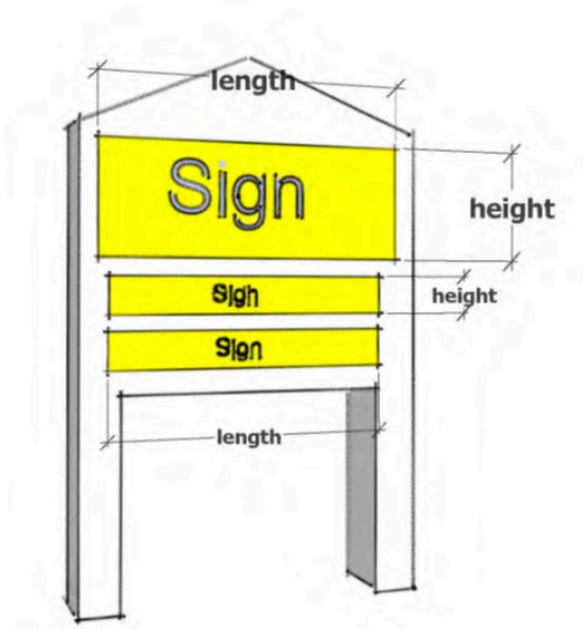
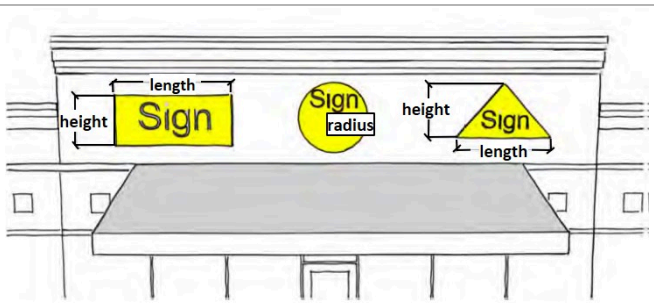
b. Manual changeable copy message centers, including their frames, shall make up not more than 30 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols.

c. Lettering of manual changeable copy signs shall be of a single style and shall be of uniform color and size.

C. **Measurements.**

1. *Computation of Sign Area*. Formulas for calculating sign area in the shape of a rectangle, square, triangle, ellipse, circle, or similar common geometric shapes shall use commonly accepted mathematical methods as elaborated upon in Figure 04.13.6-1, *Sign Area Measurements.*

Figure 04.13.6-1, *Sign Area Measurements*

Measurement	Image
Signs Other than Wall Sign	
1. The entire area contained within a single continuous perimeter enclosing the extreme limits of the 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.	
Wall Signs	
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).	 A = height x length A = 3.14 x radius^2 A = 1/2 x (height x length)

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 as depicted with the yellow lettering in the image to the right.

Multi-Faced Signs

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 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

2. *Measurement of Height of Sign*. Sign height shall be measured as shown in Figure 04.13.6-2, *Sign Height Measurement.*

Figure 04.13.6-2, *Sign Height Measurements*

Measurement	Image
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.	

Effective on: 10/15/2020

Sec. 04.13.7 Maintenance

A. **Responsibility**. The property owner shall be liable to maintain such sign, including its illumination sources, in a 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. The property owner may assign such responsibility to a tenant or other party, but the property owner shall remain accountable for the maintenance.

B. **Maintenance and Changing of Copy**. Nothing in this Division 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.

Effective on: 10/15/2020

Division 14 Environment

Sec. 04.14.1 Applicability

A. **Applicability**. This Division shall apply to all:

1. Special Flood Hazard Areas within the City;
2. Areas applicable to KRS 151.250; and
3. Additional areas subject to periodic inundation by floodwaters as determined by the Floodplain Administrator or designee from available technical studies, historical information, and other available and reliable sources.

B. **Objectives.** The objectives of this Division are to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. 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;
6. 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;
7. Ensure that potential homebuyers are on notice that property is in a Special Flood Hazard Area; and,
8. Ensure that those who occupy a Special Flood Hazard Area assume responsibility for their actions.

C. **Statutory Authorization**. The Legislature of the Commonwealth of Kentucky has in KRS 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 adopts Division 14, *Environment* by these findings of fact:

1. *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.

Effective on: 10/15/2020

Sec. 04.14.2 General Provisions

A. **Basis for Establishing the Special Flood Hazard Areas.** The areas of Special Flood Hazard Area (SFHA) 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 Division and may be supplemented by studies for other areas which allow implementation of this Division 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.

B. **Development Permit**. A Development Permit shall be required in conformance with the provisions of this Division prior to the commencement of any development activities in the SFHAs. See Sec. 07.21.5, *Floodplain Development Permit* for instructions and explanation.

C. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this Division and other applicable state regulations. Violations of these requirements shall be determined as set out in Sec. 08.25.1, *Violations*.

D. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Division 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 Division does not imply that land outside the areas of SFHAs or uses permitted within such areas will be free from flooding or flood damage. This Division shall not create liability on the part of the City for any flood damages that result from reliance on this Division or any administrative decision lawfully made hereunder.

E. **Enforcement, Violation Notice and Penalties**. Any violations, citations, and penalties shall be enforced as per the standards established in Article 158.08, *Enforcement, Penalties, and Remedies*.

Effective on: 10/15/2020

Sec. 04.14.3 Flood Hazard Reduction

A. **General Construction Standards.** In all Special Flood Hazard Areas (SFHA) the following provisions are required:

1. *New Construction and Substantial Improvements*. All new construction and substantial improvements shall be:
   a. Adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
   b. Constructed with materials and utility equipment resistant to flood damage; and
   c. Constructed by methods and practices that minimize flood damage.
2. *Manufactured Homes*. All 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;
3. *Service facilities*. electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be:
   a. Designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
   b. If 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.
4. *Water Supply and Sanitary Sewer Systems*. New and replacement water supply and sanitary systems shall be designed:
   a. To minimize or eliminate infiltration of flood waters into and discharges from the systems into flood waters; and
   b. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
5. *Alteration, Repair, or Reconstruction*. Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this Section shall meet the requirements of "new construction" as contained in this Section or shall only be undertaken if said non-conformity is not furthered, extended, or replaced.

B. **Specific Standards.** In all SFHAs where base flood elevation data have been provided, as set forth in Sec. 04.14.2, *General Provisions*, the following provisions are required:

1. *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 this Section.

2. *AO Zone*. 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.
3. *A Zone*. 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 that:
   a. 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 0.5 feet.
   b. 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.
4. *Completion of Construction*. 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.

C. **Nonresidential 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 attendant utility and sanitary facilities as follows:

1. *Floodproofing*. Structures shall 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. *Resistant Structures*. All structures shall have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris.
3. *Registered Engineer*. 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 for Non-residential purposes. Manufactured homes shall meet the standards in Section 04.14.3.A.
5. *Fully Enclosed Areas*. 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 shall meet or exceed the standards of Sec. 04.14.3.D.1 below.

D. **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*. Openings for complying with this requirement shall either be certified by a professional engineer or architect or meet the following minimum criteria:
   a. Provide a minimum of two 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 shall 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*. 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).

3. *Interior portion*. The interior portion of such enclosed areas shall not be finished or partitioned into separate rooms.

E. **Standards for Manufactured Homes and Recreational Vehicles.**

1. *New and Substantially Improved Manufactured Homes.* 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) shall 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;

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; and

g. All such manufactured homes shall be:

1. Elevated on a permanent foundation,

2. Have its lowest floor elevated no lower than two feet above the level of the base flood elevation; and

3. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. *Substantial Damage to Manufactured Homes*. All manufactured homes that have incurred substantial damage as a result of a flood placed in or substantially improved in an existing manufactured home park or subdivision shall be elevated so that the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement by one of the following methods:

a. 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.

b. The lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation; or

3. *Recreational Vehicles*. All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) shall meet the following conditions:

a. Be on the site for no more than 180 consecutive days; and

b. Be fully licensed, insured, and ready for highway use 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.

c. Alternatively, the recreational vehicle shall meet the requirements for permanent new construction stated in this Section.

F. **Floodways.** Located within areas of special flood hazard established in Sec. 04.14.2, *General Provisions*, 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. *Encroachment Prohibited*. Encroachments including fill, new construction, substantial improvements, and other developments are prohibited 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 Subsection 4.14.3.C.5 is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of this Section.

G. **Standards for Streams without Established Base Flood Elevation and/or Floodways.** Located within the special flood hazard areas established in Sec. 04.14.2, *General Provisions*, 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:

1. *No encroachments.* There shall be no encroachments in the stream 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.
2. New construction and substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with the provisions of this Section.

H. **Standards for Shallow Flooding Zones.** Located within the SFHAs established in Sec. 04.14.2, *General Provisions*, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. *Residential Structures in Shallow Flooding Zones*. All new construction and substantial improvements of residential structures shall: 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 feet above the highest adjacent grade.
2. Non-Residential Structure in Shallow Flooding Zones. All new construction and substantial improvements of non-residential structures shall:
   a. 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 feet above the highest adjacent grade.
   b. 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 This Section.

I. **Standards for Subdivision Proposals.**

1. All subdivision proposals shall:
   a. Identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;
   b. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and
   c. Have adequate drainage provided to reduce exposure to flood hazards; and,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.
2. All subdivision plans shall include:
   a. The elevation of proposed structure(s) and lowest adjacent grade; and
   b. 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.

J. **Standards for Accessory Structures in All Zones Beginning with the Letter 'A'.** All accessory structures in special flood hazard areas designated 'A' shall be:

1. Non-habitable;
2. Anchored to resist floatation and lateral movement;

3. Provided with flood openings in accordance with the standards of this Section;
4. Built of flood resistant materials to two feet above the base flood elevation;
5. Elevated, including utilities, two feet above the base flood elevation;
6. Only used for storage or parking; and
7. Not modified for a different use after permitting.

K. **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 shall 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.

Effective on: 10/15/2020

ARTICLE 158.05 NONCONFORMITIES

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Division 17 Conversion of Minor Nonconformities

Division 15 General

Contents:

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Sec. 05.15.2 General Provisions

Sec. 05.15.1 Purpose and Applicability

A. **Generally**. Because there are locations within the City where development has existed for generations, the application of new regulations to existing development may create situations in which existing lot dimensions, land uses, buildings, structures, and signs do not strictly comply with this NDC, even though they complied with the regulations at the time they were permitted and constructed. This Article sets out equitable rules for whether, when, and how the regulations of this NDC apply to existing development.

B. **Applicability**. The regulations of this Article govern uses, structures, signs, fences/walls, and lots that came into existence legally but that do not conform to one or more requirements of this NDC. These are referred to as nonconformities. Nonconformities are permitted to continue without immediate retrofit or removal until significant site or land use changes are proposed.

C. **Purpose**. The purpose of this Article is to:

1. *No Expansion*. Ensure that nonconforming uses do not expand;
2. *Protection*. Protect conforming uses from nuisances that may be associated with nonconformities;
3. *Encourage Conformance*. Encourage property owners of nonconformities to alter a nonconforming structure, sign, fence/wall, lot, or use into one that complies with the standards of this NDC;
4. *Elimination*. Eliminate substantially damaged or abandoned nonconformities whose degrees of incompatibility with adjacent lands uses are high; and
5. *Balance*. Balance the City's objective to eliminate nonconformities with a landowner's right to maintain and make use of a nonconformity.

Effective on: 10/15/2020

Sec. 05.15.2 General Provisions

A. **Types of Nonconformities**. There are four general types of nonconformities addressed in this Article.

1. *Nonconforming Uses*. The following uses are nonconforming uses:
   a. Uses that were lawfully established but are not currently listed as permitted or conditional uses;
   b. Uses that were lawfully established but do not meet the requirements of Division 07, *Use-Specific Standards*; and
   c. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.
2. *Nonconforming Structures or Fences/Walls*. The following are nonconforming structures or fences/walls:
   a. Structures or fences/walls that were lawfully established but do not meet one or more dimensional standards in Article 158.02, *Character Districts,* Sec. 04.08.3, *Housing and Building Types*, or Division 12, *Landscaping, Fencing, and Buffering*, where applicable; and

b. Structures or fences/walls that were lawfully established within a floodplain or floodway, but are no longer permitted due to their location or elevation within the floodplain or floodway.

3. *Nonconforming Lots of Record*. A lawfully established lot, not held in common with any other lot, that does not meet the area or other dimensional standards of this NDC, is a nonconforming lot of record. Lots that are held in common, but which individually do not meet lot area or dimensional standards, are curable nonconformities. Where a landowner owns several nonconforming lots that abut each other, they may be combined to create conforming lots or, if full conformity is not possible, they may be combined to the extent that the combination increases the degree of conformity.

4. *Nonconforming Signs*. A lawfully established sign that fails to meet the applicable requirements of Division 13, *Signs*, is a nonconforming sign.

B. **Unlawful Uses, Structures, Fences/Walls, Lots or Record, or Signs.** This Article does not legalize uses, structures, fences/walls, lots or record, or signs that were established, constructed, subdivided, or modified without the required approvals. Such uses, structures, fences/walls, lots of record, or signs are not "legally nonconforming," but instead remain "unlawful," and are violations of this NDC and any other applicable law. Likewise, this Article does not legalize unlawful subdivisions of property that may have occurred before the effective date of this NDC.

C. **Nonconformities Created by Public Action**. Any nonconforming structure or land expressly created or caused by a conveyance of privately owned land to a federal, state, or local government to serve a public purpose is conforming for the purposes of this NDC, and is not subject to the limitations of this Article. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation or otherwise, which creates a nonconformity in the remainder parcel in terms of building placement, lot size, or other applicable standards of this NDC. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision or other routine site plan approvals.

D. **Maintenance and Alterations**.

1. *Maintenance and Repair*. Routine maintenance and repair of a nonconforming structure, a nonconforming fence/wall, a nonconforming sign, or of a conforming structure containing a nonconforming use, is permitted, including necessary non-structural repairs, painting, change in message on a sign, and incidental alterations that do not expand or intensify the nonconforming uses or extend the life of unsafe nonconforming structures. Nonconforming structures and signs that have become unsafe as determined by the Chief Building Inspector shall be repaired or demolished subject to any required development approvals or permits.

2. *Alterations*.

a. No structural alteration shall be made to any nonconforming structure or sign or to a structure containing a nonconforming use except if:

1. The alteration is required by law;
2. The alteration will result in bringing the nonconforming use, structure, or sign into conformance;
3. The alteration will result in removal of the nonconforming use, structure, or sign; or
4. The alteration will not maintain or increase the degree of nonconformity.

b. For example, in regard to paragraph a.4, above, if a structure is set back three feet from a property line and this NDC requires five feet, then no portion of an addition shall come closer to the property line than the minimum required five feet.

c. If any alteration is made to any nonconforming use, structure, or sign that increases the degree of nonconformity, then the nonconforming status is automatically revoked and the nonconformity must be brought into conformity with the current regulations of this NDC.

3. *Dangerous Buildings*. Refer to the City Code Section 92.06, *Dangerous Buildings*, for requirements related to designated dangerous buildings in the City.

E. **Abandonment.** A nonconforming use, structure, fence/wall, or sign is deemed abandoned when any of the following occurs:

1. *Intent*. The intent of the owner to discontinue the nonconformity is demonstrable;

2. *Vacancy*. No use has been maintained in the structure or on the property for a consecutive period of 12 months or more;

3. *Demolition Permit*. The property owner of the nonconformity has applied for a demolition permit; or
4. *Equipment and Furnishings*. 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.

F. **Major and Minor Nonconforming Uses and Structures**. Nonconforming uses and structures are classified as major or minor, as follows:

1. *Major*. Major nonconforming uses or structures are those that the Administrator finds have the following characteristics to such an extent that they should, over time, be eliminated:
   a. Generation of nuisances;
   b. Incompatibility with adjacent properties;
   c. Incompatibility with the Comprehensive Plan; or
   d. Generation of substantiated criminal complaints.
2. *Minor*. Minor nonconforming uses or structures are those not classified as major nonconformities.
3. *Conversion*. Refer to Division 17, *Conversion of Minor Nonconformities*, for provisions related to changing a minor nonconformity to a conforming use or structure.

G. **Determination of Nonconforming Status**. The property owner bears the burden of demonstrating to the Administrator:

1. *Classification*. The classification of a nonconformity as minor; and
2. *Establishment*. That a nonconformity was lawfully established.

H. **Elimination of Nonconforming Status**. Table 05.15.2-1, *Elimination of Nonconforming Status*, outlines mechanisms that may remove a nonconformity or cause it to comply with this NDC.

Table 05.15.2, *Elimination of Nonconforming Status*

Nonconformity	Mechanism to Eliminate Nonconforming Status
Use	Conversion of the existing use to a conforming use.
	Approval of a Character Map Amendment to a district in which the use is permitted.
	Approval of a Conditional Use Permit in accordance with Division 17, *Conversion of Minor Nonconformities*.
Structure	Modification of the structure to conform.
	Approval of a Variance to allow the structure as built.
	Approval of a Character Map Amendment to a district in which the structure would conform.
	Approval of a Conditional Use Permit in accordance with Division 17, *Conversion of Minor Nonconformities*.
Fence/Wall	Modification of the structure to conform.
	Approval of a Variance to allow the structure as built.
	Approval of a Character Map Amendment to a district in which the structure would conform.
Sign	Modification of the sign to conform.
	Replacement of the sign with a permitted sign type.
Lot of Record	Approval of a Replat.
	Combination of properties held in common ownership to create a conforming lot.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Division 16 Nonconforming Uses and Elements

Contents:

Sec. 05.16.1 Uses

Sec. 05.16.2 Structures, Fences, and Walls

Sec. 05.16.3 Signs

Sec. 05.16.4 Lots

Sec. 05.16.1 Uses

A. **Generally**. The following provisions apply to all nonconforming uses.

B. **Change**. The Board of Architectural Review and Development (BOARD) is authorized to permit a change from one nonconforming use to another if the new nonconforming use is permitted by right or permitted subject to limitations in the same character district as the previous nonconforming use, subject to the following criteria:

1. *Substitution*. The Board of Architectural Review and Development (BOARD) can permit the substitution of one nonconforming use for another nonconforming use only after holding a public hearing in accordance with Sec. 07.23.2, *Conditional Use Permit*.
2. *Conditions*. In granting a substitution of nonconforming uses, the Board of Architectural Review and Development (BOARD) may attach conditions as it deems necessary and proper.
3. *Lapse*. 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.
4. *No Transfer*. The change of a nonconforming use, as may be granted by the Board of Architectural Review and Development (BOARD), 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.

B. **Resumption**. If a nonconforming use is changed to a conforming use, the nonconforming use shall not be resumed.

C. **Portion of Building or Property**. If the use of only a portion of a building or property is changed from a nonconforming use to a conforming use, then the use of that portion of the building or property shall not be changed back to the nonconforming use.

Effective on: 10/15/2020

Sec. 05.16.2 Structures, Fences, and Walls

A. **Generally.** Once a nonconforming structure, fence, or wall is abandoned or made to conform, its nonconforming status is lost and the structure, or any replacement, shall comply with the regulations of the district in which it is located.

B. **Unintentional Damage or Destruction**. If a nonconforming structure, fence, or wall is damaged or partially destroyed unintentionally by causes not within the control of the property owner and/or tenant by any means, the structure may be restored to its original dimensions provided that:

1. *Percentage*.
   a. For a structure housing a single- or two-family dwelling, the damage or destruction may equal one to 100 percent of the gross floor area of the structure affected; or
   b. For all other structures, the damage or destruction does not exceed 66 percent of the gross floor area of the structure affected.
2. *Permit*. Where applicable, a Zoning Permit per Sec. 07.21.9 or a Building Permit per Sec. 07.21.2 is obtained for repairs within six months of the date the structure was damaged;
3. *Construction.* The construction is commenced within six months after obtaining the required Building Permits; and
4. *No Increase.* The original nonconformity is not enlarged, increased, intensified, or extended.

C. **Intentional Damage or Destruction**. If a nonconforming structure is damaged or partially destroyed intentionally by any means, the structure or portion thereof may not be rebuilt except to meet the applicable standards of this NDC.

Effective on: 10/15/2020

Sec. 05.16.3 Signs

A. **Generally.** Any permanent sign that does not conform to the provisions of Division 13, *Signs*, is a deemed nonconforming sign, provided that the sign:

1. Was approved before the effective date of this NDC if a sign permit was required under applicable law; or
2. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in conformity with the applicable law or conditions of approval immediately prior to the effective date; or
3. The sign had legal nonconforming status on the effective date of this NDC.

B. **Standards**.

1. *Sign Damage*. A nonconforming sign damaged by fire, wind, age, obsolescence, or other cause in excess of 50 percent of its replacement cost shall be considered to have been destroyed and may not be restored except in conformance with Division 13, *Signs*.
2. *Removal of Signs other than for Reasons of Repair or Maintenance.* If a nonconforming sign is removed for any reason other than routine repair or maintenance, from that point on it shall conform to Division 13, *Signs*.
3. *Danger to Public Safety*. Nonconforming signs that a Code Enforcement Officer, or the Fire Chief or Chief Building Inspector find are a danger to public safety due to damage or wear shall be removed or replaced in accordance with Division 13, *Signs*.

C. **Temporary Signs**. Signs that are temporary in nature and not in compliance with Sec. 04.13.5, *Temporary Signs*, shall be removed.

Effective on: 10/15/2020

Sec. 05.16.4 Lots

A. **Single Lots of Record**. Any single nonconforming lot of record may be used for any use or building type allowed by the district in which it is located, whether or not the subject lot complies with minimum lot area and/or lot width standards, provided that:

1. *Access to Street*. The lot has direct access to an existing and improved public street or alley;
2. *Contiguous Properties*. The lot is in separate ownership from all adjacent and contiguous parcels, thereby preventing acquisition of the additional land area needed to comply with dimensional standards; and
3. *Other Standards*. Development on the lot complies with building placement, height and other applicable standards of this NDC (other than lot area and/or width).

B. **Two or More Contiguous Lots of Record.** If two or more lots of record, combinations of nonconforming lots of record, or portions of lots of record with continuous frontage on the same street are owned by the same entity according to the records of the Property Valuation Administrator, the lots involved are to be considered a conforming, undivided, and buildable parcel for the purposes of this NDC.

Effective on: 10/15/2020

Division 17 Conversion of Minor Nonconformities

Contents:

Sec. 05.17.01 Purpose

Sec. 05.17.02 Procedure and Decision Criteria

Sec. 05.17.01 Purpose

In many instances, minor nonconformities are integral parts of the City's character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, a nonconforming use or structure may be made conforming pursuant to this Section in order to remove the potential stigma that may be associated with the "nonconforming" designation.

Effective on: 10/15/2020

Sec. 05.17.02 Procedure and Decision Criteria

A. **Procedure**. An owner of a minor nonconforming use or structure may apply for a Conditional Use Permit (CUP) per Sec. 07.23.2, *Conditional Use Permit*, that, upon approval, has the effect of:

1. Making the use or structure conforming; or
2. Allows re-establishment or reconstruction of a minor nonconforming use or structure beyond the limits established in this Article.

B. **Exclusions**. This procedure only applies to minor nonconforming uses and structures as described in Sec. 05.15.2.F.2 and does not apply to any other type of nonconformity.

C. **Decision Criteria**.

1. *Review and Decision*. In determining whether to approve, approve with conditions, or deny a CUP under this Section, the review bodies shall consider the applicable review criteria in this NDC and any one or more of the following that apply to the request:
   a. Minor Nonconformities. The structure or use, as constructed, conducted, and managed, is considered a minor nonconformity per Sec. 05.15.2.F.2 and has been integrated into the neighborhood's function.
   b. Patrons and Employment. Nearby residents regularly patronize or are employed at the subject property.
   c. Nuisances. Construction or management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.
   d. Previous Complaints.
      1. There is no material history of complaints about the structure or use; or
      2. The conditions of the CUP will eliminate the sources of the complaints.
   e. Disincentive for Maintenance. The structure or use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.
2. *Affirmative Findings*. In order to approve a CUP, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

D. **Conditions**. The Board of Architectural Review and Development (BOARD) may impose conditions relative to the establishment or expansion of bufferyards, landscape areas, or other site elements, or other limitations necessary to ensure that the structure or use will not become a nuisance or that a nuisance will not be intensified.

Effective on: 10/15/2020

ARTICLE 158.06 ADMINISTRATION

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Division 18 General

Division 19 Administrative Bodies

Division 18 General

Contents:

Sec. 06.18.1 Purpose

Sec. 06.18.1 Purpose

The purpose of this Article is to set out the roles and responsibilities of the administrative bodies under this NDC.

Effective on: 10/15/2020

Division 19 Administrative Bodies

Contents:

Sec. 06.19.1 Covington Board of Commissioners

Sec. 06.19.2 Planning Commission (County)

Sec. 06.19.3 Board of Architectural Review and Development (City)

Sec. 06.19.4 Director of Public Works (City)

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Sec. 06.19.6 PDS Director (County)

Sec. 06.19.7 Historic Preservation Officer (City)

Sec. 06.19.8 Chief Building Inspector (County)

Sec. 06.19.9 Floodplain Administrator (City)

Sec. 06.19.10 Code Enforcement Board (City)

Sec. 06.19.1 Covington Board of Commissioners

A. **Generally.** The Covington Board of Commissioners (Commission) is the duly elected legislative body of the City of Covington, including the Mayor and the Commissioners.

B. **Powers and Duties.** The Commission shall have the authority to make final decisions on the development review applications outlined in Table 07.20.2-1, *Summary of Procedures*.

Effective on: 10/15/2020

Sec. 06.19.2 Planning Commission (County)

A. **Powers and Duties Relative to Matters in this NDC**. The Kenton County Planning Commission (KCPC) shall have the authority to make recommendations and final decisions on the development review applications denoted in Table 07.20.2-1, *Summary of Procedures*.

B. **Powers and Duties Relative to Matters Outside this NDC.** In addition, the KCPC is charged with the responsibilities assigned in KRS 100.

C. **Rules of Procedure**. The Planning Commission may establish its own rules of procedure, provided that such shall not be in conflict with the laws applicable to the Planning Commission. In the event of a conflict between the rules of procedure and this NDC, the lawful rules of procedure shall prevail.

Effective on: 10/15/2020

Sec. 06.19.3 Board of Architectural Review and Development (City)

A. **Established.** This Section establishes a Board of Architectural Review and Development (BOARD) in accordance with and controlled by the provisions of KRS 100.217 to 100.271, the provisions of 36 CFR Part 61.6, and the provisions of the Kentucky Certified Local Government Program Manual.

B. **Purpose**. The BOARD is established for the purposes of:

1. Performing the duties and responsibilities placed upon it by the above statutes and applicable sections of the Covington Neighborhood Development Code; and
2. Holistically applying the regulations of the Neighborhood Development Code and, where applicable, the Historic Covington Design Guidelines, the 12th Street Corridor Design Guidelines, and other similar guidelines that may be adopted by the Covington Board of Commissioners, to development within the City of Covington; and
3. Encouraging preserving, rehabilitating, and preventing destruction of Covington's buildings, sites, and districts of cultural, architectural, historic, and/or archaeological significance; and
4. Contributing to the stabilization and improvement of property values by encouraging rehabilitation, adaptive reuse, and new construction that will be harmonious with the unique contexts of Covington's neighborhoods; and
5. Regulating development not as a museum but as a vibrant, evolving place with a mixture of people and ideas in which each succeeding generation may grow from the legacy investments in Covington and build with the quality, sensitivity, and long-term view of past generations; and
6. Acting as a liaison on behalf of the City of Covington to individuals and organizations concerned with historic preservation, good context-sensitive design, adaptive reuse and modernization of historic resources, and furthering the education of the public regarding historic preservation issues and concerns; and
7. Deciding on applications for dimensional variances, conditional use permits, change of non-conforming uses, Certificates of Appropriateness (COAs), and appeals of decisions made by the Zoning Administrator, as specified in the Covington Neighborhood Development Code.

C. **Board Size and Appointments**. The BOARD shall consist of seven members who shall be appointed by the Mayor with approval by the Board of Commissioners.

D. **Member Qualifications**. At least two board members shall be preservation-related professionals (experienced practitioners in fields such as but not limited to architecture, history, archaeology, architectural history, planning, urban planning, or related fields). At least three additional members shall have a demonstrated interest in historic preservation. No more than two of the seven members may also serve as members of the Kenton County Planning Commission. In addition to two out of the seven total seats being at-large, the Mayor may select:

1. One member from a list of names submitted by the local chapter of the American Institute of Architects, the local chapter of the American Planning Association, or the Kentucky Heritage Council; and
2. One member from a list of names submitted by the Kentucky Real Estate Commission or the Kentucky Real Estate Appraisers Board; and
3. One member from a list of names submitted by the Covington Business Council, the Latonia Business Association, or Renaissance Covington; and
4. Two members who are residents of a Historic Preservation Overlay zone or a KRS Chapter 99 Development Plan area.

E. **Terms of Office**. The term of office for members of the BOARD shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years, respectively. After the initial appointments, all new appointments and re-appointments shall be made for four-year terms unless an appointee is completing the term of a vacated seat.

F. **Vacancies**. Vacant seats on the BOARD shall be filled within 60 days of the vacancy. When a vacancy occurs other than through expiration of the term of office, that seat shall be appointed for the remainder of that term.

G. **Quorum**. A simple majority of the total seats of the BOARD shall constitute a quorum.

H. **Powers and Duties**. The BOARD shall have the authority to make final decisions on the development review applications denoted in Table 07.20.2-1, *Summary of Procedures*.

1. In accordance with KRS 100.217 to 100.271, the BOARD shall act as the Board of Adjustment in hearing and deciding upon requests for Appeals of Administrative Decisions, Changes of Nonconforming Use, Conditional Use Permits, and Variances, as indicated in Table 07.20.2-1, *Summary of Procedures*; and
2. The BOARD shall review non-administrative applications for Certificates of Appropriateness and Design Waivers, as indicated in Table 07.20.2-1, *Summary of Procedures*; and
3. The BOARD shall review all proposed National Register of Historic Places nominations for properties within the City of Covington and submit recommendations to the Kentucky Heritage Council; and
4. The BOARD shall submit recommendations on amendments of the Historic Covington Design Guidelines and similar adopted guidelines to the Covington Board of Commissioners.

I. **Appeals of BOARD Decisions**. A decision by the BOARD shall be subject to appeal, as set forth in Sec 07.20.11.

J. **Number of Meetings**. The BOARD shall meet at least four times per year.

K. **Continuing Education**. Annual continuing education is required for BOARD members per KRS 147A.027 (also known as "Kentucky House Bill 55") and per the Kentucky Certified Local Government Program Manual.

L. **Reporting**. A written annual report of BOARD activities, cases, decisions, special projects and qualifications of the members, etc., kept on file and available for public inspection

M. **Bylaws, Minutes, and Transcripts**. Per KRS 100.221(3), the BOARD shall establish its own bylaws. Such bylaws shall be made public and shall not be in conflict with the laws applicable to the BOARD or the provisions of this NDC. The bylaws shall require that review decisions are made in a public forum, and that applicants are notified of meetings and advised of decisions. The bylaws shall further require keeping 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 shall, immediately after adoption, be filed in the office of the board. Written minutes shall be available for public inspection. A transcript of the minutes of a board of adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 4/8/2025

Sec. 06.19.4 Director of Public Works (City)

A. **Powers and Duties Relative to Matters in this NDC**. The Director of Public Works shall have the authority to make final decisions on the development review applications denoted in Table 07.20.2-1, *Summary of Procedures*.

B. **Powers and Duties Relative to Matters Outside of this NDC**. In addition to the powers and duties set forth above, the Director of Public Works shall perform duties as outlined in the remainder of the City Code.

Effective on: 10/15/2020

Sec. 06.19.5 Administrator (City)

A. **Generally.** The Administrator is a member of the City staff who is ultimately responsible for processing an application to a final decision (in case of administrative review applications) or making a recommendation to another review body (in case of all other applications).

B. **Powers and Duties**. The Administrator shall have the authority to make recommendations or final decisions on the development review applications denoted in Table 07.20.2-1, *Summary of Procedures* and shall have the enforcement authority established in Sec. 08.24.2.B.1, *Enforcement Officials*.

Effective on: 10/15/2020

Sec. 06.19.6 PDS Director (County)

A. **Generally**. The Director of Planning and Development Services (PDS) is a member of the Kenton County Planning Commission staff who is ultimately responsible for processing certain applications under this NDC to a final decision or making a recommendation to another review body.

B. **Powers and Duties**. The Director shall have the authority to make recommendations on the development review applications denoted in Table 07.20.2-1, *Summary of Procedures*.

Effective on: 10/15/2020

Sec. 06.19.7 Historic Preservation Officer (City)

A. **Generally.** The Historic Preservation and Planning Specialist, also referred to as the Historic Preservation Officer, is a member of the City staff who is ultimately responsible for processing an application to a final decision (in case of administrative review applications) or making a recommendation to another review body (in case of all other applications).

B. **Powers and Duties**. The Historic Preservation Officer shall have the authority to make recommendations or final decisions on the development review applications denoted in Table 07.20.2-1, *Summary of Procedures* and shall have the enforcement authority established in Sec. 08.24.2.B.1, *Enforcement Officials*.

C. **Qualifications**. Staff members qualifying as a Historic Preservation Officer shall meet at least one set of the professional qualifications determined in 36 CFR Part 61 Appendix A (or as amended).

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 06.19.8 Chief Building Inspector (County)

A. **Generally.** The Chief Building Inspector is a member of the Kenton County Planning Commission staff who is ultimately responsible for processing certain applications under this NDC to a final decision or making a recommendation to another review body.

B. **Powers and Duties Relative to Matters in this NDC**. The Chief Building Inspector shall have the authority to make final decisions on the development review applications denoted in Table 07.20.2-1, *Summary of Procedures*.

Effective on: 10/15/2020

Sec. 06.19.9 Floodplain Administrator (City)

A. **Appointment of the Floodplain Administrator.** The Floodplain Administrator shall administer, implement, and enforce the floodplain provisions of this NDC by granting or denying development permits in accordance with its provisions. The Administrator may serve concurrently as the Floodplain Administrator.

B. **Duties and Responsibilities of the Local Administrator.** The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

1. *Permit Review.* Review all development permits to ensure that:
   a. Permit requirements of this ordinance have been satisfied;
   b. 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.
   c. Flood damages will be reduced in the best possible manner;
   d. 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.
2. *Review and Use of Any Other Base Flood Data.* When base flood elevation data has not been provided in accordance with Sec. 04.14.2, *General Provisions*, 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 Sec. 04.14.3, *Flood Hazard Reduction*. Any such information shall be submitted to the City Commission for adoption.

3. *Notification of Other Agencies*. The Floodplain Administrator shall notify the following authorities prior to any alteration or relocation or a watercourse:
   a. Adjacent communities;
   b. The Kentucky Division of Water; and
   c. Any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse.
4. *Evidence of Submission*. Evidence of notification to these authorities shall be submitted to the Federal Emergency Management Agency (FEMA).
5. *Assurance of Food Carry Capacity*. The Floodplain Administrator shall assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained
6. *Documentation of Floodplain Development.* The Floodplain Administrator shall obtain and maintain for public inspection and make available as needed the following:
   a. Certification required by Subsection 04.14.3.C.1 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 Sec. 07.21.5, F*loodplain Development Permit*;
   b. Certification required by Subsection 04.14.3.C.1 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 Sec. 07.21.5, F*loodplain Development Permit*;
   c. Other certifications required by Sec. 04.14.3;
   d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
   e. Review certified plans and specifications for compliance; and
   f. Take remedial action to remedy violations of this ordinance as specified in Division 26, *Remedies.*
7. *Map Determination*s. The Floodplain Administrator shall 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.
   a. 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 Sec. 07.23.5, *Variance, Floodplain*;
   b. When base flood elevation data and floodway data have not been provided in accordance with Sec. 04.14.2, *General Provisions,* then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Sec. 04.14.3, *Flood Hazard Reduction*;
   c. 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 Subsection 04.14.3.3;
   d. 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.
8. *Right of Entry*
   a. 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.
   b. 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.

c. If entry is refused, the floodplain administrator shall have recourse to every remedy provided by law to secure entry.

d. 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.

9. *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.

10. *Revocation of Permits.*

a. 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.

b. 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.

11. *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.

Effective on: 10/15/2020

Sec. 06.19.10 Code Enforcement Board (City)

A. **Generally.** The Code Enforcement Board is an administrative body created and acting under the authority of the Local Government Code Enforcement Act, KRS 65.8801 to 65.8839.

B. **Powers and Duties.** The Code Enforcement Board has all powers conferred upon it by City Code of Ordinances and the laws of the Commonwealth of Kentucky. With respect to decision-making pursuant to this NDC, in addition to the authorized acts of the City Code, the Code Enforcement Board will exercise the powers set out in Article 158.07, *Development Review Procedures*.

Effective on: 10/15/2020

ARTICLE 158.07 DEVELOPMENT REVIEW PROCEDURES

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Division 20 General

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Sec. 07.20.14 Approval Extension

Sec. 07.20.1 Purpose and Applicability

A. **Purpose.** The purpose of this Article is to consolidate and standardize the City's development review procedures.

B. **Applicability**. The Sections of this Article apply to all development activity that requires a recommendation or final decision from City staff or a Commission or Board denoted in Table 07.20.2, Summary of Procedure.

Effective on: 10/15/2020

Sec. 07.20.2 Summary of Procedures

A. **Generally**. Procedures for obtaining development review approval pursuant to this NDC are summarized in this Section.

B. **Applications and Procedures**. Each application required by this NDC is spelled out in Table 07.20.2-1, *Summary of Procedures*, below.

Table 07.20.2-1, *Summary of Procedures*

Development Application (Reference)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice[2]	Applicable Standards[3]
			Recommendation	Final Action		
ADMINISTRATIVE APPLICATIONS: Require final decisions in which City staff apply the standards in this NDC. Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.						
Administrative Adjustment (Sec. 07.21.1)	In order to make a limited modification to any numerical standard on an application that has already been approved but that has not received a Certificate of Occupancy	Same as application being adjusted	Administrator		N/A	--
Building Permit (Sec. 07.21.4)	Prior to a building or other structure being erected, moved, added to, or structurally altered	150 days	Chief Building Inspector		N/A	--
Certificate of Appropriateness (Staff) (Sec. 07.21.3)	Prior to the alteration of the exterior appearance or demolition of any existing structure, or construction of a new structure or portions thereof, or installation of signs within the boundaries of a Historic Preservation Overlay District or KRS Chapter 99 Development Plan Area where design guidelines are adopted.	1 year	Historic Preservation Officer		N/A	Appendix A, *Historic Covington Design Guidelines*, and any applicable Ch. 99 Development Plan Area guidelines
Certificate of Occupancy (Sec. 07.21.4)	Prior to land being used and prior to a building or addition being occupied, converted, enlarged, or structurally altered, wholly or partly	None	Chief Building Inspector		N/A	--
Floodplain Development Permit (Sec. 07.21.5)	Prior to any construction or other development begins within any special flood hazard area established in Sec. 04.14.2, *General Provisions*	None	Floodplain Administrator		N/A	Division 14, *Environment*
Limited Use Authorization (Sec. 07.21.6)	Prior to the established of a limited use as denoted in Sec. 03.06.3, *Permitted Uses by District Table*.	180 days	Administrator		N/A	Division 07, *Use-Specific Standards*
Sign Plan and Permit (Sec. 07.21.7)	Prior to installing or substantially modifying a sign	1 year	Administrator		N/A	Division 13, *Signs*
Temporary Use Permit (Sec. 07.21.8)	Prior to the operation of any temporary structure or use	30 days	Administrator		N/A	Sec. 03.07.8, *Temporary Uses*, and Sec. 04.08.5, *Temporary Structures*
Zoning Permit (Sec. 07.21.9)	Prior to: a building, or structure being erected, moved or added to, structurally altered, or demolished; a use changing from one permitted use to another; land being used; or grading taking place on any lot or parcel	1 year	Administrator		N/A	--
LEGISLATIVE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety, and general welfare, including the City's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.						
Landmark and Historic Overlay Designation (Sec. 07.22.1)	Prior to a structure, area, or site being designated as a Landmark or part of a Historic Preservation Overlay Zone.	None	1st: BOARD 2nd: PC	CC	Pu: 15 M: 15 Po: 15	--
Master Development Plan (Sec. 07.22.2)	Prior to any other development activity for a project taking place within a cluster, planned, or tiny house neighborhood type.	180 days	PDS Staff in consultation with the Administrator	PC	N/A	Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*
NDC Text Amendment (Sec. 07.22.3)	N/A	None	1st: Administrator 2nd: PC	CC	Pu: 7/21[4]	--

Table 07.20.2-1, *Summary of Procedures*

Development Application (Reference)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice[2]	Applicable Standards[3]
			Recommendation	Final Action		
District Map Amendment (Sec. 07.22.4)	Prior to establishing or expanding a building type or use prohibited in the current character district	None	1st: Administrator 2nd: PC	CC[5]	Pu: 7/21[4] M: 14[7] Po: 14	--
Development Plan (Sec. 07.22.5)	Accompanying all applications for a character map amendment to the SU, AUC, SO, or Industrial character districts, except for single- or two-unit dwellings	180 days	1st: Administrator 2nd: PC	CC[5]	Pu: 7/21[4] M: 14[7] Po: 14	--
QUASI-JUDICIAL APPLICATIONS: Require final decisions that establish the way design or development will occur on specific sites in manners that either vary from the standards of this NDC or that are contested by an aggrieved party. Such final decisions are characterized by exercise of discretion.						
Appeal of Administrative Decision (Sec. 07.23.1)	Within 30 days after an appellant or their agent received notice or the action of the official that is the subject of the appeal	N/A	Administrator	BOARD	Pu: 7 M: 7	--
Conditional Use Permit (Sec. 07.23.2)	Prior to the operation of any land use that is designated as a conditional use or to change a minor nonconforming use to a conforming use.	12 months if not exercised[6]	Administrator	BOARD	M: 7	Nonconforming Uses: Sec. 05.16.1, *Uses*. Minor Nonconformities: Division 17
Written Interpretation (Sec. 07.23.3)	N/A	None	Administrator		N/A	--
Variance (Sec. 07.23.4)	Prior to or concurrent with submittal of a Site Development Plan, Building Permit, or Sign Permit	None	Administrator	BOARD	Pu: 7 M: 7	--
Variance, Floodplain (Sec. 07.23.5)	Prior to or concurrent with submittal of a Floodplain Development Permit	None	Floodplain Administrator	BOARD	Pu: 7 M: 7	--
Design Waiver (Sec. 07.23.4)	Prior to or concurrent with submittal of a Site Development Plan or Building Permit which includes requests for waivers or modifications to applicable standards as identified in the District regulations.	1 year	Historic Preservation Officer	BOARD[8]	Po: 7	Sec. 04.08.3, *Housing and Building Types*, Sec. 04.08.6, *Frontage Types*, and Sec. 04.08.7, *Civic and Open Space Types; and Sec. 04.10.4, Exterior Material Standards*
Certificate of Appropriateness (BOARD) (Sec. 07.23.4)	Prior to the alteration of the exterior appearance or demolition of any existing structure, or construction of a new structure or portions thereof, or installation of signs within the boundaries of a Historic Preservation Overlay District or KRS Chapter 99 Development Plan Area where design guidelines are adopted and where such development is not subject to review per Sec. 07.21.3, *Certificate of Appropriateness (Staff)*.	1 year	Historic Preservation Officer	BOARD[8]	M: 7 Po: 7	Appendix A, *Historic Covington Design Guidelines*, and any applicable Ch. 99 Development Plan Area guidelines

Table 07.20.2-1, *Summary of Procedures*

Development Application (Reference)	Submittal Timing	Expiration[1]	Review Responsibilities		Public Notice[2]	Applicable Standards[3]
			Recommendation	Final Action		

TABLE NOTES:

PC=Planning Commission (County) CC= City Commission, BOARD = Board of Architectural Review and Development, CUP = Conditional Use Permit, COA = Certificate of Appropriateness

Pu#= Published in newspaper with number indicating how many calendar days prior to hearing

Po#= Sign posted on property with number indicating how many calendar days prior to hearing

M#= Mailed notification to adjoining property owners with number indicating how many calendar days prior to hearing

[1] Measured from the date of the issued approval. Expiration occurs if the applicant does not commence the work prior to the expiration, or does not diligently pursue completion of the project or the subsequent required approval. See Sec. 07.20.13, *Inactive and Expired Applications*.

[2] For complete notice requirements see Sec. 07.20.8, *Notice*.

[3] Aside from the standards of the character district for the subject property, as established in Article 158.02, *Character Districts*.

[4] Not less than 7 days nor more than 21 days before the hearing.

[5] In accordance with KRS 100.2111 the recommendation of the Planning Commission shall constitute the final decision except as set forth in Sec. 07.22.4, *District Map Amendment*.

[6] "Exercised" shall have the meaning ascribed to it in KRS 100.237.

[7] 30 days if the Planning Commission or City Commission proposes the character map amendment.

[8] Subject to appeal to the City Commission, in which case the City Commission decision shall constitute the final action subject to appeal in accordance with the procedures set forth in Sec. 07.20.11.

C. **General Requirements**. This article applies to the use and development of land. Any person proposing a land use or development shall comply with the procedures of this article. The City or County will not issue a permit for any building, structure, construction or use unless it conforms with all provisions of this NDC, and other applicable ordinances.

D. **Review Steps**. Table 07.20.2-2, *Review Steps*, summarizes the procedures, agencies and public bodies involved in the development proposal process. Detailed information about general procedures and applications are further discussed in this article.

Table 07.20.2-2, *Review Steps*

General Review Procedures (Section Reference)	Administrative Applications	Legislative		Quasi-Judicial			
		NDC Text Amendment	All Other	Design Waiver	Written Interpretation	COA, CUP	All Other
Pre-Application Conference (07.20.3)	--	--	•	--	--	•	--
Applications and Fees (07.20.4)	•	--	•	•	--	•	•
Completeness (07.20.5)	•	--	•	•	--	•	•
Staff Review (07.20.6)	•	•	•	•	•	•	•
Basic Review Criteria (07.20.7)	•	•	•	•	•	•	•
Notice (07.20.8)	--	•	•	--	--	•	•
Public Meetings and Hearings (07.20.9)	--	•	•	--	--	•	•
Continuance and Withdrawal (07.20.10)	--	--	•	•	--	•	•
Appeals of Legislative and Quasi-Judicial Decisions (07.20.11)	--	•	•	•	•	•	•
Successive Applications (07.20.12)	--	--	•	•	--	•	•
Inactive or Expired Applications (07.20.13)	•	--	•	•	--	•	•
Approval Extension (07.20.14)	•	--	•	•	--	•	•

KEY:
• = General Review Procedure Required; -- = General Review Procedure Not Required; COA = Certificate of Appropriateness; CUP = Conditional Use Permit

(Ord. No. O-13-21, 09/28/2021)

Effective on: 4/8/2025

Sec. 07.20.3 Pre-Application Conference

A. **Purpose**. The purpose of a pre-application conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.

B. **Procedures Requiring a Pre-Application Conference**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that require a pre-application conference.

C. **Sketch Plan**. The applicant may submit a sketch plan as a basis for discussion prior to or at the pre-application conference. The sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.

D. **Requested Submittals**. At or following the pre-application conference, City staff may request that the applicant provide additional materials at the time of application submittal as may be necessary to permit the informed exercise of judgment under the decision criteria for the application.

E. **Disclaimer**. Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.

F. **Continuing Review Process**. After the pre-application conference has occurred, applications that require such conference may subsequently undergo the processes established in Sec. 07.20.4, *Application and Fees*.

Effective on: 10/15/2020

Sec. 07.20.4 Applications and Fees

A. **Authorization to Initiate Application.** Table 07.20.4-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Table 07.20.4, *Application Authorization*

Application Type	Property Owner or Property Owner's Authorized Agent	Planning Commission or City Commission	Other
Administrative Applications			
All Administrative Applications except as follows	♦		
Certificate of Occupancy	♦		♦[1]
Quasi-Judicial Applications			
All Quasi-Judicial Applications except as follows	♦		
Appeal of Administrative Decision			♦[2]
Written Interpretation			♦[3]
Legislative Applications			
Landmark and Historic Overlay Designation	♦	♦	♦[4]
Master Plan Development	♦		
NDC Text Amendment		♦	
District Map Amendment	♦	♦	

TABLE NOTES:
♦Entity may initiate application

[1]Including lessee of the subject property.

[2]Including any person, entity, or authorized agent claiming to be injuriously affected by an official action, order, requirement, interpretation, grant, refusal, or decision of any official charged with enforcing this NDC.

[3]Any interested party, including an administrative body, may request a Written Interpretation.

[4]Including by persons from any organization, including the City, by the general public, or by the Board of Architectural Review and Development.

B. **Procedures Requiring an Application and Fee**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that require an application and fee.

C. **Forms**. Every application required by this NDC shall be submitted in a format and in numbers established by the Administrator, the Historic Preservation Officer, or Kenton County Planning and Development Services (PDS) , as applicable. Applications that require Planning Commission review or final action may be submitted to either the Administrator or the Historic Preservation Officer or to the PDS . All other applications shall be submitted to the Administrator or the Historic Preservation Officer.

D. **Fees.**

1. *Generally.* Applications shall be accompanied by the fee amount that has been established by the City Commission and staff as applicable.
2. *Refunds.* Fees for a rejected, denied, expired, voided, or revoked application are not refundable.

E. **Application Deadlines**.

1. *Applicability*. Application deadlines apply to Legislative Applications and Quasi-Judicial Applications as identified in Table 07.20.2-1.
2. *Adopted Deadlines*. Application deadlines are adopted by appropriate administrative bodies identified in Division 19, *Administrative Bodies*, and are generally posted in City Hall, available on the City website, or available upon request from City staff. A deadline is considered close of business of City Hall on an identified day unless otherwise stated in adopted deadlines.
3. *Application Completeness and Public Hearings*. Where a deadline applies, a City staff shall receive a complete application as identified in Sec. 07.20.5, *Completeness*, before Staff may place the application on the agenda for the next related public meeting or public hearing.

F. **Continuing Review Process**. After the application submittal, applications shall subsequently undergo the processes established in Sec. 07.20.5, *Completeness*.

Effective on: 10/15/2020

Sec. 07.20.5 Completeness

A. **Generally.** Within three business days after an application is submitted, the Administrator or Historic Preservation Officer, as appropriate, shall review the application to verify that it is complete.

B. **Procedures Requiring Completeness Review**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that require completeness review.

C. **Meaning of Completeness.** The Administrator or Historic Preservation Officer shall deem an application complete when it contains:

1. All of the submittal information required in the application form;
2. Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
3. The application fee (where applicable); and
4. Any additional information that is necessary to demonstrate compliance with all of the applicable requirements of this NDC.

D. **Incomplete Applications.**

1. *Explanation.* City staff shall return incomplete applications to the applicant with a written explanation that describes in general terms the materials that shall be submitted in order to complete the application.
2. *Period for Application Revisions.* If the missing or incomplete items are not submitted within a five-day period after notice of an incomplete application, then the application shall not be accepted for filing for the current review cycle.
3. *Incomplete or Rejected Application.* Incomplete or rejected applications are not considered "filed" or "submitted".
4. *Application Deadlines*. Where an application deadline applies per Sec. 07.20.4, *Application and Fees*, the applicant shall complete the incomplete application and submit it to City staff before the applicable deadline to be placed on the agenda for the next related public meeting or public hearing.

E. **Completeness Does Not Equate to Approval**. A determination of completeness does not mean that:

1. The contents of the submittal are accurate or that they comply with the standards of this NDC;

2. The application will receive a positive recommendation or final decision from the applicable administrative body; or
3. During review, additional clarification or information will not be needed.

F. **Continuing Review Process**. Complete applications shall subsequently undergo the processes established in Sec. 07.20.6, *Staff Review*.

Effective on: 10/15/2020

Sec. 07.20.6 Staff Review

A. **Generally.** Upon determination that an application is complete, the Administrator or Historic Preservation Officer shall, according to the review responsibilities of Table 07.20.2-1, *Summary of Procedures*:

1. *Review and Comment*. Review the application and provide comments to the applicant, which may include required revisions;
2. *Review and Decide*. Review and make a final decision on the application; or
3. *Distribute*. Distribute the application to the appropriate administrative body or outside agency for recommendation or final decision.

B. **Procedures Requiring Staff Review**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that require staff review.

C. **Required Revisions**.

1. *Comments*. During application review, the Administrator or Historic Preservation Officer may provide comments from public agencies or administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with requested changes.
2. *Resubmittal*. Upon receipt of the resubmittal, the Administrator or Historic Preservation Officer may refer the application to agencies or administrative bodies again if the changes substantially affect the interests of the agency or body in ways not anticipated by the original comments.

D. **Administrative Recommendation or Decision**. Promptly after submittal of a complete application that addresses the comments provided pursuant to Paragraph B., *Required Revisions*, above (or, after finding that no revisions are required), the below processes will follow.

1. *Administrative Applications.* For administrative applications, the City staff member denoted in Table 07.20.2-1, *Summary of Procedures*, shall approve, conditionally approve, or deny the application, as appropriate.
2. *Legislative and Quasi-Judicial Applications*. If, according to Table 07.20.2-1, Summary of Procedures, the application requires a public meeting or public hearing prior to a final decision, then the applicable City staff member shall create a staff report including a recommendation to the next administrative body who will consider it for further recommendation or final decision

E. **Common Decision Criteria**. In addition to all other applicable provisions of this NDC, administrative bodies shall consider the provisions of Sec. 07.20.7, *Basic Review Criteria*, when making a recommendation or a final decision.

F. **Continuing Review Process**. Applications requiring a public meeting or hearing shall subsequently undergo the processes established in Sec. 07.20.8, *Notice*.

Effective on: 10/15/2020

Sec. 07.20.7 Basic Review Criteria

A. **Generally**. In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the basic review criteria denoted in Table 07.20.7-1, *Basic Review Criteria Applicability*. Additional review criteria may apply and are enumerated in the specific review procedures of this Article.

Table 07.20.7, *Basic Review Criteria Applicability*

Basic Review Criteria	All Applications[1]	Legislative Applications	Quasi-Judicial Applications[1]

The request complies with the applicable standards of this NDC and the City Code, and the applicant has provided proof of compliance with any preceding and applicable county, state, or federal requirements.	♦		
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Conditional Use Permit, Master Plan Development, or Site Development Plan.	♦		
The request promotes the purposes of this NDC as established in Sec. 01.01.3 *Purposes,* and in other applicable purpose statements in this NDC.	♦		
The administrative body has considered the recommendation of Staff in the public meeting or hearing.		♦	♦
The request is consistent with applicable policies of the most recently adopted Kenton County comprehensive plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the comprehensive plan, the request does not impair the implementation of the comprehensive plan.		♦	♦
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.		♦[2]	♦[3]
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the essential character of the general vicinity of design, façade treatment, setbacks, building materials, and reasonably anticipated negative impacts.		♦[2]	♦
TABLE NOTES: ♦ = Basic review criteria applies [1] Excluding Appeals of Administrative Decisions [2] Excluding NDC Text Amendments [3] Excluding Variances			

B. **Procedures With Basic Review Criteria**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that have basic review criteria.

C. **Written Findings**. Required findings for a legislative or quasi-judicial decision, based on basic and specific review criteria for an application, shall be in writing and shall be recorded in the minutes and records of the Planning Commission, Board of Architectural Review and Development (BOARD), or the City Commission, as applicable.

D. **Burden of Proof or Persuasion**. In all cases, the burden is on the applicant to show that an application complies with applicable review criteria.

Effective on: 10/15/2020

Sec. 07.20.8 Notice

A. **Generally**. Public notice of public hearings required in this NDC shall be provided as required by Table 07.20.2-1, *Summary of Procedures*.

B. **Procedures Requiring Notice**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that require notice.

C. **Published.** The PDS Director for the Planning Commission hearing and the City Clerk for the City Commission hearing shall arrange for notice of a required public hearing to be published in one issue of an official newspaper of general circulation in the City in accordance with KRS Chapter 424.

D. **Posted**. Notice of all required public hearings shall be posted conspicuously on the subject property. The posting shall consist of one or more signs, constructed of durable material and clearly depicting the following information:

1. The type of application in three-inch high lettering; (eg. "District Map Amendment")
2. For District Map Amendment applications, the existing and proposed character districts of the property in three-inch high lettering;
3. The date, place, and time of the public hearing in one-inch high lettering; and
4. The address, including telephone number, of the Planning Commission, Administrator, or Historic Preservation Officer, as appropriate, where additional information regarding the hearing may be obtained.

E. **Mailed**. The required mailings as denoted in Table 07.20.2-1, *Summary of Procedures,* shall meet the following standards:

1. The City staff member denoted in Table 07.20.2-1 shall send by United States Postal Service certified mail, return receipt requested, written notice to all owners of property adjacent to the subject property, except that for a Conditional Use Permit application, the staff member shall mail notice to owners of property located within 150 feet of the subject property. The list of recipients of the notice shall be based on addresses listed on the City or County tax roll, as applicable.
2. The applicant shall furnish the names and addresses of the owners of all adjoining property to the Planning Commission the names and addresses of the owners of all adjoining property; and
3. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner.

F. **Constructive Notice**. Failure of a surrounding property owner to receive notice of a hearing shall not affect the validity of the final decision. For example, a mailed notice returned to the sender shall not prevent an administrative body from holding a public hearing nor shall it prevent the body from making a recommendation or final decision for a given application.

G. **Continuing Review Process**. Applications with required notice provided shall subsequently undergo the processes established in Sec. 07.20.9, *Public Meetings and Hearings*.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 07.20.9 Public Meetings and Hearings

A. **Generally**.

1. *Meetings and Hearings*. All public meetings and hearings related to applications in the NDC shall be open to the public. However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by this NDC are classified as requiring a "public meeting" or "public hearing."
2. *Votes*. A vote shall be conducted in such manner that the public may know the vote of each person entitled to vote.

B. **Procedures Requiring Public Meetings and Hearings**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that require public meetings and hearings.

C. **Public Meetings**.

1. *Public Meeting Required*. Any legislative or quasi-judicial application that does not require a public hearing prior to a recommendation or final decision requires a recommendation or final decision to be made at a public meeting.
2. *Consent Agenda*. Any appointed or elected administrative body may establish a consent agenda. The consent agenda may consist of all matters brought before the body for final decision that do not require a public hearing. All items on the consent agenda may be approved simultaneously by motion without comment or debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the administrative body present at the meeting, or by the Administrator. Items removed from the consent agenda shall be considered on the regular agenda.

D. **Public Hearings**.

1. *Generally*. All meetings of the City Commission, Planning Commission, and the Board of Architectural Review and Development (BOARD) shall be open to the public except as otherwise provided in KRS 61.810.
2. *Procedures.* Elected and appointed administrative bodies may adopt rules of procedure for the conduct of public hearings. The adopted rules of procedure shall reflect the following general procedures:
   a. The Chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
   b. Citizens, applicants, and the City have the right to present expert witnesses.
   c. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
   d. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
   e. Any person may appear at a public hearing, submit evidence, and be heard.

3. *Attendance by Applicant at Public Hearing.* An applicant or representative is not required to attend the public hearing at which the subject application is to be considered; however, failure on the part of the applicant or representative to appear at a properly noticed public hearing may constitute grounds for a continuance of the hearing to a certain new date or closing of the public hearing with public re-notification required.

E. **Final Action**. An administrative body with authority to take final action on an application according to Table 07.20.2-1, *Summary of Procedures*, may approve, approve with modifications (in the case of an NDC Text Amendment), approve with conditions (in the case of all other applications), or disapprove an application.

F. **Conditional Approval**.

1. *Ability*. At a public meeting or hearing, an administrative body may attach special conditions to any decision it is authorized to make in order to ensure that the intent of the NDC will be carried out.
2. *Requirements*. Conditional approval requires that the specific conditions and the reasons be stated in writing and be agreed to by the applicant. Such conditions are binding upon the applicant.

G. **Continuing Review Process**.

1. *No Final Decision*. Applications not decided upon at a public meeting or hearing may be subject to Sec. 07.20.10, *Continuance and Withdrawal*.
2. *Final Decision*. Applications decided upon at a public meeting or hearing may be subject to Sec. 07.20.11, *Appeals of Legislative and Quasi-Judicial Decisions*, through Sec. 07.20.14, *Approval Extension*.

Effective on: 10/15/2020

Sec. 07.20.10 Contiuance and Withdrawal

A. **Generally.** An applicant may request, and the administrative body holding the hearing may approve, a continuance of a public hearing. The continuance may be to a later date without providing additional notice as long as the administrative body sets the continuance for a specified date and time and announces such date and time at the hearing. Additionally, the administrative body may require a continuance without the request of the applicant, under the same rules of this Subsection.

B. **Procedures Eligible for Continuances and Withdrawal**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures with continuance and withdrawal provisions.

C. **Continuance for More Than Three Months.** If a public hearing is tabled or deferred for an indefinite period of time or postponed more than three months from the date of the originally scheduled public hearing, new public notice shall be given (in accordance with the notice requirements of the respective procedure) before the rescheduled public hearing.

Effective on: 10/15/2020

Sec. 07.20.11 Appeals of Legislative and Quasi-Judicial Decisions

A. **Generally**. Table 07.20.2-2, *Summary of Procedures Table*, denotes the development review applications that are subject to appeal.

B. **Procedures Subject to Non-Administrative Appeal**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures that are eligible for non-administrative appeal.

C. **Appeal of City Commission or Board of Architectural Review and Development (BOARD) Decision**.

1. ***Generally.*** Any party aggrieved by or alleging an error in a final decision of the City Commission or Board of Architectural Review and Development (BOARD) may appeal to a court of competent jurisdiction. Such a petition shall be presented to the court within 30 days after *the vote is taken to approve or disapprove the matter pending before the body*, in accordance with KRS 100.347.
2. ***Specific Procedures.*** Board of Architectural Review and Development (BOARD) decisions on certain quasi-judicial applications must be appealed to the City Commission and the decision of the City Commission shall be the action appealable to a court of competent jurisdiction. Refer to the specific review procedures in Sec. 07.23.6, Design Waiver, and Sec. 07.23.7, Certificate of Appropriateness (BOARD).

D. **Appeal of Planning Commission Decision**. Except for decisions and appeals described in Sec. 07.22.4.E, *Alternative Review Procedure*, any party aggrieved by or alleging an error in a final decision of the Planning Commission may

appeal to a court of competent jurisdiction within 30 calendar days of the Planning Commission's decision in accordance with KRS 100.413.

E. **Appeal of Administrative Decision**.

1. *Generally*. Any party aggrieved by or alleging error in a final decision of an administrative official on a matter addressed in this NDC may appeal in accordance with Sec. 07.23.1, *Appeal of Administrative Decisions*.
2. *Specific Procedures*. Decisions on certain administrative applications may be appealed to the City Commission. Refer to the specific review procedures in Division 21, *Administrative Applications*.

Effective on: 4/8/2025

Sec. 07.20.12 Successive Applications

A. **Generally.** It is the policy of the City not to hear successive applications for the same proposal after an application is denied or disapproved. The limitations of this Section prevent the consideration of successive applications.

B. **Procedures for Successive Applications**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures with successive application provisions.

C. **Time Required Between Substantially Similar Applications.** The City shall not accept any application that is substantially similar to an application that was denied within the previous 360 days.

D. **Appeal and Waiver of Restrictions.**

1. *Appeal*. The Zoning Administrator's determination that an application is substantially similar to a denied application is subject to administrative appeal (see Sec. 07.23.1, *Appeal of Administrative Decision*).
2. *Waiver*. In the alternative to an appeal, the applicant may seek a waiver of the successive application rules from the City Commission, which may grant the waiver for good cause shown.

Effective on: 10/15/2020

Sec. 07.20.13 Inactive or Expired Applications

A. **Generally**. Applicants shall diligently pursue completion of development projects. Accordingly, this Section voids approved Administrative or Quasi-Judicial applications that become inactive due to inaction by the applicant.

B. **Procedures With Inactive or Expired Approval Provisions**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures with inactive or expired application provisions.

C. **Reference**. Refer to Table 07.20.2-1, *Summary of Procedures*, for the expiration times for approved applications that may expire due to inactivity of the applicant.

D. **Void**. Approved applications automatically become null, void, and expired without further notice if the Administrator or Historic Preservation Officer finds that the applicant has failed to pursue completion of an approval and has not requested an extension on or before the date that the approval expired.

Effective on: 10/15/2020

Sec. 07.20.14 Approval Extension

A. **Request of Extension.** Prior to the expiration of an approved application, the applicant may request in writing an extension of the expiration date of up to six months. An applicant may only request an extension if the project has not changed in any manner; otherwise, the applicant shall submit a new application.

B. **Procedures With Approval Extension Provisions**. Table 07.20.2-2, *Review Steps*, denotes the development review procedures with approval extension provisions.

C. **Expiration of Extension.** The extension lapses after six months if the Administrator or Historic Preservation Officer determines that the applicant is not actively pursuing action to complete the development or address comments.

Effective on: 10/15/2020

Division 21 Administrative Applications

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Sec. 07.21.1 Administrative Adjustment

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Administrative Adjustments.

B. **Purpose**. Administrative adjustments are minor specified deviations from otherwise applicable quantitative standards as specified below.

C. **Applicability**.

1. *Adjustment*. The Administrator shall have authority to authorize an adjustment of up to 10 percent of a numerical standard in this NDC, subject to the following standards:

   a. Such adjustment shall not increase the degree of any nonconformity.

   b. No adjustment shall be allowed for work that originally occurred without the appropriate permits.

2. *Variance*. Any adjustment greater than those listed below shall be reviewed as provided in Sec. 07.23.4, *Variance*.

3. *Design Waiver*. A request to develop a housing or building type, frontage type, or open space type that is not normally permitted in association with a character district or building type shall be reviewed as provided in Sec. 07.23.6, *Design Waiver*.

D. **Application**. A request for an Administrative Adjustment shall be submitted along with a primary application and shall include an explanation of the reason for the requested adjustment, the specific adjustment requested, and any other material necessary to ensure conformance with the criteria in Paragraph C, above.

E. **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, 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 that will be reviewed as provided in Sec. 07.23.4, *Variance*

F. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny an Administrative Adjustment, the review body shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria*, and the following:

1. *Minimum Necessary*. The adjustment requested will be the minimum adjustment necessary for reasonable use of the property;

2. *Compatibility*. Granting the administrative adjustment will not have an adverse impact on land use compatibility; and
3. *Character*. 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.

G. **Decision**. The Administrator shall review the application in conjunction with the primary application and approve, approve with conditions, deny, or refer the application to the Board of Architectural Review and Development (BOARD).

H. **Effect**. Upon Administrative Adjustment and Building Permit issuance, construction may proceed. Failure to diligently pursue completion may subject the permit to the provisions of Sec. 07.20.13, *Inactive or Expired Applications*.

I. **Further Relief**. The decision of the Administrator is final. However, if the applicant is aggrieved by the decision, then in lieu of applying for another administrative adjustment, the applicant may apply for a variance as provided in Sec. 07.23.4, *Variance.* 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.

Effective on: 10/15/2020

Sec. 07.21.2 Building Permit (County)

A. **Generally.** In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Building Permits. Procedures shall be according to those set out in the applicable Kenton County Building Code.

B. **Purpose**. The purpose of a Building Permit is to ensure that applicable structures are built in conformance with this NDC, the approved Site Development Plan, and the Kenton County Building Code

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Building Permit, the administrative body shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria.*

D. **Effect.** Upon permit issuance, construction may proceed. Failure to diligently pursue completion may subject the permit to the provisions of Sec. 07.20.13, *Inactive and Expired Applications*.

Effective on: 10/15/2020

Sec. 07.21.3 Certificate of Appropriateness (Staff)

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Certificates of Appropriateness (Staff).

B. **Purpose**. The intent of the staff-review applications for a Certificate of Appropriateness ("COA") is to ensure that the integrity and character of Covington's historic areas are maintained through alterations and new development.

C. **Applicability**. Within the boundaries of a Historic Preservation Overlay or a Chapter 99 Development Plan Area that calls for the application of design guidelines, the following actions may not take place until a Certificate of Appropriateness has been issued:

1. Alteration of the exterior appearance or demolition of any existing structure;
2. Construction of a new structure, or portions thereof; or
3. Installation or alteration of fencing; or
4. Installation or alteration of signage; or
5. Alterations to hardscaping of a site.

D. **Exemption**. A Certificate of Appropriateness is not required for:

1. 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 exterior appearance of a building or site. Ordinary maintenance and repair, as it relates to Certificates of Appropriateness, includes:
   a. Repair of existing street or yard lighting;
   b. Replacement of gutters and downspouts as long as the color and shape matches the existing;

c. 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;

d. Replacing exterior light fixtures in kind;

e. Repairs to walks, patios, decks, fences, and driveways, provided that replacement materials match the original or existing materials in detail and color;

f. Caulking and weather-stripping;

g. Replacement of window glass (but not the style or type of windows);

h. Repainting a building in the same color(s); and

i. Repaving existing parking areas;

2. Installation of house numbers, mailboxes, and flag brackets;
3. Removal, planting, or pruning of trees, vegetable and flower gardens, shrubs, and similar plants where alterations to buildings are not required;
4. Removal of aluminum awnings, aluminum storm windows, and aluminum storm doors;
5. Erection of temporary signs;
6. Erection of temporary construction fences that are not mounted into the ground;
7. 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;
8. Any construction, alteration, or demolition duly approved prior to October 15, 2020; and
9. Any construction, alteration, or demolition that only affects the interior of the structure.

E. **Pre-Application and Contents.**

1. *Generally*. In addition to the standards and stipulations in Sec. 07.20.3, *Pre-Application Conference*, the following shall apply.
2. *Optional Pre-Application Conference*. 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 the Historic Covington Design Guidelines and any applicable Chapter 99 Development Plan guidelines, and allow for discussion of alternative treatments.

F. **Application Completeness**.

1. In addition to the provisions in Sec. 07.20.5, *Completeness*, the following shall apply to Certificate of Appropriateness applications to be considered complete and ready for final action by City staff.
2. Every application for alterations or additions to existing structures, sites, and signs, or the erection of any new structure, site, or sign within an applicable area shall be accompanied by drawings of the proposed exterior alterations, additions, or changes. For new construction, all buildings and other site improvements on the subject property shall be indicated on the drawings. For demolition, all proposed changes to any remaining structures and any site improvements shall be indicated on the drawings.
3. As used in this Section, "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 shall include the following information (unless waived by the Historic Preservation Officer):

i. Existing and proposed principal and accessory buildings, including location, dimensions, and height;

ii. Access points and off-street parking spaces;

iii. Driveways, sidewalks, walkways, terraces, and other paved surfaces;

iv. Accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;

v. Proposed materials, textures, and colors, including samples of materials or color samples; and

vi. All properties immediately adjacent to the site shall also be included in the site plan; a site section and/or site elevations, including any adjacent properties, may be required for new construction.

G. **Final Action by City Staff.**

1. Where the Historic Preservation Officer is not authorized to issue a Certificate of Appropriateness, such an application shall be reviewed per the provisions in Sec. 07.23.7, *Certificate of Appropriateness (BOARD)*.
2. The Historic Preservation Officer may issue Certificates of Appropriateness without review by the Board of Architectural Review and Development (BOARD) under the following circumstances:
   a. The application is determined by the Historic Preservation Officer to be consistent with the *Historic Covington Design Guidelines* (Appendix A) and/or any applicable Kentucky Revised Statutes (KRS) Chapter 99 Development Plan guidelines, including the *12th Street Design Guidelines* (Appendix B); and
   b. The application is not for demolition of a principal structure, new construction of a principal structure, or new construction of an addition which adds over 250 square feet of enclosed occupiable space.
3. The Historic Preservation Officer may issue Certificates of Appropriateness without further review by the Board of Architectural Review and Development (BOARD) for final designs in an application that was approved in concept by the Board of Architectural Review and Development (BOARD).
4. The Historic Preservation Officer is hereby authorized to disapprove an application for a Certificate of Appropriateness without review by the Board of Architectural Review and Development (BOARD) under the following circumstances:
   a. The application is determined by the Historic Preservation Officer to be inconsistent with the Historic Covington Design Guidelines and/or any applicable KRS Chapter 99 Development Plan Guidelines; and
   b. The applicant is unwilling to amend their application to the meet the guidelines; and
   c. The application is not for demolition, new construction of a principal structure, or new construction of an addition which adds over 250 square feet of enclosed occupiable space.
5. Upon issuance of a Certificate of Appropriateness or notice of disapproval by the Historic Preservation Officer, all other provisions of this section shall be followed and the Historic Preservation Officer shall notify the Board of Architectural Review and Development (BOARD) of such action at their next regular meeting.
6. The Historic Preservation Officer may refer any application or portion of an application to the Board of Architectural Review and Development (BOARD) in accordance with Sec. 07.23.7, upon which it may otherwise act, due to the complexity of the project or uncertainty as to its consistency with the Historic Covington Design Guidelines and/or any applicable KRS Chapter 99 Development Plan guidelines.

H. **Appeal of Historic Preservation Officer Decision**.

1. *Applicability*. A decision of the Historic Preservation Officer may be appealed to the Board of Architectural Review and Development (BOARD).
2. *Application*. An application for an appeal from a decision by the Historic Preservation Officer shall be made in writing and shall be filed with the Historic Preservation Officer within 30 days after the Historic Preservation Officer takes final action on an application.
3. *Board of Architectural Review and Development (BOARD) Action*.
   a. The Board of Architectural Review and Development (BOARD) shall be notified of the appeal and it shall be placed on the agenda for a regular or special meeting of the Board of Architectural Review and Development (BOARD).
   b. In reviewing an appeal, the Board of Architectural Review and Development (BOARD) shall review the record of the Historic Preservation Officer regarding the issue appealed and determine whether the procedures and criteria established in this Section have been followed and/or whether the decision of the Historic Preservation Officer was arbitrary, based on the record.

c. If the Board of Architectural Review and Development (BOARD) finds that an error has been made, the Board has the authority to issue a Certificate of Appropriateness per the specific review criteria in Sec. 07.23.7, *Certificate of Appropriateness (BOARD).*

d. If the Board of Architectural Review and Development (BOARD) finds no cause of action, it shall uphold the decision of the Historic Preservation Officer.

I. **Expiration of Certificate of Appropriateness**. A Certificate of Appropriateness expires per Sec. 07.23.7, *Certificate of Appropriateness (BOARD)*.

J. **Work Performed Without a Certificate of Appropriateness.**

1. *Application Fee*.

a. The property owner shall pay an increased application fee of $50.00 to cover administrative costs of reviewing work commenced or completed without an approved Certificate of Appropriateness.

b. Any work commenced or completed without a Certificate of Appropriateness that cannot be approved by the Historic Preservation Officer shall be reviewed by the Board of Architectural Review and Development (BOARD) and the owner shall pay an increased application fee of $100.00 to cover administrative costs thereof.

2. *License Revocation*. The City Manager has the right to revoke the occupational license of any person performing work without a required Certificate of Appropriateness.

3. *Violations*. Any violation of provisions within this article is subject to the provisions of Article 158.08, *Enforcement, Penalties, and Remedies*.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 07.21.4 Certificate of Occupancy

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Certificates of Occupancy.

B. **Purpose**. The purpose of a Certificate of Occupancy is to certify that a completed project complies with the provisions of this NDC, the Building Code, approval conditions, the Site Development Plan and Building Permit, and all other pertinent ordinances. It is unlawful to occupy any building or structure unless the Chief Building Inspector has issued a full, partial, or temporary certificate of occupancy.

C. **Applicability**. No land is to be used and no building may be occupied, converted, enlarged, or structurally altered, wholly or partly, without a certificate of occupancy, which shall be part of the building permit issued by the Chief Building Inspector. No certificate of occupancy shall be issued except upon a determination by the Chief Building Inspector that the land, building, and use of the property conform with the provisions of this NDC.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Certificate of Occupancy, the review body shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria.*

E. **Zoning Permit**. 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 NDC.

F. **Effect**. Upon approval of a certificate of occupancy, the applicant may occupy the building.

Effective on: 10/15/2020

Sec. 07.21.5 Floodplain Development Permit

A. **Floodplain Development Permit Established**. A Floodplain Development Permit shall be obtained before any construction or other development begins within any special flood hazard area established in Sec. 04.14.2, *General Provisions*.

B. **Floodplain Development Permit Application**. An 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:

1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
2. Existing or proposed structures, fill, storage of materials, drainage facilities; and
3. The location of the foregoing.

C. **Endorsement.** Endorsement of the floodplain administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required

1. *Application Stage.*
   a. 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 Proposed elevation in relation to Mean Sea Level to which any non-residential structure will be flood-proofed;
   b. All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Sec. 04.14.3, *Flood Hazard Reduction*; and
   c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development
2. *Construction Stage*.
   a. 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.
   b. 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.
   c. 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.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Floodplain Development Permit, the review body shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria.*

E. **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 180 calendar days from the date of its issuance.

Effective on: 10/15/2020

Sec. 07.21.6 Limited Use Authorization

A. **Generally**. Limited Use Authorization is an administrative procedure whereby the Administrator verifies that a limited use, as denoted in each zoning district in Sec. 03.06.3, *Permitted Uses by District Table*, complies with the requirements of this NDC, particularly the requirements of Division 07, *Use-Specific Standards*. A Limited Use Authorization may be issued simultaneously with Building Permits or other required permits.

B. **Purpose**. The purpose of a Limited Use Authorization is to ensure that a use which is generally compatible with permitted uses in a given character district but limited by operating or physical characteristics, can be considered for approval with certain conditions placed on the use as denoted in Division 07, *Use-Specific Standards.*

C. **Applicability**. An application is required for the establishment of a new limited use, a change to a limited use, or the expansion of a limited use that has not been approved.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Limited Use Authorization, the Administrator shall consider the provisions of Sec. 07.20.7, *Basic Review Criteria*, together with a

determination from the Administrator that the use complies with its associated specific standard in Division 07, *Use-Specific Standards.*

E. **Effect**. Upon Limited Use Authorization and Building Permit issuance, construction may proceed. Failure to diligently pursue completion may subject the permit to the provisions of Sec. 07.20.13, *Inactive or Expired Applications*.

Effective on: 10/15/2020

Sec. 07.21.7 Sign Plan and Permit

A. **Generally**. A sign permit is required for all permitted signs set out in Sec. 04.13.4, *Permanent Signs*, and Sec. 04.13.5, *Temporary Signs*, other than those that are exempt in Sec. 04.13.1, *Applicability*, and prohibited in Sec. 04.13.3, *Prohibited Signs*.

B. **Purpose**. The purpose of a Sign Permit is to ensure that a sign is built in conformance with this NDC.

C. **Applicability**. This Section 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 in Division 13, *Signs*.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a sign permit, the review bodies shall consider the provisions of Sec. 07.20.7, *Basic Review Criteria*, and the following:

1. *Wall Signs*. The materials and design of all wall signs shall follow one design scheme;
2. *Freestanding Signs*.
   a. The materials and design of freestanding signs shall follow one design scheme, which may or may not be the same as the design scheme for wall signs;
   b. 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.
3. *Consistency*.
   a. Each design scheme shall require consistency among signs for at least three of the following criteria: lighting design; color schemes; materials; shape; and/or proportion; and
   b. 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.
4. *Special Criteria for Projecting Signs in Mixed-Use Districts.*
   a. The Administrator is authorized to approve an administrative adjustment, permitting a second projecting sign to business establishments located in an existing building, provided that the 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 limitation is provided under Sec. 04.13.4, Permanent Signs 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; and
      4. That relief in the form of a variance to increase the maximum height of the top of a projecting sign above the sidewalk would be incompatible with the placement of other projecting signs found within the district.
   b. Should the Administrator make the findings necessary to approve an administrative adjustment as provided under Sec. 04.13.4.F, *Projecting Sign*s, 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 Sec. 04.13.4, *Permanent Signs,* 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.

E. **Emergencies**. In an emergency situation, a property owner may initiate work without first applying for a Sign Permit. However, the owner shall apply for a Sign Permit within 24 hours after the first working day.

F. **Master Sign Plan Application Requirements.**

1. *Generally*. A master sign plan application shall set out a master plan for signage for an entire parcel or parcels proposed for development. For example, a mixed use center master sign plans shall include all tenants and out parcels; and office or industrial parks shall include all types of signs for way-finding and tenants or uses within the development.
2. *Purpose*. 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. Although the City of Covington has provided a remedy of appeal for an applicant aggrieved by an action on a proposed master sign 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. It is thus the intent of the City, 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 Administrator only if it finds that such action is arbitrary and capricious.
3. *Applicability*. The owner of any site that includes more than one tenant or occupant shall apply for approval of a master sign plan before applying for a sign permit for any detached sign.
4. *Application Contents*. The application for approval of a master sign plan shall contain at least the following information. Where the application is submitted simultaneously with an application for a Development Plan approval, the master sign plan may refer to portions of the Development Plan application or approved Stage I Development Plan for related requirements:
   a. If the site has not been improved, all information required for a Development Plan;
   b. If the site has been improved, as-built conditions, showing all buildings and other improvements and all parking areas and vehicle entrances;
   c. A proposed design plan showing signage design at a scale of ½" = 1 ft.
   d. 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;
   e. For properties with multiple tenants or multiple occupants entitled to signs, an allocation of the allowed signage among the eligible tenants or users;
   f. 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;
   g. The color schemes and design features (excluding specific messages) for proposed signs; and
   h. The signatures of all owners or their authorized agents in such form as the legislative body may require.

G. **Amendments**. A master sign plan may be amended by filing a new master sign plan that conforms to all requirements of this Section in effect at the time of submittal.

H. **Provisions For Nonconforming Signs**. A master sign 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 sign plan by a specified date. The conformance schedule included in such master sign plan shall be considered a condition of approval of the Master Signage Plan.

I. **Effect**. After approval of a master sign plan, no permit shall be issued for a sign on the site(s) subject to the master sign plan except in accordance with such plan, and no sign shall be erected, placed, painted, or maintained, 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 sign plan and one or more provisions of this Article, this Article shall prevail.

J. **Special Severability Provisions.** The severability provisions of Sec. 04.13.2, E.11, *Severability*, 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 Sec. 04.13.2, E.11, *Severability.*

Effective on: 10/15/2020

Sec. 07.21.8 Temporary Use Permit

A. **Generally**. A temporary use is of limited duration or involves minimal investment in structures and which, if discontinued, would permit rapid and inexpensive conversion to another use. Refer to Sec. 03.07.8, *Temporary Uses*, and Sec. 04.08.5, *Temporary Structures*.

B. **Applicability**. An application for a temporary use or structure may be filed by the owner, or other person having a contractual interest in the subject property.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a temporary use permit, the review bodies shall consider the provisions of Sec. 07.20.7, *Basic Review Criteria*, and the following:

1. A permit for a temporary use may only be granted if evidence establishes that the proposed use:

   a. Does not involve the erection of a permanent building or improvements;

   b. Is not unsightly nor does it interfere with the enjoyment or use of neighboring properties; and

   c. Complies with the applicable provisions of the district in which the use is proposed to be located.

2. The temporary use will not adversely affect surrounding properties by means of increased traffic or nuisances such as, but not limited to, odor, noise, dust, or light spillover;

3. Adequate off-street parking is provided on-site;

4. The temporary use abides by all requirements of the City Code of Ordinances and state or federal regulations; and

5. All necessary permits and licenses are obtained and adhered to.

D. **Limitations**. Permit issuance does not authorize establishment or an extension of any use nor construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the use subject to applicable terms and conditions.

E. **Effect**. Upon approval, an applicant may proceed in filing other applicable applications or permits, or may proceed with the temporary use setup and operation in accordance with the permit terms.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 07.21.9 Zoning Permit

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Zoning Permits.

B. **Purpose**. The purpose of a Zoning Permit is to verify that an application for development approval of a permitted use, or a building or structure that is permitted without Development Plan approval, complies with the requirements of this NDC. Zoning Permits may be issued simultaneously with building permits or other required permits.

C. **Applicability**.

1. Except as provided in Paragraph D., *Exemptions*, below, 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 Administrator.

2. A Zoning Permit is also required before the demolition of any structure or part of a structure. .

3. A Certificate of Appropriateness per Sec. 07.21.3 is required prior to the issuance of a Zoning Permit for development and demolition within a Historic Preservation (HP) secondary district, the 12th Street (TS) secondary district (which is a KRS Chapter 99 Development Plan area), or other KRS Chapter 99 Development Plan areas.

4. Review of plans by the Covington Urban Forester and City Civil Engineer is required prior to the issuance of a Zoning Permit for development within a Hillside Stability (HS) overlay district per Sec. 02.05.3.

D. **Exemptions**. Signs are reviewed under the criteria in Division 13, *Signs*. A Zoning Permit is not required for the creation, alteration, or removal of the following structures or for accomplishing the following types of improvements:

1. Accessory structures that are 200 square feet or less and are not on a permanent foundation.

2. Air conditioning units;
3. Antennas;
4. Children's play equipment for exclusive use by a household (not common area), including aboveground pools that have 200 square feet or less in water surface area, or are 18 inches or less deep;
5. Enclosure of a portion of a residential building that already lawfully has a foundation and a roof;
6. Incidental accessory structures;
7. Landscaping that does not involve regrading or altering the grade of a development site;
8. Ordinary maintenance and repair;
9. Pergolas;
10. Pools that are completely enclosed within a building;
11. Raised planting beds;
12. Repairs or alterations that do not change the height, size or lateral bulk of the structure;
13. Residential awnings with a projection of 48 inches or less;
14. Sign face replacement that does not change the size, bulk, or materials outside of a sign;
15. Solar panels;
16. Temporary uses and structures (refer to Sec. 07.21.8, *Temporary Use Permit*);
17. Walkways on private property out of the public right-of-way;
18. Waste receptacles, recycling containers, and associated screening; and
19. Wheelchair ramps.

E. **Administrator Action**. The Administrator shall either approve or disapprove the Zoning Permit application by the following conditions:

1. If disapproved, one copy of the submitted plans shall be returned to the applicant marked "disapproved" with a description of the reasons for such disapproval. The other copy, similarly marked, shall be retained by the Administrator.
2. If approved, one copy of the submitted plans shall be returned to the applicant marked "approved." The other copy similarly marked, shall be retained by the Administrator. Once approved, the Administrator shall issue a Zoning Permit to the applicant and retain a duplicate copy for his or her records.
3. No Zoning Permit may be issued except in conformity with the provisions of this zoning ordinance, except after written orders from the Board of Architectural Review and Development (BOARD). 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 Architectural Review and Development (BOARD).

F. **Expiration of Zoning Permit**. The issuance of the Zoning Permit shall be conditioned on the applicant obtaining and retaining a Kenton County Occupational License for the use represented by the Zoning Permit.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Division 22 Legislative Applications

Contents:

Sec. 07.22.1 Landmark and Historic Overlay Designation

Sec. 07.22.2 Master Development Plan

Sec. 07.22.3 NDC Text Amendment

Sec. 07.22.4 District Map Amendment

Sec. 07.22.5 Development Plan

Sec. 07.22.1 Landmark and Historic Overlay Designation

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Historic Landmark or Historic Overlay Designation.

B. **Purpose**. The procedures of this section are used for the petition of any persons from any organization or the general public to designate historic property or districts as Historic Preservation Overlay (HP) districts to be regulated by the standards in Sec. 02.05.2, *Historic Preservation (HP) (Overlay).*

C. **Applicability**. The Board of Architectural Review and Development shall 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 District.

D. **Historic Designation Report.**

1. A study of the structures, areas, or sites proposed to be designated either a Historic Landmark or a Historic Preservation Overlay zone shall be compiled in a report ("Historic Designation Report"). The report shall 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 Districts, a list of which structures, areas, or sites within the boundaries are determined to be contributing and which are determined to be non-contributing shall be included in the report.

2. In addition, such report shall include the following elements:

   a. 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 the interior of lots, and off-street parking provided. In addition to general analysis, two specific detailed descriptions shall be entered:

      1. 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; and

      2. A description of existing non-contributing structures, premises, and uses likely to have an adverse effect on the desired character of the district, including those near and visually related to the district with maps, photographs, and other data indicating the reasons for such an effect.

   b. An analysis of lands not occupied by structures, including lands near and visually related to the zone. For public lands, ownership, use, and location shall be indicated. For private lands, the assessed valuation shall be added as well as existing character district and planned land use.

   c. Recommendations concerning detailed regulations to be applied in the district, to supplement or modify general regulations set forth herein, may include the following:

      1. Permitted and prohibited principal and accessory uses and structures;

      2. Minimum lot and setback requirements;

      3. Maximum lot coverage by all buildings;

      4. Maximum height of structures;

      5. Off-street parking and loading requirements;

      6. Control of signs and exterior illumination;

      7. Control of exterior character of buildings and sites when visible from a public way only, and

      8. Recommended character district 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.

3. A review of the survey or study shall be completed every five years or earlier if necessary.
4. Once the Historic Designation Report is compiled, the Board of Architectural Review and Development shall propose to the City Commission that the findings be available to the general public by a printed copy available at the public library and an accessible version hosted on a City website.
5. Historic area boundaries may not be extended beyond 100 feet of the historic area.
6. Historic areas may be defined by specific boundaries. Both sides of the street may be included when desirable.

E. **Specific Review Criteria.** In determining whether to approve, approve with conditions, or deny an application for a Landmark or Historic Overlay Designation, the review body shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria*, and the following:

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 value as a strong representation of an architectural style;
7. Its identification as a contributing resource within a Historic Designation Report or within a National Register of Historic Places district;
8. 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; and
9. Its character as an established and geographically definable neighborhood united by culture or past events.

F. **Amendments or Rescission**. The amendment or rescission of any historic designation shall be made in accordance with the procedure required by this section for the original designation.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 07.22.2 Master Development Plan

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Master Development Plan.

B. **Purpose**. The purpose of a Master Development Plan is to provide a site layout for property developed as a cluster or planned neighborhood type in accordance with Sec. 04.08.2, *Cluster, Planned, and Tiny House Neighborhoods*. Review of the Master Development Plan shall occur concurrently with the District Map Amendment to an applicable character district if such an Amendment is necessary. If such an Amendment is not necessary, then review shall occur prior to any other development activity for the project taking place.

C. **Binding Characteristics**. Approval of the Master Development Plan establishes:

1. *Context, Transitioning, and Buffering*. The context of the proposed development relative to adjoining and adjacent development and the proposal for transitioning and buffering such uses;
2. *Uses, Scale, and Compatibility*. The locations and types of residential, nonresidential, and public or institutional land uses; their scale and design relationships; and methods to ensure compatibility between the various uses and adjacent properties;

3. *Density*. Minimum and maximum gross densities, block sizes, lot patterns, and heights of residential uses;
4. *Bulk*. Maximum gross square footages, building coverage, and heights of nonresidential uses;
5. *Parking and Circulation*. The proposed parking and circulation plans;
6. *Transportation*. The patterns, functional classifications, and cross-sections of streets within and adjacent to the development, along with the network of pedestrian, bicycle, and public transit improvements;
7. *Open Space*. General locations, means of continuity and connectivity, and the extent of open space to be dedicated for public or private purposes;
8. *Environmental Features*. Areas of environmental sensitivity to be protected and preserved, including floodplains and riparian areas, wetlands and water bodies, steep slopes, forested areas, and other such areas; and
9. *Phases*. Phases of development.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a Master Development Plan, the review bodies shall consider the applicable common decision criteria in Sec. 07.20.2 and the following:

1. *Phasing*. The development is phased in a manner that assures an adequate mixture of residential and nonresidential land uses and allows for the transition from the early phases to completion, relating to the intensity of uses and parking.
2. *Undeveloped Space*. Together with the developed areas, the undeveloped spaces devoted to natural resource preservation, buffering of uses, and for passive and active use are connected and continuous throughout the development.
3. *Complete Streets and Parking*. The streets are designed for multi-modal purposes, including as access and transit ways, for on-street parking, and safe use of pedestrians and bicyclists, and the parking is well-distributed and designed to preserve an urban streetscape.
4. *Walkability*. The connections within and between buildings, civic spaces, parking areas, and to the surrounding development; the presence of amenities and other pedestrian improvements; and the proximity of origins and destinations both internal and external to the development are such that walking and bicycling are safe and viable modes of transportation.
5. *Quality Design*. The design of buildings and hardscape and landscape areas help to establish visual interest, aesthetic appeal, and a unique identity for the development, including as key considerations human-scale amenities, integration of civic spaces for public interaction, and protection from the environmental elements.
6. *Building Form and Massing*. The placement, arrangement, size, and relationships of buildings relative to streets, pedestrian and civic spaces, and one another create an urban environment.
7. *Site Layout*. The subject property is laid out in an efficient manner relative to the natural and built environments and designed to achieve the aims of a compact, highly walkable environment.
8. *Mix of Housing Types and Uses*. The development contains at least three different housing types.
9. *Hillside Stability Plan*. Any portions of the development that are subject to the provisions in Sec. 02.05.3, *Hillside Stability*, are included in a plan approved by the Covington Urban Forester and the City Civil Engineer.
10. *Tree Preservation*. Any portions of the development that are subject to the provisions in Sec. 04.12.3, *Tree Preservation*, are included a plan approved by the Covington Urban Forester.

E. **Decision**. During a public meeting, the Planning Commission may approve, conditionally approve, or deny a Master Development Plan.

F. **Effect**. Upon approval, all subsequent plats, plans, and permits shall clearly demonstrate consistency and conformance with the adopted plan.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 07.22.3 NDC Text Amendment

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to NDC Text Amendments.

B. **Purpose**. The purpose of a NDC Text Amendment is to change the text of this NDC.

C. **Planning Commission Hearing/ Action**.

1. The Planning Commission shall hold at least one public hearing on all proposed text amendments.
2. Following the Planning Commission's public hearing, the Planning Commission shall make a recommendation, by simple majority vote, as to the text of the amendment and whether the amendment is approved or disapproved and shall state the reasons for its recommendation. The Planning Commission action shall be based on the review and approval criteria detailed in Sec. 07.20.7, *Basic Review Criteria*.
3. When text amendments have been initiated by the City Commission, the Planning Commission shall take action on the proposed amendments within 60 days of receipt of the proposed amendment.

D. **City Commission Action**. The City Commission shall take final action on the proposed text amendment by a simple majority vote.

E. **Specific Review Criteria.** In determining whether to approve, approve with modifications, or deny an NDC Text Amendment, the review bodies shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria* and the following:

1. *Errors*. The amendment is necessary to correct an error or inconsistency in the NDC; or
2. *Changing Condition*. The amendment is necessary to meet the challenge of a changing condition that was not anticipated in the Comprehensive Plan.

F. **Notice to PDS**. Pursuant to KRS 147.705, the City Commission shall, within 60 days after adoption of any NDC Text Amendment, furnish a copy of the adopted amendment to Planning and Development Services of Kenton County.

G. **No Retroactive Cure of Violations**. The amendment of the text of this NDC may transform a legally nonconforming situation into a conforming one. However, no text amendment shall be proposed for the sole purpose of curing a violation of any part of this NDC.

Effective on: 10/15/2020

Sec. 07.22.4 District Map Amendment

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to District Map Amendments.

B. **Purpose**. The purpose of a District Map Amendment is to change the character district of a property on the official district map from one character district to another.

C. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a District Map Amendment, the review bodies shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria* and the following:

1. *Compatibility*. The range of uses and the character of development that is allowed by the proposed character district will be compatible with the properties in the immediate vicinity of the subject property.
2. *Property Dimensions*. The subject property has sufficient dimensions to accommodate reasonable development that complies with the requirements of this NDC, including parking and buffering requirements.
3. *Need*. The pace of development and the amount of vacant land currently mapped and designated for comparable development in the vicinity of the subject property or properties suggests a need for the proposed character district amendment in order to:
   a. Ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development; or
   b. Support the transitioning of a surrounding area's character due to the impact of factors such as a change in traffic patterns, civic or institutional uses, adjoining uses, or environmental issues;
4. *Mitigate Arbitrary Designations*. The amendment, if approved, would be compatible with the surrounding area and would not constitute an unequal or arbitrary distribution of small and limited ownership and use.

D. **Additional Conditions**. A request for a District Map Amendment may be conditioned upon adherence to an applicant's Development Plan, which may limit the uses on or design of the site. The Development Plan may be processed concurrently with the District Map Amendment request and may be approved, approved with conditions, or denied in accordance with Sec. 07.22.5, *Development Plan Review*.

E. **Alternative Review Procedure**.

1. *Recommendation and Final Action.* In accordance with KRS 100.2111, the recommendation of the Planning Commission shall have the effect of final action of a District Map Amendment.
2. *Protest*. The Planning Commission's recommendation shall not become the final action on a District Map Amendment if, *w*ithin 21 days after the final action by the Planning Commission:
   a. Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the City Commission; or
   b. The City Commission files a notice with the Planning Commission that the City Commission shall take final action on the request.
3. *Majority Vote*. It shall take a majority of the entire City Commission to override the recommendation of the Planning Commission

F. **Minimum Area**. No district 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 of Table 07.22.4-1, *Minimum Area Standard per Character District*.

Table 07.22.4, *Minimum Area Standard per Character District*

District Name	Designation	Minimum Area
Primary Districts		
Residential		
Rural Residential	RR	10 acres
Suburban Residential	SR	5 acres
Semi-Urban	SU	10,000 sq. ft.
Commercial and Office		
Auto-Urban Commercial	AUC	10,000 sq.ft.
Suburban Office	SO	1 acre
Mixed-Use		
Central Riverfront Mixed-Use	CRM	37 acres
Traditional Urban Residential	TUR	20,000 sq. ft.
Traditional Urban Mixed-Use[2]	TUMU	10,000 sq.ft.
Commercial Mixed-Use	CMU	10,000 sq.ft.
Urban Mixed-Use	UMU	10,000 sq.ft.
Downtown Core	DTC	10,000 sq.ft.
Downtown Riverfront	DTR	10,000 sq.ft.
Industrial		
Suburban Industrial	SI	1 acre
Limited Industrial	LI	1 acre
General Industrial	GI	1 acre
Special Purpose		
Resource Protection	RP	1 acre
Recreation	REC	1 acre
Secondary Districts (Overlays)		
Historic Preservation	HP	No minimum
Hillside Stability	HS	No minimum

F. **Notice to PDS**. Pursuant to KRS 147.705, the City Commission shall, within 60 days after adoption of any character district ordinance or district map amendment, furnish a copy of the adopted amendment to Planning and Development Services of Kenton County.

G. **Changes/Amendments to Development Plans.**

1. *Minor Changes.*

   a. If the submittal of detailed engineering data was waived by the Administrator in the initial submission of the development plan, then such data shall be submitted for review in accordance with the building permit procedures of Sec. 07.21.2, *Building Permit,* before a permit may be issued for construction.

   b. The 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 NDC.

2. *Amendments*. Any amendments to approved Stage I development plans, except for those minor adjustments which are permitted by the Administrator as noted in Paragraph 1.b above, shall be resubmitted as new character district map applications.

Effective on: 3/12/2024

Sec. 07.22.5 Development Plan

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Development Plans.

B. **Purpose**. The purpose of a Development Plan is to ensure that applicable developments comply with all development and design standards of this NDC and, if applicable, with the approved Master Development Plan or Conditional Use Permit for the subject property.

C. **Applicability**. A development plan shall accompany all applications for character map amendments in the SU, AUC, SO, or Industrial character districts, except for single- or two-unit dwellings.

D. **Application**. The Development Plan shall 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:

1. The total area in the project;

2. The character district of the subject property and all adjacent properties;

3. 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;

4. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet;

5. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:

   a. Detached housing. Location and approximate number of lots, including typical sections identifying approximate lot sizes and dimensions, and setback and height of buildings; and

   b. 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.

6. Delineation of all existing and proposed nonresidential uses in the project:

   a. Commercial uses. Location and type of all uses including approximate number of acres, gross floor area, and heights of buildings.

   b. 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.

   c. Other public and semi-public uses. Location and type of all uses, including approximate number of acreage and height of buildings.

d. Location of proposed pedestrian walkways, identifying approximate dimensions;

e. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades;

f. 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;

g. Certification from appropriate water and sewer agencies that services will be available;

h. Identification of the soil types and geologic formations on the subject property, including anticipated problems and proposed methods of handling those problems;

i. Other information that may be determined necessary for description or to insure proper integration of the proposed project in the area;

j. 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.

7. 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.

E. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or deny a development plan, the review body shall consider the applicable common decision criteria in Sec. 07.20.7, *Basic Review Criteria.*

Effective on: 10/15/2020

Division 23 Quasi-Judicial Applications

Contents:

Sec. 07.23.1 Appeal of Administrative Decisions

Sec. 07.23.2 Conditional Use Permit

Sec. 07.23.3 Written Interpretation

Sec. 07.23.4 Variance

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Sec. 07.23.6 Design Waiver

Sec. 07.23.7 Certificate of Appropriateness (BOARD)

Sec. 07.23.1 Appeal of Administrative Decisions

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Appeals of Administrative Decisions.

1. *Eligible Applications*. In accordance with KRS 100.257 through KRS 100.263, an Appeal of Administrative Decision provides a vehicle for the appeal of any final decision of the Administrator, Chief Building Inspector, Director of Public Works, or Floodplain Administrator on an application set out in Division 21, *Administrative Applications*.
2. *Notice of Appeal*. An appeal may be filed, in writing, by any person or entity or his/her authorized agent claiming to be injuriously affected by official action, order, requirement, interpretation, grant, refusal, or decision of any official charged with enforcing the NDC. The written notice of appeal shall specify the grounds for the appeal. An appeal shall 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.
3. *Transmission of Records*. Upon receipt of a notice of appeal, the Administrator shall transmit to the Board of Architectural Review and Development (BOARD) all documents constituting the record on which the action appealed was taken and shall be treated as and be the respondent in such further proceedings.

B. **Applicability**. The following matters are not subject to Appeal of Administrative Decisions.

1. *No Appeal to BOARD*. Except as provided below, decisions on Appeals of Administrative Decisions are not subject to further appeal to the Board of Architectural Review and Development (BOARD) . Refer to Sec. 07.20.11, *Appeals of Legislative and Quasi-Judicial Decisions*.
2. *Recommendations*. Administrative recommendations to a development review body are not subject to Appeal of Administrative Decisions.
3. *Historic Preservation*. For appeals of the Historic Preservation Officer, refer to Sec. 07.21.3, *Certificate of Appropriateness (Staff)*.

C. **Notice of Decision**. Pursuant to KRS 147.705, within 60 days of the decision, the Board of Architectural Review and Development (BOARD) shall furnish its decision on this administrative appeal to Planning and Development Services of Kenton County.

D. **Specific Review Criteria**. In determining whether to affirm or reverse, in whole or in part, or modify the appealed decision, the applicable review bodies shall consider, and the Board of Architectural Review and Development (BOARD) shall make findings on the following:

1. *Record and Evidence*. The administrative decision was appropriate considering the written record of the case and the evidence presented.
2. *NDC Requirements*. The decision reflects the requirements contained in this NDC.

E. **Burden of Proof in Appeals**. The Board of Architectural Review and Development (BOARD) shall presume the appealed final decision to be valid. The appellant shall present sufficient evidence and have the burden to justify a reversal of the

decision being appealed.

F. **Effect of Decision**. In exercising its authority under this Section, the Board of Architectural Review and Development (BOARD) shall have the final decision-making powers of the administrative official from whom the appeal is taken.

Effective on: 10/15/2020

Sec. 07.23.2 Conditional Use Permit

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Conditional Use Permits (CUPs).

B. **Purpose.** The purpose of CUP review is to determine if conditional uses, as denoted in each character district in Division 04, *Primary Districts*, should be allowed on a property subject to standards and a public hearing.

C. **Specific Review Criteria.**

1. *Review and Decision.* In determining whether to approve, approve with conditions, or deny a CUP, the review bodies shall consider the applicable basic review criteria in Sec. 07.20.7, *Basic Review Criteria* and the following:
   a. The conditional use does not create an unwanted concentration of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
   b. There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
      i. Providing a needed community service;
      ii. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
      iii. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
      iv. Making more efficient use of public infrastructure.
   c. The proposed use at the particular location is 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.
   d. Such use 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.
2. *Affirmative Findings*. In order to approve a CUP, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

D. **Conditions**.

1. *Generally.* The Administrator may recommend, and the Board of Architectural Review and Development (BOARD) may attach, conditions of approval to the CUP in order to mitigate its impacts such that it complies with the associated decision criteria. Conditions shall be roughly proportional to the impacts to which they are addressed.
2. *Agreed to by Applicant.* Specific conditions and the reasons for them shall be stated in writing and be agreed to by the applicant.
3. *Binding.* Such conditions are binding upon the applicant.
4. *Noncompliance.* The Board of Architectural Review and Development (BOARD) is authorized to revoke CUPs for noncompliance with any imposed conditions. Furthermore, the Board of Architectural Review and Development (BOARD) 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.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 07.23.3 Written Interpretation

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Written Interpretations.

B. **Purpose**. The purpose of a Written Interpretation is to provide any applicant with an official administrative interpretation of the terms, provisions, or requirements of this NDC if the application of the terms, provisions, or requirements are not obvious.

C. **Standards for Interpretations**. The Administrator may base the interpretation on:

1. The materials or scenario posed by the applicant;
2. The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in a dictionary of common usage;
3. The purpose statement for the NDC section that is subject to interpretation;
4. Any provision of this NDC, the Comprehensive Plan, Kentucky State law, or Federal law that are related to the same subject matter;
5. Any technical meanings of words used in the provision subject to interpretation;
6. Other interpretations rendered by the Administrator associated with the same or related provisions of this NDC;
7. The legislative history of the provision subject to interpretation; or
8. Sources outside of the NDC that provide additional information on the provision in question, such as technical or professional literature.

D. **No Legal Advice**. No written interpretation shall be construed as legal advice.

E. **Final Decision**. For purposes of appeal, a Written Interpretation is deemed a final decision.

F. **Recordkeeping**. The Administrator shall keep records of interpretations made pursuant to this Section, which he or she may periodically present to the Planning Commission for formal adoption into this NDC in accordance with Sec. 07.22.3, *NDC Text Amendment*.

Effective on: 10/15/2020

Sec. 07.23.4 Variance

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Variances.

B. **Purpose.** The purpose of a Variance is to provide limited relief from the requirements of this NDC related to height, width, length, or location of structures, and the size of yards and open spaces, in those cases where strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this NDC.

C. **Specific Findings and Review Criteria**.

1. *Review and Decision*. In determining whether to approve, approve with conditions, or deny a Variance, the applicable review bodies must make findings and shall consider the factors included below, per KRS 100.243, in addition to the applicable basic review criteria in Sec. 07.20.7, Basic Review Criteria.
2. *Affirmative Findings*. Before a Variance is granted, the applicable review bodies must make the following four findings:
   a. The variance will not adversely affect the public health, safety or welfare;
   b. Will not alter the essential character of the general vicinity;
   c. Will not cause a hazard or a nuisance to the public; and
   d. Will not allow the unreasonable circumvention of the requirements of the zoning regulations.
3. *Factors to Consider***.** In making the above findings, the applicable review bodies shall consider whether:
   a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
   b. 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

c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

4. *Denying a Variance*. The applicable review bodies shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

D. **Conditions***.*

1. *Generally.* The Administrator may recommend, and the Board of Architectural Review and Development (BOARD) may attach, conditions of approval to the Variance approval in order to mitigate its impacts such that it complies with the associated decision criteria. Conditions shall be roughly proportional to the impacts to which they are addressed.
2. *Agreed to by Applicant.* Specific conditions and the reasons for the, shall be stated in writing and be agreed to by the applicant.
3. *Binding.* Such conditions are binding upon the applicant
4. *Noncompliance.* The Board of Architectural Review and Development (BOARD) is authorized to revoke a Variance for noncompliance with any imposed conditions. Furthermore, the Board of Architectural Review and Development (BOARD) 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.

E. **Coordination with Design Waiver**. Where an application requires a Variance per this Section for certain aspects, and a Design Waiver per Sec. 07.23.6, *Design Waiver*, for other aspects, a Variance shall only be granted in conjunction with a Design Waiver.

F. **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.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 07.23.5 Variance, Floodplain

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Floodplain Variances.

B. **Purpose**. The purpose of this Section is to create a review procedure that protects 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 shall 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.

C. **Flood Plain Construction Variance Procedures**. The Board of Architectural Review and Development (BOARD) shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the following specific criteria:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger to life and property due to flooding or erosion damage;
3. 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;
4. Importance to the community of the services provided by the existing or proposed facility;
5. Necessity that the facility be located on a waterfront, in the case of functionally dependent use;
6. Availability of alternative locations, which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. 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
11. 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.

D. **Conditions for Variances.** Upon consideration of the factors listed above and the purposes of this Section, the BOA shall consider the following conditions during the review of variance applications:

1. *Mapped Floodway*. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
2. *Minimum Relief Necessary*. 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.

E. **Issuance of Floodplain Variances**. Floodplain variance shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. 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.

F. **Variance New Construction or Substantial Improvement.** Variances new construction or substantial improvement, or other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of this Section 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.

G. **Written Notice**. 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.

H. **Records and Reporting**. The Floodplain Administrator shall maintain a record of all variance actions, including:

1. Justification for their issuance or denial; and
2. A biennial report submitted to the Federal Emergency Management Agency (FEMA) stating all variances issued.

I. **Variance Notification.** Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. 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;
2. 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.

J. **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 a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Effective on: 10/15/2020

Sec. 07.23.6 Design Waiver

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to applications for a Design Waiver.

B. **Applicability**.

1. *Design Waiver*. Design Waiver procedures are applicable to requests to develop a housing or building type, frontage type, or civic and open space type, or to use exterior materials in a manner not otherwise permitted, or to develop a vehicular access point in a manner not otherwise permitted for the following Sections:
   a. Sec. 04.08.3, *Housing and Building Types*: All requirements with the exception of measurements pertaining to lot dimensions, building placement, and height as specified in the subsections of Sec. 04.08.3, *Housing and Building Types*;
   b. Sec. 04.08.6, *Frontage Types*;
   c. Sec. 04.08.7, *Civic and Open Space Types*;
   d. Sec. 04.10.4, *Exterior Material Standards*; or
   e. Subsec. 04.11.4.C, *Driveway Location and Width*.
2. *Administrative Adjustment*. Refer to Sec. 07.21.1, *Administrative Adjustment*, for proposed adjustments of a certain extent from the numerical standards of this NDC.

C. **Contents**.

1. Every Design Waiver application shall be accompanied by drawings that contain sufficient information to enable the Board of Architectural Review and Development (BOARD) to determine whether the plans meet the review and decision-making criteria of Subsection F. below. These plans and drawings shall indicate all proposed buildings and other site improvements.
2. As used in this Section, "drawings" mean site plans, elevations, and/or perspectives drawn at a scale with sufficient detail to show the location of existing improvements on the site (if applicable) and the architectural design and exterior appearance of the proposed buildings and structures on the site. These drawings shall 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. Front building elevations (facing the street), including dimensions and locations of doors, windows, garages, porches, and other architectural features;
   c. Driveways, sidewalks, walkways, terraces, and other paved surfaces;
   d. Accessory structures, including walls, fences, lighting, signs, and other site improvements;
   e. All properties immediately adjacent to the site shall also be included in the site plan; a site section and/or site elevations, including any adjacent properties, may be required; and
   f. Access points and off-street parking spaces.
3. A Design Waiver application is not considered complete until all illustrative material necessary to adequately describe the proposed project has been submitted to City staff.

D. **Specific Review Criteria**. In determining whether to approve, approve with conditions, or disapprove an application for a Design Waiver, the Board of Architectural Review and Development (BOARD) shall consider the applicable basic review criteria in Sec. 07.20.7, *Basic Review Criteria* and the following, as applicable:

1. The proposal respects the character of the context, reinforcing its identity through design that is sympathetic to the architectural context of the surrounding area in terms of massing, form, materials, texture, scale, architectural treatment, and pedestrian- or auto-orientation;
2. The front building elevations facing the street(s) and the overall massing of the building emphasize human scale and the pedestrian environment;
3. 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;
4. Building silhouettes (scale and pitch of rooflines) are consistent with the context created by nearby buildings;
5. The proportion of windows, bays, and doorways is consistent with the context created by nearby buildings;

6. The proposed development uses lighting and related structures as an integrated element in architectural treatment and the pedestrian environment;
7. The location and design of parking, curb cuts, driveways, and/or drive-through facilities (as applicable) minimize potential negative impacts on the pedestrian environment, both physically and visually, and maintain, to the greatest degree possible, building massing and orientation toward street frontage(s);
8. Ingress and egress (including vehicular access points) to parking, driveways, and/or drive-through facilities (as applicable) is designed and oriented to minimize potential negative impacts on the pedestrian environment, both physically and visually, and maintain, to the greatest degree possible, building massing and orientation toward street frontage(s); and
9. The proposed vehicular access point does not encourage auto-oriented development.

E. **Coordination with Variance Application.** Where an application requires a Design Waiver per this Section for certain aspects, and a Variance per Sec. 07.23.4 for other aspects, a Design Waiver may be approved conditionally upon the granting of a Variance.

F. **Issuance of Final Action by the Board of Architectural Review and Development (BOARD).**

1. *Deadline for Final Action*. The Board of Architectural Review and Development (BOARD) shall act within 75 days of receipt of a Design Waiver application that is considered complete per this Section and Sec. 07.20.5, *Completeness*. The failure of the Board of Architectural Review and Development (BOARD) to approve, approve with conditions, or disapprove such an application within such time, unless otherwise mutually agreed upon by the applicant and the Board of Architectural Review and Development (BOARD), shall be deemed a disapproval of the application and the issue shall be considered resolved.
2. *Approval*. If the Board of Architectural Review and Development (BOARD) approves an application, the Historic Preservation Officer shall issue a Design Waiver on behalf of the Chairperson or acting Chairperson. The Design Waiver shall be attached to any documents that were approved by the Board. This document shall state the findings of the decision and be considered the final action for approval. The Historic Preservation Officer shall transfer the approval to the office of the Administrator and/or Building Inspector, as appropriate. Any changes from the approved application shall require additional review by City staff.
3. *Approval with Conditions*. If the Board of Architectural Review and Development (BOARD) approves an application with conditions, the Historic Preservation Officer shall issue a Design Waiver on behalf of the Chairperson or acting Chairperson. Where a condition specifically requires additional review by the Historic Preservation Officer of amended documents, the Design Waiver may be issued after such additional review is completed. Conditions are binding on an approval and have the effect of altering drawings and/or plans as described. This document shall state the findings of the decision and be considered the final action for approval with conditions. The Historic Preservation Officer shall transfer the approval with conditions to the office of the Administrator and/or Chief Building Inspector, as appropriate. Any changes from the approved application or required conditions shall require additional review by City staff.
4. *Disapproval*. If the Board of Architectural Review and Development (BOARD) disapproves an application, the Historic Preservation Officer shall issue a notice of disapproval on behalf of the Chairperson or acting Chairperson. This document shall state the findings of the decision and be considered the final action for disapproval. The Historic Preservation Officer shall transfer the disapproval to the office of the Administrator and/or Chief Building Inspector, as appropriate. No further action may be taken by the Administrator or the Chief Building Inspector on the application.
5. *Additional Compliance Required*. The issuance of a final action by the Board of Architectural Review and Development (BOARD) does not exempt the application from any of the other requirements in this NDC or other regulations of the City.

G. **Appeal of Final Action on Design Waiver by the Board of Architectural Review and Development (BOARD).**

1. *Appeal to City Commission.* A decision by the Board of Architectural Review and Development (BOARD) on an application for a Design Waiver shall first be appealed to the City Commission in accordance with the following review procedures.
   a. *Application.* An application for appeal of a decision by the Board of Architectural Review and Development (BOARD) on an application for a Design Waiver shall be made by the property owner or property owner's

authorized agent in writing and filed with the Historic Preservation Officer within 30 days after the BOARD vote is taken to approve or disapprove the pending application before the BOARD.

b. *City Commission Action.*

1. The City Commission shall be notified of the appeal and it shall be placed on the agenda for a regular or special meeting of the City Commission.
2. In reviewing an appeal, the City Commission shall review the record of the Board of Architectural Review and Development regarding the issue appealed and determine whether the procedures and criteria established in this section have been followed and/or whether the decision of the BOARD was arbitrary, based on the record.
   a. If the City Commission finds that an error has been made, it has the authority to order the issuance of a Design Waiver or may remand the issue to the BOARD for further consideration, stipulating certain facts.
   b. If the City Commission finds no cause of action, it shall uphold the decision of the BOARD.

2. *Appeal to Circuit Court.* The final action by the City Commission on the Design Waiver may be appealed to a court of competent jurisdiction per the provisions in Sec. 07.20.11, Appeals of Legislative and Quasi-Judicial Decisions.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 4/8/2025

Sec. 07.23.7 Certificate of Appropriateness (BOARD)

A. **Generally**. In addition to the applicable required procedures in Sec. 07.20.2, *Summary of Procedures*, the following shall apply to Certificate of Appropriateness (BOARD).

B. **Purpose**. The intent of review by the Board of Architectural Review and Development (BOARD) for applications of a Certificate of Appropriateness is to ensure that the integrity and character of Covington's historic areas are maintained through alterations and new development.

C. **Applicability**. Applications for a Certificate of Appropriateness that do not qualify for staff review per Sec. 07.21.3 and are not otherwise exempted from review per Sec. 07.21.3 require review by the Board of Architectural Review and Development (BOARD) and are subject to the provisions of this Section.

D. **Pre-Application Conference**.

1. *Generally*. In addition to the standards and stipulations in Sec. 07.20.3, *Pre-Application Conference*, the following shall apply.
2. *Optional Pre-Application Conference*. 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 the Historic Covington Design Guidelines and/or any applicable Chapter 99 Development Plan guidelines, and allow for discussion of alternative treatments.

E. **Application Contents and Completeness.**

1. In addition to the provisions in Sec. 07.20.5, *Completeness*, the following shall apply to Certificate of Appropriateness applications to be considered complete and ready for action by City staff and final action by the Board of Architectural Review and Development (BOARD).
2. Every Certificate of Appropriateness application for alterations or additions to existing structures, sites, and signs, or the erection of any new structure, site, or sign shall be accompanied by photographs of the existing conditions and drawings of the proposed exterior alterations, additions, or changes. For new construction, all buildings and other site improvements shall be indicated on the drawings. For demolition, all proposed changes to any remaining structures and any site improvements shall be indicated on the drawings.
3. As used in this Section, “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 shall include the following information (unless waived by the Historic Preservation Officer):

a. All properties immediately adjacent to the site shall also be included in the site plan; a site section and/or site elevations, including any adjacent properties, may be required for new construction.

b. Proposed materials, textures, and colors, including samples of materials or color samples;

c. Accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;

d. Driveways, sidewalks, walkways, terraces, and other paved surfaces;

e. Existing and proposed principal and accessory buildings, including location, dimensions, and height;

f. Access points and off-street parking spaces;

F. **Specific Review Criteria for Non-Demolition Applications.**

1. In addition to the provisions of Sec. 07.20.7, *Basic Review Criteria*, the following provisions apply to non-demolition applications for a Certificate of Appropriateness subject to review by the Board of Architectural Review and Development (BOARD).

2. *Economic Hardship*. Where an applicant proposes an exterior alteration to a resource that does not meet applicable guidelines based on an economic hardship, the Board of Architectural Review and Development (BOARD) shall make a finding determining if at least one of the following criteria (a. or b.) is met:

   a. The applicant has presented, and the Board finds compelling, documentation stating:

      1. The need for the alteration is the minimum or maximum work, as appropriate, required for the continued viability of the resource; and

      2. That the costs of repair or replacement that meets the minimum standard of the applicable guideline(s), as prepared by an expert in historic preservation and/or restoration trades, exceeds the costs of the proposed work by 50%; or

   b. The applicant has presented, and the Board of Architectural Review and Development (BOARD) finds compelling, documentation from experts in historic preservation, restoration trades, and appraisals which states:

      1. The costs of completing the work to the minimum standard of the applicable guideline(s); and

      2. That the costs exceed the projected market value of the resource post work that meets the guidelines.

   c. Evidence submitted as part of a review to determine economic hardship may include, but is not limited to:

      1. Mortgage balance and debt service for the prior two years

      2. Appraisals

      3. Assess value

      4. Real estate taxes

      5. Form of ownership

      6. Attempts to sell (listings or contracts)

      7. Reasonableness of price or rent

      8. Advertisements to sell or rent

      9. Economically feasible alternatives to reuse the property

      10. Structural reports

      11. Estimated market value of the property

      12. Evidence that a hardship was not self-created

      13. Incentives available for rehabilitation

      14. Financial analysis by an independent third party

      15. Proposed plans for the property

      16. Estimated mothballing costs

3. *Approval*. To approve all or part of a non-demolition application, the Board of Architectural Review and Development (BOARD) shall make a finding that the application, in whole or in part, meets at least one of the following criteria:

   a. The application is consistent with specific sections of the *Historic Covington Design Guidelines* (Appendix A) and/or applicable specific sections of the *12th Street Design Guidelines* (Appendix B), and/or specific applicable

guidelines from other KRS Chapter 99 Development Plan Area guidelines; or

b. The application meets a criterion of an economic hardship and the application establishes the minimum or maximum work, as appropriate, necessary to overcome the economic hardship and continue the viability of the resource.

4. *Approval with Conditions*. To approve all or part of a non-demolition application, and where the Board of Architectural Review and Development (BOARD) finds that a particular alteration or condition would cause an application, in whole or in part, to meet specific applicable guidelines in the Historic Covington Design Guidelines and/or KRS Chapter 99 Development Plan guidelines, and the applicant agrees to such alterations or conditions, the Board of Architectural Review and Development (BOARD) shall:

   a. State the specific alterations or conditions, including any related timelines; and

   b. Make a finding that the condition establishes the minimum or maximum adjustment, as appropriate, necessary to make the application consistent with specific guidelines; and

   c. Make a finding that the application with adjustments stipulated in the conditions is consistent with specific Historic Covington Design Guidelines and/or any specific applicable KRS Chapter 99 Development Plan guidelines.

5. *Disapproval*. To disapprove all or part of a non-demolition application, the Board of Architectural Review and Development (BOARD) shall make a finding that the application, in whole or in part, is not consistent with specific Historic Covington Design Guidelines and/or specific applicable KRS Chapter 99 Development Plan guidelines.

G. **Specific Review Criteria for Demolition Applications.**

1. In addition to the provisions of Sec. 07.20.7, *Basic Review Criteria*, the following provisions apply to demolition applications for a Certificate of Appropriateness subject to review by the Board of Architectural Review and Development (BOARD).

2. *Contributing/Non-Contributing*. For all applications for demolition subject to review by the Board of Architectural Review and Development (BOARD), the Board shall make a finding determining if an application involves a resource that is contributing or non-contributing to the character of its context based on 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 value as a strong representation of an architectural style; or

   g. Its identification as a contributing resource within a Historic Designation Report or within a National Register of Historic Places district.

3. *Economic Hardship*. Where an applicant proposes demolition based on an economic hardship, the Board of Architectural Review and Development (BOARD) shall make a finding determining if at least one of the following criteria (a. or b.) is met:

   a. The applicant has presented, and the Board finds compelling, documentation from experts and practitioners in historic preservation and restoration trades which state:

      1. The resource cannot be adapted to modern use; and

      2. The rationale for this determination; or

   b. The applicant has presented, and the Board finds compelling, financial information from experts and practitioners in historic preservation, restoration trades, and appraisals which states the costs of repairing a

resource to a safely occupiable state along with evidence that these costs of repairing a resource (excluding acquisition costs) to a safely occupiable state exceed:

1. 75% of the current market value of the resource as identified in a professionally certified appraisal; or
2. 50% of the projected market value appraisal of the resource post repair work.

c. Evidence submitted as part of a review to determine economic hardship may include, but is not limited to:

1. Mortgage balance and debt service for the prior two years
2. Appraisals
3. Assess value
4. Real estate taxes
5. Form of ownership
6. Attempts to sell (listings or contracts)
7. Reasonableness of price or rent
8. Advertisements to sell or rent
9. Economically feasible alternatives to reuse the property
10. Structural reports
11. Estimated market value of the property
12. Evidence that a hardship was not self-created
13. Incentives available for rehabilitation
14. Financial analysis by an independent third party
15. Proposed plans for the property
16. Estimated mothballing costs

4. *Approval*. To approve a demolition application, the Board of Architectural Review and Development (BOARD) shall make a finding determining at least one of the following criteria is met:

a. The application does not involve a contributing resource; or

b. The extent of the demolition only involves non-contributing elements of a resource; or

c. The demolition has been ordered by a responsible public official for reasons of public health and safety; or

d. The demolition meets a criterion of an economic hardship; or

e. The demolition is consistent with plans or policies adopted by the Mayor and the City Commission.

5. *Disapproval*. To disapprove a demolition application, the Board of Architectural Review and Development (BOARD) shall make a finding that the application does not meet the specific criteria for approval of a demolition application.

6. *Conditions*. Where the Board of Architectural Review and Development (BOARD) approves a Certificate of Appropriateness for demolition per this subsection, the Board may require the applicant to perform mitigating actions including (1) preparing archival documentation of the resource, and (2) salvaging or re-using historic elements.

7. *Alternative to Demolition*. As an alternative to demolition, the Board of Architectural Review and Development (BOARD) may approve the relocation of an existing resource where:

a. The historical and/or architectural character of the resource would be harmonious with the proposed new context; and

b. The relocation would help preserve and extend the life of a resource of historical and/or architectural interest.

H. **Issuance of Final Action by the Board of Architectural Review and Development.**

1. *Approval*. If the Board of Architectural Review and Development (BOARD) approves an application, the Historic Preservation Officer shall issue a Certificate of Appropriateness on behalf of the Chairperson or acting Chairperson. The Certificate of Appropriateness shall be attached to any documents that were approved by the Board. This document shall state the findings of the decision and be considered the final action for approval. The Historic Preservation Officer shall transfer the approval to the office of the Administrator and/or Chief Building Inspector, as appropriate. Any changes from the approved application shall require additional review by City staff.

2. *Approval with Conditions*. If the Board of Architectural Review and Development (BOARD) approves an application with conditions, the Historic Preservation Officer shall issue a Certificate of Appropriateness on behalf of the Chairperson or acting Chairperson. Where a condition specifically requires additional review by the Historic Preservation Officer of amended or additional documents, the Certificate of Appropriateness may be issued after such additional review is completed. Conditions are binding on an approval and have the effect of altering drawings and/or plans as described. This document shall state the findings of the decision and be considered the final action for approval with conditions. The Historic Preservation Officer shall transfer the approval with conditions to the office of the Administrator and/or Chief Building Inspector, as appropriate. Any changes from the approved application or required conditions shall require additional review by City staff.
3. *Disapproval*. If the Board of Architectural Review and Development (BOARD) disapproves an application, the Historic Preservation Officer shall issue a notice of disapproval on behalf of the Chairperson or acting Chairperson. This document shall state the findings of the decision and be considered the final action for disapproval. The Historic Preservation Officer shall transfer the disapproval to the office of the Administrator and/or Chief Building Inspector, as appropriate. No further action may be taken by the Administrator or the Chief Building Inspector on the application.
4. *Additional Compliance*. The issuance of a final action by the Board of Architectural Review and Development (BOARD) does not exempt the application from any of the other requirements in this NDC or other regulations of the City.

I. **Public Hearings**.

1. In addition to the provisions of Sec. 07.20.9, *Public Meetings and Hearings*, the following provisions apply to Certificate of Appropriateness applications subject to review by the Board of Architectural Review and Development (BOARD).
2. *Action Required for Non-Demolition Applications*. The Board of Architectural Review and Development (BOARD) shall act within 75 days of receipt of a non-demolition application that is considered complete per this section and Sec. 07.20.5, *Completeness*. The failure of the Board to approve, approve with conditions, or disapprove such an application within such time, unless otherwise mutually agreed upon by the applicant and the Board of Architectural Review and Development (BOARD), shall be deemed a dismissal of the application and the issue shall be considered resolved.
3. *Action Required for Demolition Applications*. The Board of Architectural Review and Development (BOARD) shall act within 75 days of receipt of a demolition application that is considered completed per this section and Sec. 07.20.5, *Completeness*. The failure of the Board to approve, approve with conditions, or disapprove such an application within such time, unless otherwise mutually agreed upon by the applicant and t Board of Architectural Review and Development (BOARD), shall be deemed an approval of the application. The Historic Preservation Officer shall issue a final action for approval on behalf of the Chairperson or acting Chairperson and transfer the approval to the office of the Administrator and/or Chief Building Inspector, as appropriate. Any changes from the approved application shall require additional review by City staff.

J. **Appeal of Final Action *on Certificate of Appropriateness* by the Board of Architectural Review and Development.**

1. Appeal to City Commission. A decision by the Board of Architectural Review and Development (BOARD) on an application for a Certificate of Appropriateness shall first be appealed to the City Commission in accordance with the following review procedures.
   a. *Application.* An application for appeal of a decision by the BOARD of Architectural Review and Development (BOARD) on an application for a Certificate of Appropriateness shall be made by the property owner or property owner's authorized agent in writing and filed with the Historic Preservation Officer within 30 days after the BOARD vote is taken to approve or disapprove the pending application before the BOARD.
   b. *City Commission Action.*
      1. The City Commission shall be notified of the appeal and it shall be placed on the agenda for a regular or special meeting of the City Commission.
      2. In reviewing an appeal, the City Commission shall review the record of the Board of Architectural Review and Development regarding the issue appealed and determine whether the procedures and criteria established in

this section have been followed and/or whether the decision of the BOARD was arbitrary, based on the record.

a. 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 may remand the issue to the BOARD for further consideration, stipulating certain facts.

b. If the City Commission finds no cause of action, it shall uphold the decision of the BOARD.

2. *Appeal to Circuit Court.* The final action by the City Commission on the Certificate of Appropriateness (BOARD) may be appealed to a court of competent jurisdiction_per the provisions in Sec. 07.20.11, Appeals of Legislative and Quasi-Judicial Decisions.

K. **Expiration of Certificate of Appropriateness.** A Certificate of Appropriateness is valid for one year from the date of issuance. Work on the project shall commence within that time period, or the Certificate of Appropriateness will expire and be of no further effect. Once a Certificate of Appropriateness has expired, the applicant shall be required to apply for a new Certificate of Appropriateness prior to initiating any work. Prior to the expiration of a Certificate of Appropriateness, the applicant may request an extension per Sec. 07.20.14, *Approval Extension*.

L. **Work Performed Without a Certificate of Appropriateness.** Work performed without a Certificate of Appropriateness is subject to the provisions of Sec. 07.21.3.I, *Work Performed Without a Certificate of Appropriateness*.

(There are no ordinances associated with this section.)

Effective on: 4/8/2025

ARTICLE 158.08 ENFORCEMENT, PENALTIES, AND REMEDIES

Contents:

Division 24 General

Division 25 Violations

Division 26 Penalties and Remedies

Division 24 General

Contents:

Sec. 08.24.1 General

Sec. 08.24.2 Purpose and Applicability

Sec. 08.24.3 Enforcement Procedures

Sec. 08.24.1 General

A. **Generally.** No land in the City shall be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of this NDC. Any such violation of this NDC shall be considered unlawful and may be found to be a public nuisance.

B. **Continuing Violations**. Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation of this NDC for purposes of calculating cumulative penalties.

C. **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 NDC for any applicable violation found on the premises. Where an architect, contractor, builder, agent, or other person appears to have participated directly in a violation of this NDC, the Administrator may also charge such person with a violation of this NDC. Any person charged with a violation of this NDC 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.

Effective on: 10/15/2020

Sec. 08.24.2 Purpose and Applicability

A. **Purpose**. This Section establishes the procedures that the City may use to assure compliance with the provisions of this NDC and to correct violations. The Section also sets out the remedies and penalties that the City may seek to correct violations. The provisions of this Section are intended to encourage the voluntary correction of violations.

B. **Applicability**.

1. *Enforcement Officials*.

   a. The Urban Forester shall administer, interpret, and enforce all provisions related to trees, shrubs, and other types of landscaping and plantings, both naturally occurring and installed by humans.

   b. The Historic Preservation Officer shall administer, interpret, and enforce all provisions related to historic preservation and design review.

   c. The Administrator shall administer, interpret, and enforce all other provisions of this NDC. These two positions are collectively referred to as "the enforcement official" for the remainder of this Article.

2. *Compliance Required*. No person shall develop or use any land, building, or structure within the City in violation of this NDC, regulations authorized under this NDC, or the terms and conditions of permits issued under this NDC. The use of any land or structure shall conform to all conditions, restrictions, or limitations contained in any permit or required under any ordinance, and failure to conform shall be a violation of this NDC.

3. *Continuation of Prior Enforcement Actions*. Nothing in this NDC shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to regulations in effect before the effective date of this NDC. Enforcement actions initiated before the effective date of this NDC, and amendments hereto, may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this NDC.

Effective on: 10/15/2020

Sec. 08.24.3 Enforcement Procedures

A. **Responsible Official**. The enforcement official has the power and duty to:

1. *Inspections*. Make inspections of any premises necessary to carry out the enforcement of this NDC; and

2. *Citations*. Issue citations for violations of this NDC 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.

B. **Citation of Violation**. When a citation for a violation or violations of this NDC is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date the citation is issued by either:

1. *Payment*. Paying the civil fine set forth in the citation; or

2. *Hearing*. Requesting, in writing, a hearing before the Code Enforcement Board to contest the citation.

C. **Right to Hearing**. If the person fails to respond to the citation within seven days, the person has waived the right to a hearing to contest the citation and the determination that a violation was committed is considered 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.

D. **Code Enforcement Board Hearing Notice**. When a hearing before the Code Enforcement Board has been requested, the Code Enforcement Board, through its clerical staff and administrative staff, shall schedule a hearing. Not less than seven days before the date set for the hearing, the Code Enforcement Board shall notify the person who requested the hearing of the date, time and place of the hearing. The notice of hearing shall be given in the same manner as set forth in Sec. 08.25.2, *Notices*, except that service may also be achieved by sending the notice via certified mail, return receipt requested or by sending the notice via regular first-class mail without posting a copy of the subject property.

E. **Right to Legal Representation**. Each case before the Code Enforcement Board may be presented by an attorney selected by the city or by a member of the administrative staff of the city. 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.

F. **Testimony**. All testimony at the Code Enforcement Board hearings shall be under oath and shall be recorded. The Code Enforcement Board shall take testimony from the enforcement official, the alleged offender, and any witnesses to

the alleged violation offered by the enforcement official or the alleged offender. Formal rules of evidence do not apply, but fundamental due process shall be observed and shall govern the proceedings.

G. **Code Enforcement Board Action**. At the hearing, the Code Enforcement Board shall determine, based on the evidence presented, whether a violation was committed and take one the following action:

1. *No Violation Committed*. When the Code Enforcement Board determines that no violation was committed, an order dismissing the citation shall be entered.
2. *Violation Committed*. When the Code Enforcement Board determines that a violation has been committed, it shall 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.

H. **Failure to Appear at Hearing**. 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.

I. **Final Order of Code Enforcement Board**. Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued, and a copy of the order shall 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 shall 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.

J. **Appeal of Final Order**. 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 shall 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 shall be limited to a review of the record created before the Code Enforcement Board. A judgment of the Kenton District Court may be appealed to the Kenton Circuit Court in accordance with the rules of civil procedure. 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 shall be deemed final for all purposes

K. **Property Lien**. The City of Covington shall 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 NDC 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 shall be noticed to all persons from the time of its recording and shall bear interest at the legal rate until paid. The lien shall take precedence over all other liens, except state, country, school board, and city taxes if all legal requirements are satisfied, and may be enforced by judicial proceedings.

L. **Enforcement of Fines and Penalties**. In addition to the remedy prescribed in Paragraph L., *Property Lien*, 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.

Effective on: 10/15/2020

Division 25 Violations

Contents:

Sec. 08.25.1 Violations

Sec. 08.25.2 Notices

Sec. 08.25.1 Violations

A. **Complaints**. Any person may file a written complaint to the enforcement official on a suspected violation of this NDC. The enforcement official shall record the complaint immediately, investigate, and take action as provided in this Article.

B. **Activities Constituting Violations**. Unless otherwise expressly stated by this NDC or Kentucky Revised Statues, any violation of this code, including but not limited to the following, will be subject to the remedies and penalties provided for in this Article:

1. *Use*. To use land or buildings in any way inconsistent with the requirements of this NDC;
2. *Development Activity*. To engage in development activity in any way inconsistent with the requirements of this NDC;
3. *Signs*. To install or use a sign in any way inconsistent with the requirements of this NDC;
4. *Permits or Approvals*. 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 NDC:
   a. Without obtaining all such required permits or approvals; or
   b. In a manner that violates or is inconsistent with the terms of any permit or approval granted under this NDC or any condition imposed on such permit or approval.
5. *Notice*. To obscure, obstruct, or destroy any notice required to be posted or otherwise given under this NDC; or
6. *Orders*. To violate any lawful order issued by any person or entity under this NDC.

C. **Timeframe for Violation to be Corrected**. When a citation is issued, the person to whom the citation is issued shall respond to the citation within the timeframe indicated on the citation 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 the alloted timeframe indicated on the citation, the person 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 considered final.

D. **Civil Offense of Floodplain Development Permit.** If at any time development occurs which is not in accordance with the provisions of this article, 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.

Effective on: 10/15/2020

Sec. 08.25.2 Notices

A. **Notice of Violation**. When the enforcement official, based upon personal or indirect observation or investigation, has reasonable cause to believe that a person has committed a violation of this NDC, the Administrator is authorized to issue a citation to the offender. The enforcement official may, in lieu of immediately issuing a citation, give notice that a violation can be remedied within a specified time period not to exceed 21 days. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified, the enforcement official may issue a citation.

B. **Notice of Violation**.

1. *Mailed Notice*. The enforcement official shall send a violation notice by certified mail, postage prepaid, return receipt requested, to the property owner on which the violation is taking place. Such notification shall contain:
   a. The date and time of issuance;
   b. The name and address of the person to whom the citation is issued;

c. The date and time the offense or violation was committed;

d. The facts constituting the offense or violation;

e. The section of the code or number of the ordinance violated;

f. The name and contact information of the enforcement official;

g. The civil fine that will be imposed for the violation if the person does not contest the citation;

h. The maximum civil fine that may be imposed if the person elects to contest the citation;

i. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and

j. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the 14 days, 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.

2. *Posted Notice*. Any citation that is issued for violation of this NDC shall be served upon the owner of the property or any individual with a legal interest in the property by:

a. Personal service to the alleged violator;

b. Leaving the notice at the person's usual place of residence with any individual residing there who is 18 years of age or older and who is informed of the contents of the notice; or

c. 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.

3. *Code Enforcement Board Notice*. After issuing a citation to an alleged violator of this NDC, the enforcement officialshall notify the Code Enforcement Board by delivering the citation to the Code Enforcement Board, established in Title IX, General Regulations, Chapter 92.16, Establishment of Code Board; Powers, of the City Code of Ordinances.

C. **Notice of Violation (Floodplain)**.

1. *Content*. If, at any time, 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 Division 14, *Environment*, including obtaining or complying with the terms and conditions of a floodplain development permit and any approved associated modifications, the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating:

a. The facts of the offense or violation,

b. The section of this NDC and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this NDC or with the approved permit, and

c. Within what period of time the remedy is to occur.

2. *Timing*. The 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.

D. **Notice of Citation (Floodplain)**.

1. *Contents*. A Notice of Citation may be issued if, at any time, 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 Division 14, *Environment,* including obtaining or complying with the terms and conditions of a floodplain development permit and any approved associated modifications, the Floodplain Administrator may issue a citation to the offender stating:

a. The violation;

b. Prior notices of violation issued;

c. How the violation is to be remedied to bring the development into conformity with this Division or with the approved permit;

d. Within what period of time the remedy is to occur; and

e. What penalty or penalties are recommended.

2. *Timing*. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven 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 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.

Effective on: 10/15/2020

Division 26 Penalties and Remedies

Contents:

Sec. 08.26.1 Penalites

Sec. 08.26.2 Remedies

Sec. 08.26.1 Penalties

A. **Failure to Comply**. Any person, firm, corporation, or entity that violates any provision of this NDC is subject to a civil fine or fines as set forth in Title IX, General Regulations, Chapter 92.99, Penalty, of the City Code of Ordinances and the laws of the Commonwealth of Kentucky.

B. **Placing of Liens**. The City shall possess a lien for all fines, penalties, charges, attorney's fees and other reasonable costs associated with enforcing this NDC and placing of a lien on the parcel of real property pursuant to this NDC. The lien shall be superior to and have priority over all other liens, except state, county, school board, and City taxes if all legal requirements are satisfied.

C. **Abatement of Violation**. The imposition of penalties shall not preclude the enforcement official 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 NDC.

Effective on: 10/15/2020

Sec. 08.26.2 Remedies

A. **Non-Judicial Remedies.** The City may enforce this NDC on a property or structure with an uncorrected violation prior to, and without, a judicial process as follows.

1. *Withhold Permits and Approvals*. The enforcement official may deny or withhold all permits, certificates, or other approvals on any land, structure, or improvements:
   a. Upon which there is an uncorrected violation of a provision of this NDC or of a condition or qualification of a permit, certificate, approval, or other approvals 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 NDC or of a condition or qualification of a permit, certificate, approval, or other approvals previously granted by the City.
2. *Revocation of Occupational License*. The enforcement official may revoke an occupational license of any person of any person performing work without a required permit or approval.
3. *Approval of Permits*. Instead of withholding or denying a permit or other approval, the enforcement official may grant such approval if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or approval will not compromise the public health, safety, or general welfare.
4. *Revoke Permits and Approvals*.
   a. *Generally*. Any permit or other forms of approval required under this NDC may be revoked:
      1. When the enforcement official determines:
         a. That any of the provisions of this NDC are being violated;
         b. That the development permit was procured by false representation or was issued by mistake; or
         c. That there is a departure from the plans, specifications, or conditions as required under terms of the permit;
      2. Where permits are mistakenly issued, in which case an applicant is entitled to appeal the permit revocation to the Board of Architectural Review and Development (BOARD); or

b. *Posting*. The enforcement official may 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 authorized agent, or the user or occupant of the property, shall immediately stop the use or activity.

5. *Stop-Work Order***.**

a. Whenever any work on a building is being conducted in violation of this NDC, the enforcement official may order the work to be immediately stopped.

b. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall 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.

6. *Revoke Plans or Related Approvals*. Where a violation of this NDC 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 NDC, 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 shall be in a form approved by the City.

7. *Forfeiture and Confiscation of Signs*. Any sign installed or placed on public property, except in full compliance with the regulations of Division 13, *Signs*, is 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.

B. **Judicial Remedies.** The City Solicitor may commence a civil action or proceeding in court to stop any violation of this NDC or of a permit, certificate. or another form of approval granted under this NDC, to remove a violation, or to restore the premises in question to the condition in which they existed prior to violation by:

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 NDC 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.

C. **Floodplain Remedies.** Violations of the Federal Emergency Management Agency (FEMA) floodplain regulations set forth in the adopted NDC, shall be subject to the following, in addition to the remedies provided by other Subsections of this Section:

1. FEMA and the Chief Engineer of the Division of Water of the Commonwealth of Kentucky Department of Environmental Protection shall be notified immediately in writing of any property or structure in violation of the floodplain regulations of the adopted NDC.
2. New or renewal National Flood Insurance shall be denied for any structure remaining in violation or situated on property in violation of the adopted NDC.

Effective on: 10/15/2020

ARTICLE 158.09 DEFINITIONS AND CALCULATIONS

Contents:

Division 27 Definitions and Construction of Language

Division 28 Calculations and Measurements

Division 27 Definitions and Construction of Language

Sec. 09.27.1 General

A. **Numbering Style.**

1. The provisions of this NDC are organized into the following hierarchical structure:
   a. Articles;
   b. Divisions;
   c. Sections;
   d. Subsections;
   e. Paragraphs; and
   f. Subparagraphs.
2. The word “Article” precedes all Article numbers and the word "Division" precedes all Division numbers.
3. 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 09.27.1,” indicates the first Section of Article 158.09, Division 27.
4. Subsections are identified by capital letters.
5. Arabic numerals are used to identify Paragraphs.
6. Lower case letters identify sub-subparagraphs.

B. **Meanings and Intent.** The language of this NDC shall be read literally. Regulations are no more or less strict than stated.

C. **Tenses and Usage.**

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
3. The words “must,” “will,” “shall” and “may not” are mandatory.
4. The word “may” is permissive.
5. The word “should” is advisory, not mandatory or required.
6. When used with numbers, “up to X,” “not more than X” and “a maximum of X” all include “X.”

D. **Conjunctions.** Unless the context otherwise clearly indicates, conjunctions have the following meanings:

1. “And” indicates that all connected items or provisions apply; and
2. “Or” indicates that the connected items or provisions may apply singularly or in combination.

E. **Fractions.**

1. *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, unless otherwise expressly indicated. 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.
2. *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 unless otherwise expressly indicated. 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).

F. **References to Other Regulations.** All references in this NDC 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.

G. **Current Versions and Citations.** All references to documents or to other city, county, state, or federal regulations shall 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, requirements in this NDC for compliance are no longer in effect.

H. **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.

I. **Delegation of Authority.** Whenever a provision appears requiring an officer, employee, board, or commission to perform an act or duty, that provision is 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 NDC expressly prohibit such a delegation or when such delegation is prohibited by law.

J. **Public Officials and Agencies.** All employees, public officials, bodies, and agencies to which references are made are those of the City of Covington or Kenton County, unless otherwise expressly stated.

K. **Use-Specific Standards**. Where referenced in Table 03.06.3, *Permitted Uses by District*, or stipulated in Division 07, *Use-Specific Standards*, definitions of uses shall be interpreted to include applicable use-specific standards.

L. **Collective References**. References by group titles of uses or character districts shall be construed to reference each individual included use or character districts, as appropriate, unless the context clearly indicates otherwise or unless expressly indicated otherwise. The following is a non-exhaustive list of examples:

1. References to "residential character districts" or "residential districts" shall generally refer collectively to the Rural Residential (RR), Suburban Residential (SR), and Semi-Urban Residential (SU) character districts.
2. References to "mixed-use character districts" or "mixed-use districts" shall generally refer collectively to the Commercial Mixed-Use (CMU), Central Riverfront Mixed-Use (CRM), Downtown Core (DTC), Downtown Riverfront (DTR), Traditional Urban Mixed-Use (TUMU), and Traditional Urban Residential (TUR) character districts.
3. References to "residential uses" shall generally refer collectively to all of the uses included in the definitions for the Household Living use category and the Group Living use category.

(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 09.27.2 Acronyms and Abbreviations

ADA = Americans with Disabilities Act

ADU = Accessory Dwelling Unit

AUC = Auto Urban Commercial

BFE = Base Flood Elevation

BOARD = Board of Architectural Review and Development

C = Conditional Use Permit

CC = City Commission

CMU = Commercial Mixed Use

CRM = Central Riverfront Mixed-Use

CUP = Conditional Use Permit

DTC = Downtown Core

DTR = Downtown Riverfront

FEMA = Federal Emergency Management Agency

FHBM = Flood Hazard Boundary Map

FIRM = Flood Insurance Rate Map

FIS = Flood Insurance Study

Ft = Feet

GI = General Industrial

GFA = Gross Floor Area

HVAC = Heating, Ventilation, and Air Conditioning

HP = Historic Preservation

HPO = Historic Preservation Overlay

HS = Hillside Protection

ITE = Institute of Traffic Engineers

KCPC = Kenton County Planning Commission

KRS = Kentucky Revised Standards

L = Permitted subject to limitations

LI = Light Industrial

LOMA = Letter of Map Amendment

Max = Maximum

Min = Minimum

NDC = Neighborhood Development Code

NFIP = National Flood Insurance Program

P = Permitted by Right

PC = Planning Commission

REC = Recreation

RP = Resource Protection

RR = Rural Residential

Sec = Section

SHFA = Special Flood Hazard Area

SI = Suburban Industrial

SO = Suburban Office

Sq Ft = Square Feet

SR = Suburban Residential

SU = Semi-Urban

Subsec = Subsection

TUMU = Traditional Urban Mixed Use

TUR = Traditional Urban Residential

Effective on: 10/15/2020

Sec. 09.27.3 Definitions

A

A99 Zone means 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.

Effective on: 10/15/2020

AE Zones means Special Flood Hazard Areas inundated by the one percent annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

Effective on: 10/15/2020

AH Zone means an area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are determined.

Effective on: 10/15/2020

AO Zone means 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.

Effective on: 10/15/2020

AR/A1 -A30, AR/AE, AR/AH, AR/AO, And AR/A Zones means 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.

Effective on: 10/15/2020

Abandonment means the cessation of a land use or the vacation of a structure under circumstances that do not indicate an intent to continue the use or reoccupy the structure within a reasonable time. The cessation of a land use or vacation of a structure for less than one year shall be rebuttably presumed to not constitute abandonment and the cessation of a land use or vacation of a structure for a year or more shall be rebuttably presumed to be unreasonable and an abandonment of the use.

Effective on: 10/15/2020

Accessory Dwelling Unit means a type of residential land use that is accessory to a primary residential land use.

This use is commonly associated with the Carriage House building type but may also take place within a permitted principal building type.

Effective on: 10/15/2020

Accessory Indoor Storage (Shed) means a structure meant for indoor storage of personal items on a residential property.

Effective on: 10/15/2020

Accessory Structure (Appurtenant Structure) means 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 with the exception of structures functioning as a permitted Accessory Dwelling Unit. An accessory structure should be designed to have minimal flood damage potential. Examples of accessory structures are carports, detached garages, gazebos, hay sheds, hot tubs, pole barns, pools, shipping containers, storage sheds, and other structures deemed similar in nature by the Administrator.

Effective on: 10/6/2021

Accessory Structure, Incidental means an accessory structure that consists of no more than ten square feet of impervious coverage, including but not limited to, arbors, bird baths, dog houses, flag poles, lawn furniture, little libraries, trellises, and yard art.

Effective on: 10/6/2021

Accessory Use means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Effective on: 10/15/2020

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 shall be diligently pursued until completion of the building. Grading of a site in preparation for construction does not constitute actual construction.

Effective on: 10/15/2020

Addition (To an Existing Structure) means any walled and roofed expansion to the perimeter or height of a structure.

Effective on: 10/15/2020

Addiction Treatment Facility means 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 district 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 in this NDC may be deemed or construed to include such use.

Effective on: 10/15/2020

Administrative Adjustments means minor specified deviations from otherwise applicable quantitative standards.

Effective on: 10/15/2020

Adult Day Care means a facility that provides care for the elderly and / or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Effective on: 10/15/2020

Agricultural Sales means an establishment engaged in the retail or wholesale sale from the premises of feed, grain, fertilizers, pesticides and similar goods.

Effective on: 10/15/2020

Agricultural Support Services means uses that support agricultural uses, including:

- Farm supply services;
- Farm equipment dealers;
- Grain storage; and
- Large animal veterinarians.

Effective on: 10/15/2020

Agriculture and Animal Services means, per KRS 100.111, a category of uses containing the use of:

A. A tract of at least five 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;

B. Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;

C. A tract of at least five contiguous acres used for the following activities involving horses:

1. Riding lessons;
2. Rides;
3. Training;
4. Projects for educational purposes;

5. Boarding and related care; or
6. 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 seventy or less 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 seventy participants shall be subject to local applicable zoning regulations; or

D. A tract of land used for the following activities involving horses:

1. Riding lessons;
2. Rides;
3. Training;
4. Projects for educational purposes;
5. Boarding and related care; or
6. 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 seventy or less 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 seventy participants shall be subject to local applicable zoning regulations. This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.a use type containing uses primarily related to the raising of animals and crops and the secondary enterprises associated with agricultural production.

Uses in this use type include: Animal production; Community Garden; Crop production; Kennel; Nursery (Retail); Stable (Private and Non-Commercial); Stable (Public or Commercial); Veterinary clinics and hospitals; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office; Barn, silo, stable (private) or other agricultural storage; Buildings associated with agricultural uses being pursued on site; Greenhouse, commercial or noncommercial; Home occupation; Minor utilities; Parking and storage of operable farm vehicles and farm machinery; Roadside stand; and Slaughtering, processing and packaging of animals raised on-site.

Effective on: 10/15/2020

Airport or Heliport means any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized, in the interest of the public for such purposes.

Effective on: 10/15/2020

Alley means a public or private way, other than a street, that is open to common use and affords a secondary means of vehicular access to the rear of the adjacent property.

Effective on: 10/15/2020

Amphitheater means a semi-enclosed structure designed for the enactment of the performing arts or other entertainment uses that include entertainment related facilities and uses.

Effective on: 10/15/2020

Amusement Park means an outdoor entertainment facility that includes such activities as amusement rides (e.g., roller coasters), batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, and / or water slides. Amusement parks may also include indoor or outdoor areas with games, food service, and incidental retail uses (e.g., souvenir shops) that are subordinate to the principal outdoor entertainment uses.

Effective on: 10/15/2020

Animal Grooming means an establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

Effective on: 10/15/2020

Animal Production means the day-to-day management, housing, raising, boarding, training, or showing of livestock, dairy, or fowl for commercial purposes. Feedlots and slaughterhouses are specifically excluded from this definition.

Effective on: 10/15/2020

Animal Waste Processing means the processing of animal waste and by-products, including but not limited to animal manure, animal bedding waste, and similar by-products of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment.

Effective on: 10/15/2020

Apartment means a single building or set of buildings on a single lot that contains five or more dwelling units that share common walls or floor/ceilings with one or more units and that does not contain a non-residential element. Depending on the character district, the dwelling may be setback from the front property line or built to it.

Effective on: 10/15/2020

Appeal of Administrative Decision means a request for a review of any final decision of the Administrator, Chief Building Inspector, Director of Public Works, or Floodplain Administrator on an application set out in Division 21, *Administrative Applications.*

Effective on: 10/15/2020

Aquarium means an establishment having documented collections of living aquatic and marine life for the purposes of scientific research, conservation, display, or education.

Effective on: 10/6/2021

Archery / Firearms Range means the use of land for archery or the discharging of firearms for the purposes of target practice, skeet and trap shooting, or temporary competitions.

Effective on: 10/15/2020

Area of Shallow Flooding means 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.

Effective on: 10/15/2020

Arsenal means a place where weapons and military equipment are stored or made.

Effective on: 10/15/2020

Assisted Living Facility means a residential facility that provides meals and non-medical assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves. Staff generally do not have advanced training in medical care. This definition does not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable. In addition, this use does not include the care of psychiatric patients, drug and alcohol addiction treatment, or treatment of those with contagious diseases.

Effective on: 10/15/2020

Auction means an establishment engaged in the sale of new or used goods sold to the highest bidder where the operations are wholly enclosed within a building. The definition does not include the sale or trade of animals or other livestock.

Effective on: 10/15/2020

Axe Throwing Lounge means an indoor space designed to allow people to throw axes, hatchets, and other similar items at targets. Food and/or drinks may be offered for sale. This use type may or may not also include the accessory sale of alcohol for on-premises consumption subject to applicable standards in Division 07, *Use-Specific Standards*.

Effective on: 10/15/2020

A Zone means Special Flood Hazard Areas inundated by the one percent annual chance flood (100-year flood). Base flood elevations (BFEs) are not determined.

Effective on: 10/15/2020

B

Bank or Credit Union means an establishment that is engaged in the business as a bank or credit union and is federally chartered or state chartered.

Effective on: 10/15/2020

Bar or Tavern means a building where liquors are sold to be consumed on the premises and where food may or may not be served or sold.

Effective on: 10/15/2020

Barbershop and Beauty, Nail, Skin Care, and Tanning Salon means an establishment that provides haircuts, hair dyeing, shaving, nail trimming and polishing, skin care, access to tanning devices, and similar services.

Effective on: 10/6/2021

Base Flood means 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.

Effective on: 10/15/2020

Base Flood Elevation (BFE) means 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 one percent or greater chance of being equaled or exceeded in any given year.

Effective on: 10/15/2020

Basement means any area of a structure having its floor sub-grade (below ground level) on all sides.

Effective on: 10/15/2020

Bed and Breakfast Inn means a private inn or other unique residential facility meeting the requirements of KRS 219.011:

- Having six or more guest rooms or suites for occupancy; and
- In which breakfast and other meals may be served to the guests; and
- Whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy; and
- -Does not otherwise meet the definition of a short-term rental.

Effective on: 10/15/2020

Bicycle Parking, Long-Term means space for parking of bicycles for all-day users, employees or residents. Such spaces may consist of bicycle lockers, bicycle racks in enclosed areas, or space within a building where a resident, employee, or visitor may park a bicycle for the day or overnight.

Effective on: 10/15/2020

Bicycle Parking, Short-Term means space for temporary parking of bicycles for visitors and customers. Such spaces may be public or private and typically consist of outdoor bicycle racks.

Effective on: 10/15/2020

Bingo Hall means a facility used exclusively or primarily for conducting bingo and other similar games that are open to the public.

Effective on: 10/15/2020

Biodigester means an accessory or principal use on a property that utilizes anaerobic digestion for the primary purpose of the producing energy. Mechanisms and processes that are part of the digester, including but not limited to separators and refining equipment, produce biogas, which is used for production of electricity and pipeline-quality natural gas. A biodigester may refine digestate as a secondary function to produce soil amendments, fertilizer, and other similar products.

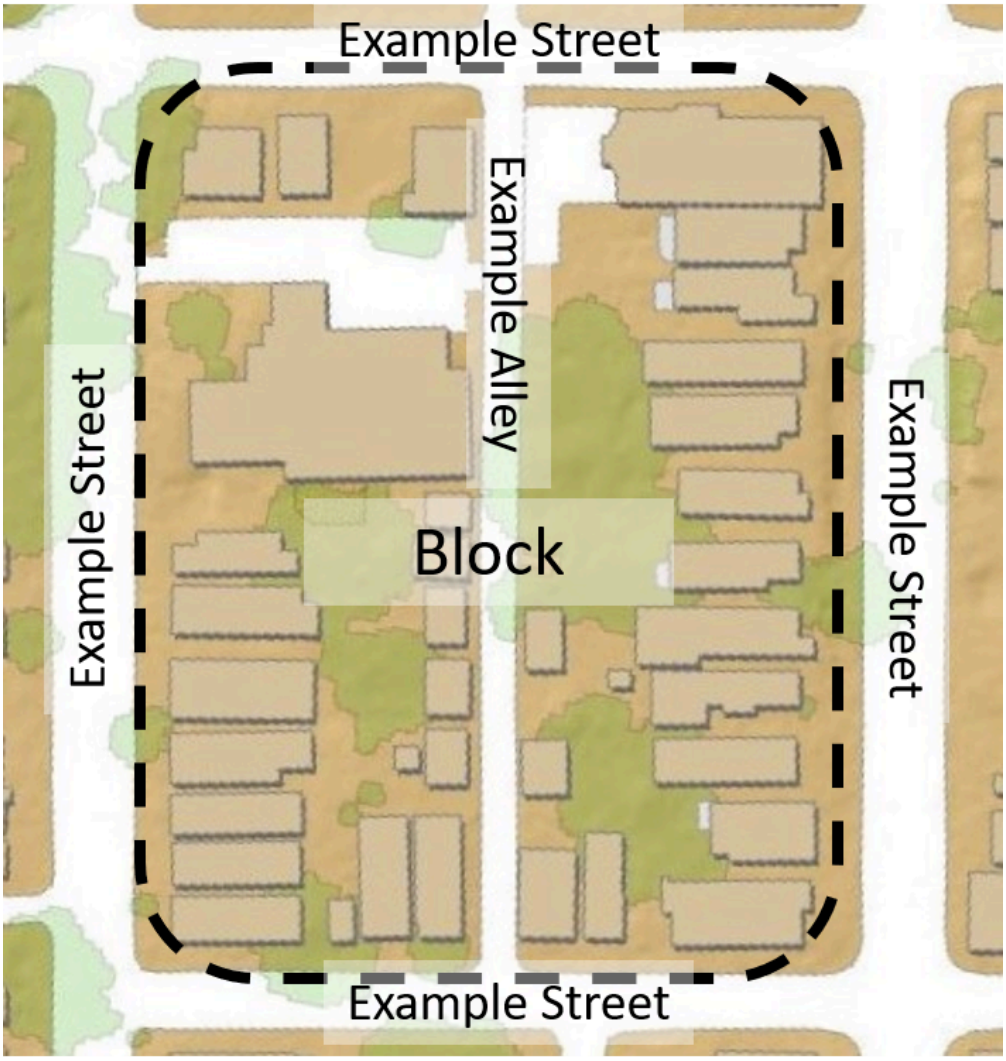
Effective on: 10/6/2021

Block means the smallest geographic group of lots, alleys, easements, and other facilities bounded by:

A. Rights-of-way of any classification, not including alleys, in the Kenton County Comprehensive Plan; and/or

B. Water bodies.

Block Illustration



Effective on: 10/15/2020

Block Face means all lots on a block fronting on a public or private street of any classification in the Kenton County Comprehensive Plan, on the same side of the street, and between two consecutive street intersections, not including alleys.

Block Face Illustration

Effective on: 10/15/2020

Blood or Plasma Center means a facility for the donation or sale by individual donors of blood, blood plasma, and other blood products.

Effective on: 10/15/2020

Boarding House means a multiple dwelling containing three but not more than five guestrooms which are used by three but not more than five guests, where rent is paid in money, goods, labor or otherwise and complies with all the requirements for multiple dwelling units.

Effective on: 10/15/2020

Board of Adjustment means The Board of Adjustment of the City Commission. See section Sec. 06.19.3, Board of Adjustment (City) for powers and duties.

Effective on: 10/15/2020

Board of Architectural Review and Development (BOARD) means the Board of Architectural Review and Development (BOARD) of the City Commission. See section Sec. 06.19.3, *Board of Architectural Review and Development (City)*, for powers and duties.

Effective on: 10/15/2020

Boat or Recreational Vehicle Outdoor Storage means a facility where boats and other watercraft are stored outdoors. This definition excludes non-commercial storage of boats or recreational vehicles on privately owned land in residential character districts which are regulated per Section 92.13 of the Covington Code of Ordinances.

Effective on: 10/15/2020

Body Art Service means an establishment that has been licensed by the proper regulatory authority for the primary purpose of practicing body piercing or tattooing. This definition does not include clothing accessory or jewelry stores that offer ear piercing to customers.

Effective on: 10/15/2020

Botanical Garden means an establishment having documented collections of living plants for the purposes of scientific research, conservation, display, or education.

Effective on: 10/15/2020

Bowling Center means an establishment containing long narrow tracks used in bowling and similar games.

Effective on: 10/15/2020

Brewpub means an establishment 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.

Effective on: 10/15/2020

Bufferyard means a portion of a site with landscape plantings, fences, and/or other components used to mitigate conflicts between incompatible uses.

Effective on: 10/6/2021

Building. (See definition for structure.)

Effective on: 10/15/2020

Building or Development Contractor means facilities for building, heating, plumbing, or electrical contractors, and related storage facilities. The site may include an unenclosed portion upon which a contractor maintains an area used to store equipment and other materials customarily used in the trade carried on by the contractor. This definition excludes temporary contractor storage associated with the site of an on-going construction project.

Effective on: 10/15/2020

Building Permit means a permit issued by the Building Inspector authorizing the construction or alteration of a specific building, structure, sign, or fence.

Effective on: 10/15/2020

Bulk Mailing Service a facility that mails large numbers of identical items, such as circulars or advertisements, sent to individual addresses at less than first-class rates and paid for in one lot.

Effective on: 10/15/2020

Bulk Storage means the warehousing of large quantities of goods, including, but not limited to, cold storage plants, and storage of household goods, equipment, general freight, and nonflammable liquids.

This definition excludes bulk storage of explosive or hazardous materials.

Effective on: 10/15/2020

Bulk Storage of Explosive or Hazardous Materials means a use engaged in storage or a manufacturing process that utilizes flammable, explosive, or hazardous materials.

Effective on: 10/15/2020

Bus or Train Passenger Terminal means a facility that serves as a point of arrival or departure for passengers of commercial busses or trains, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and accessory retail sales. Bus Passenger Terminals shall not include the storage, cleaning, or repair of busses.

Effective on: 10/15/2020

C

Cabaret or Theater, Sexually Oriented means 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,” “show girls,” “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.

Effective on: 10/15/2020

Campground means a facility that may be designed for temporary (usually one night) use by travel trailers, recreation vehicles, or tents. A campground with overnight accommodations shall limit the stay of guests to seven days and shall supply toilet and bathing facilities for the guests as essential characteristics.

Effective on: 10/15/2020

Candy Shop or Ice Cream Shop means an establishment that serves desserts, including, but not limited to candy, ice cream, yogurt, or cookies.

Effective on: 10/6/2021

Car Wash means a facility for the washing or cleaning of vehicles. A car wash may be:

- a single unit type with a single bay or a group of single bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand;
- an automated single unit type that has a single bay to accommodate one vehicle at a time; or
- a tunnel unit type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

Effective on: 10/15/2020

Caretaker's Quarters means a permanent accessory dwelling for purposes of housing a caretaker associated with a use in an industrial use type.

Effective on: 10/15/2020

Carport means a covered structure that provides protection to motor vehicles from the elements.

Effective on: 10/15/2020

Carriage House means a building type that is located on the same lot as and clearly subordinate in size and scale to a principal residential use. This type of building is independently habitable and provides a minimum of the basic requirements for shelter, heat, cooking, and sanitation. This building type may or may not be attached to the otherwise separate principal building on the same lot, where permitted.

This building type is commonly associated with the Accessory Dwelling Unit use type.

Effective on: 10/15/2020

Catering Establishment means an establishment that prepares and stores food on-site in order to transport the food to an off-site location to be served to customers or set up in a buffet for customer self-service.

Effective on: 10/15/2020

Cemetery, Columbarium, Mausoleum, or Memorial Park means uses intended for the burial of the dead and dedicated for cemetery purposes or to commemorate the dead without burial taking place on-site.

Effective on: 10/15/2020

Character District means a designation shown on the Character District Map, in which a specific set of use, dimensional, and design standards apply.

Effective on: 10/15/2020

Chief Building Inspector means the official or officials appointed to administer and enforce the state building codes.

Effective on: 10/15/2020

Chiropractor means a practitioner of the system of integrative medicine based on the diagnosis and manipulative treatment of misalignments of the joints who is licensed by the Kentucky Board of Chiropractic.

Effective on: 10/15/2020

City Commission means the duly elected legislative body of the City of Covington, including the Mayor and the other members of the Covington Board of City Commissioners.

Effective on: 10/15/2020

Citizen Member means any member of the Planning Commission or Board of Architectural Review and Development (BOARD) who is not an elected or appointed official or employee of the City Commission.

Effective on: 10/15/2020

Civic means a category of uses containing uses that provide services to the general public related to recreation, fellowship, worship, health, education, and transportation.

> Uses in this use type include: Adult day care; Airport or heliport; Aquarium; Bus or train passenger terminal; Cemetery, columbarium, mausoleum, or memorial park; College, university, or vocational school; Community, senior, or youth center; Day care; Government / non-profit parking lot or maintenance area; Government Services (Administrative, Education, Postal, Safety); Museum or gallery; Park, playground, and common open space; Park-and-ride facility; Pre-School or child day care center; Public Assembly Facility; School, elementary or

middle (public or private); School, high (public or private); Swimming Pool (Public); and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Assembly hall; Associated office and storage; Associated retail sales area related to principal use; Athletic facilities; Auditorium or theater; Before- and after-school day care; Classrooms; Concession; Day care; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; Pre-school; and Recreation facility.

Effective on: 10/15/2020

Clear Cutting means the removal of more than 40 percent of unprotected trees on a site, or more than 60 percent within the limits of construction.

Effective on: 10/15/2020

Clinic means a facility providing medical, dental, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.

Effective on: 10/15/2020

Club or Lodge means a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable, or similar purpose, but not including an organization engaged primarily in a service or activity customarily conducted as a business.

Effective on: 10/15/2020

Cluster Neighborhood means a development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel (as in conventional subdivision development). Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural resources.

Effective on: 10/15/2020

Coffee Shop means a restaurant primarily offering coffee, tea, and other beverages that are typically sold at a counter or drive-up window.

Effective on: 10/15/2020

College, University, or Vocational School means a community college, college, university, seminary, vocational / technical school, trade school, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include fitness centers, sports instruction, swimming instruction, or martial arts instruction.

Effective on: 10/15/2020

Community Garden means a private or public facility for cultivation of fruit, flowers, vegetables, or ornamental plants by more than one person or family.

Effective on: 10/15/2020

Community, Senior, or Youth Center means a public building to be used as a place of meeting, recreation, or social activity and not operated for profit.

Effective on: 10/15/2020

Community Flood Hazard Area (CFHA) means 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.

Effective on: 10/15/2020

Community Rating System (CRS) means 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.

Effective on: 10/15/2020

Composting Facility means a site on which decomposition processes are used on solid waste (including leaves, grass, manures, and nonmeat food production wastes received from residential, commercial, industrial non-hazardous, and community sources, but not including bio-solids) to produce compost. Composting facilities do not include compost bins that are used to compost household waste and landscaping waste on and for an individual residential lot.

Effective on: 10/15/2020

Concealed Lighting means 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.

Effective on: 10/15/2020

Concrete Batching or Asphalt Plant means the production of concrete or asphalt that uses a manufacturing process involving the mixing of a number of materials.

Effective on: 10/15/2020

Contractor's Office (Temporary) means a habitable trailer that is incidental to a construction project where those working on the site may conduct business, take breaks, and take part in other similar work-related activities.

Effective on: 10/15/2020

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.

Effective on: 10/15/2020

Contributing Building or Structure means a building or structure that is at least fifty years of age and retains the integrity of its architectural and historical character from its period of significance. A building or structure less than fifty years of age may also be contributing if it determined to be of exceptional significance to the history and architecture of the City.

Effective on: 10/15/2020

Convention Center means a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

Effective on: 10/15/2020

Corner Store means a small mixed-use building located at a street intersection that contains space for office uses or retail repair, sales, and service uses on the first floor and residential or office space on the upper floors. The building is built to the street with parking on-street or in a small parking area to the rear.

Effective on: 10/15/2020

Correctional Facility an establishment providing housing and care for individuals legally confined for violations of law.

Effective on: 10/15/2020

County Club means an area containing recreational facilities such as a golf course, swimming pool, dining room, bar, tennis court, and clubhouse that is available to members.

Effective on: 10/15/2020

Critical Facility means 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.

Effective on: 10/15/2020

Critical Root Zone means the minimum area beneath a tree that shall 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 at breast height (DBH).

Effective on: 10/15/2020

Crop Production means the growing and harvesting of crops, such as grains, vegetables, fruits, trees, flowers, and other ornamental horticulture.

Effective on: 10/15/2020

Currency Exchange (Check Cashing Business) means 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 a 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.

Effective on: 10/15/2020

D

D Zone means an area in which the flood hazard is undetermined.

Effective on: 10/15/2020

Dance Club or Dance Hall means an establishment open to the public for entertainment, particularly dancing, which may also serve food or beverages (alcoholic and non-alcoholic) as an accessory use.

Effective on: 10/15/2020

Day Care means a facility 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 two types of day care as a principal use:

- **Day Care, Type 2**. A facility that is licensed by the state to care for 7 to 12 children or adults.
- **Day Care, Type 1**. A facility that is licensed by the state to care for 13 or more children or adults.

Effective on: 10/15/2020

Day Care, Family means a home occupation providing care, protection, and supervision for six or fewer children or adults on a regular basis away from their primary residence for less than 24 hours per day.

Effective on: 10/15/2020

Design Waiver means a request to develop or erect a housing or building type, frontage type, or civic and open space type not otherwise permitted in a character district.

Effective on: 10/15/2020

Detached Garage means a residential accessory structure designed primarily for the purpose of storing personal vehicles and other household items.

Effective on: 10/15/2020

Development means 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.

Effective on: 10/15/2020

Diameter at Breast Height (DBH) means the diameter of a tree four and one-half feet above average ground level.

Effective on: 10/15/2020

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.

Effective on: 10/15/2020

Dog Park means a fenced recreational feature primarily intended for the exercise of pets.

Effective on: 10/15/2020

Dormitory means a building used as a group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

Effective on: 10/15/2020

Drive-In or Drive-Through Facility means a stand-alone or attached facility that provides service to customers in vehicles who, without leaving their vehicle, drive up to a window, ordering station, or similar device and are either served by business staff from within the building or served by business staff from outside the building. Drive-in or drive-through facilities typically include menu boards, loudspeakers, stacking spaces, and drive-through windows

Effective on: 10/15/2020

Driveway means a private accessway, primarily for vehicles, leading from a street to a dwelling unit, parking lot, parking garage, or loading area.

Effective on: 10/15/2020

Drug, Alcohol, or Psychiatric Treatment Center means a facility that provides for the treatment or counseling of persons having drug or alcohol abuse problems or psychiatric illnesses under the supervision of professional health care or social services providers.

Effective on: 10/15/2020

Dry Cleaning or Pressing Establishment means any facility that uses a transfer machine, dry-to-dry vented unit, dry-to-dry closed loop unit with chlorinated solvents, or similar mechanisms to clean clothing or other materials.

Effective on: 10/15/2020

Duplex means a type of building that is located on its own lot and is used by two families. See also Dwelling, Two Family.

Effective on: 10/15/2020

Dwelling, Lot Line means a type of residential building that is located on its own lot, is shifted to one side of the lot immediately against or approximately against a side lot line, as identified per Sec. 09.28.4, *Lots and Lot Lines*, and is used by a single family. See also Dwelling, Single-Family.

Effective on: 10/15/2020

Dwelling, Multi-Family (Five or More) means a use type where one building on one lot, or one building across a series of contiguous lots under common ownership, is used by five or more families for residential purposes. Such a use typically takes place in an Apartment.

Effective on: 10/15/2020

Dwelling, Single-Family means a use type where one lot is used by one family for residential purposes. Such a use typically takes place in an Attached Dwelling, a Detached Dwelling, Lot Line Dwelling, a Tiny House, or a Townhouse/Rowhouse.

Effective on: 10/15/2020

Dwelling, Single-Family Attached means a type of residential building that is located on its own lot, shares a common wall with another dwelling, and is used by a single-family. See also Dwelling, Single-Family.

Effective on: 10/15/2020

Dwelling, Single-Family Detached means a type of residential building that is located on its own lot, is not attached to any other dwelling, is used by a single family, and does not meet the definition of a Qualified Manufactured Home. See also Dwelling, Single-Family.

Effective on: 10/15/2020

Dwelling, Three- or Four-Family means a use type where one lot is used by three or four families for residential purposes. Such a use typically takes place in a series of contiguous Townhouses/Rowhouses or in a Triplex/Quadplex.

Effective on: 10/15/2020

Dwelling, Two-Family means a use type where one lot is used by two families for residential purposes. Such a use typically takes place in a Duplex or in Townhouses/Rowhouses.

Effective on: 10/15/2020

E

Electrical Generation Plant means a facility where electrical power is generated for distribution.

Effective on: 10/15/2020

Electrical Substation means a portion of the electricity distribution system where voltage is transformed from high voltage to low voltage or from low voltage to high voltage.

Effective on: 10/15/2020

Elevation Certificate means 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.

Effective on: 10/15/2020

Emergency Program means the initial phase under which a community participates in the National Flood Insurance Program (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 Flood Insurance Rate Map (FIRM).

Effective on: 10/15/2020

Enclosure means that portion of a structure below the lowest floor used solely for parking of vehicles, limited storage, or access to the structure.

Effective on: 10/15/2020

Encroachment means 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.

Effective on: 10/15/2020

Encounter Center, Sexually Oriented means a business or enterprise that, as one of its principal purposes, offers physical contact between two or more persons when one or more of the persons is in a state of nudity or semi-nudity.

Effective on: 10/15/2020

Entertainer, Sexually Oriented means 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.

Effective on: 10/15/2020

Entertainment, Indoor means a category of commercial uses containing, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use type include: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body Art Service; Bowling center; Brewpub; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Microbrewery or Micro-distillery; Movie or other theater; Pool hall; Skateboard or trampoline park; Skating rink; Swimming pool (public); Tennis or racquetball facility; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; Minor utilities; and Swimming pool, indoor.

Effective on: 10/15/2020

Entertainment, Outdoor means a category of commercial uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use type include: Amphitheater; Amusement park; Campground without Overnight Accommodation; Fairgrounds; Farmers market (outdoor); Golf course, golf driving range, or mini-golf course; Marina; Paintball facility; Race Track (Vehicle); Skateboard park; Stadium, running track, or ball field; and other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

This use category does not include Swimming Pool (Public).

Effective on: 10/15/2020

Entertainment, Sexually Oriented means 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.

Effective on: 10/15/2020

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.

Effective on: 10/15/2020

Escort, Service Oriented means an escort that:

- Operates from an open office;
- Does not advertise that sexual conduct will be provided to the patron or work for an escort bureau that so advertises; and
- Does not offer to provide sexual conduct.

Effective on: 10/15/2020

Escort Bureau, Service Oriented means an escort bureau that:

- Maintains an open office at an established place of business; and
- 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 county wide 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.

Effective on: 10/15/2020

Escort, Sexually Oriented means an escort who:

- Works for (either as an agent, employee, or independent contractor), or is referred to a patron by a sexually oriented escort bureau; or
- 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
- 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.

Effective on: 10/15/2020

Escort Bureau, Sexually Oriented means an escort bureau that operates in any of the following manners:

- 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,
- Collects money (whether paid in advance or paid after the promised proscribed act) for the promise of acts of prostitution by its escorts; or,
- Uses as escorts persons known to have violated the law regarding prostitution, and refuses to cease the use of such a person; or,
- Operates an escort bureau as a “call girl” prostitution operation; or,
- 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.

Effective on: 10/15/2020

Existing Construction means any structure for which the “start of construction” commenced before the effective date of the Flood Insurance Rate Map (FIRM) or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Effective on: 10/15/2020

Exposed Lighting means an artificial light source intended to illuminate the face of a sign, the direct source of which is separated from and external to the sign face by use of a floodlight, back lighting, goose neck lighting, or other similar source.

Effective on: 10/15/2020

F

Fairgrounds means an area of land that is developed to accommodate temporary special events, including animal shows, carnivals, circuses, community meetings, concerts, craft shows, temporary farmers' markets, games, rides, rodeos, and sales and auctions. Fairgrounds may include exhibit halls, buildings used for storage or administrative offices, and indoor or outdoor stadiums, arenas, or amphitheaters. Fairgrounds do not include parcels developed for permanent use as amusement parks.

Effective on: 10/15/2020

Farm Product means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, eggs, honey, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Effective on: 10/15/2020

Farm Product, Value-Added means any product processed by a producer from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Effective on: 10/15/2020

Farm Stand means a temporary or permanent structure used for the sale of agricultural products or commodities raised on the premises.

Effective on: 10/15/2020

Farmers Market means an outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers where at least 50 percent of the displayed inventory of the products sold in each farmers market is farm products or value-added farm products.

Effective on: 10/6/2021

Feed Milling means a facility in which livestock feeds are prepared.

Effective on: 10/15/2020

FEMA Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Effective on: 10/15/2020

Fence means any structure, the primary purpose of which is to contain, circumscribe, bound, or otherwise delimit an area, lot, or premises, or to prevent access or visibility into or out of such area, lot, or premises.

See also, Wall.

Effective on: 10/15/2020

Fitness Gym means an enclosed establishment generally containing multi-use facilities for conducting fitness and recreational activities, including, but not limited to, exercises, weightlifting, running, swimming, and racquetball.

Effective on: 10/15/2020

Five Hundred Year Flood means 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.

Effective on: 10/15/2020

Flex Building means a large mostly single-use building designed for industrial, warehousing, and wholesale uses that may also contain offices as a secondary element. The building is setback from the front property line with parking or landscaping predominating the frontage.

Effective on: 10/15/2020

Flood Boundary and Floodway Map (FBFM) means a map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and the regulatory floodway.

Effective on: 10/15/2020

Flood Hazard Boundary Map (FHBM) means 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).

Effective on: 10/15/2020

Flood Insurance Rate Map (FIRM) means a map on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk premium zones.

Effective on: 10/15/2020

Flood Insurance Study means 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.

Effective on: 10/15/2020

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters;
- The unusual and rapid accumulation or runoff of surface waters from any source;
- 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; and /or
- 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.

Effective on: 10/15/2020

Floodplain Administrator means the individual appointed by the community to administer and enforce the floodplain management regulations.

Effective on: 10/15/2020

Floodplain Management Regulations means this NDC, 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.

Effective on: 10/15/2020

Floodplain Management means 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.

Effective on: 10/15/2020

Floodplain or Flood Prone Area means any land area susceptible to being inundated by flood waters from any source.

Effective on: 10/15/2020

Floodproofing Certificate means 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.

Effective on: 10/15/2020

Floodproofing means 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.

Effective on: 10/15/2020

Floodway Fringe means that area of the floodplain on either side of the regulatory floodway.

Effective on: 10/15/2020

Floodway means the channel of a river or other watercourse and the adjacent land areas that shall 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”.

Effective on: 10/15/2020

Floor Area Ratio means the gross floor area of a building divided by the overall floor area of the property on which such building is located.

Effective on: 10/15/2020

Food Delivery means an establishment that prepares food on-site and: (1) whose employees deliver the food to customers as it is ordered; or (2) customers pick up. No dining takes place on-site.

Effective on: 10/15/2020

Food Processing, Packing, and Distribution means establishments processing, producing, or distributing foods for human consumption and certain related products, including, but not limited to the combination of raw food ingredients into a form that can be prepared and used by a consumer. This definition specifically excludes wineries, breweries, distilleries, leather tanning operations, rendering plants, and slaughter houses.

Effective on: 10/15/2020

Foster Child Care means care and education of not more than five children unrelated to the residents by blood or adoption.

Effective on: 10/15/2020

Fraud and Victimization means as related in Sec. 07.22.5, *Variance, Floodplain*, of this ordinance, means that the variance granted shall 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.

Effective on: 10/15/2020

Freeboard means a factor of safety, usually expressed in feet above the Base Flood Elevation (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 shall 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, Heating , Ventilation, and Air Conditioning (HVAC) components, etc.

Effective on: 10/15/2020

Fuel Sales (Retail) means a place where vehicular fuel, stored only in underground tanks, is offered for sale to the public or where charging stations are made available for the charging of vehicles.

Effective on: 10/15/2020

Fuel Sales and Storage (Bulk) means a facility for the storage, handling, and selling of fuels and from which fuels are sold at wholesale or distributed to retail stations or for private use.

Effective on: 10/15/2020

Functionally Dependent Use Facility means 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.

Effective on: 10/15/2020

Funeral and Internment Services means the provision of services involving the care, preparation, or disposition of human dead.

Effective on: 10/15/2020

G

Garden Center means an accessory use where light agricultural and horticultural retail products are sold, including, but not limited to, plants, nursery products, potting soil, and gardening tools and utensils.

Effective on: 10/15/2020

Golf Course means an outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a Country Club or other clubhouse, a driving range, putting greens, and shelters as accessory uses.

Effective on: 10/15/2020

Golf Driving Range means an outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.

Effective on: 10/15/2020

Government / Non-Profit Parking Lot or Maintenance Area means a stand-alone parking lot or maintenance area of a governmental agency or non-profit organization that provides indirect services such as parking and vehicle and facility maintenance to a government or non-profit entity.

Effective on: 10/15/2020

Government Services (Administrative, Education, Postal, Safety) means facilities focused on the provision of a public service that are public in nature and serve a wide range of needs and patrons. This definition includes, but is not limited to, police stations, fire stations, emergency medical service stations, botanical gardens, libraries, post offices, and government-owned animal shelters.

Effective on: 10/15/2020

Green Roof means a vegetated roof design that is explicitly designed to absorb rainfall or snowmelt, typically to manage stormwater, mitigate the heat island effect, provide habitat for urban wildlife, or offer leisure and recreational space for building occupants.

Effective on: 10/15/2020

Greenhouse (Personal) means residential accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants with no associated retail sales on-site.

Effective on: 10/15/2020

Gross Floor Area means the sum of the total horizontal square footage of every floor of every building on a lot measured as follows:

- The horizontal square footage is measured from the outside face of all exterior walls.
- Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures are included as gross floor area wherever at least seven feet of clearance is provided between the finished floor and the ceiling.

Effective on: 10/15/2020

Groundcover means plants of species which will not generally reach a height of more than two feet, installed in such a manner as to form a continuous cover over the ground. Groundcover includes sod, ornamental or prairie grasses, shrubs, mulch, or perennial or seasonal plantings.

Effective on: 10/15/2020

Group Living means a category of uses containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in the use type include: Addiction treatment facility; Residential care facility; Nursing home; Youth shelter; and Other uses that the Administrator interprets to meet the characteristics of this use type.

Typical accessory uses include: Associated office; Facilities for treatment of sickness, injuries or surgical care; Food preparation and dining facility; Greenhouse or nursery (noncommercial); Minor utilities; Pool house; Private community center; Swimming pool; Recreational facility; and Other miscellaneous household amenities.

Effective on: 10/15/2020

Gymnastic, Dance, and Martial Arts Facility means an establishment that offers its primary floor area for the practice of gymnastics, dance, or martial arts. Such a facility may have accessory uses including, but not limited to, workout or exercise equipment, gymnasiums and snack bar.

Effective on: 10/6/2021

H

Halfway House means a building used as group living quarters for persons being aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.

Effective on: 10/15/2020

Hardscaping means driveways, sidewalks, patios, walls (particularly retaining walls), walkways, and other permeable/non-permeable ground coverings.

Effective on: 10/15/2020

Hazard Potential means 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).

Effective on: 10/15/2020

Heavy Industrial means a category of commercial uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Typical accessory uses include:

- Associated office and storage;
- Associated retail sales related to the primary use;
- Day care for children of employees; Fleet maintenance;
- Food preparation and dining facility;
- Fueling facility;
- Medical clinic for employees;
- Meeting space;
- Minor utilities;
- Recreation facility; and
- Single attached caretaker's quarters.

Also, see definitions for Heavy Industrial, Less-Intense and Heavy Industrial, More-Intense.

Effective on: 10/15/2020

Heavy Industrial, Less-Intense means a subset of uses in the Heavy Industrial category of uses including, but not limited to:

- Manufacture, assembly, or processing of batteries, aircraft, alcoholic beverages (wholesale), asbestos and asbestos products, automobiles or trucks, boxes or crates or pallets, brick or tile or terra cotta, building materials, chalk, charcoal, chemicals, chlorine, coffins, corrugated metal, cotton oil, gas, gelatin, glass, graphite, hemp, lacquer, linoleum, machinery, manufactured or mobile homes, metal, motors or engines, paraffin, plastic, porcelain, recreational vehicles, railroad vehicles and equipment, tires, trailers, and wax;
- Bulk storage of explosive or hazardous materials;
- Concrete batching and asphalt processing and manufacture;
- Feed milling;
- Grain elevator;
- Railroad yard or repair shop;
- Sawmill;
- Wool scouring and pulling; and
- Other uses that the Administrator interprets to be functionally similar to a use in this use sub-type.

Also, see definition for Heavy Industrial, More-Intense.

Effective on: 10/15/2020

Heavy Industrial, More-Intense means a subset of uses in the Heavy Industrial category of uses including, but not limited to:

- Manufacture, assembly or processing of acid, acetylene, gas, ammonia, asphalt, bones, celluloid, cement, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, glue, grease, gunpowder, gypsum, insecticide, lard, lime, paint, petroleum, plaster of Paris, poison, rubber, salt, shellac, tallow, tar, turpentine, varnish, vinegar, or yeast;
- Arsenal;
- Fertilizer Storage;
- Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental);
- Slaughtering, packaging or processing of animals;

- Smelter;
- Uses declared a nuisance in court; and
- Other uses that the Administrator interprets to be functionally similar to a use in this use sub-type.

Also, see definition for Heavy Industrial, Less-Intense.

Effective on: 10/15/2020

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Effective on: 10/15/2020

Historic Structure means any structure that is:

By an approved state program as determined by the Secretary of the Interior, or
Directly by the Secretary of the Interior in states without approved programs.
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.

Effective on: 10/15/2020

Home Occupation means an accessory use of a dwelling unit, by occupants of the subject dwelling unit, for nonresidential purposes.

Effective on: 10/15/2020

Hospice Center means a licensed facility providing palliative and supportive medical and health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a home-like setting.

Effective on: 10/15/2020

Hospital means a facility in which patients or injured persons are given medical, surgical and/or psychiatric care on an inpatient or outpatient basis, or an institution for the care of contagious or incurable diseases.

Effective on: 10/15/2020

Hotel or Motel means a building in which lodging is provided in units to the public for compensation in five or more rooms and which is open to transients.

This definition excludes establishments that meet the definition of Bed and Breakfast Inn.

Effective on: 10/15/2020

Household Living means a category of uses containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use type include: Apartments; Lot line dwellings; Qualified manufactured homes; Short-term rental; Single-family attached dwellings; Single-family detached dwellings; Sober living; Townhouses; Triplexes/Quadplexes; Two-family dwellings; Upper-story residential dwellings; and Other uses that the Administrator interprets to meet the characteristics of this use type.

Typical accessory uses include: Adult or child care home; Carriage house; Day care, family; Domestic storage; Minor utilities; Garage, attached or detached; Home occupation; Leasing office for manufactured home park or apartment complex; Model home with sales office in model home; Pool house; Private community center; Short-term rental, host occupied; Swimming pool (private); and Other miscellaneous household amenities.

Effective on: 10/15/2020

I

Infill means redevelopment of vacant lots surrounded by or in close proximity to areas that are substantially or fully developed.

Effective on: 10/15/2020

K

Kennel means any premises on which four or more dogs, six months or older, are kept. This term includes privately-owned animal shelters.

Effective on: 10/15/2020

L

Landfill means an area of land or an excavation in which wastes are placed for permanent disposal. For the purposes of this Code, the word "Landfill" does not include clean debris, such as dirt, trees, or rocks.

Effective on: 10/15/2020

Landscape Surface Ratio means the vegetated surface area of a site divided by the overall site area.

Effective on: 10/15/2020

Large Format Building means a single-story building of 30,000 square feet or more that accommodates a variety of commercial uses without a residential element. The building is setback from the front property line with parking or landscaping between the building and street.

Effective on: 10/15/2020

Laundromat means a facility where patrons wash and dry clothing and other fabrics in machines operated by the patron.

Effective on: 10/15/2020

Letter of Map Amendment (LOMA) means a revision based on technical data showing that a property was inadvertently included in a designated Special Flood Hazard Area (SFHA). A LOMA amends the current effective Flood Insurance Rate Map (FIRM) and establishes that a specific property is not located in a SFHA.

Effective on: 10/15/2020

Letter of Map Revision (LOMR) means 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.

Effective on: 10/15/2020

Levee System means 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.

Effective on: 10/15/2020

Levee means a manmade 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.

Effective on: 10/15/2020

Library means an institution for the collection, display, and distribution of books, objects of art or science, and which is sponsored by a public or quasi-public agency, and which facilities are open to the general public.

Effective on: 10/15/2020

Light Industrial means a category of commercial uses containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use type include:

Manufacture or assembly of appliances, artificial limbs, awnings, beds, blinds, boats, books, brooms, carpet, clothing or textiles or canvas, cosmetics, equipment, electrical items, felt, hardware, ice, jewelry, medical instruments or supplies, mirrors, musical instruments, perfume, pharmaceuticals, shoes, shutters or shades, signs, toys, or vehicles.

Additional uses include: Bakery (wholesale); Bottling or canning; Brewery; Building or development contractors specializing in building, excavating, heating, plumbing, landscaping or electrical and others who perform services off-site,

but store equipment and materials on-site; Clothing or textile manufacturing; Creamery; Crematorium; Engraver; Food processing; Janitorial and building maintenance service, exterminator, maintenance yard or facility; Laundry, dry-cleaning, and carpet cleaning plants; Metal plating; Metal shop; Micro-manufacturing; Printing, publishing, and lithography; Repair of scientific or professional instruments or electric motors; Research, testing, and development laboratory; Smoking or processing of meat products (wholesale); Stone cutting; Welding, tool repair or machine shop; Woodworking, including cabinet makers and furniture manufacturing; and Other uses that the Administrator interprets to be functionally similar to a use in this use category.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Associated showroom; Day care for children of employees; Minor utilities; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Recreation facility; Single attached residential unit for caretaker; and Wholesale and/or retail sales.

Effective on: 10/15/2020

Limited Storage means 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 shall be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

Effective on: 10/15/2020

Limits of Construction means a delineated area within a site that is to be disturbed or otherwise affected by activities related to the construction of a development.

Effective on: 10/15/2020

Lot Coverage means the total area of any lot or parcel occupied by all of the following:

- The footprint of the principal building (but excluding the surface area of any green roof)
- The footprints of all accessory buildings, parking garages, carports, utility and storage sheds (but excluding the surface area of any green roof);
- All areas covered with materials impervious to water including, but not limited to, vehicle use areas (but not including parking areas and driveways with pervious or semi-pervious paving materials); and
- All areas occupied by above ground swimming pools (but not in-ground pools).

Effective on: 10/15/2020

Lot Line, Front means, in the case of an interior lot, a line separating the lot from a public right-of-way or easement. In the case of a corner lot, it means a line separating the narrowest frontage of the lot from the street. In instances of equal frontage widths, the front lot line shall be determined by the Administrator, or as may be noted on the recorded plat for the property. In the case of a double-, triple, or multi-frontage lot, the lot lines separating the lot from the right-of-way or easement of the most minor street as established in the Kenton County Comprehensive Plan. In cases where each street has the same classification, the front lot line shall be determined by the Administrator, or as may be noted on the recorded plat for the property.

Effective on: 10/15/2020

Lot Line, Rear means a lot line that is opposite a front lot line and is not adjacent to a non-alley street.

Effective on: 10/15/2020

Lot Line, Side means a line separating one lot from another lot and is not otherwise considered a rear lot line.

Effective on: 10/15/2020

Lot Line, Side Street means a side lot line on a corner lot separating the lot from a street right-of-way or easement.

Effective on: 10/15/2020

Lowest Floor means 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.

Effective on: 10/15/2020

M

Mail-Order Business means an establishment whose method of merchandising is through mass mailing of a circular or catalog.

Effective on: 10/15/2020

Manufactured Home Park means any lot, parcel, or premises, subdivided, designed, maintained, intended, or used to accommodate 10 or more mobile homes for residential purposes, and that meets the requirements as specified in this NDC.

Effective on: 10/15/2020

Manufactured Home, Qualified means a manufactured housing unit that meets all of the following criteria:

- Was manufactured on or after July 15, 2002;
- Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- 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;
- Has at least 900 square feet of total living area;
- Is not located in a manufactured housing land-lease community; and
- Complies with the relevant requirements of this NDC.

Effective on: 10/15/2020

Map Panel Number means the four-digit number on a flood map, followed by a letter suffix, assigned by the Federal Emergency Management Agency (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.)

Effective on: 10/15/2020

Market Value means 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.

Effective on: 10/15/2020

Marina means a facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure watercraft that may include the sale of food, fuel, and incidental supplies for the boat owners, crews, and guests.

Effective on: 10/15/2020

Market Garden means 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 sale of items grown on the site.

Effective on: 10/15/2020

Massage Establishment means a facility that offers the manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage, therapy, or treatment, and that is licensed by the Kentucky Board of Massage Therapy.

Effective on: 10/15/2020

Massage Parlor means 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.

Effective on: 10/15/2020

Mean Sea Level (MSL) means 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.

Effective on: 10/15/2020

Media, Sexually Oriented means 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."

Effective on: 10/15/2020

Media Store with Some Sexually Oriented Media means 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.

Effective on: 10/15/2020

Media Store, Sexually Oriented means an establishment that rents and/or sells sexually oriented media, and that meets any of the following 3 tests:

- More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or
- More than forty percent (40%) of the stock in trade consists of sexually oriented media; or
- 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.

Effective on: 10/15/2020

Medical Facilities means a category of uses containing public and civic uses providing medical or surgical care to patients. Some uses may offer overnight care.

Examples of primary uses in this category include:

Acupuncture clinic; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental office or laboratory; and Other uses that the Administrator interprets to meet the characteristics of this use type.

Typical accessory uses include: Associated helicopter landing facility; Associated office and storage; Associated retail sales area related to the primary use; Classrooms; Day care for children of employees or patients; Dormitory; Fleet maintenance; Food preparation and dining facility; Minor utilities; Place of worship; Pharmacy; and Recreation facility.

This use category does not include Veterinary Clinic or Veterinary Hospital.

Effective on: 10/15/2020

Medical or Dental Lab means a facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the health care industry.

Effective on: 10/15/2020

Microbrewery means an establishment 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.

Effective on: 10/15/2020

Micro-Distillery means an establishment 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.

Effective on: 10/15/2020

Micro-Manufacturing means the retail or business-to-business production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers or computer numerical control routers.

Effective on: 10/15/2020

Mini-Golf Course means a facility designed for plating a novelty golf game with a putter on a miniature course usually having tunnels, bridges, sharp corners, and obstacles.

Effective on: 10/15/2020

Mini-Warehouse means a structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis.

Effective on: 10/15/2020

Mitigation means 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.

Effective on: 10/15/2020

Mixed Use Building means a multi-story building designed for a vertical mix of uses, with space for retail repair, sales, and service uses on the first floor and residential, office, or overnight accommodations on the upper floors. The building is built to the property line with parking on-street or off-site.

Effective on: 10/15/2020

Mobile Food Vending Service means a temporary establishment engaged in the retail sale of prepared food for consumption, on site or offsite, from a movable vehicle, portable structure, or pushcart.

This definition does not include Mobile Retail Vending Service.

Effective on: 10/15/2020

Mobile Retail Vending Service means a temporary establishment engaged in the retail sale of non-food items from a movable vehicle, portable structure, or pushcart.

This definition does not include Mobile Food Vending Service.

Effective on: 10/15/2020

Mobile Home means 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.

Effective on: 10/15/2020

Mobile Home Park means 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 NDC. For the purpose of this NDC, 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 NDC.

Effective on: 10/15/2020

Model Home / On-Site Residential Sales Office means a permanent, site-built dwelling used as a demonstration home and/or a sales office for the construction of homes in a subdivision in which similar homes are being constructed.

Effective on: 10/15/2020

Modeling Studio, Sexually Oriented means 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.

Effective on: 10/15/2020

More-Intense Heavy Industrial means a subset of uses in the Heavy Industrial category of uses including, but not limited to: Manufacture, assembly or processing of acid, acetylene, gas, ammonia, asphalt, bones, celluloid, cement, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, glue, grease, gunpowder, gypsum, insecticide, lard, lime, paint, petroleum, plaster of Paris, poison, rubber, salt, shellac, tallow, tar, turpentine, varnish, vinegar, or yeast; Arsenal; Fertilizer storage; Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental); Slaughtering, packaging or processing of animals; Smelter; Wrecking yard; Uses declared a nuisance in court; and Other uses that the Administrator interprets to be functionally similar to a use in this use sub-type.

Effective on: 10/15/2020

Motel, Sexually Oriented means a hotel, motel, or similar commercial establishment that meets any of the following criteria:

- 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 characterizedby the depiction or description of “specified sexual activities” or “specified anatomical areas;”
- Marketed as or offered as “adult,” “XXX,” “couples,” or “sexually oriented.”

Effective on: 10/15/2020

Motion Picture Arcade, Sexually Oriented means 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.”

Effective on: 10/15/2020

Motion Picture Arcade Booth, Sexually Oriented means 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.”

Effective on: 10/15/2020

Motion Picture Theater, Sexually Oriented means commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, 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.

Effective on: 10/15/2020

Motor Freight or Truck Terminal means a building or area in which freight brought by truck is assembled or stored for shipping in interstate and intrastate commerce by truck.

Effective on: 10/15/2020

Movie or Other Theater means a facility charging admission to the general public for the privilege of observing a live, televised, or motion picture performance indoors.

Effective on: 10/15/2020

Mudslide (I.E. Mudflow) Area Management means 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.

Effective on: 10/15/2020

Mudslide (I.E. Mudflow) means 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.

Effective on: 10/15/2020

Mudslide (I.E. Mudflow) Prone Area means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

Effective on: 10/15/2020

Mural means a hand-produced graphic illustration applied directly to an exterior wall of a mixed-use or non-residential building type, generally for the purpose of decoration or artistic expression.

Effective on: 10/15/2020

Museum or Gallery means a privately-operated facility or area for the acquisition, preservation, study, exhibition or sale of works of artistic, historic, or scientific value.

Effective on: 10/15/2020

Music, Art, or Photographic Studio or Classroom means a facility where music, art, photography, and other forms of art are produced or studied and where models or customers may come to be photographed or have their likeness cast in artistic form.

Effective on: 10/15/2020

N

National Flood Insurance Program (NFIP) means 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.

Effective on: 10/15/2020

National Geodetic Vertical Datum (NGVD) means 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 Flood Insurance Rate Maps (FIRMs). Refer to FIRM legend panel for correct datum.)

Effective on: 10/15/2020

Nature Preserve or Trail means an outdoor facility that preserves or protects a critical environmental feature or other natural feature and that may or may not be open to the public.

Effective on: 10/15/2020

Neighborhood Amenity means a small, easily removable temporary or semi-permanent feature that does not exceed 10 square feet in area and that contributes to the beautification, education, or nourishment of local residents. Examples include, but are not limited to, little free libraries or bird baths.

Effective on: 10/15/2020

New Construction means 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.

Effective on: 10/15/2020

New Manufactured Home Park or Subdivision means 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.

Effective on: 10/15/2020

Nonconforming Lot of Record means a lawfully established lot, not held in common with any other lot, that does not meet the area or other dimensional standards of this NDC.

Effective on: 10/15/2020

Nonconforming Sign means a sign that was legally established but no longer complies with the sign standards of this NDC.

Effective on: 10/15/2020

Nonconforming Structures means any building or structure, other than a sign, that was legally established but no longer complies with the lot and building standards of this NDC.

Effective on: 10/15/2020

Nonconforming Use means a land use that was lawfully established in accordance with use regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the district in which it is now located.

Effective on: 10/15/2020

Nude Modeling Studio means 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.

Effective on: 10/15/2020

Nursery means a facility where flowers, shrubs, trees, grass, and other plants are raised for sale.

Effective on: 10/15/2020

Nursing Home means any institution, however named, licensed by the Commonwealth of Kentucky, maintained for the care or treatment of two or more individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses. This use does not include the care of psychiatric patients, drug and alcohol addiction treatment, or treatment of those with contagious diseases. Also, see definition for Residential Care Facility.

Effective on: 10/15/2020

O

Obstruction means 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.

Effective on: 10/15/2020

Office means a category of commercial uses containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use type include offices or agencies for services such as: accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, currency exchange (check cashing), data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, payday loans, temporary employment, or travel. Additional uses include: Bank or credit union; TV or radio studio; and other uses that the Administrator interprets to meet the characteristics of this use type.

Typical accessory uses include: Associated storage; Day care for children of employees; Medical clinic for employees; Minor utilities; Food preparation and dining facility for employees; Recreation facility for employees; and Private telecommunication or transmission tower.

Effective on: 10/15/2020

One Hundred Year Flood (100 -Year Flood) (see Base Flood) means the flood that has a one 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.

Effective on: 10/15/2020

Optician or Optometrist means an establishment that makes, fits, and sells eye glasses or contact lenses or provides primary eye and vision care, performs eye examinations to detect vision problems, and prescribes corrective lenses to correct those problems.

Effective on: 10/15/2020

Ordinary Maintenance and Repair means

A. Repainting a building the same color;

B. Replacement of window glass (but not the style or type of windows);

C. Caulking and weather-stripping;

D. 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;

E. Pruning trees and shrubbery and removal of trees less than 6 inches in diameter;

F. Repairs to walks, patios, fences, and driveways, provided that replacement materials match the original or existing materials in detail and color;

G. 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;

H. Replacement of gutters and downspouts as long as the color and shape matches the original;

I. Erection of temporary signs such as real estate and political signs;

J. Installation of house numbers and mailboxes that are compatible with the original in style, size and material; and

K. Repair of existing street or yard lighting.

Effective on: 10/15/2020

Outdoor Circus, Carnival, Exhibition, or Show means a temporary outdoor entertainment use that accommodates spectators to view animals, physical feats, and other forms of entertainment; take part in amusement rides and contests; and observe and take part in similar activities.

Effective on: 10/15/2020

Outdoor Display means an area for the retail sale of finished products actively available for sale for less than 24 hours a day. Typical items include, but are not limited to, trampolines, small swimming pools, lawn mowers, grills, and similar items. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered Outdoor Storage.

Effective on: 10/15/2020

Outdoor Storage means storage of products or goods that have a large size, mass, or volume that occur on site for more than 24 hours. Typical items include, but are not limited to, heavy equipment, freight or commercial motor vehicles, trailers, construction materials, and raw, processed or packaged materials including any products on pallets, in shipping containers, or in crates.

Effective on: 10/15/2020

Overnight Accommodations means a category of commercial uses containing uses with bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use type include: Bed and breakfast inn; Campground with overnight accommodations; Hotel or motel; Recreational vehicle park; Resort; and Other uses that the Administrator interprets to be functionally similar to a use in

this use type.

Typical accessory uses include: Associated office and storage; Meeting space; Minor utilities; Recreational facility; Restaurant; and Swimming pool (public).

This use category does not include the Short-Term Rental use.

Effective on: 10/15/2020

P

Package Liquor Sales means an establishment primarily engaged in the sale of alcoholic beverages for off-site consumption.

Effective on: 10/15/2020

Paintball Facility means an indoor or outdoor establishment designed for the playing of paintball or similar games.

Effective on: 10/15/2020

Park, Playground, and Common Open Space means an area typically open to the general public and reserved for recreational, educational, or scenic purposes. This definition includes uses such as but not limited to a dog park, and a nature preserve or trail. The term may include structural improvements devoted to maintenance of the park, playground, or common open space, small-scale recreation, walkways, picnic areas, and other amenities.

Effective on: 10/15/2020

Park-and-Ride Facility means a facility where drivers leave their cars in order to travel on public transportation with the intention of returning in less than 24 hours. This use may also be referred to as a "commuter lot" or "commercial lot."

Effective on: 10/6/2021

Parking, Free-Standing means a use type containing facilities that provide parking that is not accessory to a primary use, for which a fee may or may not be charged.

Uses in this use type include: Parking lot or structure (commercial); Parking lot or structure (off-site); Truck, Tractor, Trailer, or Bus Storage, Parking Yard, Lot, or Garage; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage and Minor utilities.

Effective on: 10/15/2020

Parking Lot or Structure (Commercial) means an open area or structure not accessory with any particular use, surfaced with dust free materials, designed and used for the parking of vehicles that is operated as a business enterprise with a service charge or fee being paid to the owner or operator of the parking structure or lot.

Effective on: 10/15/2020

Parking Lot or Structure (Off-Site) means an open area, located on a separate property from the associated use, and surfaced with dust-free materials, other than a street or public way, intended to be used for the parking of private passenger and commercial vehicles.

Effective on: 10/15/2020

Parklet means a sidewalk extension that provides seating, plantings, and other amenities for people using a street. Parklets are typically installed in on-street parking spaces and extend out from the sidewalk at the level of the sidewalk to the width of the parking space.

Effective on: 10/15/2020

Participating Community means a community that voluntarily elects to participate in the National Flood Insurance Plan (NFIP) by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Effective on: 10/15/2020

Pawn Shop means 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.

Effective on: 10/15/2020

Payday Loan Business means 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.

Effective on: 10/15/2020

PDS means the Planning and Development Services of Kenton County.

Effective on: 10/15/2020

Photocopy, Blueprint, and Quick-Sign Service means an establishment that provides consumer printing, publishing, duplicating, collating, or temporary sign-making services using photocopy, blueprint, off-set printing, or related equipment.

Effective on: 10/15/2020

Planned Neighborhood means a land development project comprehensively planned as an entity via a unified site plan which permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Effective on: 10/15/2020

Pool Hall means a facility wherein the principal use or activity is billiards, pool, or snooker, regardless of the number of billiard, pool or snooker tables.

Effective on: 10/15/2020

Portable-On-Demand (POD) Storage Unit or Container means a container that may be used to transport goods, but may then also be stationary on a single site for a period of time before or after transport. The term includes, but is not limited to a:

- Truck container, with or without the chassis attached to it;
- Moving van;
- Portable moving container (POD);
- Pre-assembled storage structure; or
- Shipping container.

Effective on: 10/15/2020

Post Office means a facility designated or licensed by the federal government to sell U.S. postage stamps and U.S. postal products and accept mail and packages for delivery.

Effective on: 10/15/2020

Postal Services (Non-Governmental) means a non-governmental establishment that facilitates consumer-level mailing activities such as weighing, stamping, and packing parcels and similar services.

Effective on: 10/15/2020

Pre-FIRM Construction means 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 Flood Insurance Rate Map (FIRM) of the community, whichever is later.

Effective on: 10/15/2020

Pre-School or Child Day Care Center means a facility providing child day care for seven or more children for compensation but not defined as a family day care.

Effective on: 10/15/2020

Primary Application means a development review application that is related to or accompanies a request for Administrative Adjustment, Design Waiver, or Variance.

Effective on: 10/15/2020

Primary Residence means, for purposes of a short-term rental, the dwelling where the short-term rental host usually lives, and is the host's legal residence for the purpose of income tax and/or acquiring a mortgage.

Effective on: 10/15/2020

Principal Structure means a building or structure that contains one or more principal uses.

Effective on: 10/15/2020

Principal Use means the main use or uses conducted on a lot or located within a building, or within a portion of a building, not including accessory uses as defined by this NDC.

Effective on: 10/15/2020

Program Deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards.

Effective on: 10/15/2020

Psychic or Medium means an establishment providing purported readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

Effective on: 10/15/2020

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.

Effective on: 10/15/2020

Public Assembly Facility means an establishment where people assemble for civic, educational, religious, philosophical or cultural purposes. Typical uses include assembly, meeting, event or exhibition hall; church, mosque, synagogue, or temple; club or lodge; community center; philanthropic institution; and senior or youth center.

Effective on: 10/15/2020

Public and Civic Building means a building designed for public or civic uses, without a residential element, that stands apart from its surroundings due to the special nature of its use as a public facility. Public and civic uses may be accommodated in other building types. The building has a slight to moderate setback with a landscaped front yard with parking on-street, to the rear, or off-site.

Effective on: 10/15/2020

R

Race Track (Vehicle) means a racing area that may be non-profit or for-profit, public or private, paved or unpaved, and that is used by vehicles, including but not limited to bicycles, automobiles, motorcycles or any other motorized vehicles with competition against the clock or other vehicles.

Effective on: 10/15/2020

Recreational Vehicle means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.

Effective on: 10/15/2020

Recreational Vehicle Park means any site, lot, field or tract of land upon which two or more occupied recreational vehicles are situated, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

Effective on: 10/15/2020

Recycling Facility means 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. There are three classes of recycling facilities, as follows:

- **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.)
- **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.
- **Recycling Facility, Class III**: A recycling facility that, in addition to any activity permitted in a Class II Recycling Facility, performs composting.

Effective on: 10/15/2020

Regular Program means the phase of a community's participation in the National Flood Insurance Program (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 Flood Insurance Study (FIS).

Effective on: 10/6/2021

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (See Base Flood)

Effective on: 10/15/2020

Remedy a Violation means 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.

Effective on: 10/15/2020

Repair means the reconstruction or renewal of any part of an existing structure.

Effective on: 10/15/2020

Repair of Scientific or Professional Instruments means an establishment that repairs medical, optical, and scientific instruments, software, electronic components, optical equipment, and precision instruments.

Effective on: 10/15/2020

Repair-Oriented Uses means a subset of uses in the Retail Repair, Sales, and Service category of uses that is primarily engaged in the provision of repair services to individuals and households rather than other businesses, but excluding vehicle and commercial repair services.

Repair-oriented examples:

Store offering repair of retail consumer goods excluding those repair services listed in the Vehicle Sales and Service use type, and including, but not limited to: appliances, bicycles, clocks, electronics, furniture, jewelry, locks and keys, musical instruments, office equipment, shoes, and watches.

This definition also includes other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

Effective on: 10/15/2020

Repetitive Loss means 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.

Effective on: 10/15/2020

Repetitive Loss (RL) Property means 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 shall 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.

Effective on: 10/15/2020

Research, Testing, and Development Laboratory means a facility that for scientific research, investigation, testing, development, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Effective on: 10/15/2020

Residential Care Facility means a facility that meets the stipulations of KRS 100.982. Also, see definition for Nursing Home.

Effective on: 10/6/2021

Resort means a set of buildings and uses that shall include overnight accommodations, a sit-down restaurant, and indoor and outdoor entertainment.

Effective on: 10/15/2020

Restaurant, Drive-In or Drive-Through means a restaurant located either within a retail center, or situated in a stand-alone structure, that contains a drive-in or drive-through facility and customarily serves food in disposable containers.

Effective on: 10/15/2020

Restaurant, Sit-Down means a restaurant within which the primary use is prepared food offered for sale and consumption within the structure or in a designated and permitted outdoor area. The use may also include carry-out service but cannot include a drive-in or drive-through.

Effective on: 10/15/2020

Restaurant means a category of commercial uses containing establishments that prepare and sell food for on-premises or off-premises consumption. This use type may or may not include the accessory sale of alcohol for on-premises consumption. This use type may or may not also include the accessory sale of alcohol for off-premises consumption (such as Package Liquor Sales) subject to applicable standards in Division 07, *Use-Specific Standards*.

Uses in this use type include: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down; Restaurant, drive-in or drive-through; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

The restaurant use category does not include Bar or Tavern, Brewpub, or Microbrewery uses.

Typical accessory uses include: Associated office and storage; Drive-through facility; Minor utilities; Overnight animal boarding; Outdoor dining area; and Recreational facility.

Effective on: 10/15/2020

Retail Repair, Sales, and Service means a category of commercial uses containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

Effective on: 10/15/2020

Riparian Area means naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants.

Effective on: 10/15/2020

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Effective on: 10/15/2020

Roadside Stand means a temporary or permanent structure used for the sale of agricultural products or commodities raised on the premises.

Effective on: 10/15/2020

S

Sales-Oriented Uses means a subset of uses in the Retail Repair, Sales, and Service category of uses that is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Sales-oriented examples:

Selling, leasing or renting consumer, home, and business goods including, but not limited to: animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries (with the accessory sale of alcoholic beverages for offsite consumption); hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets, pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods indoors; seeds; souvenirs; shoes; sporting goods; stationery; tobacco, electronic cigarettes, and related products; and toys.

This definition also includes other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

Effective on: 10/6/2021

Salvage Yard means any area where waste, discard or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house-wrecking yards, used lumberyards, and places or yards for the storage of salvaged house-wrecking materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used-parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Effective on: 10/15/2020

School, High (Public or Private) means an educational establishment for children between 9th and 12th grade.

Effective on: 10/15/2020

School, Elementary and Middle (Public/Private) means an educational establishment for children between kindergarten and 8th grade.

Effective on: 10/6/2021

Screening a structure or planting that conceals from public view the area behind such structure or planting.

Effective on: 10/15/2020

Secondary Access Roadway means a street that is parallel to and adjacent to an arterial streets and that provides access to abutting properties and protection from through traffic.

Effective on: 10/15/2020

Section 1316 means 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.

Effective on: 10/15/2020

Self-Service Storage means a category of commercial uses containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Uses in this use type include: Boat or recreational vehicle outdoor storage; Mini-warehouse; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Minor utilities; Moving vehicle rental; and Single attached caretaker's quarters.

This definition does not include Bulk Storage or Bulk Storage of Explosive or Hazardous Materials.

Effective on: 10/15/2020

Semi-Trailer means a vehicle designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Effective on: 10/15/2020

Semi-Trailer or Truck Parking means a facility for the storage, for more than 8 hours a day, of semi-trailers or trucks that haul semi-trailers.

Effective on: 10/15/2020

Senior, Youth, or Community Center means a public building used as a place of meeting, recreation, or social activity and not operated for profit.

Effective on: 10/15/2020

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership: Four or more separate claim payments of more than $5,000 each (including building and contents payments); or
Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

Effective on: 10/15/2020

Service-Oriented Uses means a subset of uses in the Retail Repair, Sales, and Service category of uses that provides non-medical services that are generally needed on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

Service-oriented examples:

Animal grooming; Barbershop or beauty, nail, skin care, or tanning salon; Dry cleaning and pressing establishment; Funeral home or mortuary; Laundromat; Massage establishment; Music, art, or photographic studio or classroom; Optician or optometrist; Photocopy, blueprint, and quick-sign service; Postal services (non-governmental); Psychic or medium; Tailor; Taxidermist; and Veterinary Clinic (small animal).

This definition also includes other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

Effective on: 10/15/2020

Setback means the minimum or maximum horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

Effective on: 10/15/2020

Setback / Yard, Front Street means the area of a property between the front street setback line and the front lot line, extending across the width of the property.

Effective on: 10/15/2020

Setback / Yard, Interior Side means the area of a property between the side setback line and the side lot line, extending between the front and rear setbacks / yards.

Effective on: 10/15/2020

Setback / Yard, Rear means the area of a property between the rear setback line and the rear lot line, extending across the width of the property.

Effective on: 10/15/2020

Setback / Yard, Side Street means the area of a property between the side street setback line and the side street lot line, extending between the front and rear setbacks / yards.

Effective on: 10/15/2020

Sex Shop means an establishment offering goods for sale or rent and that meets any of the following tests:

- It offers for sale items from any two 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 10 percent of its stock in trade or occupies more than 10 percent of its floor area;
- More than five percent of its stock in trade consists of sexually-oriented toys or novelties; or
- More than five percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

Effective on: 10/15/2020

Sexually Oriented Business means a category of commercial uses containing establishments for sexual entertainment.

Uses in this use type include: 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; 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.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; and Minor utilities.

Effective on: 10/6/2021

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.

Effective on: 10/15/2020

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.

Effective on: 10/15/2020

Shipping Container means an article of transport equipment that is:

- Of a permanent character and suitable for repeated use;
- Specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- Designed to be secured and readily handled, having corner fittings for these purposes; and
- Of a size that the area enclosed by the four outer bottom corners is at least 150 square feet.

Effective on: 10/15/2020

Shop means a single- or two-story building of less than 30,000 square feet that accommodates a variety of commercial uses without a residential element. The building may be built to the property line either as the principal structure or as a liner building in conjunction with a Large Format Building, or a Public and Civic Building.

Effective on: 10/15/2020

Short-Term Rental, Host Occupied means a short term rental that is the primary residence of the short-term rental host.

Effective on: 10/15/2020

Short-Term Rental Hosting Platform means an internet-based application that allows a short-term rental host to advertise a short-term rental and provides a means for potential short-term rental tenants to arrange rental and payment through the platform.

Effective on: 10/15/2020

Short-Term Rental, Non-Host Occupied means a short-term rental that is not the primary residence of the short-term rental host. A short-term rental which serves as the primary residence for a host who is not the record owner of the property, including lessees, is included in this definition.

Effective on: 6/11/2024

Short-Term Rental Tenant means any person (excluding family members of the property owner of the short-term rental) who rents a short-term rental for a fee or any form of compensation, for intervals of 29 days or less during a calendar year.

Effective on: 10/15/2020

Shrub means a woody plant of relatively low height having several stems arising from the base and lacking a single trunk.

Effective on: 10/15/2020

Sign means 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, walkway, road, highway, right-of-way, or parking area.

Effective on: 10/15/2020

Sign, Animated means a sign which uses movement or change of lighting to simulate action or motion.

Effective on: 10/15/2020

Sign, Banner means a type of temporary sign that is made or composed of a flexible piece of fabric, plastic, canvass, vinyl, paper, or another non-rigid material that does not include any enclosing framework and which is commonly mounted to a building, structure, fence, railing, or wall with rope, or mounted to the ground with stakes.

Effective on: 10/15/2020

Sign, Billboard means a sign advertising a business, person, activity, goods, products, or services not located on the premises where the sign is installed and maintained, or that directs persons to any location not on the premises of the sign.

Effective on: 10/15/2020

Sign, Civic Building means an on-premises detached or wall sign associated with a Civic building type.

Effective on: 10/15/2020

Sign, Detached means 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.

Effective on: 10/15/2020

Sign, Directly Illuminated means a sign that is characterized by the use of exposed lamps, such as neon tubes or incandescent bulbs, that have no shielding and are visible to the eye.

Effective on: 10/15/2020

Sign, Directory means 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.

Effective on: 10/15/2020

Signs, Externally Illuminated means a sign that is illuminated by an external light source.

Effective on: 10/15/2020

Sign, Ghost means a business identification, advertisements and/or wall signage from an earlier twentieth-century era (at least 50 years old), often hand-painted directly on building masonry sidewalls and has been weathered and faded to the extent it has lost its original brightness of color and visibility.

Effective on: 10/15/2020

Signs, Internally Illuminated means a sign illuminated by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel, or exposed lighting on the sign face.

Effective on: 10/15/2020

Sign, Permanent Entrance means a sign identifying the name and/or address of a residential subdivision, multi-family complex, or mobile home park complex located within the median or right-of-way of a public street or road at the entryway into the subdivision, complex, or park.

Effective on: 10/15/2020

Sign, Illuminated means a sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Effective on: 10/15/2020

Sign, Incidental means a sign, emblem, or decal, generally informational in content, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message, which is designed with the intent to be legible from a position off the zone lot on which the sign is located, will be considered incidental.

Effective on: 10/15/2020

Sign, Permanent means a sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Effective on: 10/15/2020

Sign, Principal means 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.

Effective on: 10/15/2020

Sign, Sidewalk means any type of temporary, self-supporting, freestanding sign that is designed to be placed on a hard surface, without the need for installing posts, anchors, or other supports into the ground. Sidewalk signs include A-frame signs, signs suspended from A-frames, signs suspended from U-frames or H-frames that are installed into a portable base, and other comparable types of signs.

Effective on: 10/15/2020

Sign, Wall means a sign that is fastened to or painted on a wall of a building or structure in such a manner that the wall serves as the supporting structure or forms the background surface. Wall signs do not project more than 12 inches from the building to which they are attached.

Effective on: 10/15/2020

Sign, Window means a sign affixed to or installed inside a window and clearly legible to persons outside the building.

Effective on: 10/15/2020

Sign, Temporary means a sign which is not permanently affixed. This definition is intended to include all devices such as window and door clings, banners, pennants, flags, searchlights, twirling or sandwich-type signs, sidewalk or curb signs and balloons or other air or gas-filled figures.

Effective on: 10/6/2021

Site means any lot or parcel of land or a series of adjoining lots or parcels on which land disturbance or development activity is proposed.

Effective on: 10/15/2020

Skateboard or Trampoline Park means a facility that is designed for use by persons riding skateboards, in-line skates, or roller blades or jumping on trampolines.

Effective on: 10/15/2020

Skating Rink means an indoor or outdoor expanse of ice artificially made for ice skating, or a floor used for roller skating. Accessory uses may include bowling, dining, dance club, skateboard or trampoline park, snack bar, and retail sales.

Effective on: 10/15/2020

Sober Living Home means a use within a single-family dwelling where no more than six unrelated individuals recovering from a drug and/or alcohol addiction reside, either voluntarily or by court order. A sober living home shall not provide on-site supportive services to residents, including, but not limited to, the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional or other health care services; financial management services; legal services; vocational services; and other similar supportive services.

This definition does not include a Sober Living Facility use.

Effective on: 10/15/2020

Sober Living Facility means a dwelling where seven or more unrelated individuals recovering from a drug and/or alcohol addiction reside, either voluntarily or by court order. A sober living facility shall not provide on-site supportive services to residents, including, but not limited to, the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional or other health care services; financial management services; legal services; vocational services; and other similar supportive services.

This definition does not include the Sober Living Home use.

Effective on: 10/15/2020

Social Service means a category of uses containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

Uses in this use type include: Correctional facility; Domestic abuse or transient shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Group home for the physically disabled, mentally disabled, or emotionally disturbed that are not considered single-family residences (7 or more residents); Halfway house; Soup kitchen; Transient lodging or shelter for the homeless; Sober living home; Sober living facility; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

This use category does not include Nursing Home or Residential Care Facility.

Typical accessory uses include: Associated office and storage; Class rooms; Day care for children of employees or clients; Dormitory; Food preparation and dining facility; Library; Meeting space; Minor utilities; and Recreation facility.

Effective on: 10/15/2020

Soup Kitchen means a non-profit facility where food is offered to the hungry for free or at a reduced price.

Effective on: 10/15/2020

Special Flood Hazard Area (SFHA) means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as Zone A, AE, A1 – A30, AH, AO, or AR.

Effective on: 10/15/2020

Stable (Private or Noncommercial) means a building, for the use solely of the property owner, designed and used for the storage of horses and horse-drawn vehicles or both.

Effective on: 10/15/2020

Stable (Public and Commercial) means a building, other than a Private Stable, designed and used for the storage of horses and horse-drawn vehicles or both.

Effective on: 10/6/2021

Stadium, Running Track, or Ball Field means a large usually roofless building with tiers of seats for spectators at public entertainments or athletic events.

Effective on: 10/15/2020

Start of Construction (Includes Substantial Improvement and Other Proposed New Development) means 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.

Effective on: 10/15/2020

Street, Private means 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.

Effective on: 10/15/2020

Street, Public means 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.

Effective on: 10/15/2020

Structure means a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Effective on: 10/15/2020

Subdivision means division of a parcel of land into two or more lots 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; providing that a division of land for agricultural use and not involving a new street shall not be deemed a Subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Effective on: 10/15/2020

Substantial Damage means 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.

Effective on: 10/15/2020

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a one-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:

- 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
- Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Effective on: 10/15/2020

Substantially Improved Existing Manufactured Home Parks or Subdivisions means 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.

Effective on: 10/15/2020

Suspension means removal of a participating community from the National Flood Insurance Program (NFIP) for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP.

Effective on: 10/15/2020

Swimming Pool (Private) means a water-filled enclosure or splash pad constructed for swimming or wading, swimming, or water-oriented recreation exclusively without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, a subdivision, the members and guests of a club, or the patrons of a hotel or motel.

Effective on: 10/15/2020

Swimming Pool (Public) means a water-filled enclosure or splash pad constructed for use by the general public for swimming or wading, swimming, or water-oriented recreation, including those operated as a business and those constructed and maintained by the City or County.

Effective on: 10/15/2020

T

Tailor means an establishment that custom makes or alters clothing for individuals.

Effective on: 10/15/2020

Taxidermist means an establishment that prepares, stuffs, and mounts the skins of animals with lifelike effect.

Effective on: 10/15/2020

Telephone Exchange means a building that is used exclusively for the transmission and exchange of telephone signals.

Effective on: 10/15/2020

Temporary Vending and Services means a category of uses in which a person or persons operate or sell goods or services from a mobile cart, cart, pedal cart, trailer, van or similar chassis with or without an engine, tent, or table, and for a limited duration in any one location.

This use category includes Mobile Food Vending Service, Mobile Retail Vending Service, and Temporary Vendor.

Effective on: 10/15/2020

Temporary Vendor means a use in which a person or persons operates or sells goods or services for a limited duration of time and is not considered Mobile Retail Vending Service and Mobile Food Vending Service.

Effective on: 10/15/2020

Tennis or Racquetball Facility means an indoor establishment where the general public may come to play tennis, racquetball, and similar sports.

Effective on: 10/15/2020

Thoroughfare, Principal means the street that is clearly associated with the front facade of a principal building along a block face. Where a corner lot abuts more than two thoroughfares, the Administrator may determine that all thoroughfares, except for one, are principal thoroughfares, if they make a written finding that such determination is in the interest of protecting the quality of the public realm. If the position of the principal thoroughfare in relation to a corner lot is unclear, the Administrator may make a determination on this matter, taking into account the following factors:

- Orientation of Principal Buildings at Intersection. Where principal buildings at the intersection are oriented toward one of the thoroughfares, this thoroughfare shall generally be considered the principal thoroughfare.
- Lot Width. Among the lot frontages that abut a street, the street with the narrowest lot widths shall generally be considered the principal thoroughfare.
- Width of Street. The widest street, or the street with the widest pedestrian way, shall generally be considered the principal thoroughfare.
- Pedestrian counts. The street with the highest weekday, peak-hour pedestrian counts shall generally be considered the principal thoroughfare.

Effective on: 10/15/2020

Thoroughfare, Secondary means a street that is not a principal thoroughfare, does not meet the definition of an alley, and is clearly associated with the corner side facades of buildings.

Effective on: 10/15/2020

Tiny House means a single-family dwelling with 600 square feet or less of floor area that is built on a permanent foundation. A tiny house on wheels or other non-permanent foundation is classified as a Recreational Vehicle.

Effective on: 10/15/2020

Tiny House Neighborhood means a land development project comprehensively planned as an entity via a unified site plan which permits flexibility in building siting, land uses, usable open spaces, and the preservation of significant natural features.

This type of development only applies to the Tiny House building type.

Effective on: 10/15/2020

Tire Recycling and Retreading means a facility that recycles or retreads waste tires that are no longer suitable for use on vehicles.

Effective on: 10/15/2020

Townhouse/Rowhouse means a type of residential building that spans the entire width of its lot, is taller than its width, and is attached to another townhouse on one or both sides.

Effective on: 10/15/2020

Trailer means a non-motorized vehicle designed to be drawn by a personal vehicle for the transportation of goods or equipment and not designed or cannot be made suitable for human habitation in any manner.

Effective on: 10/15/2020

Transient Lodging or Shelter for the Homeless means a facility operating year-round that provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

Effective on: 10/15/2020

Tree means a perennial woody plant with one main trunk and a distinct and elevated head, ordinarily growing to definite heights and usually developing branches at some distance from the ground.

Effective on: 10/15/2020

Tree, Canopy means a tree with single central leader that will attain a mature crown spread and height of greater than 25 feet.

Effective on: 10/15/2020

Tree, Evergreen means a tree that has persistent foliage and remains green throughout the year. For the purposes of this NDC, evergreen trees shall reach at least 12 feet in height at maturity.

Effective on: 10/15/2020

Tree, Ornamental means a deciduous tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation. These trees are also called understory trees. For the purposes of this NDC, ornamental trees shall reach at least 12 feet in height at maturity.

Effective on: 10/15/2020

Triplex/Quadplex means a single building on a single lot designed to look like a single-family detached dwelling that contains three or four dwelling units and that does not contain a non-residential element. Depending on the character district, the dwelling may be setback from the front property line or built to it with parking in the rear yard.

Effective on: 10/15/2020

Truck Stop means an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks, trailers, or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles and for truckers or travelers. A truck stop may also include overnight accommodations, showers, or restaurant facilities.

Effective on: 10/15/2020

TV Studio or Radio Studio means a facility for the staging and recording of audio or television productions.

Effective on: 10/6/2021

U

Upper-Story Dwelling Unit means a dwelling unit located above the first floor of a corner store or mixed use building type.

Effective on: 10/15/2020

Utilities means a category of uses containing major or minor infrastructure that serves a site, a development, or the City at-large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel.

Major Utilities consist of public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity, possibly having on-site personnel, and include:

Electrical substation; Electric generation plant; Solar panel array (large scale); Telecommunication tower; Water or wastewater treatment plant; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Minor Utilities consist of public or private infrastructure serving a limited area with no on-site personnel and include:

Collocated telecommunication antenna; Public or municipally-owned utilities; Solar panel array (small scale); Stormwater retention or detention facility; Telephone exchange; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Fleet maintenance; Minor utilities; and Storage structures.

Effective on: 10/15/2020

V

Variance means a departure from dimensional terms of this NDC 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 to 100.247.

Effective on: 10/6/2021

Vehicle Accessories and Parts Sales means retail sales of automobile and motorcycle related parts and accessories without installation on-site.

Effective on: 10/15/2020

Vehicle Repair, Major means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Effective on: 10/15/2020

Vehicle Sales and Service means a category of commercial uses containing establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use type include: Car wash; Fuel sales (retail); Rental or sales of manufactured homes, mobile homes, portable buildings, or trailers; Truck stop; Vehicle repair; Vehicle service; Vehicle sales, rental, and leasing (including passenger vehicles, motorcycles, trucks, boats and recreational vehicles); and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Car wash; Concession; Food preparation and dining area; Fueling facility; Minor utilities; Sale of auto parts; and Towing.

Effective on: 10/15/2020

Vehicle Sales, Rental, and Leasing means any premises on which three or more used or new cars, trailers, trucks, or other vehicles are offered for sale, rental, or lease during any calendar year.

Effective on: 10/15/2020

Vehicle Service, Minor means the replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. The term is limited to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

Effective on: 10/15/2020

Vehicle Use Area means any open or unenclosed area used by three or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, parking aisles, and parking garages.

Effective on: 10/15/2020

Vehicular Access Point means a point of ingress and egress for a motor vehicle via a public right-of-way or access easement to a lot or subdivision, commonly referred to as a "curb cut."

Effective on: 10/6/2021

Veterinary Clinic means an animal hospital or clinic that provides medical care for small animals or pets, including, but not limited to: dogs, cats, birds, and the like.

This definition does not include the veterinary hospital use.

Effective on: 10/15/2020

Veterinary Hospital means an animal hospital or clinic that provides medical care for large or livestock animals, including, but not limited to: horses, cows, bison, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs.

This definition does not include the veterinary clinic use.

Effective on: 10/15/2020

Violation means 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.

Effective on: 10/15/2020

W

Wall means any permanent construction of wood, metal, stone, masonry, or other material either alone or used in combination with building walls by attachment and created for the purpose of privacy, protection, division, delineation, screening, enclosure, noise attenuation, or for aesthetic reasons.

See also, Fence.

Effective on: 10/15/2020

Warehousing and Freight Movement means a category of commercial uses containing establishments involved in the storage or movement of goods for themselves, other firms, or individual consumers. Goods are generally delivered to recipients with little on-site sales activity to customers.

Uses in this use type include: Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, and other retail and wholesale consumer goods sold in person or online; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Day care for children of employees; Minor utilities; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Outdoor

storage yard; Recreation facility; and Single attached caretaker's quarters.

Effective on: 10/15/2020

Waste Equipment means a collection facility for the storage of garbage and recyclables and includes carts on wheels (food waste, trash, and recycling), waste oil containers, compactors, or dumpsters (trash and recycling).

Effective on: 10/15/2020

Waste Related Service means a category of commercial uses containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material.

Uses in this use type include: Animal waste processing; Biodigester; Composting facility; Landfill; Recycling facility; Tire recycling or retreading; Salvage yard; Waste transfer facility; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Minor utilities; Fleet maintenance; Fueling facility; and Repackaging and shipment of byproducts

Effective on: 10/15/2020

Waste Transfer Facility means a facility for the temporary storage, transfer, and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

Effective on: 10/15/2020

Water Treatment Plant or Wastewater Treatment Plant means a facility, or group of facilities, used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes; and facilities used for the storage and distribution of potable and gray water to customers.

Effective on: 10/6/2021

Water Surface Elevation means 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.

Effective on: 10/6/2021

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows, at least periodically.

Effective on: 10/15/2020

Watershed means 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.

Effective on: 10/15/2020

Wholesale Trade means a category of commercial uses containing establishments involved in the sale, lease, or rent of products to industrial, institutional or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use type include: Fuel sales and storage (bulk); Mail-order business; Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; Wholesale or auction of food, clothing, auto parts, or hardware; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Typical accessory uses include: Associated office and storage; Associated showroom; Day care for children of employees; Essential utilities; Fleet maintenance; Food preparation and dining facility; Medical clinic for employees; Meeting space; Minor fabrication; Product repair; Recreation facility; Repackaging of goods; Single attached caretaker's quarters; and Warehouse.

Effective on: 10/15/2020

Wireless Communication Tower. A self-supporting monopole structure constructed from grade which supports any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications.

Effective on: 10/15/2020

Wrecking Yard means any area where waste, discard or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house-wrecking yards, used lumberyards, and places or yards for the storage of salvaged house-wrecking materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used-parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Effective on: 10/15/2020

X

X (Shaded) And B Zones means areas of the 0.2 percent annual chance (500-year) flood that are outside of the Special Flood Hazard Area (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

Effective on: 10/15/2020

X (Unshaded) And C Zones means areas determined to be outside the 500-year floodplain.

Effective on: 10/15/2020

Y

Youth Shelter means 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.

Effective on: 10/15/2020

Z

Zone means 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.

Effective on: 10/15/2020

Zoo means an establishment having documented collections of living animals for the purposes of scientific research, conservation, display, or education. Accessory uses may include indoor entertainment, snack bars, and retail sales.

Effective on: 10/15/2020

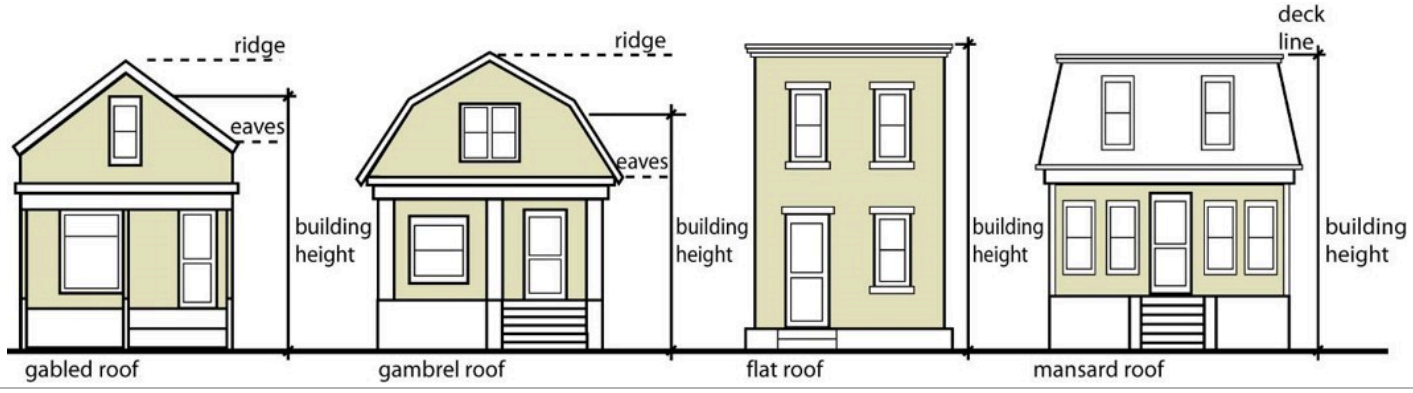
Division 28 Calculations and Measurements

Sec. 09.28.1 Buildings, Walls, and Fences

A. **Building Height**. Where building height is referenced in stories, one story is considered as 12 total feet unless a given context is otherwise developed. As illustrated in Figure 09.28.1-1, *Building Height*, 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:

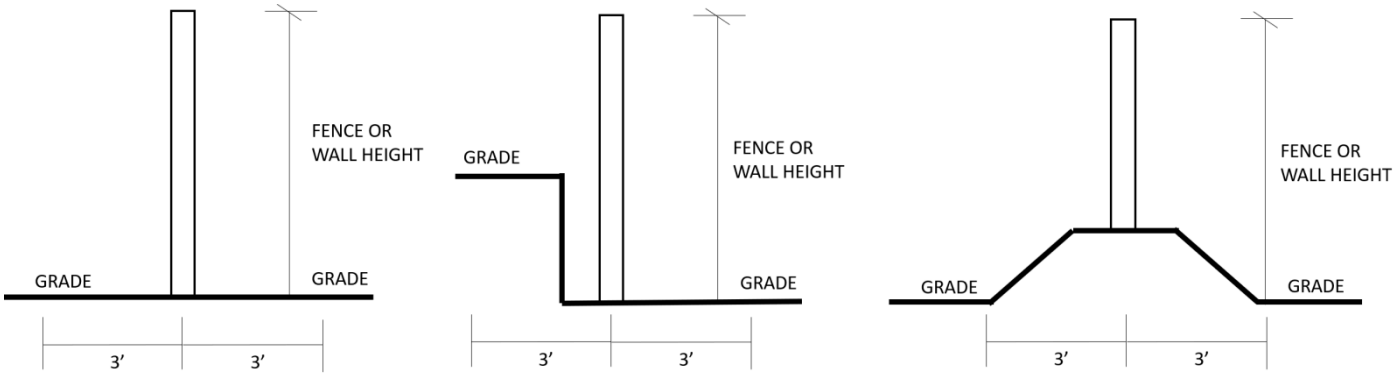
1. The average height level between eaves and ridge for gable, hip, and gambrel roofs.
2. The highest point of the roof surface for a flat roof; and
3. The deck line of a mansard roof.

Figure 09.28.1-1, *Building Height*



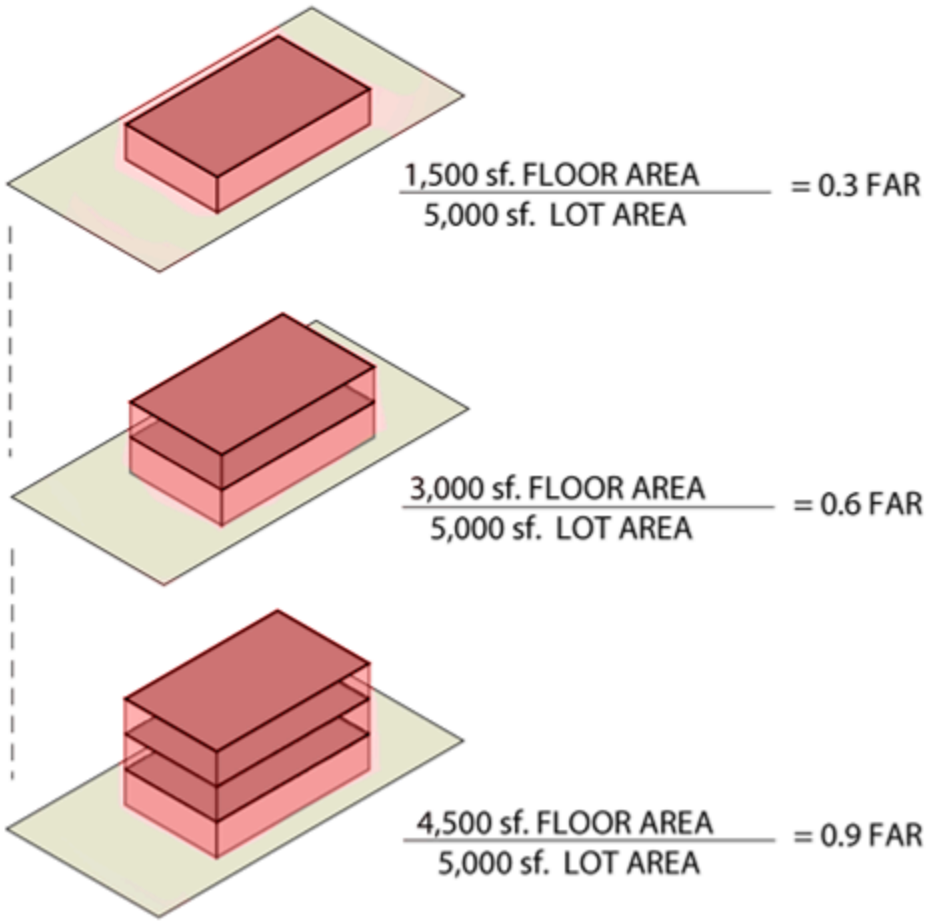
B. **Fence and Wall Height**. As illustrated in Figure 09.28.1-2, *Fence and Wall Height*, the height of such walls or fences shall be determined by measurement from the ground level at the lowest grade level within three feet of either side of such walls or fences to the top of the wall or fence. A fence height does not include the height of a retaining wall on which it is constructed.

Figure 09.28.1-2, *Fence and Wall Height*



C. **Floor Area Ratio**. As illustrated in Figure 09.28.1-3, *Floor Area Ratio*, the floor area ratio is the gross floor area of all buildings on a lot, divided by the lot area.

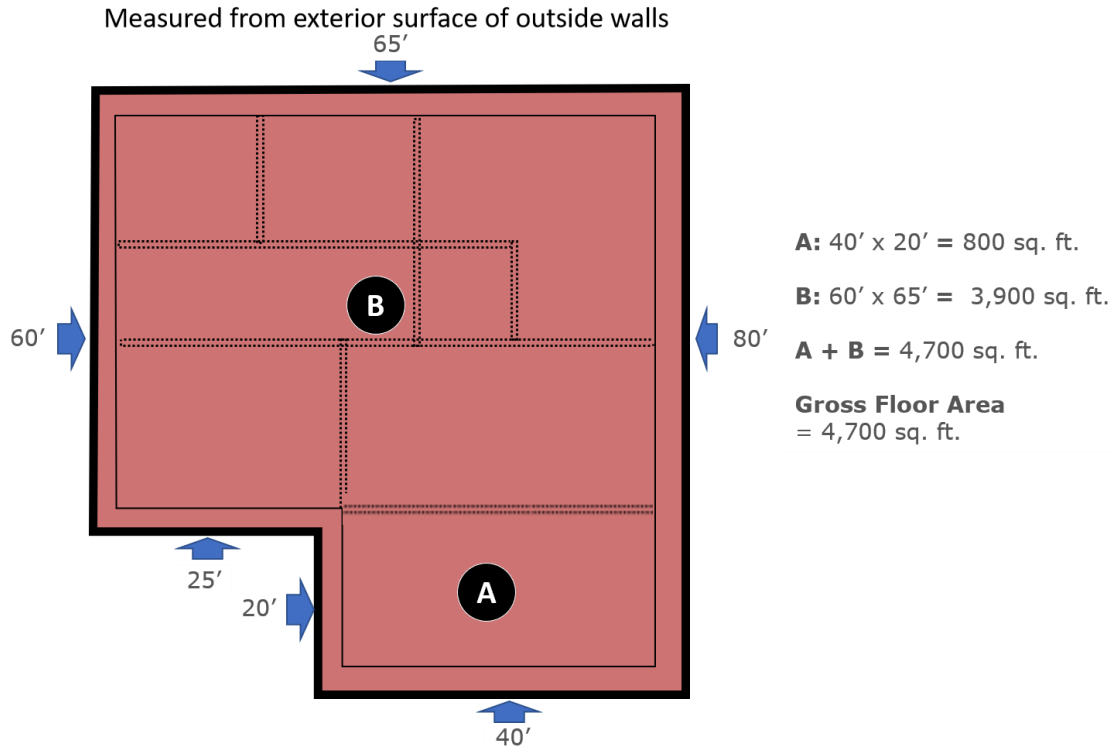
Figure 09.28.1-3, *Floor Area Ratio*



D. **Gross Floor Area**. As illustrated in Figure 09.28.1-4, *Gross Floor Area*, below, means the sum of the total horizontal square footage of every floor of every building on a lot measured as follows:

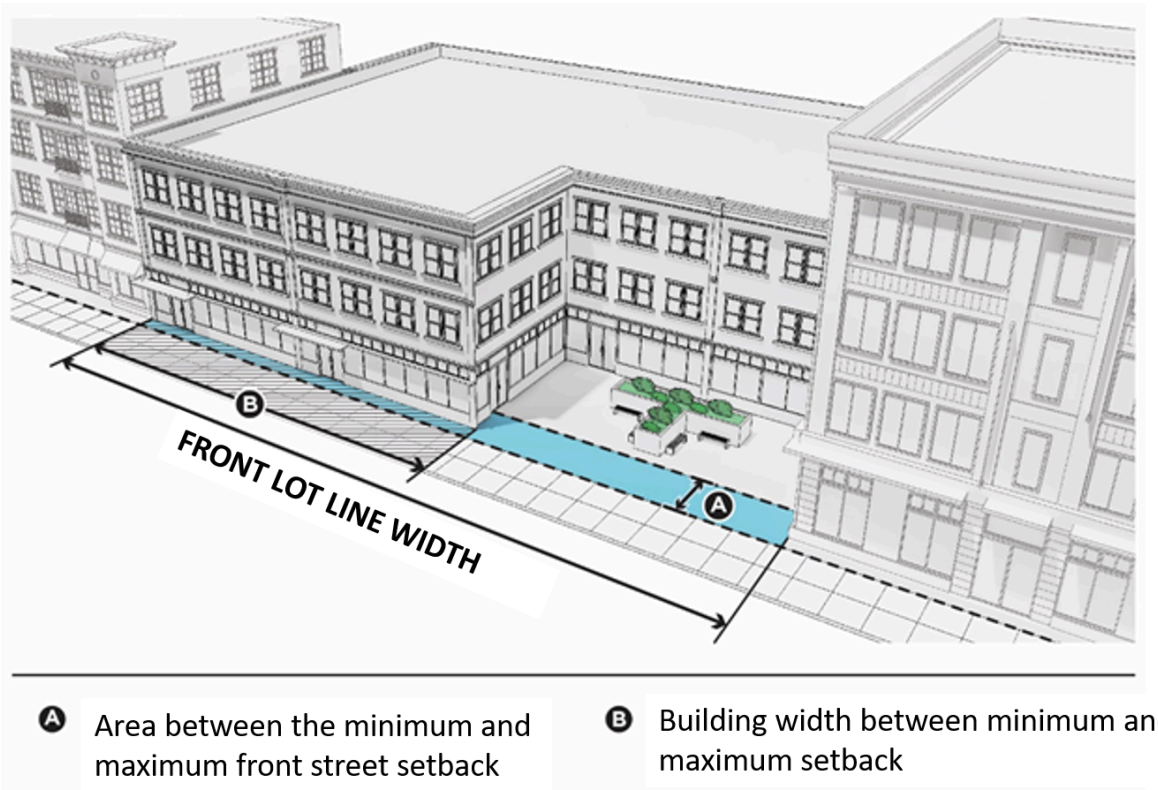
1. The horizontal square footage is measured from the outside face of all exterior walls.
2. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures are included as gross floor area wherever at least seven feet of clearance is provided between the finished floor and the ceiling.

Figure 09.28.1-4, *Gross Floor Area*



E. **Building Width/Street Frontage**. As illustrated in Figure 09.28.1-5, *Building Width (Street Frontage) Calculation*, below, building width means the widest measurement of the building ("B" in the diagram below) that is within the minimum and maximum front or side street setbacks ("A" in the diagram below), as measured parallel to the specified lot line, represented as a percentage of the total width of the parallel lot line.

Figure 09.28.1-5, *Building Width (Street Frontage) Calculation*



(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 09.28.2 Identifying the Context and Calculating Context Average

A. **Identifying the Context**. Where this NDC permits, requires, limits, or prohibits certain elements and dimensions based on the presence or dimensions of similar elements in a given project site's context (for example, the minimum lot area for an Apartment building type is lesser of (1) 10,000 sq. ft. or (2) the lot area of smallest similarly-developed lot within the context), the context shall be defined through the steps in Table 09.28.2, *Context Identification Process*, and the provisions below. Lots are classified per Sec. 09.28.4, *Lots and Lot Lines,* and are depicted in Figure 09.28.2, *Context Illustrations*, below.

Table 09.28.2, Context Identification Process

Step 1:	Step 2:	Step 3:	Step 4:
Identify the type of lot.	Identify context type and developed properties.	Calculate the average.[1, 2]	Compare with applicable tables.[3]

TABLE NOTES

[1] Measurements are based on information provided by LINK-GIS as accessed through https://linkgis.org/ (or as amended).

[2] Outliers are generally any measurements great than 1.5 times the median measurement. Such outliers are not included in the average calculation.

[3] Context averages establish permitted dimensions per certain sections of this NDC including Sec. 04.09.2, *Dimensional and Lot Formula Tables*, and Sec. 04.10.2, *Building Placement and Massing Table*.

B. **Calculating Context Average.** Where (1) a context type is unclear, or where (2) a dimension of a development within a context is an outlier (skewing the average measurement by being greater than 1.5 times the median measurement), the Administrator may determine the type and extent of the context and exclude outliers based on, as applicable:

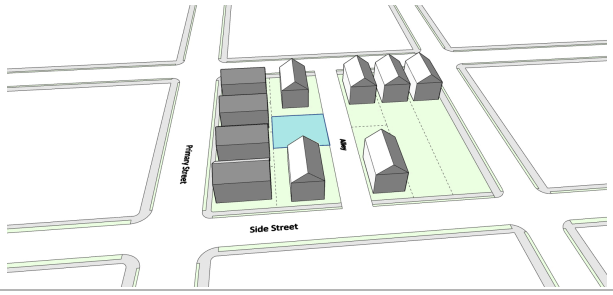
1. The size of a block or block face (to avoid including the extents of an atypically large block - particularly where such portions are out of view of a given project site); and, or
2. The proportion of a particular measurement as a ratio of a total measurement, such as (1) a ratio of total lot width or (2) a ratio of total lot depth; and, or
3. The prevailing orientation of lots or developments within a block or block face; and, or
4. The prevailing type of development within a block or block face (to avoid incorporating lots that were developed in a demonstrably different manner - such as a strip mall with a parking frontage in the same block as small-scale dwellings built close to the street).

C. **Context Types based on Lot Type**

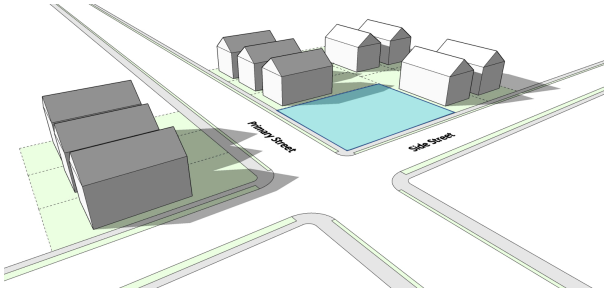
1. **Alley Lot**. If the given project site is an alley lot, then the context shall be defined as other adjacent alley lots and the surrounding lots within the encapsulating block which includes the given project site.
2. **Corner Lot**. If the given project site is a corner lot that is included in two different block faces, then the context shall be defined as both block faces.
3. **Interior/Mid-block Lot**. If the given project site is an interior lot within a block face, then the context shall be defined as the block face which includes the given project site.
4. **Lots in Unimproved Block Face**. If the given project site is within a block face that does not include other lots improved with buildings, then the context shall be defined as the opposing block face (being immediately opposite the same street as the project site) and the remaining block which includes the given project site.
5. **Lots in Unimproved Block**. If the given project site is within a block that does not include other lots improved with buildings, and the block face opposite the given project site does not include other lots improved with buildings, then the context shall be expanded to include the block faces surrounding the block which includes the given project site.

Figure 09.28.2, Context Illustrations

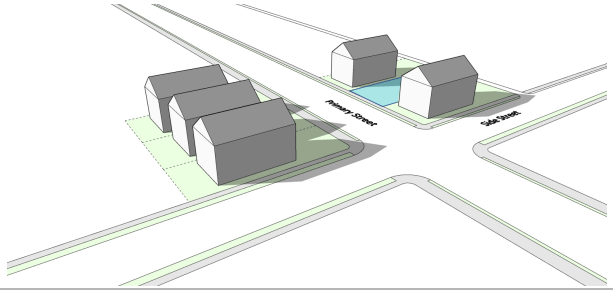
Alley Lot	Corner Lot

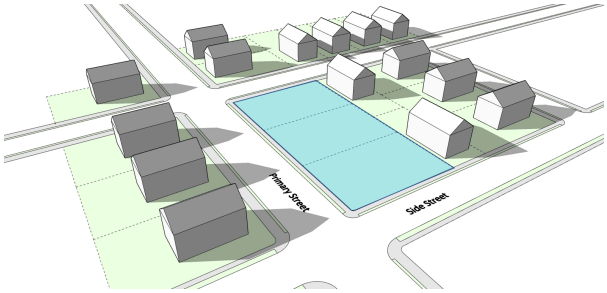


Interior/Mid-Block Lot

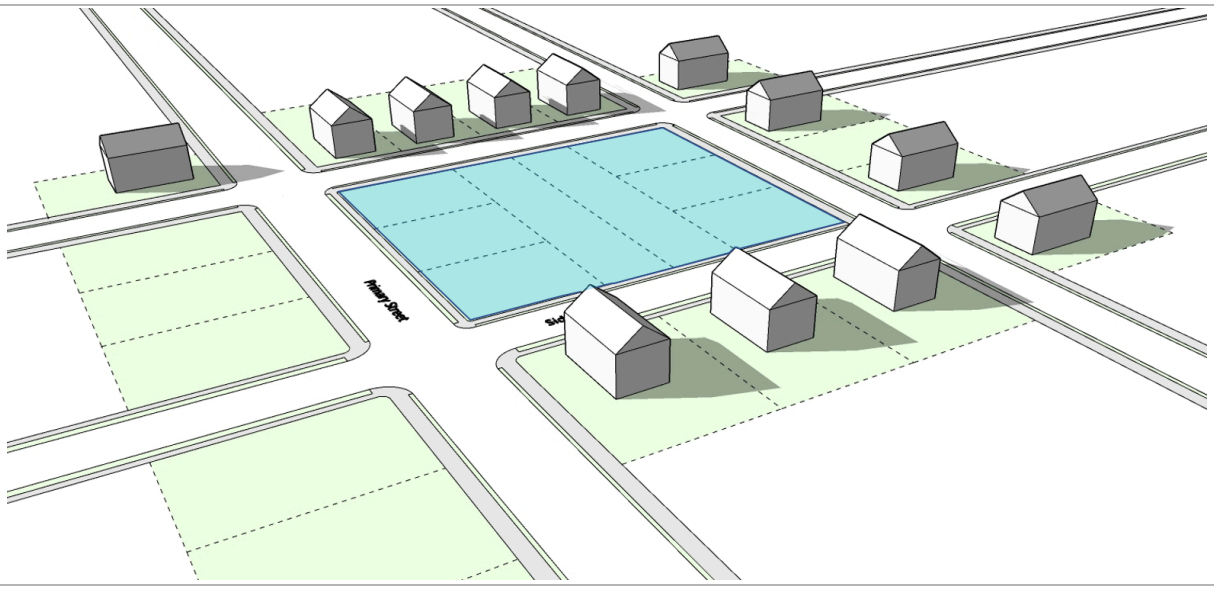


Lots in Unimproved Block Face





Lots in Unimproved Block



(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 09.28.3 Setbacks and Yard Types

A. **Setbacks**. Setbacks and yards are the minimum or maximum horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The street and rear setback lines span the entire width of the property. The interior side and side street setback lines extend from the required front setback line to the required rear setback line, as depicted in Figure 09.28.3, *Setbacks and Yards*.

1. *Interior Side Setback Calculation*. Interior side setbacks are calculated by averaging the smallest interior setbacks provided on each lot in a given context that is similarly developed.
2. *Accessory Structure Setback*. The calculation for the minimum setback(s) for an accessory structure shall be based on other accessory structures within the project's context.

B. **Yard Types**. For definitions of the following lot line types, see Sec. 09.27.3, *Definitions*.

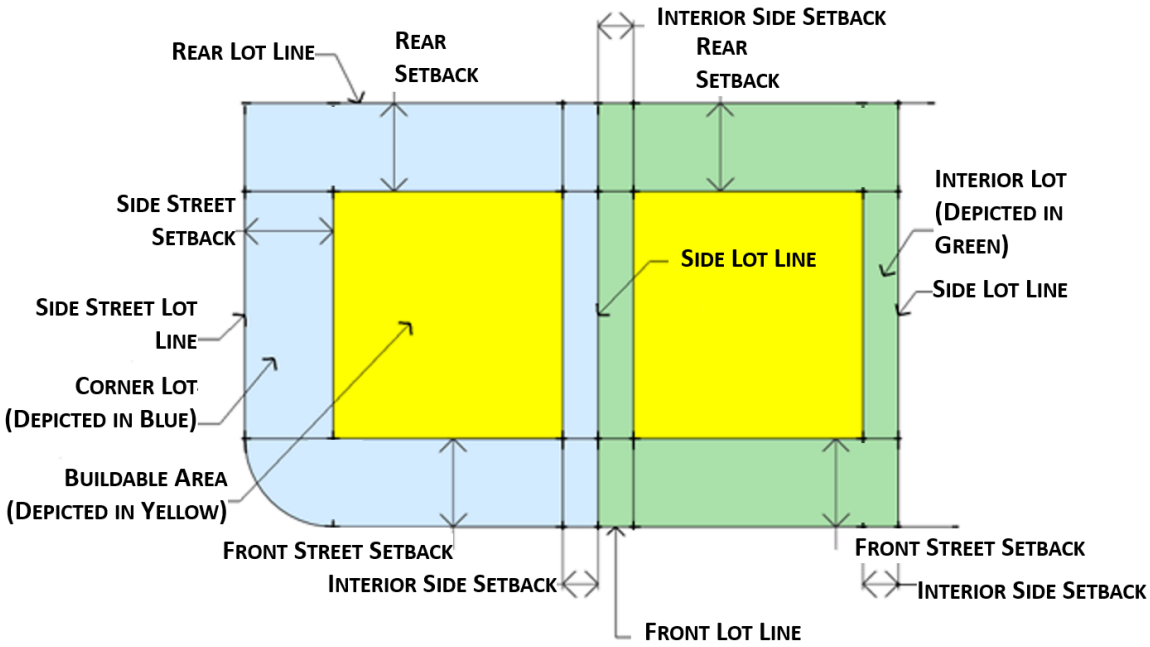
1. Front Street Setback / Yard;

2. Side Street Setback / Yard;
3. Interior Side Setback / Yard; and
4. Rear Setback / Yard.

C. **Vacant Properties**. Refer to Sec. 09.28.2, *Identifying the Context,* for determining the setbacks or yards that apply to vacant properties.

D. **Encroachments**. Certain types of structures and certain elements of structures are permitted to encroach into required setbacks or specified yards per Sec. 04.10.3, *Permitted Setback and Height Encroachments*.

Figure 09.28.3, *Setbacks and Yards*



(Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

Sec. 09.28.4 Lots and Lot Lines

A. **Generally**. Figure 09.28.4-1, *Lot Types*, Figure 09.28.4-2, *Corner Lot on Curved Street*, and Figure 09.28.4-3, *Lot Coverage Sample Calculation*, are illustrative of the following terms.

B. **Measurements**.

1. *Lot Area*. Lot area includes the total land area contained in the property lines of a lot.
2. *Lot Width*. The distance between side property lines at the point of the required front setback/build-to.

C. **Lot Types.** The following lot types are depicted in Figure 09.28.4-1, *Lot Types*.

1. *Alley Lot*. A lot abutting an alley right-of-way and that does not abut any other street at any point.
2. *Corner Lot*. A lot abutting two streets at their intersection. A street that curves at an angle of less than 135 degrees, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot, as depicted in Figure 09.28.4-2, *Corner Lot on Curved Street*.
3. *Double-frontage Lot*. An interior lot that fronts on two streets that do not intersect at the boundaries of such a lot. Also called a “through lot.”
4. *Flag Lot*. A lot that is characterized by a strip of land, not less than 30 feet in width, that provides access to the main portion of the lot. The main portion is the “flag”. The strip of land providing access/frontage is the “pole” of the flag lot.
5. *Interior Lot*. A lot whose side lot lines abut alley rights-of-way or other lots instead of non-alley public or private rights-of-way.

6. *Triple- / Multi-frontage Lot*. A lot abutting more than two non-alley street rights-of-way.

D. **Lot Line Types.** For definitions of the following lot line types, see Sec. 09.27.3, *Definitions*.

1. Front Lot Line;
2. Side Street Lot Line;
3. Side Lot Line; and
4. Rear Lot Line.

E. **Lot Coverage Calculation Method**. The percentage of a property, as depicted in Figure 09.28.4-3, *Lot Coverage Sample Calculation*, that may be covered with impervious surfaces (surfaces that do not absorb water), including, but not limited to, principal and accessory structures, in-ground pools or other water features with paved floors, and impervious parking, driveways, and walkways.

Figure 09.28.4-1, *Lot Types*

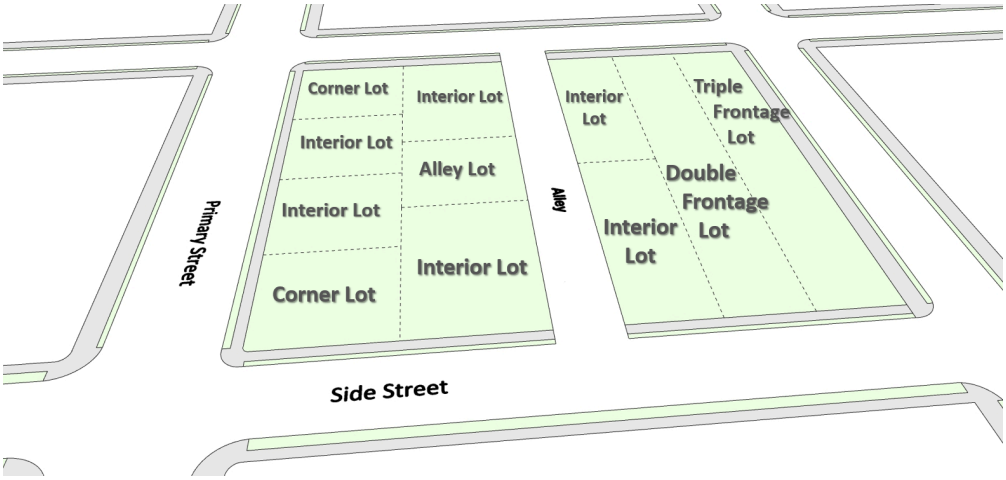
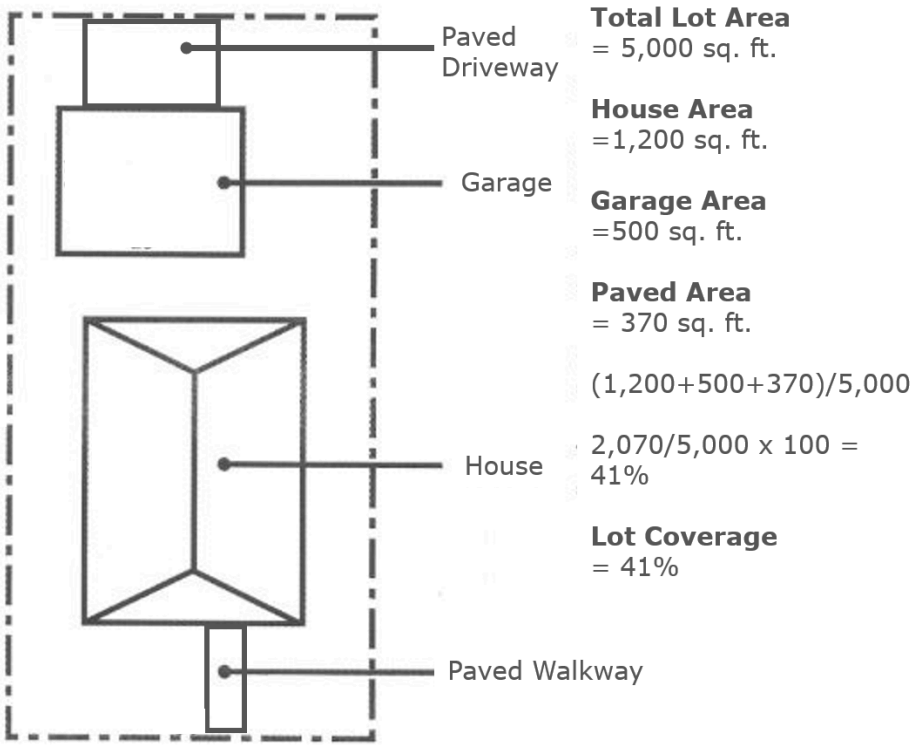


Figure 09.28.4-2, *Corner Lot on Curved Street*

Figure 09.28.4-3, *Lot Coverage Sample Calculation*



Effective on: 10/15/2020

Sec. 09.28.5 Sight Triangle

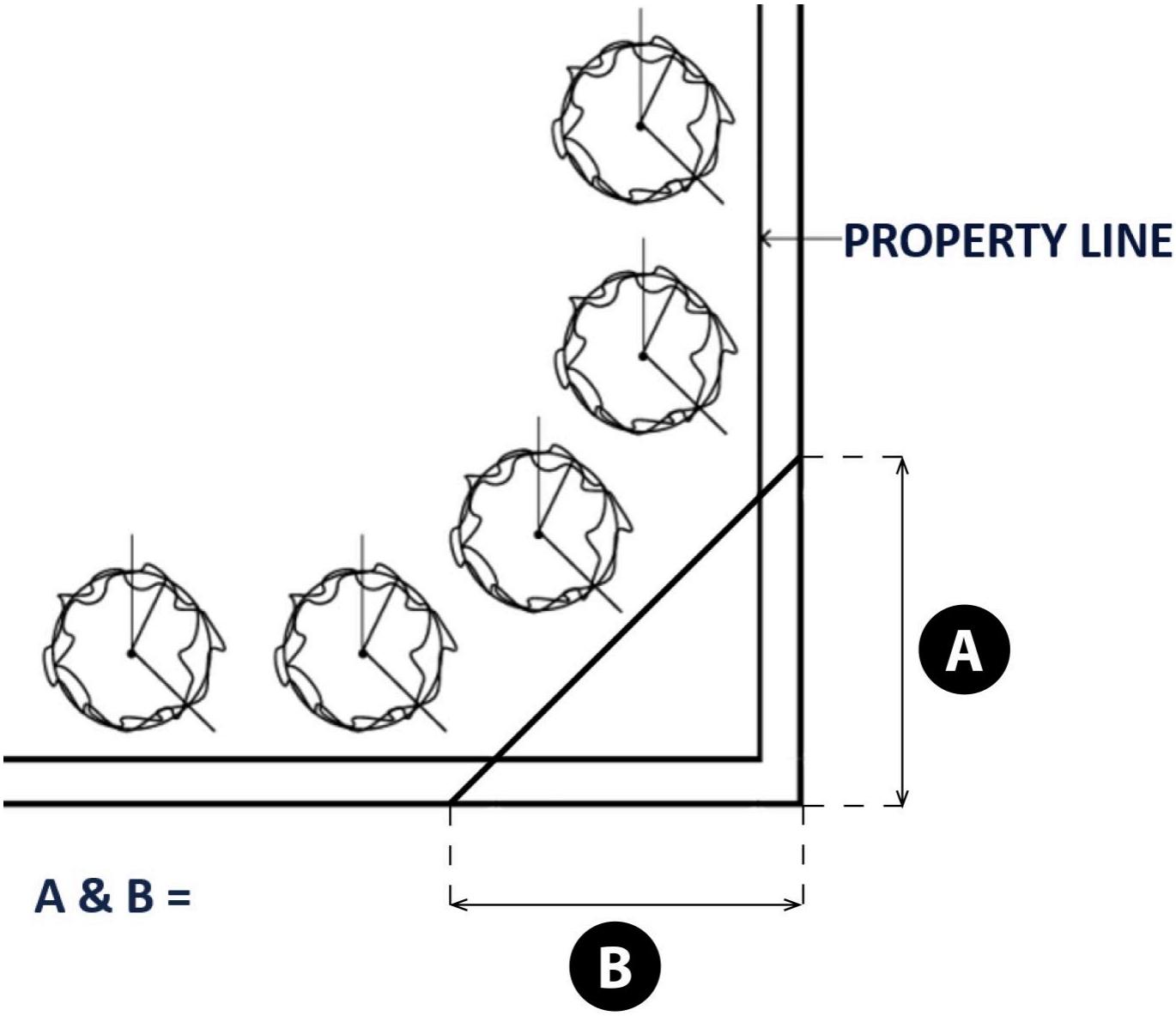
A. **Generally**. A sight triangle is the triangular area bounded as follows, and as illustrated in Figure 09.28.5, *Sight Triangle*:

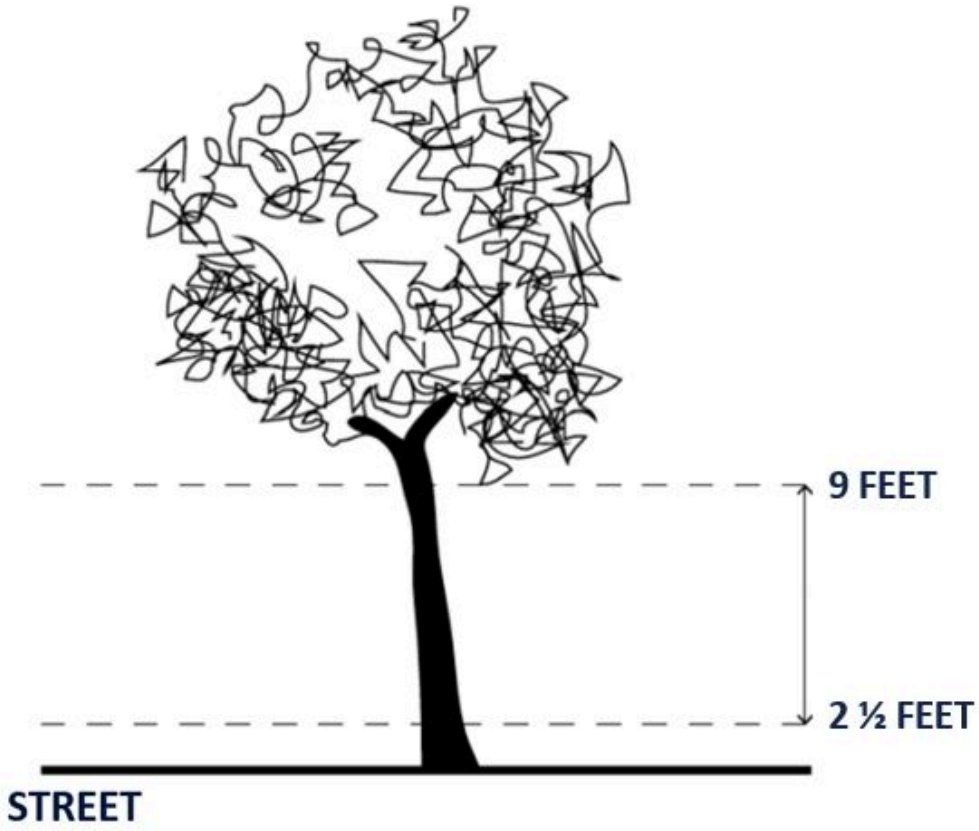
B. **Horizontal Dimensions**.

1. *Streets and Alleys*. A triangular area measured at a point beginning at the intersection of the two outer edges of paved vehicular roadways (including alleys), extending per the specified distances below, and with a line connecting the end points of those two lines:
   a. 30 feet along non-alley roadway edges for residential character districts;
   b. 15 feet along non-alley roadway edges for nonresidential or mixed-use character districts; and/or
   c. 10 feet along alley roadway or private drive edges where intersecting with a sidewalk or street.
2. *Streets and Railroads*. A triangular area measured at a point beginning at the intersection of the outer edge of a paved vehicular roadway and the edge of a railroad a distance of 30 feet along the roadway and the railroad, with a line connecting the ends of those two points.

C. **Vertical Dimensions**. The vertical dimensions of this triangle are two and one-half feet to nine feet above finished grade.

Figure 09.28.5, *Sight Triangle*


PROPERTY LINE
A
A & B =
B

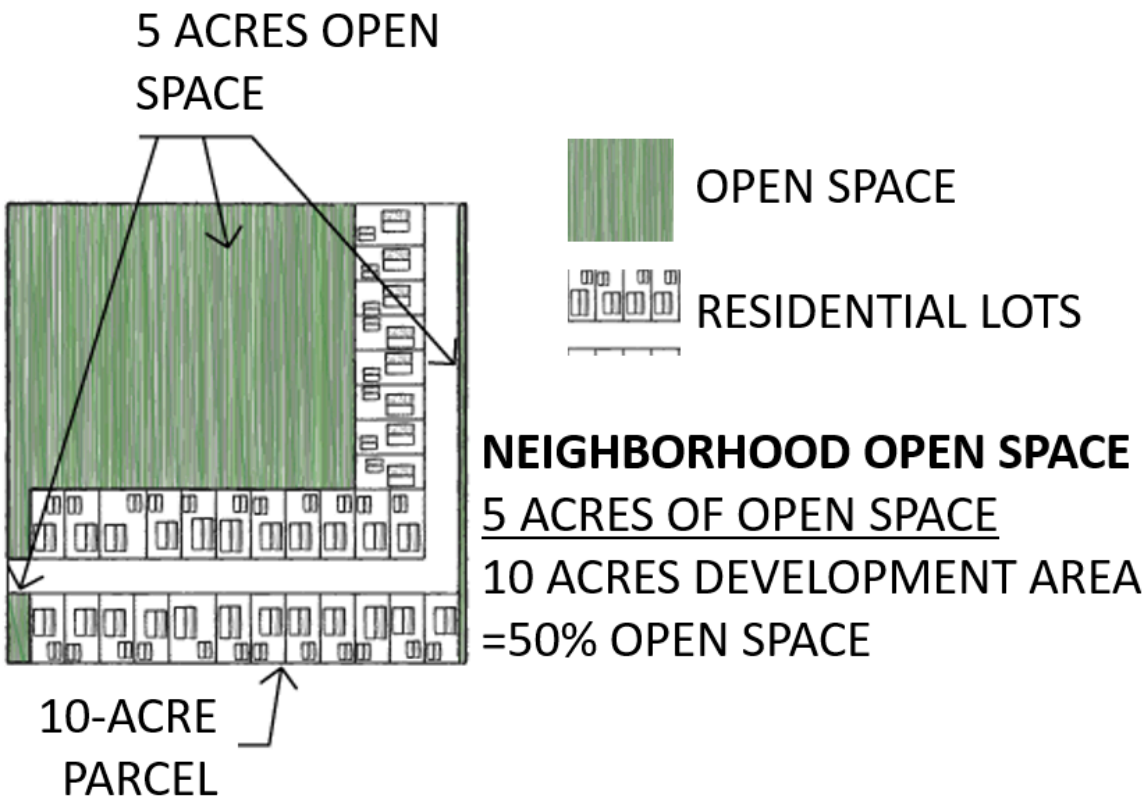


Effective on: 10/15/2020

Sec. 09.28.6 Neighborhood Open Space

Required neighborhood open space is calculated as the area of required common or public open space in a subdivision, outside of the lots platted for development, divided by the subdivision area, as depicted in Figure 09.28.6-1, *Neighborhood Open Space*.

Figure 09.28.6-1, Neighborhood Open Space



Effective on: 10/15/2020

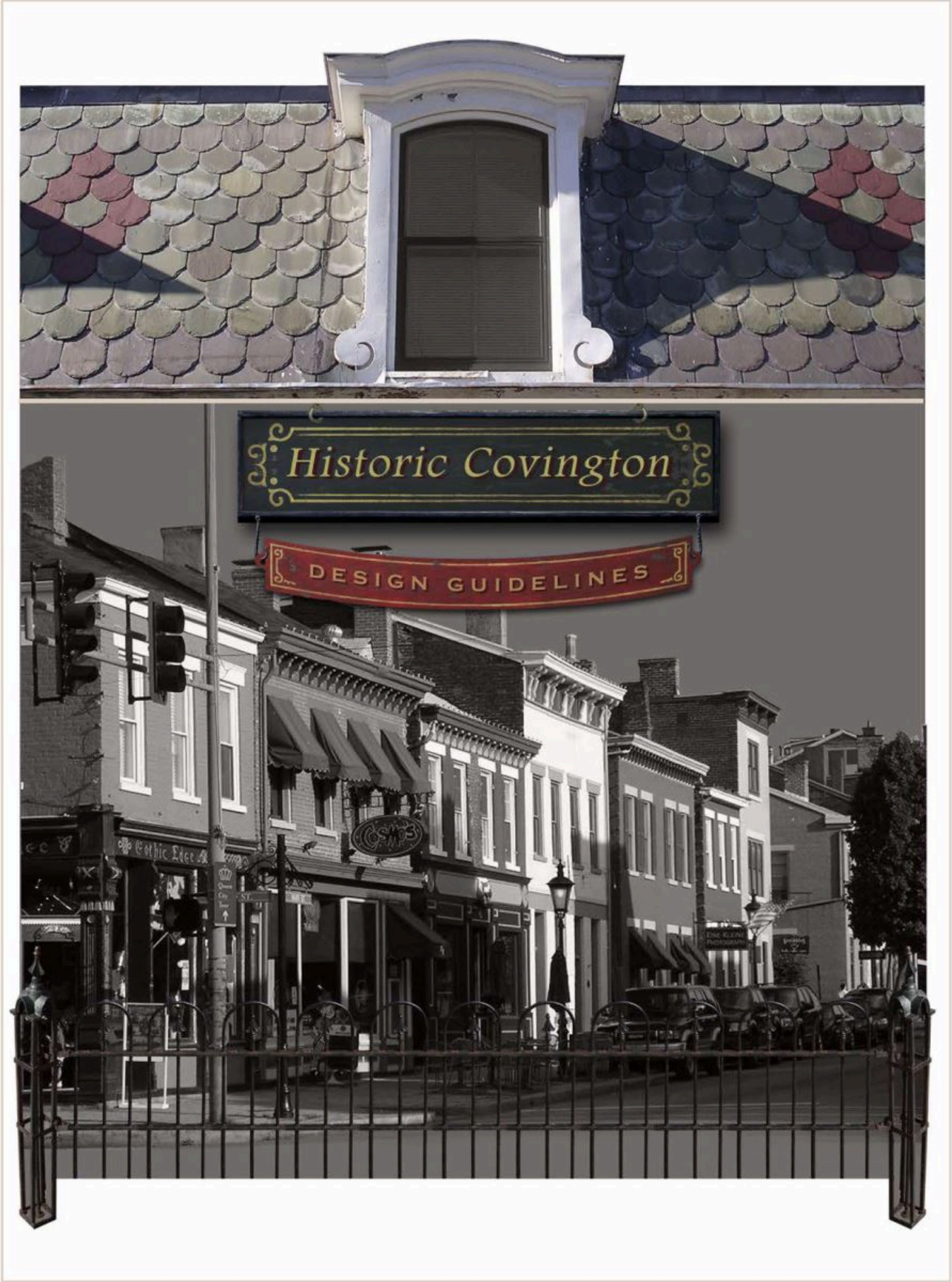
Sec. 09.28.8 Distance Between Uses and Buildings

Measurement Method. Where this section requires that one use be separated from another use, measurements shall 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 shall 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 shall 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 shall be made by the shortest distance between the two properties and/or spaces.

Effective on: 10/15/2020

APPENDIX A - HISTORIC COVINGTON DESIGN GUIDELINES

The Historic Covington Design Guidelines are adopted as Chapter 159.01 of the Covington Code of Ordinances. In case of discrepancy, the current adopted Historic Covington Design Guidelines shall govern.



Click on the image above to view Appendix A - Historic Covington Design Guidelines.

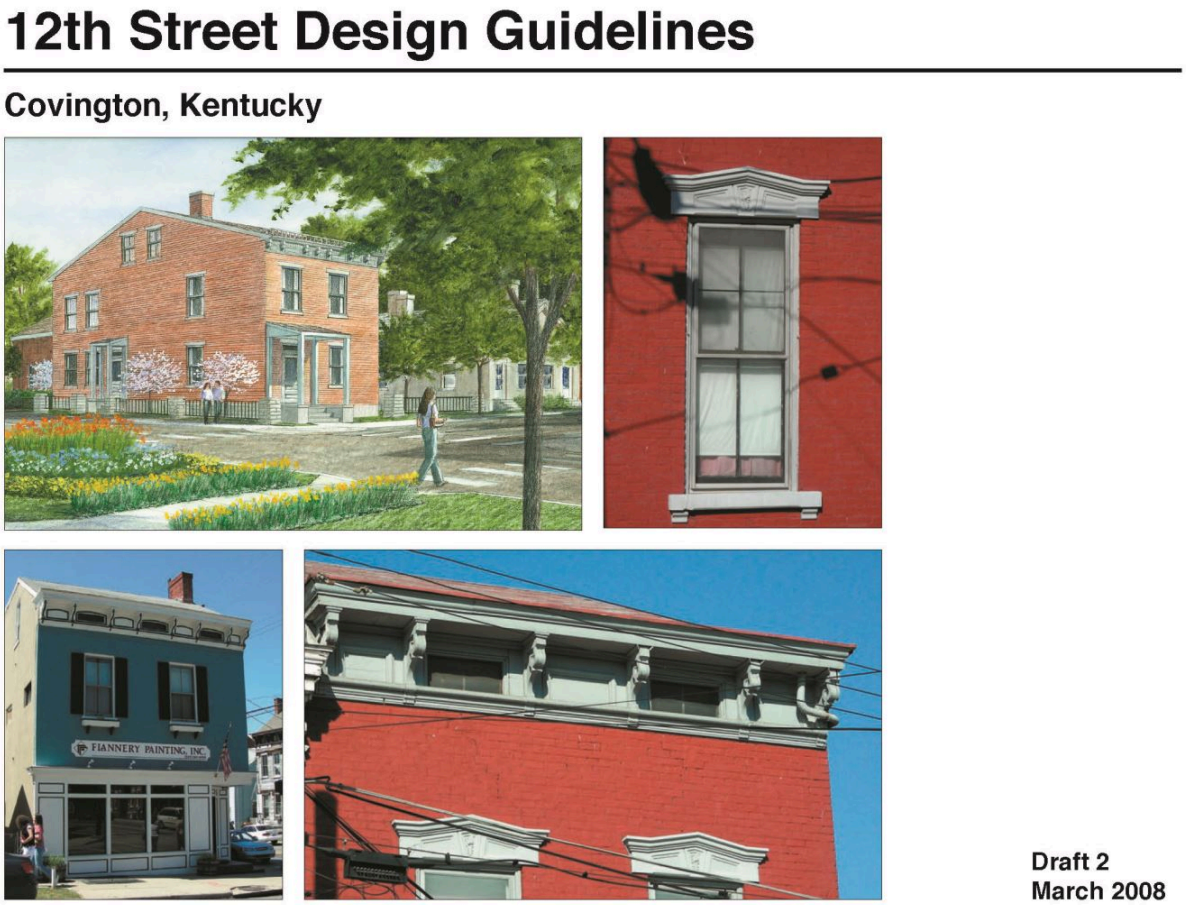
Historic Covington Design Guidelines (Entire Document)

- **1.0 Introduction**
  - 1.1 Covington Historic Preservation Overlays (HPOs)
  - 1.2 Board of Architectural Review and Development (BOARD)
  - 1.3 The Design Review Process/COA
  - 1.4 The Secretary of the Interior's Standards for Rehabilitation
  - 1.5 Alternative Materials
- **2.0 Changes to the Building Exterior**
  - 2.1 Masonry
  - 2.2 Tuckpointing Masonry
  - 2.3 Wood and Siding
  - 2.4 Painting
  - 2.5 Roofs, Gutters, and Downspouts
  - 2.6 Windows, Storm Windows, and Shutters
  - 2.7 Doors
  - 2.8 Porches, Entrances, and Decks
  - 2.9 Architectural Metals
  - 2.10 Commercial Storefronts and Facades
  - 2.11 Rear and Secondary Entrances
  - 2.12 Awnings
  - 2.13 Utilities and Energy Retrofit
  - 2.14 Accessibility and Safety
  - 2.15 Garages, Sheds, and Ancillary Features
- **3.0 Site and Setting**
  - 3.1 Public Streetscape and Open Space
  - 3.2 Site Features and Ground Surfaces
  - 3.3 Walls and Fences
  - 3.4 Driveways and Parking Areas
  - 3.5 Lighting
  - 3.6 Signs
- **4.0 New Construction**
  - 4.1 Additions and Decks
  - 4.2 Infill Construction
- **5.0 Demolition and Relocation**
  - 5.1 Demolition
  - 5.2 Relocation
- **6.0 Appendices**
  - 6.1 Architectural Terms
  - 6.2 Resources for Technical Information
  - 6.3 Architectural Styles in Covington
  - 6.4 HPO Descriptions and Maps
  - 6.5 Bibliography and Resources

(Ord. No. O-04-21, 03/09/2021; Ord. No. O-13-21, 09/28/2021)

Effective on: 10/6/2021

APPENDIX B - 12TH STREET DESIGN GUIDELINES



Click on the image above to view Appendix B - 12th Street Design Guidelines.

[Note: This appendix will contain the existing 12th Street Guidelines, adopted apart from this NDC]

Effective on: 10/15/2020

AMENDMENT HISTORY TABLE

From October 2020 through current.

Ordinance Number	Effective Date	Sections Effected	Notes
O-22-20	10/15/2020	Neighborhood Development Code	Neighborhood Development Code is hereby adopted by the Board of Commissioners of the City of Covington, Kentucky
O-04-21	03/09/2021	Appendix A	An Ordinance enacting a new chapter of the Covington Code of Ordinances titled Historic Covington Design Guidelines

Ordinance Number	Effective Date	Sections Effected	Notes
O-13-21	10/06/2021	02.04.1.A, 02.04.1.B, 02.04.1.C, 02.04.2.A, 02.04.2.B, 02.04.3.A, 02.04.3.B, 02.04.3.C, 02.04.3.D, 02.04.3.E, 02.04.3.F, 02.04.4.A, 02.04.4.B, 02.04.4.C, 02.04.5.A, 02.04.5.B, 02.05.3, 03.06.1, 03.07.1, 03.07.2, 03.07.3, 03.07.4, 03.07.5, 03.07.6, 03.07.7, 03.07.8, 04.08.2, 04.08.3.A, 04.08.3.B, 04.08.3.H, 04.08.4, 04.08.5, 04.08.6.A, 04.08.6.F, 04.08.6.G, 04.08.6.H, 04.08.6.I, 04.08.7.A, 04.08.7.G, 04.10.2, 04.10.3, 04.10.4, 04.11.1, 04.11.2, 04.11.3, 04.11.4.B, 04.11.4.C, 04.11.4.D, 04.11.4.E, 04.12.1, 04.12.4, 04.12.5, 04.12.6, 04.13.1, 04.13.3, 04.13.4, 05.15.2, 06.19.3, 06.19.7, 07.20.2, 07.20.8, 07.21.3, 07.21.8, 07.21.9, 07.22.1, 07.22.2, 07.23.2, 07.23.4, 07.23.6, Sec. 09.27.1, 09.28.1, 09.28.2, 09.28.3, Appendix A	An ordinance amending the text of the Covington Neighborhood Development Code, Chapter 158 of the Covington Code of Ordinances, based upon the recommendation of the Kenton County Planning Commission.
O-09-22	04/18/2022	02.04.3.B	An ordinance amending the text of the Covington Neighborhood Development Code, Chapter 158 of the Covington Code of Ordinances, based upon the recommendation of the Kenton County Planning Commission.
O-24-22	11/29/2022	02.04.4.B	Amend "Subsection 02.04.4.B - Limited Industrial (LI)" and Section 03.06.3 "Permitted Uses by District Table" of the Neighborhood Development Code by adding Kennels as a Conditional Use in Limited Industrial Districts
O-25-22	11/29/2022	03.07.5	Amend "Subsection 03.07.5 - Commercial and Office K. Package Liquor" by removing the spacing restriction between a new package liquor store and an existing liquor store