

VILLA HILLS ZONING ORDINANCE

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ARTICLE 1 PURPOSE AND SCOPE

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1.01 Title

This Ordinance shall be known as the “Zoning Ordinance for the City of Villa Hills.” It may be referred to as the Zoning Ordinance or this Ordinance.

1.02 Authority

The City Council of Villa Hills, Kentucky, pursuant to the authority established by the Kentucky Revised Statutes (KRS 100 and KRS 151.230) hereby enacts into law the following articles and sections.

1.03 Intent and Purpose

The zoning regulations and districts established in this Ordinance have been prepared in accordance with the adopted Kenton County comprehensive plan to promote the public health, safety, morals, and general welfare of the City, to facilitate orderly and harmonious development and the visual or historical character of the City, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. This Ordinance has been prepared to facilitate fire and police protection; to prevent the overcrowding of land, occurrence of blight and congestion in the circulation of people and commodities; to protect public health and safety and prevent the loss of life, health, or property from fire, flood, or other dangers; and to protect highways and other transportation facilities, public facilities including schools and public grounds, business districts, natural resources and other specific areas of the City in need of special protection.

1.04 Jurisdiction

This Ordinance generally governs the use of land within the City limits, regulating the location, height, number of stories and size of buildings and other structures; regulating the size of yards and other open spaces and the density and distribution of population and the uses of buildings, structures and land; providing for enforcement of this Ordinance; establishing a Board of Adjustment and repealing all regulations, resolutions, orders, ordinances and codes in conflict with this Ordinance. This Ordinance applies to all private and public lands, except for those exempted by KRS 100, all uses on those lands, and all structures and buildings over which the City has jurisdiction under the laws of the state or pursuant to statutorily established powers.

1.05 Interpretation and Scope

A. Greater Restriction

The provisions of this Ordinance shall be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Wherever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Whenever the requirements within this Ordinance conflict, the most restrictive, or that imposing the higher standards shall govern.

B. Permit or License in Violation

If any permit or license is issued in violation of any provision of this Ordinance, or authorizes an act not permitted by any provision of this Ordinance, the permit or license shall be void despite the requirements or intent of any other provisions of this Ordinance or those of any other ordinance, rule, code, permit, or regulation of the City.

C. Rules for Interpreting Zone Boundaries

Rules for interpretation of zone boundaries shown on the Official Zoning Map are as follows:

1. Boundaries approximately following the rights-of-way of a street, alley, or other public way, shall be construed to follow such rights-of-way lines. When rights-of-way are officially vacated, the zones bordering the rights-of-way shall be extended out to the former centerline of vacated rights-of-way.
2. Boundaries approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries approximately following political boundary lines shall be construed as following such boundary lines.
4. Boundaries approximately following the rights-of-ways of railroad lines shall be construed as following such lines.
5. Boundaries approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries approximately following a topographic elevation, determined by the scale of the map, shall be construed as following such ground elevation lines.

1.06 Official Zoning Map

The zones are defined as shown on the map entitled “OFFICIAL ZONING MAP OF THE CITY OF VILLA HILLS, KENTUCKY” and shall remain on file in an electronic format in the offices of the Planning and Development Services of Kenton County (PDS) and be made available online in an appropriate format for reference by the general public. PDS staff shall serve as the official record holder of the Official Zoning Map for the City. However, the City has the duty to keep records and actions of their activities and provide a copy to PDS staff.

1.07 Zoning Map Rules & Interpretations

A. Changes to the Zoning Map

Where zone boundaries are amended in accordance with the provisions of this Ordinance and Kentucky Revised Statutes, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the legislative body. PDS shall be provided a signed copy of the amendment to this Ordinance, including legal description, and any approved Concept Development Plan so that the Official Zoning Map may be altered to reflect the change approved. No changes of any nature shall be made on the Official Zoning Map which do not conform with the procedures set forth in this Ordinance.

B. Interpretations

The Official Zoning Map located in the office designated by this Ordinance shall be the final authority in determining the current zoning status of land, buildings, and other structures in the City of Villa Hills, Kentucky.

1.08 Zoning of Annexed Areas

When an area is annexed into or otherwise becomes a part of the jurisdiction, the legislative body may elect to amend its comprehensive plan and zoning map prior to adoption of the ordinance of annexation or transfer consistent with the requirements set forth in KRS 100.209. If the legislative body does not elect to follow those procedures, the newly annexed or transferred territory shall remain subject to the same land use restrictions that applied to it prior to the annexation or transfer until those restrictions are changed by a zoning map amendment.

1.09 Omissions

In any case where property within the jurisdiction has not been included within a zone, either through error or omission, such property shall be officially included in the Conservation (CO) Zone until otherwise classified.

1.10 Severability

Should any article, section, subsection, sentence, clause, or phrase of this Ordinance, for any reason, be held unconstitutional or invalid, such decision or holding shall not affect the validity of the remaining portions of this Ordinance. It is the intent of the City Council of Villa Hills, Kentucky, to enact each section and portion individually, so that each section stands alone, if necessary, and remains in force regardless of the determined invalidity of any other section or provision.

1.11 Repeal of Existing Code

The pre-existing City Zoning Ordinance, as amended, is expressly repealed; provided that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, any rights acquired, or liability incurred, any permit issued, or approval granted, or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent because of references contained in the pre-existing Zoning Ordinance shall, as nearly as possible, be construed to reference this Ordinance moving forward.

1.12 Effective Date

The Ordinance shall take effect upon adoption by the City Council of Villa Hills, Kentucky.

ARTICLE 2 APPLICABILITY & CONFORMITY

Contents:

- 2.01 General Applicability**
- 2.02 Uniformity Within Districts**
- 2.03 Conformity with Other Laws**
- 2.04 Compliance Required**
- 2.05 Application of Deed Restrictions**
- 2.06 Transition Rules**
- 2.07 Nonconformities**

2.01 General Applicability

The provisions of this Ordinance apply to all buildings, uses, structures (including signs), and land as well as associated activities such as, but not limited to, grading, excavating, occupation, alterations, construction, reconstruction, removal, relocation, and enlargement unless specifically exempted from a requirement by these regulations. If a building or certificate of zoning compliance is required for any of these activities, it must be lawfully obtained prior to commencement of such activity.

2.02 Uniformity Within Districts

Within each zoning district, the regulations established by this Ordinance shall apply uniformly to each class or kind of use, structure, or land.

2.03 Conformity with Other Laws

No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, in whole or part, be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any change in use occur in any building, structure, or land, unless in conformity with local, state, and federal laws.

Nothing in this Ordinance shall require the City to check for conformity with the laws of other jurisdictions prior to issuing local approval; however, demonstration of compliance may be required as part of the permit approval process. Furthermore, lack of compliance shall be grounds for denying a permit, and failure to remain in compliance shall be deemed a violation of this Ordinance subject to the remedies and enforcement actions specified in [Article 13, Process and Procedure](#).

2.04 Compliance Required

Compliance with the requirements established by this Ordinance is required for any building, use, structure (including signs), and land as well as associated activities such as, but not limited to, grading, excavating, occupation, alterations, construction, reconstruction, removal, relocation, and enlargement. The burden of proof of compliance rests with the owner of the land, building, or structure.

2.05 Application of Deed Restrictions

This Ordinance does not affect any private agreement or condition such as a deed restriction or covenant. Unless deed restrictions, covenants, or other contracts directly involve the City as a party in interest, the City has no duty or legal right to enforce private agreements, to consider them in determining compliance with this Ordinance, or to keep records of them for any purpose not expressly stated within this Ordinance or in an approved permit. Property owners and applicants are strongly encouraged to check with the county clerk or their attorney to determine if and how any private agreements or restrictions apply to their property.

2.06 Transition Rules

A. Previously Approved Stage I/Stage II Plans

A Stage I Plan or Stage II Plan approved by the Kenton County Planning Commission, or legislative body, prior to the adoption of this Ordinance shall be deemed to be an approved Concept Development Plan (Stage I Plan) or Final Development Plan (Stage II Plan).

B. Construction in Progress

Any construction started, pursuant to an approved zoning permit, before the Effective Date of this Ordinance may be completed as permitted under that permit, even if it does not fully comply with this Ordinance. If construction is not completed under the original approved permit, or if that permit expires, then any additional or new construction must meet the requirements of this Ordinance.

C. Approvals Granted Before the Effective Date of this Ordinance

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

D. Applications in Progress Before the Effective Date of this Ordinance

Complete applications for map amendment, text amendment, development plans, building permits, variances, conditional-use permits, and other similar development approvals that are pending approval on the effective date of this Ordinance, must be reviewed wholly under the terms of the Ordinance in effect when the application was submitted. Any re-application for an expired approval must meet the Ordinance standards in effect at the time of re-application.

E. Transition to New Zoning Districts

On the effective date of this Ordinance, land zoned with a zoning district from the previous zoning regulations shall be translated to one of the zoning districts established in [Section 3.01, Zoning Districts Established](#) of this Ordinance.

2.07 Nonconformities

A. Generally

Any parcel of land, use, easement, structure, sign or feature lawfully existing on the date of any text change in this Ordinance, or on the date of a zoning map amendment initiated by a public body that does not conform to the requirements of the district in which it is located may be continued and maintained in accordance with the provisions of this article and other applicable provisions of this Ordinance. Nonconformities may continue as prescribed, but the provisions of this article are designed to curtail substantial investment in nonconformities and to bring about their eventual conformity or elimination.

B. Map Amendment

An applicant with property that has any nonconformity may request a zone change. If a zone change is granted, all other nonconformities, such as site and design features must be remedied to the maximum extent practicable as a condition of approval.

C. Variances, Conditional Uses, Appeals, and Changes to Nonconforming Uses

An applicant with property that has any nonconformity may request a variance, conditional use, appeal, or change from one nonconforming use to another nonconforming use in conformance with [Article 13](#), Process and Procedures. If a request is granted, all other nonconformities, such as site and design features must be remedied to the maximum extent practicable as a condition of approval.

D. Zoning Permit Required

No nonconforming structure, use, lot or feature shall be renewed, changed, or extended until a zoning permit has been issued by the Zoning Administrator in accordance with the provisions of [Article 13](#), Process and Procedure.

E. Nonconforming Lots

A legal nonconforming lot is defined in [Article 14, Definitions](#). A lot may not be reduced below the minimum lot area, unless in accordance Section [6.03, Erection of Structures Only on Lots of Record](#). A lot established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming lot and is a violation of this Ordinance. Legal nonconforming lots may continue only in accordance with the following provisions.

1. **Vacant Lots.** Vacant lots for which plats or deeds have been recorded in the office of the County Clerk for Kenton County which fail to comply with the minimum area or other dimensional requirements of the districts in which they are located may be used for any of the uses permitted, or conditionally permitted (subject to the approval of the Board of Adjustment), in the district in which it is located, provided that the development proposed on the lot is in conformance with all the other requirements of the Ordinance. If the proposed development does not conform with the dimensional requirements of the zone, then a variance request shall be submitted to the Board of Adjustment per the requirements of [Article 12, Administrative Roles and Responsibilities](#).
2. **Adjacent Nonconforming Vacant Lots.** When two or more adjacent and vacant nonconforming lots are in single ownership, and either of such lots individually has less frontage or area than the minimum requirements of the district in which they are located, these lots will be considered and treated as a single lot for the purposes of this Ordinance. The property owner may choose to re-subdivide such lots in conformity with this Ordinance to create two or more legal lots of record. Building construction which crosses a parcel line may require a parcel consolidation under the Kentucky Building Code.

F. Nonconforming Uses

A legal nonconforming use is defined in [Article 14, Definitions](#). A use established after the passage of this Ordinance which does not conform to regulations of the district in which it is located shall be considered an illegal nonconforming use and is a violation of this Ordinance. Legal nonconforming uses of land or structures may continue only in accordance with all the following provisions.

1. **Expansion Prohibited.** A nonconforming use shall not be expanded. Expansion shall include an intensification of use, a physical expansion that results in increased capacity, square footage, or activity associated with the use, increasing an accessory use, an extension of the hours of operation or number of days of activity and any similar change in activity or location.

2. **Relocation Restricted.** A nonconforming use shall not be moved from one location on a site to another location on the same site unless approved by the Board of Adjustment upon application and demonstration by the property owner that the relocation of the use will not increase the adverse impacts of such use on the public, will not adversely affect adjacent properties, and will not have the effect of making the nonconformity more permanent.
 3. **Change of Use.** Changes from one nonconforming use to another nonconforming use may be allowed by the Board of Adjustment per KRS 100.253. See Article [13.06, Non-Conforming Uses](#). Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.
 4. **Reestablishment Restricted.** A legal nonconforming use, when discontinued or abandoned, shall not be resumed if the following provisions apply:
 - a. When a nonconforming use of land ceases for a continuous period of 365 calendar days. (This applies regardless of whether the nonconforming use of land is the primary use of the property or accessory to a separate legal conforming use.)
 - b. When a nonconforming use of a building designed or arranged for that use ceases for a continuous period of 365 calendar days. (This applies regardless of whether the nonconforming use is the primary use of the property or accessory to a separate legal conforming use.)
 - c. The Board of Adjustment may grant a one-time extension for reestablishment of the nonconforming use of up to an additional 180 days (in addition to the 365 days provided for in subsection b above).
 5. **Structural Alterations Restricted.** No structural changes shall be permitted in any structure occupied by a nonconforming use except as follows:
 - a. No structural alterations or changes to the exterior of the building that would increase the nonconforming use.
 - b. Structural changes ordered by an authorized official to ensure the safety of the structure shall be permitted.
 - c. Maintenance and repairs to keep a structure in sound condition shall be permitted.
 - d. Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - e. For any existing nonconforming residential use, structures may be enlarged or altered provided no additional dwelling units are created. Any enlargement or alterations shall follow all yard requirements of the district for the use. New accessory structures may be constructed provided they meet the requirements of this Ordinance.
 - f. Expansion of a nonconforming use into portions of a structure that, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible.
- G. **Nonconforming Structures, Excluding Signs**

A legal nonconforming structure is defined in [Article 14, Definitions](#). A structure established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming structure and is a violation of this Ordinance. Legal nonconforming structures may continue only in accordance with all the following provisions.

1. **Continuation Permitted.** A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this article.
2. **Repair and Maintenance Permitted.** Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.
3. **Certain Enlargements Permitted.** In any zone, any detached single-family residential dwelling that has a nonconforming front or side yard setback may construct a horizontal or vertical addition that may likewise extend into the required front or side yard, as long as it is set back the same distance from the lot line as the existing nonconforming setback. Board of Adjustment approval is required for any case that has a front yard depth less than the minimum front yard depth within the zone and a side yard less than five feet, even if a proposed addition is not extending further into those yards.
4. **Changes for Conversion Permitted.** Structural changes necessary to convert an associated nonconforming use to a conforming use shall be permitted provided such changes do not increase the structural nonconformity.
5. **Movement Restricted.** A nonconforming structure shall not be moved unless afterward it conforms to the standards of the zoning district in which it is located.
6. **Repair and Restoration Restricted.** A nonconforming structure destroyed or damaged may be repaired or restored if all the following occur.
 - a. The type of structure conforms to the standards of the regulations for the zoning district in which it is located; however, if the structure is used for the same purpose as before the destruction, the new structure may be rebuilt using the same materials.
 - b. The total amount of space devoted to a nonconforming use or the degree of nonconformity in the structure is not increased.
 - c. A building permit for the repair or restoration is issued within 365 calendar days of the date of the damage and remains valid until the repairs or restoration are complete.
7. **Replacement Restricted.** A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity, except in cases where a variance was previously granted by the Board of Adjustment.

H. **Nonconforming Signs**

A legal nonconforming sign is defined in [Article 14, Definitions](#). A sign erected or created after the passage of this Ordinance which does not conform to the regulations of the district in which it is situated shall be considered an illegal nonconforming sign and is a violation of this Ordinance. Legal nonconforming signs may continue only in accordance with all the following provisions.

1. **Continuation Permitted.** Subject to the remaining restrictions of this article, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued. However, a change of occupant, tenant, or other site-occupying entity requesting sign alterations (other than a message change outlined in subsection 5 below) shall comply with the provisions of this Ordinance.
2. **Increase in Nonconformity Prohibited.** No person may engage in any activity that causes an increase in the extent of nonconformity of a sign. Without limiting the generality of that statement, no nonconforming sign may be enlarged, reduced or altered in a way that increases the nonconformity. Illuminating a nonconforming sign is not considered an

increase in nonconformity if the type of illumination is permitted in the zone where the sign is located.

3. **Movement and Replacement Restricted.** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
4. **Reconstruction Limited.** If a nonconforming sign structure is destroyed by an Act of God (e.g. wind, flood, fire), it may not after that be repaired, reconstructed, or replaced except in conformity with all the provisions of this article. The remnants of the former sign structure shall be cleared from the land. For purposes of this article, a nonconforming sign is “destroyed” if damaged to the extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign before damage.
5. **Message Change Permitted.** The message of a nonconforming sign may be changed for the occupant, tenant or other site-occupying entity as of the adoption date of this Ordinance so long as this does not create any new nonconformities.
6. **Repair Limited.** Subject to the other provisions of this article, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed 50 percent of the cost of a comparable new sign. It is the burden of the sign owner to present price quotes and prove comparability whenever the Zoning Administrator requires proof of value.
7. **Abandonment.** A nonconforming sign or sign frame shall be deemed abandoned after a continuous period of 365 calendar days if any of the following criteria apply.
 - a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted.
 - b. The advertising message it displays becomes illegible in whole or substantial part.
 - c. The sign face is blank.

An abandoned sign must either be brought into compliance as a conforming sign or completely removed within 90 days of receipt of a notice of violation.

8. **Demolished Buildings.** When a permit is issued for demolition or removal of a building or structure, any nonconforming signs and their supporting structures shall be removed concurrently with the removal of the buildings and structures.
9. **Removal Required.** Any existing nonconforming sign must be removed before a building permit or certificate of occupancy will be issued for a development on any undeveloped parcel.
10. **Iconic/Historic Signs.** Nonconforming signs that have been designated by the legislative body to be an iconic/historic sign may be repaired or replaced to the extent required to maintain the historic and/or cultural importance, and shall be subject to approval by a urban design review board if applicable.

I. **Nonconforming Site and Design Features**

A legal nonconforming site or design feature is defined in [Article 14, Definitions](#). Nonconforming features covered by this section include only those features not otherwise addressed as a nonconforming lot or structure addressed elsewhere in this section, and include but may not be limited to physical characteristics of development that exceed allowable maximum standards (e.g. impervious surface, number of accessory buildings, etc.), and those that lack or fall short of required minimum standards (e.g. sight triangles, off-street parking and loading spaces, buffer width, landscaping, lighting standards, etc.). A feature added or changed after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming feature and is a violation of this Ordinance. Legal nonconforming features may be continued subject to the following limitations.

1. **Increase in Nonconformity Prohibited.** No action shall be taken which increases the degree or extent of the nonconformity. Any enlargement, reduction, extension, of any site or design features shall conform to all current requirements of this article.
2. **Continuation Permitted.** For development existing (or for which a vested right has been established) before the effective date of current regulations, nonconforming features created by a change in regulations may continue to exist, and structures with such nonconforming features may be reconstructed if they meet the requirements of Section 2.07, G., Nonconforming Structures Excluding Signs.
3. **Additional Criteria.** Additional criteria governing when design features must be brought into compliance are listed in [Article 7, Development Standards](#) by design feature (e.g. landscaping, lighting, fencing, etc.) or [Article 10, Parking & Loading Standards](#).

J. **Continuance of Nonconforming Accessory Uses and Structures**

1. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless the accessory use or accessory structure is made to conform to the standards for the zoning district in which it is located, except as stated in item 2.07, J., 2. below.
2. If a building permit for reconstruction of the principal structure is obtained in accordance with 2.07, G., 6. above, the associated accessory structures and uses may remain.

K. **Changes of Tenancy and Ownership**

There may be a change in tenancy or ownership of an existing nonconforming use or structure provided there is no change in the nature or character of such nonconforming use or structure except as permitted in this Article.

ARTICLE 3 ZONING DISTRICTS

Contents:

- 3.01 Zoning Districts Established
- 3.02 Standard Districts in General
- 3.03 Special Districts in General
- 3.04 Zoning Districts

3.01 Zoning Districts Established

The City of Villa Hills, Kentucky is hereby divided into the following zoning districts as listed in Table 3.1 Zoning Districts Established. These districts are categorized into two major classes of districts, standard districts and special districts.

3.02 Standard Districts in General

Standard districts are divided into one of the following categories: Residential Districts, Commercial Districts, Employment Districts, or Other Districts. Each standard district serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A standard district may be layered with an overlay district.

3.03 Special Districts in General

Special districts are a type of district established to implement adopted plans such as the Comprehensive Plan, area plans, and corridor plans, or detailed site plans approved as part of the rezoning process. The regulations contained within this Article for such districts are provided as a framework for review and approval. A significant part of the detail for each district is contained within an adopted plan and must be reflected in proposed district site plans and documentation.

Overlay districts are a type of special district established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying standard district, to prohibit uses allowed in the underlying standard district, or to establish special development requirements for uses permitted in the standard district. Thus, where overlay districts exist and there is a conflict between the requirements or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district.

3.04 Zoning Districts

TABLE 3.1 ZONING DISTRICTS ESTABLISHED

TABLE 3.1 ZONING DISTRICTS ESTABLISHED	
STANDARD DISTRICTS	SPECIAL DISTRICTS
RESIDENTIAL DISTRICTS	Riverfront Development (RD)
Residential Rural Estate (R-RE)	Planned Unit Development (PUD)
Residential Large Lot Subdivision (R-LLS)	
Residential Conventional Subdivision (R-CVS)	
Residential Compact Subdivision (R-CPS)	
Residential Multi-Family (R-MF)	
COMMERCIAL DISTRICTS	
Neighborhood Commercial (NC)	
EMPLOYMENT DISTRICTS	
Riverfront Industrial (RI)	
OTHER DISTRICTS	
Conservation (CO)	

TABLE 3.1 ZONING DISTRICTS ESTABLISHED

STANDARD DISTRICTS	SPECIAL DISTRICTS
Institutional (INST)	

3.04.A. RESIDENTIAL RURAL ESTATE (R-RE)

3.04.A. RESIDENTIAL RURAL ESTATE (R-RE)

PURPOSE

The intent of the Residential Rural Estate District is to permit rural development while protecting agriculture viability and sensitive natural features. Lot sizes may be determined by the presence or absence of municipal sewer and water service.

EXAMPLE BUILDING TYPE



INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (ac)	1.5 / 2.5 ¹
Minimum Lot Width (ft)	100
Minimum Building Footprint	1,000
Maximum Residential Density (units/ac)	1
Maximum Floor Area Ratio (FAR)	n/a
Maximum Height (ft)	35
Minimum Front Yard Depth (ft)	75 ²
Minimum Side Yard Depth (ft)	75 ³
Minimum Rear Yard Depth (ft)	50

EXAMPLE LOT PATTERN



CROSS REFERENCES

Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

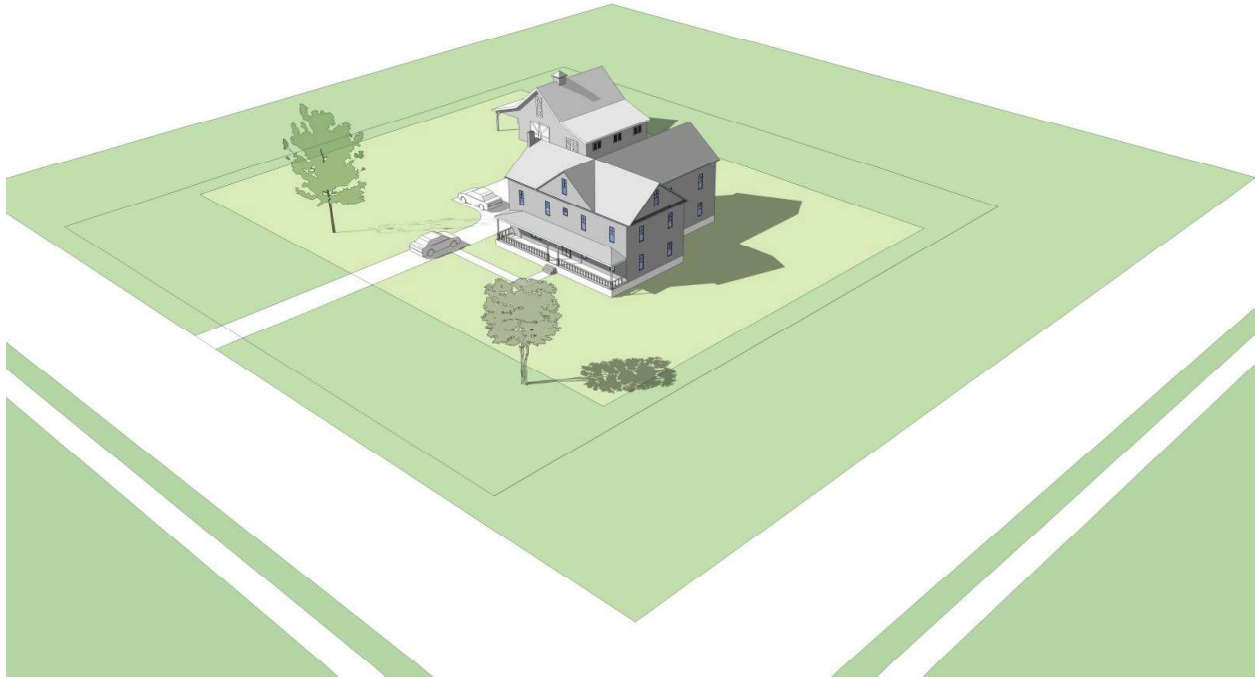
¹ With municipal sewer/Without sewer.

² See [5.04](#) regarding front yard averaging.

³ Individual side yard/Aggregate of both side yards.

EXAMPLE DEVELOPMENT CONFIGURATION

3.04.A. RESIDENTIAL RURAL ESTATE (R-RE)



3.04.B. RESIDENTIAL LARGE LOT SUBDIVISION (R-LLS)

3.04.B. RESIDENTIAL LARGE LOT SUBDIVISION (R-LLS)

PURPOSE

The intent of the Residential Large Lot Subdivision District is to establish low density, single-family residences and related uses. This district may be used to provide a transition between rural areas and more compact subdivisions. Neighborhoods should be designed around natural features to highlight existing tree stands, streams, and other amenities.

EXAMPLE BUILDING TYPE



INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (ac)	0.5
Minimum Lot Width (ft)	80
Minimum Building Footprint	850
Maximum Residential Density (units/ac)	2
Maximum Floor Area Ratio (FAR)	n/a
Maximum Height (ft)	35
Minimum Front Yard Depth (ft)	35 ¹
Minimum Side Yard Depth (ft)	7 / 20 ²
Minimum Rear Yard Depth (ft)	30

EXAMPLE LOT PATTERN



3.04.B. RESIDENTIAL LARGE LOT SUBDIVISION (R-LLS)

CROSS REFERENCES

Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

¹ See [5.04](#) regarding front yard averaging.

² Individual side yard/Aggregate of both side yards.

EXAMPLE DEVELOPMENT CONFIGURATION



3.04.C. RESIDENTIAL CONVENTIONAL SUBDIVISION (R-CVS)

3.04.C. RESIDENTIAL CONVENTIONAL SUBDIVISION (R-CVS)

PURPOSE

The intent of the Residential Conventional Subdivision District is to provide opportunities for a range of single-family lot sizes. The defined character may vary by neighborhood, but new developments should reflect the scale of adjacent neighborhoods. Conventional subdivisions should have walkable, well-connected street systems that connect to adjacent neighborhoods and destinations. Supporting non-residential uses, such as parks, schools, and places of worship, may also be appropriate.

EXAMPLE BUILDING TYPE



INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (sf)	9,000 ¹
Minimum Lot Width (ft)	70 ¹
Minimum Building Footprint	750
Maximum Residential Density (units/ac)	4.8
Maximum Floor Area Ratio (FAR)	n/a
Maximum Height (ft)	35
Minimum Front Yard Depth (ft)	30 ²
Minimum Side Yard Depth (ft)	6 / 18 ³
Minimum Rear Yard Depth (ft)	25

CROSS REFERENCES

Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

¹ For two-family, the lot size must be 1.5 times the minimum lot size, and 10 feet added to the minimum lot width.

² See [5.04](#) regarding front yard averaging.

³ Individual side yard/Aggregate of both side yards.

EXAMPLE LOT PATTERN



EXAMPLE DEVELOPMENT CONFIGURATION

3.04.C. RESIDENTIAL CONVENTIONAL SUBDIVISION (R-CVS)



3.04.D. RESIDENTIAL COMPACT SUBDIVISION (R-CPS)

3.04.D. RESIDENTIAL COMPACT SUBDIVISION (R-CPS)

PURPOSE

The Residential Compact Subdivision District is intended to accommodate single-family residential neighborhoods comprised of smaller lots. Because of the smaller lot sizes, subdivisions should contain common open space and amenities. This district may be used to provide a transition between lower density residential areas and multi-family, commercial, or central business district areas.

EXAMPLE BUILDING TYPE



INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (sf)	7,500 ¹
Minimum Lot Width (ft)	60 ¹
Minimum Building Footprint	600
Maximum Residential Density (units/ac)	7.2
Maximum Floor Area Ratio (FAR)	n/a
Maximum Height (ft)	35
Minimum Front Yard Depth (ft)	30 ²
Minimum Side Yard Depth (ft)	5 / 16 ³

EXAMPLE LOT PATTERN



3.04.D. RESIDENTIAL COMPACT SUBDIVISION (R-CPS)

Minimum Rear Yard Depth (ft)	25
CROSS REFERENCES	
Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

¹ For two-family, the lot size must be 1.5 times the minimum lot size, and 10 feet added to the minimum lot width.

² See [5.04](#) regarding front yard averaging.

³ Individual side yard/Aggregate of both side yards.

EXAMPLE DEVELOPMENT CONFIGURATION



[RESERVED]

[RESERVED]

3.04.G. RESIDENTIAL MULTI-FAMILY (R-MF)

3.04.G. RESIDENTIAL MULTI-FAMILY (R-MF)

PURPOSE

The Residential Multi-Family District is intended to provide a location for higher density apartment and condominium units. This district should be located where public services and transportation infrastructure exists to support higher density development. This district may be used to transition between lower density residential areas and commercial or central business district areas.

EXAMPLE BUILDING TYPE



INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (sf)	20,000 overall / 4,000 per unit
Minimum Lot Width (ft)	100
Maximum Residential Density (units/ac)	10
Maximum Floor Area Ratio (FAR)	n/a
Maximum Height (ft)	45
Minimum Front Yard Depth (ft)	40
Minimum Side Yard Depth (ft)	15
Minimum Rear Yard Depth (ft)	30

CROSS REFERENCES

Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

EXAMPLE LOT PATTERN



EXAMPLE DEVELOPMENT CONFIGURATION

3.04.G. RESIDENTIAL MULTI-FAMILY (R-MF)



[RESERVED]

3.04.I. [RESERVED]

3.04.J. [RESERVED]

3.04.K. NEIGHBORHOOD COMMERCIAL (NC)

3.04.K. NEIGHBORHOOD COMMERCIAL (NC)

PURPOSE

The Neighborhood Commercial District is intended to provide locations for a variety of commercial activities including convenience stores, retail shops, offices, and personal service businesses. Individual uses are typically under 20,000 square feet. This district may be distributed throughout the community at key intersections or in proximity to the neighborhoods it serves. The district should be designed to promote walkability and connectivity to adjoining districts.

EXAMPLE BUILDING TYPE



INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (ac)	10,000 sq ft
Minimum Lot Width (ft)	70
Maximum Residential Density (units/ac)	n/a

EXAMPLE LOT PATTERN



3.04.K. NEIGHBORHOOD COMMERCIAL (NC)

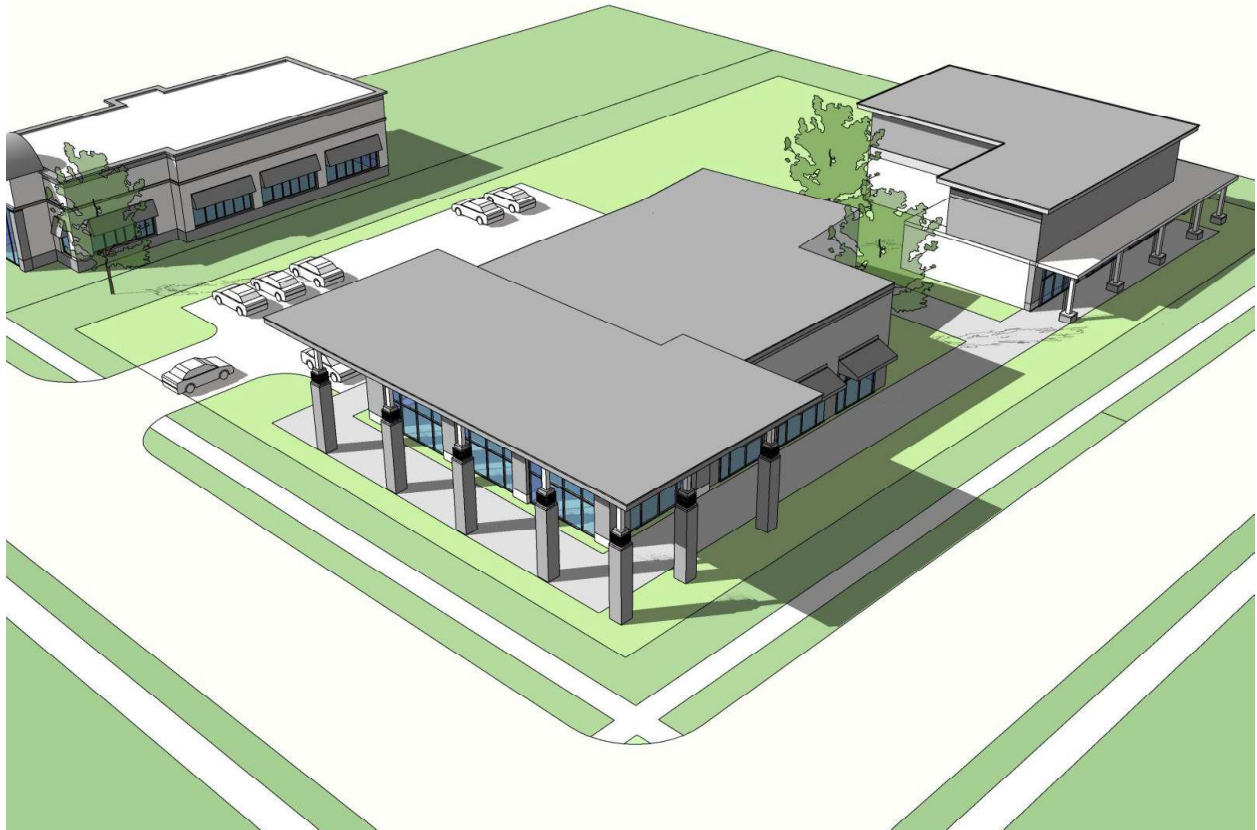
Maximum Floor Area Ratio (FAR)	1
Maximum Height (ft)	40
Minimum Front Yard Depth (ft)	50
Minimum Side Yard Depth (ft)	15
Minimum Rear Yard Depth (ft)	15

CROSS REFERENCES

Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

EXAMPLE DEVELOPMENT CONFIGURATION




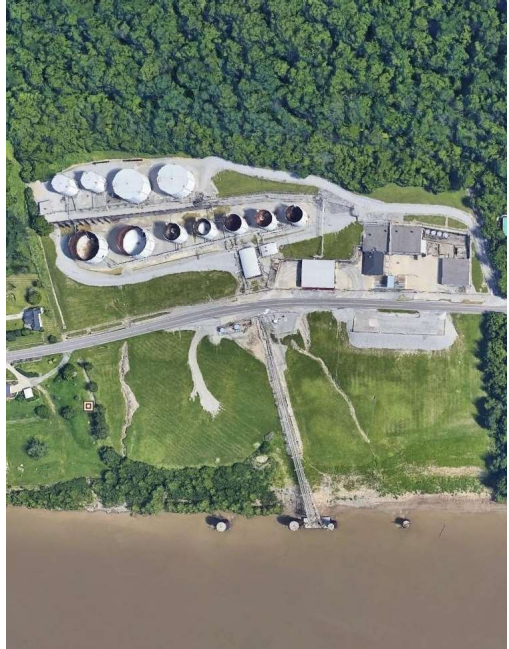
3.04.L. [RESERVED]

3.04.M [RESERVED]

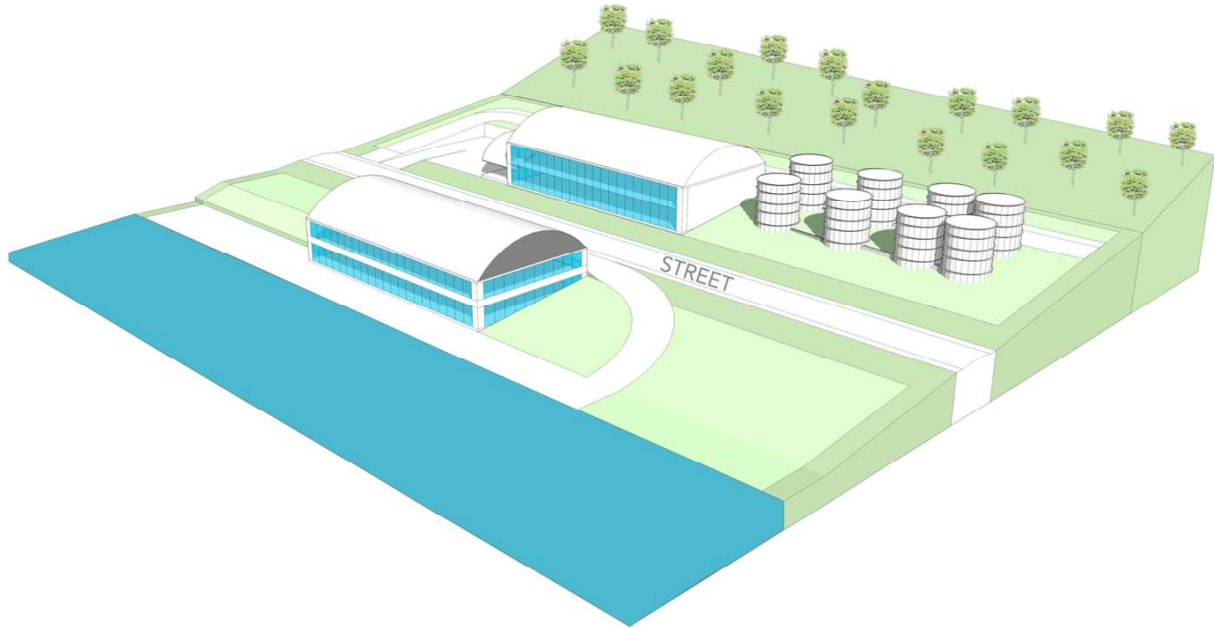
3.04.N. [RESERVED]

3.04.O. [RESERVED]

3.04.P. RIVERFRONT INDUSTRIAL (RI)

3.04.P. RIVERFRONT INDUSTRIAL (RI)	
PURPOSE	EXAMPLE BUILDING TYPE
<p>The intent of the River Industrial District is to ensure the protection of land along the riverfront needed to support heavy industrial uses that require river access. The district will maintain the economic vitality of the industrial riverfront and minimize any adverse impacts resulting from such activity on residential, park, commercial, and recreation facilities. Any industrial uses that do not require river access shall be located in another employment district.</p>	
INTENSITY AND DIMENSIONAL STANDARDS	EXAMPLE LOT PATTERN
Minimum Lot Area (ac)	0.5 acre
Minimum Lot Width (ft)	none
Maximum Residential Density (units/ac)	n/a
Maximum Floor Area Ratio (FAR)	1
Maximum Height (ft)	none
Minimum Front Yard Depth (ft)	20
Minimum Side Yard Depth (ft)	25 / 50 ¹
Minimum Rear Yard Depth (ft)	0
CROSS REFERENCES	
Permitted and Conditional Uses	
Dimensional Requirements	
Development Standards	
Natural Resource and Environmental Standards	
Parking and Loading Standards	
Signs	
NOTES	
¹ When abutting a residential district.	
EXAMPLE DEVELOPMENT CONFIGURATION	

3.04.P. RIVERFRONT INDUSTRIAL (RI)





3.04.Q. [RESERVED]

3.04.R. [RESERVED]

3.04.S. [RESERVED]

3.04.T. CONSERVATION (CO)

3.04.T. CONSERVATION (CO)	
PURPOSE	EXAMPLE BUILDING TYPE
<p>The Conservation District is intended to protect sensitive lands and unique environmental features from development; this may include flood hazard areas, wetlands, steep slopes, and public or private recreation areas. Low intensity agriculture uses, such as raising of crops, are appropriate in the Conservation District; however, more intense agriculture uses, such as animal feeding operations, agriculture processing, and on-farm sales, should not be permitted.</p>	
INTENSITY AND DIMENSIONAL STANDARDS	EXAMPLE LOT PATTERN
Minimum Lot Area (sf) n/a	
Minimum Lot Width (ft) n/a	

3.04.T. CONSERVATION (CO)

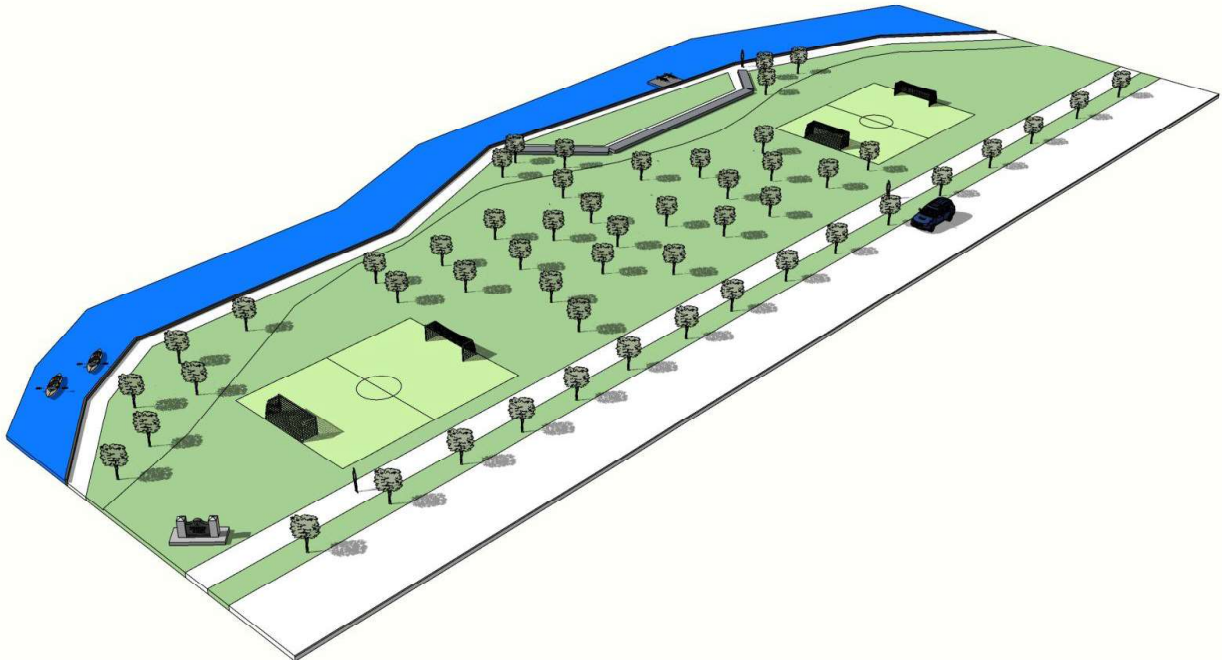
Maximum Residential Density (units/ac)	n/a
Maximum Floor Area Ratio (FAR)	n/a
Maximum Height (ft)	25
Minimum Front Yard Depth (ft)	40
Minimum Side Yard Depth (ft)	25
Minimum Rear Yard Depth (ft)	50

CROSS REFERENCES

Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

EXAMPLE DEVELOPMENT CONFIGURATION



3.04.U. INSTITUTIONAL (INST)

3.04.U. INSTITUTIONAL (INST)	
PURPOSE	EXAMPLE BUILDING TYPE
<p>The Institutional District is intended for uses which are often viewed as community anchors or assets. Uses may vary greatly in intensity and purpose, as such, it is important to ensure proper public facilities and transportation infrastructure. Typical uses may include hospital, medical facilities, places for religious worship, governmental facilities, schools, museums, and parks.</p>	
INTENSITY AND DIMENSIONAL STANDARDS	EXAMPLE LOT PATTERN
Minimum Lot Area (ac)	0.5
Minimum Lot Width	50
Maximum Residential Density (units/ac)	n/a
Maximum Floor Area Ratio (FAR)	1
Maximum Height (ft)	50
Minimum Front Yard Depth (ft)	15
Minimum Side Yard Depth (ft)	10
Minimum Rear Yard Depth (ft)	10
CROSS REFERENCES	
Permitted and Conditional Uses	
Dimensional Requirements	
Development Standards	
Natural Resource and Environmental Standards	
Parking and Loading Standards	
Signs	
NOTES	
EXAMPLE DEVELOPMENT CONFIGURATION	

3.04.U. INSTITUTIONAL (INST)



3.04.V. PLANNED UNIT DEVELOPMENT (PUD)

3.04.V. PLANNED UNIT DEVELOPMENT (PUD)

PURPOSE

The intent of the Planned Unit Development District is to provide flexibility in creating planned communities that may incorporate a range of uses, including single-family detached and/or attached dwellings, commercial, office, flex industrial, and recreation uses. PUDs should be designed to incorporate open space and a development pattern in accordance with natural features on the site. It should be used to create communities of unique character and lasting value, not to subvert the requirements of conventional zoning districts.

EXAMPLE BUILDING TYPE



INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (sf)

Minimum Lot Width (ft)

Maximum Residential Density (units/ac)

Maximum Floor Area Ratio (FAR)

Maximum Height (ft)

Minimum Front Yard Depth (ft)

Minimum Side Yard Depth (ft)

Minimum Rear Yard Depth (ft)

Based on PUD District Ordinance. See Appendix 15.04 for approved PUD plans. See 13.03 Planned Unit Development for standards and requirements of PUD District Ordinance.

EXAMPLE LOT PATTERN



CROSS REFERENCES

Permitted and Conditional Uses

[Article 4](#)

Dimensional Requirements

[Article 5](#)

3.04.V. PLANNED UNIT DEVELOPMENT (PUD)

Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES



¹ Any PUD overlay zoning approved prior to the effective date of this Ordinance, will continue to be governed by the Ordinance and Plan adopted at the time of approval.

EXAMPLE DEVELOPMENT CONFIGURATION



3.04.W. RIVERFRONT DEVELOPMENT (RD)

3.04.W. RIVERFRONT DEVELOPMENT (RD)

PURPOSE	EXAMPLE BUILDING TYPE				
<p>The Riverfront Development District is intended to recognize the intrinsic value of the Ohio River as an amenity and destination while also ensuring adjacent development does not negatively impact the river itself or views of the river from other areas of the community. The Riverfront District can accommodate a range of uses that highlight the river, including: boat harbors and marinas, hotels, parks, dwellings, small-scale commercial, institutional, and recreational activities.</p>					
INTENSITY AND DIMENSIONAL STANDARDS	EXAMPLE LOT PATTERN				
<table> <tr> <td>Minimum Lot Area (ac)</td><td>1 / 2.5¹</td></tr> <tr> <td>Minimum Lot Width (ft)</td><td>50</td></tr> </table>	Minimum Lot Area (ac)	1 / 2.5 ¹	Minimum Lot Width (ft)	50	
Minimum Lot Area (ac)	1 / 2.5 ¹				
Minimum Lot Width (ft)	50				

3.04.W. RIVERFRONT DEVELOPMENT (RD)

Maximum Residential Density (units/ac)	2
Maximum Floor Area Ratio (FAR)	n/a
Maximum Height (ft)	35
Minimum Front Yard Depth (ft)	10
Minimum Side Yard Depth (ft)	8 / 25 ²
Minimum Rear Yard Depth (ft)	0 / 40 ^{3, 4}

CROSS REFERENCES

Permitted and Conditional Uses	Article 4
Dimensional Requirements	Article 5
Development Standards	Article 7
Natural Resource and Environmental Standards	Article 8
Parking and Loading Standards	Article 10
Signs	Article 11

NOTES

¹ With municipal sewer/Without sewer.

² One side/Total

³ Abutting River/All Others

⁴ The maximum distance from the Right-of-Way where the Rear Yard must begin is 300 feet. This is meant to keep buildings closer to the road and to minimize development higher up the hillside.

EXAMPLE DEVELOPMENT CONFIGURATION



3.04.X. [RESERVED]

3.04.Y. [RESERVED]

3.04.Z. [RESERVED]

3.04.AA. [RESERVED]

3.04.BB. [RESERVED]

ARTICLE 4 USE REGULATIONS & STANDARDS

Contents:

- 4.01 Establishment of a Table of Uses**
- 4.02 Determination of Use Category**
- 4.03 Multiple Principal Uses Permitted**
- 4.04 Table of Uses**
- 4.05 Use-Specific Standards**

4.01 Establishment of a Table of Uses

The uses permitted in the zoning districts established in [Article 3, Zoning Districts](#) of this Ordinance are set forth in Section [4.04](#), Table of Uses.

4.02 Determination of Use Category

The Zoning Administrator shall make determinations as to whether any proposed use is permitted within the City of Villa Hills zoning district based on the uses listed in Section [4.04](#), Table of Uses. When it is not clear whether a proposed use is or is not permitted, the Zoning Administrator shall consult the purpose statement for each district and the latest version of the North American Industrial Classification System (NAICS) to help decide. Any use not specifically listed in Section [4.04](#), Table of Uses and any proposed use not substantially similar to a listed use as determined by the Zoning Administrator after consultation shall be deemed to be prohibited.

4.03 Multiple Principal Uses Permitted

In all zones, more than one principal use is permitted per lot, provided that each use is:

- A. A Permitted Use or a Conditional Use in that district,
- B. A Conditional Use Permit has been obtained by the Board of Adjustment if applicable, and
- C. Use-specific standards applicable to each use are met, and
- D. The development complies with all applicable density, dimensional, development, and performance standards.

4.04 Table of Uses

- A. **General.** The following table lists permitted and conditional uses in each base zoning district. Additional use restrictions may be contained in Section [4.05](#), [Use-Specific Standards](#), or as part of an Overlay District.

B. **Districts.** Table 4.1, Permitted and Conditional Uses lists uses for each standard district within the City of Villa Hill’s zoning jurisdiction. Planned Unit Development and Overlay Districts are not listed in the table. Uses within a Planned Unit Development District are approved through the Development Plan approval process. Uses permitted within an Overlay District are generally regulated by the underlying base district.

C. **Symbols.**

1. Where the symbol “P” is shown, the use to which it refers is permitted as a “use by right” in the indicated district, provided it complies fully with all applicable Use-Specific Standards included in Section 4.05, [Use-Specific Standards](#).
2. Where the symbol “C” is shown, the use to which it refers is a conditional use which must be approved by the Board of Adjustment and is subject to any Use-Specific Standards included in Section 4.05, [Use-Specific Standards](#). The Board of Adjustment may also impose additional conditions as part of the conditional use approval per KRS 100.237.
3. Where the symbol “-” is shown, the use to which it refers is prohibited in the indicated district.
4. All uses will be hyperlinked to their corresponding definition in [Article 14, Definitions](#).

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential					Commercial	Employment	Other		Special	Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	
AGRICULTURE											
Agriculture, Exempt	P	-	-	-	-	-	-	P	-	-	4.05, A.1.
Agriculture, Non-Exempt	P	-	-	-	-	-	-	P	-	-	4.05, A.2.
On-farm sales (farm markets, roadside stands)	P	-	-	-	-	-	-	P	-	P	4.05, A.3.
Agritourism	C	-	-	-	-	-	-	P	-	P	4.05, A.4.
RESIDENTIAL											
Accessory Dwelling Unit	P	P	C	C	P	-	-	-	-	P	4.05, B.1.
Cottage Court	-	-	-	C	P	-	-	-	-	P	4.05, B.2.
Live/Work Unit	C	-	-	-	-	-	-	-	-	P	4.05, B.3.
Manufactured Home, Qualified	P	P	P	P	-	-	-	-	-	-	4.05, B.4.
Manufactured Home	C	-	-	-	P	-	-	-	-	-	4.05, B.5.
Mobile Home	-	-	-	-	-	-	-	-	-	-	4.05, B.6.
Multi-family	-	-	-	-	P	-	-	-	-	C	4.05, B.7.
Single-Family, attached	-	-	-	C	P	-	-	-	-	P	4.05, B.8.
Single-Family, detached	P	P	P	P	P	-	-	-	-	P	
Upper Floor Housing	C	-	-	-	P	-	-	-	-	P	4.05, B.9.
Two-Family	C	C	C	P	P	-	-	-	-	P	4.05, B.10.

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential					Commercial	Employment	Other		Special	Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	
Three/Four-Family	C	C	-	-	P	-	-	-	-	C	4.05, B.11.
COMMERCIAL											
Agriculture Equipment / Chemical Sales, Distribution, Storage	-	-	-	-	-	-	-	-	-	-	4.05, C.1.
Animal Care - enclosed	C	-	-	-	-	P	-	-	-	-	4.05, C.2.
Animal Care – outdoor activity	C	-	-	-	-	-	-	-	-	-	4.05, C.3.
Assembly, Commercial	-	-	-	-	-	-	-	-	-	P	4.05, C.4.
Bar Or Drinking Place	-	-	-	-	-	P	-	-	P	C	4.05, C.5.
Brewery, Distillery, Winery	-	-	-	-	-	P	-	-	-	P	4.05, C.6.
Building Material Sales	-	-	-	-	-	-	-	-	-	-	4.05, C.7.
Car Wash	-	-	-	-	-	-	-	-	-	-	4.05, C.8.
Carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments	-	-	-	-	-	-	-	-	-	-	4.05, C.9.
Check Cashing and Title Loan Business	-	-	-	-	-	-	-	-	-	-	4.05, C.10.
Commercial Printing	-	-	-	-	-	-	-	-	-	-	
Conversions	-	-	-	-	-	P	-	-	-		4.05, C.11.
Family Child Care Homes	P	P	P	P	P	-	-	-	-	P	4.05, C.12.
Day Care Or Adult Or Child Care Center, Type II	C	C	C	C	C	P	-	-	P	-	4.05, C.12.
Day Care Or Adult Or Child Care Center, Type I	C	C	C	C	C	P	-	-	P	-	4.05, C.12.
Dry Cleaner	-	-	-	-	-	C	-	-	-	-	4.05, C.13.
Equipment Sales, Rental,	-	-	-	-	-	-	-	-	-	P	

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential					Commercial	Employment	Other		Special	Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	
Repair											
Farmer's Market	-	-	-	-	-	P	-	P	P	P	4.05, C.14.
Financial Services	-	-	-	-	-	P	-	-	-	P	
Funeral Home, Mortuary	C	-	-	-	-	C	-	-	C	-	4.05, C.15.
Gas Station	-	-	-	-	-	-	-	-	-	C	4.05, C.16.
Liquor Store	-	-	-	-	-	P	-	-	-	P	4.05, C.17.
Medical Office	-	-	-	-	C	P	-	-	P	P	
Motor Vehicle Sales and Rental	-	-	-	-	-	-	-	-	-	p	4.05, C.18.
Motor Vehicle Service, Major	-	-	-	-	-	-	-	-	-	P	4.05, C.19.
Motor Vehicle Service, Minor	-	-	-	-	-	-	-	-	-	P	4.05, C.20.
Nursery / Garden Supply	P	-	-	-	-	C	-	P	-	P	4.05, C.21.
Office	-	-	-	-	-	P	-	-	P	P	
Off-Street Parking Lot, Non-Accessory	-	-	-	-	-	-	-	P	-	P	4.05, C.22
Personal Services	C	-	-	-	-	P	-	-	-	C	
Restaurant with drive-in or drive-through	-	-	-	-	-	-	-	-	-	P	4.05, C.23.
Restaurant without drive-in or drive-through	-	-	-	-	-	P	-	-	-	P	4.05, C.24.
Retail Store	-	-	-	-	-	P	-	-	-	P	
Sexually-Oriented Business	See Article 9										
Studios for Work or Teaching	-	-	-	-	-	P	-	-	-	P	
Tattoo Or Body Art Services	-	-	-	-	-	P	-	-	-	P	4.05, C.25.
INSTITUTIONAL											
Assembly, Institutional and Civic	C	C	C	C	C	P	-	-	P	C	4.05, D.1.
Cemeteries and Crematories	C	C	C	C	C	-	-	-	P	-	4.05, D.2.
College or University	-	C	C	C	C	-	-	-	P	C	4.05, D.3.
Community Center, Civic	C	C	C	C	C	P	-	-	P	C	4.05, D.4.

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential					Commercial	Employment	Other		Special	Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	
Center											
Emergency Medical Facility/Urgent Care/Surgery Center	-	C	C	C	C	P	-	-	P	P	
Hospital	-	C	C	C	C	-	-	-	C	C	
Library	-	-	-	-	-	P	-	-	P	C	
Meeting, Banquet, or Conference Facility	-	-	-	-	-	-	-	-	P	C	4.05, D.5.
Museum	-	-	-	-	-	P	-	-	P	C	
Park	P	P	P	P	P	P	P	P	P	P	
School, primary or secondary	C	C	C	C	C	C	-	-	P	C	4.05, D.6.
INDUSTRIAL											
Bulk Storage, except coal, flammable, or explosive materials	-	-	-	-	-	-	P	-	-	-	4.05, E.8.
Bulk storage of coal, flammable, or explosive materials	-	-	-	-	-	-	-	-	-	-	
Fabrication, light	-	-	-	-	-	-	P	-	-	-	4.05, E.1.
Manufacturing, heavy	-	-	-	-	-	-	P	-	-	-	4.05, E.2.
Navigational Services to Shipping	-	-	-	-	-	-	P	-	-	-	
Mini-warehouse, personal storage	C	-	-	-	-	-	P	-	-	C	4.05, E.3.
Mining, quarrying and crude petroleum and natural gas production	-	-	-	-	-	-	-	-	-	-	4.05, E.4.
Outdoor storage	-	-	-	-	-	-	P	-	-	C	4.05, E.5.
Research and Development	-	-	-	-	-	-	-	-	C	-	
Warehouse and Logistics	-	-	-	-	-	-	P	-	-	C	4.05, E.6.
Junk, Scrap, or Salvage Yards	-	-	-	-	-	-	-	-	-	-	4.05, E.7.
LODGING											

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential					Commercial	Employment	Other		Special	Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	
Bed and Breakfast	P	P	C	C	-	-	-	-	-	P	4.05, F.1.
Short Term Rentals, Owner Occupied	P	P	P	P	C	-	-	-	-	P	4.05, F.2.
Short Term Rentals, Non-Owner Occupied	P	P	P	P	C	-	-	-	-	P	
Convalescent homes, nursing homes, assisted living facilities	C	-	-	-	P	-	-	-	P	-	4.05, F.3.
Hotel, Motel	-	-	-	-	-	-	-	-	-	P	4.05, F.4.
Residential Care Facility	P	C	C	C	P	-	-	-	P	-	4.05, F.5.a
Rehabilitation Home Facility	-	-	-	-	C	-	-	-	P	-	
RECREATION											
Athletic Fields	C	C	C	C	C	-	-	P	P	C	4.05, G.1.
Indoor Commercial Recreation	-	-	-	-	-	P	-	P	P	-	4.05, G.2.
Golf Course, Country Club	C	C	C	C	C	-	-	P	P	P	4.05, G.3.
Outdoor Commercial Recreation	C	-	-	-	-	-	-	P	P	C	4.05, G.4.
Shooting Range or Archery	-	-	-	-	-	-	-	-	-	-	4.05, G.5.
Stadium	-	-	-	-	-	-	-	-	-	-	4.05, G.6.
TRANSPORTATION											
Airport	-	-	-	-	-	-	-	-	-	-	4.05, H.1.
Inland Water Freight Transportation	-	-	-	-	-	-	P	-	-	-	
Boat Harbor, Marina	-	-	-	-	-	-	P	C	C	P	4.05, H.2.
Heliport, Not Associated with Emergency Medical Services	-	-	-	-	-	-	C	-	-	-	4.05, H.3.
Railroad Facilities	-	-	-	-	-	-	-	-	-	-	
Truck Terminals	-	-	-	-	-	-	-	-	-	-	
ACCESSORY (must have a permitted use on the same lot)											
Accessory	P	P	P	P	P	P	P	P	P	P ^[1]	4.05, J.1.

TABLE 4.1 PERMITTED AND CONDITIONAL USES

Use	Residential					Commercial	Employment	Other		Special	Use Specific Standards
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	
Structures or Uses, Customary											
Collection Boxes	-	-	-	-	-	P	-		P	-	4.05, J.4.
Drive Up or Drive Through Facilities	-	-	-	-	-	-	-	-	-	-	10.21
Home Occupation	P	P	P	P	P	-	-	-	-	P	4.05, J.5.
Individual Service (ATM, Redbox)	-	-	-	-	-	P	-	-	-	P	4.05, J.8.
Outdoor Display and Sales, On-going	-	-	-	-	-	-	-	-	-	-	4.05, J.9.
Solar Panels	P	P	P	P	P	P	P	P	P	P	4.05, L
TEMPORARY USES											
Construction Trailer or Sales Office	P	P	P	P	P	P	P	P	P	P	4.05, K.1.
Mobile Food Sales	-	-	-	-	-	P	P	P	P	P	4.05, K.3.
Outdoor Display and Sales, Temporary	-	-	-	-	-	P	-	P	-	P	4.05, K.4.

[1] Accessory structures allowed without a primary structure for recreational uses in the RD zone.

4.05 Use-Specific Standards

4.05, A Use-Specific Standards

A. Agriculture

1. Agriculture, Exempt

- a. The Zoning Administrator will recognize an agricultural use exemption from the zoning regulations only for those properties that:
 1. Meet the KRS definition of agricultural use (KRS 100.111); and
 2. Are located within a zoning district that permits agricultural uses; or
 3. Are a legal non-conforming use within a zoning district that does not permit agricultural uses.
- b. If the above criteria are met, there shall be no regulations except:

1. Setbacks from existing or proposed streets;
 2. Floodplain regulations;
 3. Mobile homes and other dwellings may be permitted but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy.
 4. Signs unrelated to the agricultural use shall be regulated by [Article 11, Signs](#).
- c. Two or more principal buildings used as part of the bona fide farm operation may be placed on a single lot of record when such buildings meet the dimensional requirements of this Ordinance.
2. **Agriculture, Non-Exempt**
- a. All agricultural uses not otherwise exempt are subject to the requirements of this code.
 - b. Animal Feeding Operations (AFO) and Concentrated Animal Feeding Operations (CAFO), as defined by KAR 401, Chapter 5.002, are not permitted on any tract of land less than five (5) acres.
 - c. When an agriculture use includes stables and animal pens but does not meet the definition of an AFO or CAFO, any structures, pens or corrals housing animals shall be 200 feet from an adjoining property line.
3. **On-farm Sales (farm markets, roadside stands)**
- a. At least 51 percent of the total on-farm retail sales shall be from the sale of agricultural products produced on the property and value-added agricultural products produced using products grown on the property.
4. **Agritourism**
- a. Agritourism uses that do not meet the definition of agriculture are not exempt from the requirements of this ordinance.
 - b. Agritourism uses shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site, or to convert agricultural lands to a non-agricultural use.
 - c. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded in accordance with Section [7.05, Site Lighting](#).

B. Residential, Except Accessory Dwellings

1. **Accessory Dwellings** (see Subsection [4.05, J. Accessory Uses and Buildings](#))
2. **Cottage Court**
 - a. No more than 10 units may front the same court.
 - b. Each unit must be oriented with a front entry to the court or a public street.
 - c. Dwelling units shall be no more than two stories.
 - d. Dwelling units shall be separated by a minimum of ten feet.
 - e. Each dwelling shall have a front porch at least six feet in depth and 100 square feet in area.
 - f. Detached garages shall be architecturally compatible with the primary dwellings.
 - g. If off-street surface parking spaces are to be used to meet parking requirements, they shall be accessed from an alley or private drive. The off-street parking area shall not abut the court.

3. Live/Work Unit

- a. No more than four people may be engaged in the making, servicing, or selling of goods and services within the non-residential space.
- b. At least one person associated with the non-residential activity shall reside in the dwelling portion of the unit.
- c. The dwelling portion of the unit shall be above or behind the non-residential space.
- d. The non-residential space shall not exceed 50 percent of the gross floor area of the unit.
- e. Live/work units must have a common access for both the residential and non-residential space and be designed in such a way as to prevent separate lease of spaces.

4. Manufactured Home, Qualified

- a. Must meet the KRS definition for “Qualified manufactured home” (KRS 100.348 (2)(d)).
- b. Is compatible, in terms of assessed value, with existing housing located within 1/8 mile radius of the proposed location of the qualified manufacture home immediately adjacent to:
 1. Either side of the proposed site within the same block front; or
 2. Adjacent to the rear; or
 3. Within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.
- c. In order to determine if a qualified manufactured home is compatible with the existing housing located within 1/8 mile radius of the proposed location of the qualified manufacture home, it must be demonstrated that the qualified manufacture home is consistent with:
 1. Floor living space and setbacks;
 2. Siding and exterior materials;
 3. Roof pitches;
 4. Square footage;
 5. Foundations

5. Manufactured Home

- a. Must meet the KRS definition of “Manufactured home” (KRS 100.348 (2)(c)).
- b. A patio slab of at least 180 square feet conveniently located at the entrance of the manufactured home is required on each lot. The patio slab shall be constructed of an all-weather type material.

6. Mobile Home

- a. Must have been manufactured prior to June 15, 1976.
- b. Must be transportable in one or more sections.
- c. Must be eight feet or more in width, 40 feet or more in length, or when erected on site, 320 square feet or greater in area.
- d. Must be built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

- e. Mobile homes must be installed in accordance with [KRS 227.570](#) by a Kentucky certified installer.
- f. A patio slab of at least 180 square feet conveniently located at the entrance is required on each lot. The patio slab shall be constructed of an all-weather type material.

7. Multi-Family

- a. If a property owner puts locks on each bedroom door in a single-family home with the intention of subleasing bedrooms as units, that single-family home shall be considered a multi-family residence.
- b. All primary structures shall be oriented to a public or private street, a common open space, or plaza, not a parking lot.
- c. The location of detached garages, carports, and surface parking lots shall comply with Section 10.02, Location of Parking.
- d. Parking garages containing more than 50 spaces shall comply with Section 7.07, 2., d., Parking Garages - Landscaping.
- e. A building shall not be located closer than 20 feet to any other building.
- f. Walkways shall connect all buildings to each other, parking areas, amenity areas, and existing public sidewalks adjacent to the development.
- g. All sides of a building shall display a similar level of architectural features and materials.
- h. Garages shall be:
 - 1. Made of the same material as the primary structure.
 - 2. Similar in architectural style to the primary structure (roof pitch, gables, etc.).
 - 3. Sited in a way that avoids long, monotonous rows of garage doors and building walls.
 - 4. Oriented so that they do not visually dominate the building façade or the streetscape.

8. Single-Family, attached

- a. Each dwelling unit shall be located on its own lot or established as a condominium created under KRS Chapter 381.



- b. No more than two adjacent dwelling units may have the same front facade setback. Variations in front facade setback shall be a minimum of three feet.
 - c. No more than six dwelling units may be attached in one structure.
9. **Upper Floor Housing**
- a. Outside staircases to units on upper floors are permitted provided they are not visible from a public street. This does not apply to emergency fire escapes required by the building code.
10. **Two-Family**
- a. Each unit shall have an entrance oriented to a public street frontage or share a common entry oriented to a public street frontage.
 - b. Each dwelling in a duplex, located on a corner or double frontage lot, shall front a separate street whenever practicable, except where access is restricted or where the City determines that access to an adjacent street is not desirable.



- c. Outside staircases to units on upper floors are permitted provided they are not visible from the public street. This does not apply to emergency fire escapes required by the building code.

11. **Three/Four-Family**

- a. The primary entrance of each dwelling unit shall be oriented to a public street frontage. Individual units may share a common entry oriented to a public street frontage.
- b. Outside staircases to units on upper floors are permitted provided they are not visible from a public street. This does not apply to emergency fire escapes required by the building code.

C. **Commercial**

1. **Agriculture Equipment / Chemical Sales, Distribution, Storage**

- a. Chemical sales, distribution, or storage is not permitted in Special Flood Hazard Areas.
- b. Agriculture Equipment / Chemical Sales, Distribution, Storage uses shall have access to an arterial or collector street.

2. **Animal Care – Enclosed**

- a. No overnight outdoor activity associated with the care of animals. Overnight is defined as the hours between 11 pm and 7 am.
- b. Outdoor activity, limited to walking and bathing of animals, is permitted during the day, provided that no more than four animals are engaged in outdoor activity at a time. “During the day” constitutes the hours between 7am and 11 pm.
- c. When collocated with other uses, pet waste stations shall safely and conveniently located within parking areas.

3. **Animal Care – Outdoor Activity**

- a. Outdoor animal areas must be a minimum of 250 feet from adjacent residential uses within any jurisdiction.
 - b. When colocated with other uses, pet waste stations shall be safely and conveniently located within parking areas.
 - c. All exterior exercise areas and runs must be fenced for the safe confinement of animals per Section 7.06, Fences and Walls.
 - d. In accordance with Table 7.2, Fences and Walls, must be established along any exterior areas used to exercise, walk, or keep animals that abut a residential use.
 - e. In the Residential Rural Estate, animal care shall be limited to no more than 5 outdoor runs.
4. **Assembly, Commercial**
 - a. Places of assembly are subject to a traffic impact study per Section 10.19, Traffic Impact Studies. These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Places of assembly seating more than 600 people may only be permitted on a collector or arterial roadway and then only if demonstrated through a traffic impact study that the roadway can accommodate the use.
 - b. Pedestrian and bicycle access is encouraged and will be required whenever a public sidewalks, transit routes or trails abut the property.
 - c. For assembly uses that include accessory daycare or school facilities, the daycare or school shall require conditional use approval when not identified as a permitted use in that district.
 - d. A buffer yard, as prescribed in Section 7.07, M., Buffer Yard Requirements shall be established along any side of the property abutting a residential use.
5. **Bar or Drinking Place**
 - a. Electronically amplified sound using loud speakers or similar devices shall not be permitted outdoors unless it is within ambient noise levels at the property line.
6. **Brewery, Distillery, Winery**
 - a. Breweries, distilleries, or wineries which include a restaurant are subject to the conditions of Section 4.05, C., 22., Restaurant, with or without Drive-in or Drive-Through.
 - b. Breweries, distilleries, or wineries with event facilities are subject to the conditions of Section 4.05, D., 5., Meeting, Banquet, or Conference Facility.
7. **Building Material Sales**
 - a. All material storage areas shall be screened along the side and rear yards by placing the materials in a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge.
8. **Car Wash**
 - a. Car washes, vacuums, and similar service devices shall be located a minimum of 50 feet from the nearest portion of an adjacent residential zoning district within any jurisdiction or lot containing a legal, conforming residential use within any jurisdiction. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of

- an adjacent residential zoning district within any jurisdiction, or lot containing a legal, conforming residential use within any jurisdiction.
- b. Car washes accessory to a principal use shall be in the side or rear yard only.
 - c. Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.
9. **Carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments**
- a. All materials shall be stored within an enclosed building.
10. **Check Cashing and Title Loan Businesses**
- a. Check cashing and title loan businesses are not permitted within 500 feet of each other, measured by a straight line in any direction, from the lot line of the one use to the lot line of another use.
11. **Conversions**
- a. In residential districts where non-residential uses are permitted, residential structures can be converted to non-residential uses provided the exterior residential character of the building is preserved.
 - b. Parking shall be located on the side or behind the structure.
12. **Day Care Or Adult Or Child Care Centers and Family Child Care Homes**
- a. Family Child Care Homes
 1. Must meet the requirements of Home Occupations in Section 4.05, J., 5., Accessory Uses and Buildings - Home Occupations.
 - b. Day Care Or Adult Or Child Care Center, Type II
 1. Must meet the requirements of Home Occupations in Section 4.05, J., 5., Accessory Uses and Buildings - Home Occupations.
 2. The child care operation must be clearly incidental and secondary to the occupied residential use of the building.
 3. No physical changes to the residential structure, not otherwise customary to residential use, shall be permitted.
 4. Signage must meet requirements for residential uses.
 5. Care shall be provided by persons residing on the premises although one additional care giver not residing on the premises may also be employed.
 6. Drop-off and pick-up must be accommodated off-street in established vehicular and pedestrian areas and shall accommodate sufficient stacking space to prevent obstruction of public streets.
 - c. Day Care Or Adult Or Child Care Center, Type I
 1. On-site care services provided to employees of an industrial or other employment use are allowed as an accessory use in commercial and industrial zones.
 2. The care center must be located on a dedicated lot of one acre or more in size or must be integrated into a mixed-use building.
 3. Outdoor areas must be in a side or rear yard screened to a height of six feet from adjacent residential properties located in residential zoning districts within any jurisdiction. Outdoor activity is limited to between the hours of 8 a.m. and 9 p.m.

4. Drop-off and pick-up must be accommodated off-street in established vehicular and pedestrian areas and shall accommodate sufficient stacking space to prevent obstruction of public streets.
5. When located at the periphery of residential neighborhoods, primary access to the care center may not be from local roads serving the neighborhood.

13. Dry Cleaner

- a. If a dry-cleaning establishment includes on-site laundering or cleaning activities, it is not permitted in Special Flood Hazard Areas.

14. Farmers' Market

- a. Farmers' markets must be operated by one or more farmers/producers, a nonprofit organization, or a local government agency.
- b. At least 70 percent of vendors must be farmers and other businesses who sell food, plants, flowers, and added-value products such as jams and jellies, that have been grown or produced within the states of Kentucky, Ohio, or Indiana.
- c. Adequate trash and recycling containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

15. Funeral Home, Mortuary, Crematorium

- a. Funeral homes, mortuaries, and crematoriums shall have access to an arterial or collector street.

16. Gas Station

- a. The sale of convenience food items, incidental automobile supplies, or accessories may be provided as an accessory use to a gas station.
- b. A one-bay car wash may be provided as an accessory use to a gas station meeting the requirements of Section 4.05, C., 8., Car Wash.
- c. Outdoor display and sales areas are permitted subject to the conditions of Section 4.05, J., 9., Accessory Buildings and Structures - Outdoor Display and Sales, On-Going.
- d. The minimum distance between the canopy and the right-of-way shall be 12 feet. The minimum distance between the canopy and an interior lot line shall be 20 feet. Structures and all pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines.
- e. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
- f. Minor motor vehicle service is permitted as part of a gas station use.
- g. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- h. Lights should not be mounted on the top or sides (fascias) of the canopy.
- i. Outdoor waste and recycling receptacles for customer use shall be provided, conveniently located, regularly serviced, and maintained.
- j. Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed 13 feet 9 inches. The clearance height of canopies should be clearly indicated on the structure or through use of a headache bar.

- k. The overall height of canopy fascia should not exceed one foot. The fascia shall be designed to block the direct view of the light sources and lenses from the property line.
- 17. Liquor Store**
- a. Liquor stores shall not be located within 500 feet, measured in any direction, from the exterior wall to the exterior wall of any primary or secondary school, public library, park, child day care, or indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21 years of age.
- 18. Motor Vehicle Sales and Rental**
- a. Vehicles for sale, lease, or rental may be displayed in the front yard provided that no vehicle shall be displayed within 15 feet of the street right-of-way.
 - b. Display areas must be shown on the site plan.
 - c. All new display areas shall be paved with an all-weather, hard-surfaced material, such as concrete, asphalt, paver, or comparable material.
- 19. Motor Vehicle Service, Major**
- a. All servicing, motor repair, or body repair shall be conducted within an enclosed building.
 - b. Vehicles to be stored on premise longer than 14 days (long-term) must be screened from view from adjacent public streets and abutting properties. Vehicles to be serviced immediately or within 14 days may be stored in parking lots with required landscaping per Section 7.07, L., Parking Lot Landscaping.
 - c. Public streets and alleys shall not be used for the storage of inoperable vehicles, or for storage of any vehicles awaiting service or work by the establishment.
 - d. Long term vehicle storage areas are exempt from the interior landscaping requirements for parking lots.
- 20. Motor Vehicle Service, Minor**
- a. All servicing shall be conducted within an enclosed building.
 - b. Minor repair work does not include replacement of engines, replacement of transmissions, or any body work.
 - c. No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises. This standard does not apply to vehicles under repair.
- 21. Nursery / Garden Supply**
- a. All materials shall be screened by placing the materials in a building or by providing a six-foot solid evergreen hedge.
 - b. One single-family dwelling occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as part of this use.
- 22. Off-Street Parking Lot, Non-Accessory**
- a. All off-street parking lots shall meet all of the interior, perimeter, parking lot, buffer yard, site element, and street tree landscaping requirements per Section 7.07, L., Parking Lot Landscaping.
 - b. The required setbacks are determined by the width of the required landscaping.
 - c. Any gate or pay station at the entrance or exit must allow for the stacking of one vehicle off of the street.

23. Restaurant, with or without Drive-in or Drive-Through

- a. Any restaurants with drive in or drive through shall comply with Section [10.21](#), Parking and Loading Standards - Drive-In or Drive-Through Lanes and Stacking Spaces.
- b. Bars are permitted in restaurants provided they are less than 50 percent of the serving area. If the bar portion of the restaurant occupies greater than 50 percent of the serving area, the use shall be considered a Bar Or Drinking Place and shall be subject to the conditions of Section [4.05, C., 5.](#), Bar or Drinking Place.
- c. Restaurants with outdoor seating or dining adjacent to residential districts shall meet the following criteria:
 1. Outdoor areas are not permitted within 200 feet of the nearest portion of a R-RE, R-LLS, R-CVS, and R-CPS zoning districts.
 2. Outdoor seating shall end by 10:00 p.m.
 3. Outdoor dining shall not exceed 25 percent of the maximum seating capacity of the indoor dining area.
 4. A decorative fence or wall or similar barrier shall be erected and maintained between any outdoor seating or dining area and residences and public right-of-way in accordance with Sections [7.06, Fences and Walls](#) and [7.07, Landscaping, Screening, and Buffers](#).
 5. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced, and maintained.
 6. If a pedestrian walkway is provided around an outdoor dining area, then it must be a minimum of five-feet wide to allow pedestrians unobstructed passage around the outdoor seating or dining area.
 7. Amplified sound is prohibited. Unamplified sound is permitted.
 8. Outdoor dining must be calculated into the off-street parking requirements in the manner prescribed in Table 10.1, Required Off-Street Parking.
- d. Restaurants with outdoor seating or dining adjacent to non-residential shall meet the requirements of "c" above, except for the following criteria:
 1. Outdoor dining areas shall be operated no later than Midnight, Sunday through Thursday, and 2:30 am on Friday and Saturday.
 2. Entertainment and unamplified music shall be permitted between the hours of 6:00 pm and 11:30 pm.
 3. Outdoor dining areas shall not be located within any required setback.

24. Tattoo or Body Art Services

- a. Tattoo or body art services are not permitted within 500 feet of another tattoo or body art service use (even if it is located within another jurisdiction), measured by a straight line in any direction, from the lot line of the one use to the lot line of another use.

D. Institutional**1. Assembly, Institutional and Civic**

- a. Places of assembly are subject to a traffic impact study per Section [10.19, Traffic Impact Studies](#). These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Places of assembly seating more than 600 people may only be permitted on a collector or arterial

roadway and then only if demonstrated through a traffic impact study that the roadway can accommodate the use.

- b. Pedestrian and bicycle access is encouraged and will be required whenever a public sidewalks, transit routes or trails abut the property.
 - c. Maximum building height standards do not apply to spires, belfries, cupolas, or similar architectural elements.
 - d. For assembly uses that include associated daycare or school facilities, the daycare or school shall require conditional use approval when not identified as a permitted use in that district.
 - e. Except as noted in Section 4.05, J., Accessory Uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.
 - f. A buffer yard, as prescribed in Section 7.07, M., Buffer Yard Requirements, shall be established along any side of the property abutting a residential use.
2. **Cemeteries and Crematories**
- a. Offices, indoor or outdoor areas of assembly, tombstones, crypts, monuments and mausoleums must be located at least 50 feet from any street right-of-way line and at least 20 feet from any side or rear property line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
 - b. A minimum of three acres shall be needed for any cemetery being developed as a principal use.
 - c. Offices and areas of assembly need to meet the corresponding off-street parking requirement for those uses.
3. **College or University**
- a. Facilities normally associated with a college, such as residence halls, administrative buildings, cafeterias, auditoriums, gymnasiums, classrooms, and sports facilities shall be permitted as accessory uses.
 - b. All Colleges or Universities shall have primary access to an arterial or collector street, secondary access may be from local streets.
 - c. Any recreational uses must meet the applicable standards of subsection “G Recreation” below.
4. **Community Center, Civic Center**
- a. Community centers are subject to a traffic impact study (TIS) per Section 10.19, [Traffic Impact Studies](#). These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Centers with a seating more than 600 people may be permitted on a collector or arterial roadway if demonstrated, through a traffic impact study, that the roadway can accommodate the use.
5. **Meeting, Banquet, or Conference Facility**
- a. Facilities are subject to a TIS per Section 10.19, [Traffic Impact Studies](#). These uses may not be permitted on local streets if indicated in the TIS as having an adverse impact on the capacity or safety of the local street. Facilities with a seating more than 600 people may be permitted on a collector or arterial roadway if demonstrated, through a traffic impact study, that the roadway can accommodate the use.

6. School, Primary or Secondary

- a. Schools are subject to a TIS per Section 10.19, [Traffic Impact Studies](#). If the TIS concludes that there will be an adverse impact on the capacity or safety of the local streets, then these uses may not be permitted on local streets. Facilities with an enrollment of more than 600 people may be permitted on a collector or arterial roadway if demonstrated, through a traffic impact study, that the roadway can accommodate the use.
- b. All schools shall provide drop-off and pick-up areas that accommodate sufficient stacking space to prevent obstruction of public streets.
- c. Any recreational uses must meet the applicable standards of subsection "G. Recreation" below.

E. Industrial

1. Fabrication, Light

- a. Storage of materials, supplies, and products, as accessory to this use, shall be in enclosed buildings or in side and rear yards only and shall meet all other standards Section 4.05, E., 5., [Outdoor Storage](#), below.
- b. Accessory retail sales may occupy up to 20 percent of the gross floor area of the primary structure.

2. Manufacturing, Heavy

- a. Storage of materials, supplies, and products, as accessory to this use, shall be in enclosed buildings or only located in side and rear yards and shall meet all other standards for Section 4.05, E., 5., [Outdoor Storage](#), below.
- b. Accessory retail sales may occupy up to 20 percent of the gross floor area of the primary structure.

3. Mini-Warehouse, Personal Storage

- a. No retail, repair, or other commercial use shall be conducted out of individual rental storage units.
- b. The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment on the premises is prohibited.
- c. No storage of hazardous materials is permitted. This restriction shall be posted at a conspicuous location within the front of each rental unit.
- d. Open storage, outside an enclosed building, is permitted but shall be limited to vehicles and trailers with a valid registration, subject to Section 10.13 [Parking, Storage, or Use of Campers, Boats, Trailers, or Recreational Vehicles and Other Similar Equipment](#).
- e. Driveway aisles between structures shall be a minimum of 24 feet wide.
- f. Exterior walls visible from a public street or residential district shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural "caps", attractive posts, or similar measures.

4. Mining, Quarrying and Crude Petroleum and Natural Gas Production

- a. All methods of operation, construction of roads, back-filling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the

regulations adopted by the Kentucky Energy and Environment Cabinet, Department for Natural Resources, Division of Mine Reclamation and Enforcement. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

5. Outdoor Storage (where permitted as a primary or accessory use)

- a. Where outdoor storage is permitted, the following standards apply:
 1. Outdoor storage shall be located behind required front setbacks or buffer areas.
 2. All outdoor storage facilities for manufacturing equipment, fuel, raw materials, sub-assemblies, finished goods and defective or repairable goods shall be enclosed by an opaque fence with a maximum height of eight feet, a berm, or a wall with a maximum height of eight feet in combination with landscaping that completely conceals the view of those materials.
 3. Outdoor storage not visible to the street or adjoining properties may not require screening, but will be evaluated by the Zoning Administrator for potential impacts on surrounding areas on a case-by-case basis.
 4. Construction materials stored outside at an active construction site with a valid building permit are excluded from this use.
 5. Must be located on a paved surface or compacted gravel or crushed stone.

6. Warehouse and Logistics

- a. Any operations, servicing or processing, except storage and off-street loading, shall be conducted within completely enclosed buildings.
- b. The use shall not locate storage areas, truck loading areas, or vehicle circulation routes within a required setback or perimeter buffer.
- c. Storage of materials, supplies, and products, as accessory to this use, shall be in enclosed buildings or in side and rear yards only and shall meet all other standards for Section 4.05, E., 5., Outdoor Storage, above.
- d. The use shall be designed to ensure proper functioning of the site including vehicle stacking, circulation, and turning movements.
- e. The use shall have direct access onto an arterial or collector street. Access to a local street may be substituted when such local street is within an industrial subdivision which accesses an arterial or collector street.

7. Junk, Scrap, or Salvage Yards

- a. Storage areas shall be fully enclosed and screened from view on all sides to a minimum height of seven feet.

F. Lodging

1. Bed and Breakfast

- a. The Bed and Breakfast owner shall reside on site as their primary residence.
- b. The use shall be in a primary building with at least 1,500 sq. ft. of gross floor area.
- c. Guest stays shall be limited to a maximum of 29 consecutive days.
- d. Food service shall be limited to residents and overnight guests in districts where restaurants are not permitted as a primary use.

- e. There shall be no cooking facilities for use by the occupants of the bed and breakfast within sleeping rooms.
 - f. If located in a residential district:
 - 1. The use shall outwardly appear to be residential in character, giving no appearance of a business use other than allowed signs.
 - 2. Only guests shall be permitted to dine in a bed and breakfast; or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved design capacity of the facility.
 - 3. The use shall have no more than three guest bedrooms.
2. **Short Term Rentals, Owner Occupied, and Non-Owner Occupied**
- a. The maximum length of each stay shall be 29 days.
 - b. No lease shall be rented less than one night's stay.
 - c. There shall be no external evidence of a short-term rental. The street address must clearly be visible from the right-of-way.
 - d. Short-term rentals shall not adversely affect the character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her property.
 - e. Short-term rentals are permitted in the primary structure and one accessory dwelling unit (where permitted). Owner-occupied short-term rentals shall be clearly incidental to the primary residential use.
 - f. Short-term rentals shall not be located in mobile homes, recreational vehicles, travel trailers, tents, campgrounds, sheds, garages, or barns or any other structure typically not used as a residence.
3. **Convalescent Homes, Nursing Homes, and Assisted Living Facilities**
- a. Convalescent homes, nursing homes, and assisted living facilities shall comply with, and maintain any required local, state, and federal permits.
 - b. Uses in residential districts shall be designed to be residential in character.
 - c. Uses shall be designed with appropriate access and maneuverability for emergency vehicles.
4. **Hotel and Motel**
- a. All sleeping accommodations must be accessible from the interior of the building.
 - b. Guests must pass through a lobby which must be staffed 24 hours a day.
 - c. Must provide a covered entryway for the purposes of loading and/or unloading of vehicles.
 - d. Must include a business facility, gym, or workout facility, and one of the following;
 - 1. restaurant or lounge which includes breakfast service
 - 2. indoor pool
 - 3. additional amenities as approved by the Zoning Administrator
 - e. Automobile rental shall be permitted as an accessory use only in accordance with the following requirements:

1. No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and
 2. No more than ten automobiles, which are not currently leased to customers, shall be parked on the same property as the hotel or motel.
- f. Truck and trailer rental is not permitted.
5. **Residential Care Facilities and Rehabilitation Homes**
 - a. **Residential Care Facility**
 1. These facilities must adhere to the regulations in 902 KAR 20:078.
 2. These facilities are subject to KRS 100.982 through KRS 100.984.
 3. These facilities shall maintain all applicable local, state, and federal permits and licenses.
 - b. **Rehabilitation Home**
 1. These facilities must adhere to the regulations in 908 KAR 1:370.
 2. No rehabilitation home shall be located on a lot within 1,000 feet, measured by a straight line in any direction, from the lot line of another rehabilitation home within any jurisdiction.
 3. The number of residents is limited by applicable state laws and building codes, including any minimum square footage requirement per person, but in no event shall the number of residents exceed ten.
 4. Rehabilitation homes in residential districts shall be designed to be residential in character.
 5. Uses shall maintain all applicable local, state, and federal permits and licenses.
 6. A rehabilitation home must be for youth under the age of 18 or adults over the age of 18. There shall not be a mixed-age rehabilitation home.

G. Recreation

1. **Athletic Fields**
 - a. Fences around athletic fields and sport courts must meet the requirements of Section 7.06, Fences and Walls.
 - b. If lighted, the use requires conditional use approval.
2. **Indoor Commercial Recreation**
 - a. Indoor commercial recreation facilities may include accessory retail, restaurants, snack bars, and other incidental food and beverage services to patrons.
 - b. Sound associated with any indoor recreation facility shall not be audible outside of the building in which the activity is occurring.
3. **Golf Course, Country Club**
 - a. The center line of any fairway shall be setback 200 feet from the adjacent property or lot lines.
 - b. Tees shall have a setback of 100 feet from adjacent property or lot lines.
 - c. Greens shall have a setback of 100 feet from adjacent property or lot lines.

- d. A landscape plan shall be required for vegetative screen along the perimeter of the course. The vegetative screen may have vista breaks that do not compromise the safety of the adjacent lots. Existing vegetation can be used to satisfy this requirement.
 - e. Driving ranges shall be located 300 feet from any property line or right-of-way unless perpendicular to and hitting away from said lines.
 - f. The provision of accessory retail sales, food, refreshment and entertainment shall be permitted in connection with any Golf Course or Country Club. Such facilities shall not be open to the general public unless it is commercially zoned.
4. **Outdoor Commercial Recreation**
- a. Outdoor commercial recreation facilities may include restaurants, snack bars, and other incidental food and beverage services to patrons
 - b. Outdoor commercial recreation facilities must be at least 300 feet from residential districts within any jurisdiction and 300 feet from existing residences in nonresidential districts within any jurisdiction.
5. **Shooting Range or Archery**
- a. Outdoor shooting and archery ranges must meet the following:
 - 1. Facilities shall be designed to minimize safety concerns for nearby properties and must contain all of the bullets, shot, arrows, or any other debris on the range facility.
 - 2. All shooting stations shall be located at least 1,000 feet from any existing residential structure within any jurisdiction.
 - 3. All shooting stations shall be at least 200 feet from any property line.
 - 4. Warning signs identifying the presence of the shooting range shall be posted at one hundred-foot intervals along the entire perimeter of the shooting range facility property boundary.
6. **Stadium**
- a. If lighted, the use requires conditional use approval.
 - b. The use shall have direct access onto an arterial or collector street.

H. **Transportation**

1. **Airport**

- a. Proof of Air Space Clearance from the Federal Aviation Agency is required prior to the issuance of a zoning permit.
- b. Design standards for an airport and airfield shall be in accordance with Federal Aviation Administration requirements.
- c. The owner shall maintain the airfield with a surface that minimizes dust.
- d. The area shall be fenced to prevent trespassing by animals or unauthorized persons.
- e. Except in areas properly zoned for such uses, there shall be no business, repair or advertisement, except for the sale of gasoline to the planes based at the field.
- f. Any airport maintenance, aircraft construction and aircraft fueling areas must comply with Section 8.03, E., Water Quality Buffer.

2. **Boat Harbor, Marina**

- a. The development of all facilities in or adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection.
 - b. The following uses shall be permitted as accessory uses in connection with any boat harbor or marina provided, they are primarily intended to serve only persons using the boat harbor or marina:
 1. Boat fueling, service, and repairs
 2. Sale of boat supplies
 3. Grocery store
 4. Restaurant
 5. Boat landing, docking, and launching facilities
 6. Off-street parking facilities including facilities for temporary parking of boat trailers
 7. Outdoor or indoor storage of boats
 - c. Any boat services including repair or refinishing shall comply with Section 8.03, E., Water Quality Buffer.
3. **Heliport, Not associated with Emergency Medical Services**
 - a. Design standards for a heliport shall be in accordance with Federal Aviation Administration requirements.
 - b. Proof of Air Space Clearance from the Federal Aviation Agency is required prior to the issuance of a zoning permit.
 - c. The facility must be designed and placed to minimize noise and safety impacts to adjoining properties and to properties within a 1,000-foot radius of the heliport site as measured from the center of the final approach and takeoff area.
 - d. The applicant for a heliport conditional use permit shall notify by first class mail all property owners within a 1,000-foot radius of the center of the proposed final approach and takeoff area. This notice shall be mailed at least 30 days prior to the date of the hearing on the request. This notice shall contain the same information as the notice required by Section 13.01, E., Public Hearing and Notices.
4. **Fleet, Truck, or Bus Terminals**
 - a. Any fleet, truck or bus terminals shall comply with Section 8.03, E., Water Quality Buffer.
- I. **Utility**
 1. **Public or Quasi-public Utilities and Related Facilities**
 - a. New utility facilities are subject to a public facility review per KRS 100.324.
- J. **Accessory Structures or Uses, Customary**
 1. **Accessory Uses**
 - a. All accessory uses must be located on the same lot as the principal use, and shall not be separated from the principal use by a lot line or a public street. Accessory uses on separate lots from the principal use or on a site separated from the principal use by a public street shall be considered principal uses and will be regulated as such.
 - b. Customary accessory uses shall not be construed to authorize a use not otherwise permitted in the district where located.

2. Accessory Dwellings

- a. See Section 7.04, Character Standards for additional standards.
- b. Accessory dwellings are included in the cumulative floor area limitations established in Subsection 3 below.
- c. Where permitted, only one accessory dwelling unit may be established per single-family or two-family lot.
- d. Where permitted, accessory dwelling units may only be established on lots with a size equal to or greater than 5,000 square feet.
- e. Accessory dwelling units are exempt from the lot area per unit and maximum density standards of Section 3.04, Zoning District.
- f. Accessory dwelling units may be attached to or detached from the primary dwelling unit by zone or by table.
- g. For attached accessory dwelling units:
 1. Only one entrance is permitted on the front of the primary dwelling unit. An additional entrance is permitted on the side or rear of the primary structure.
 2. The accessory dwelling unit shall conform to the setbacks required for primary structures.
- h. Setbacks for detached accessory dwelling units shall conform to setbacks for other accessory structures.
- i. The maximum size of an accessory dwelling unit is 75 percent of the living area of the primary dwelling unit or 1200 square feet, whichever is less.
- j. The accessory dwelling unit shall not exceed the height of the primary structure.
- k. The property owner shall occupy either the primary dwelling unit or the accessory dwelling unit.
- l. Where short term rentals are permitted, accessory dwelling units may be used as short-term rentals subject to the provisions of Section 4.05, F., 2., Short Term Rentals.

3. Accessory Structures Except Accessory Dwellings

- a. Accessory structures in all districts:
 1. Cumulative floor area as used in this section includes all accessory buildings and accessory dwellings.
 2. No accessory structure shall be in any front yard or side yard.
 3. See Article 7 for additional standards for garages and carports.
- b. Accessory structures in the Residential Rural Estate, Agriculture, and Conservation districts:
 1. Shall meet all setback requirements. See Section 5.08 for exceptions for small buildings.
 2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 20 percent of the rear yard area.
 3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 20 percent of the side yard area .
- c. Accessory buildings in the Residential Conventional Subdivision, Residential Compact Subdivision, Residential Large Lot Subdivision:

1. Shall meet all setback requirements. See Section 5.08 for exceptions for small buildings.
 2. The cumulative floor area of all accessory buildings located in the rear yard shall not exceed 650 square feet or 20 percent of the rear yard, whichever is less.
 3. The cumulative floor area of all accessory buildings located in the side yard (where permitted) shall not exceed 650 square feet or 20 percent of the side yard, whichever is less.
 4. In all cases, the cumulative floor area of all accessory buildings shall not exceed the floor area of the primary structure.
- d. Accessory buildings in the Residential Multi-Family and non-residential districts (excluding the Agriculture and Conservation districts):
1. Shall meet all setback requirements.
 2. In the Residential Multi-Family, Mixed-use, and all commercial districts, accessory structures shall use exterior materials and forms similar to the primary structure(s).
 3. In all employment districts, accessory structures shall be compatible with the surrounding non-residential area.
4. **Collection Boxes**
- a. **All Collection Boxes**
1. Collection boxes must meet applicable setback standards for structures in the district in which they are located.
 2. Collection boxes shall be placed on a hard-surfaced material, such as concrete, asphalt, paver, or comparable material, shall have paved access to them, and shall not be placed within any required parking space.
 3. Each collection box shall include the contact information for the collection operator clearly visible on the outside of the container. Contact information shall include at minimum the name of the collecting organization and a valid phone number.
 4. All donations or collection items must be fully contained within a collection box. Collection boxes shall state on their exterior: "No items shall be left outside this box."
- b. **Large Collection Boxes**
1. Collection boxes exceeding 3 feet in width or depth or exceeding 4 feet and 6 inches in height are considered large collection boxes.
 2. Large collection boxes shall not exceed six feet deep by six feet wide, and eight feet in height.
 3. Collection boxes must be located at least 100 feet from any residential district within any jurisdiction.
 4. No more than one large collection box is permitted on a parcel.
- c. **Small Collection Boxes**
1. Collection boxes less than 3 feet in width or depth and less than 4 feet and 6 inches in height are considered small collection boxes.
 2. Small collection boxes do not require a zoning permit but are subject to the standards of this section.

3. No more than four small collection boxes are permitted per parcel.

5. Home Occupation

- a. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the residential dwelling.
- b. The home occupation shall not create noise, dust, vibration, odor, glare, fire hazard, or any other nuisance or hazard that disturbs the typical character of the residential area.
- c. The home occupation shall employ no more than two persons who are not a resident of the dwelling including volunteers.
- d. There shall be no outdoor storage or visible display relating to the home occupation, including materials, stock in trade, or equipment.
- e. There shall not be external evidence that advertises or alerts the presence of the home occupation excluding signs permitted by [Article 11](#) or signs on the sides of vehicles which are regularly used in the operation of the business.
- f. Business activity shall be only conducted electronically or by appointment, except Family Child Care Homes.
- g. The home occupation shall not cause vehicular or pedestrian traffic greater than that traffic normally associated with the residential area in which the home occupation is located. Family Child Care Homes are exempt from this requirement.

6. Decks and Patios

- a. Except as permitted in Section [5.08](#), Permitted Encroachments, decks and patios may not encroach into a required yard.
- b. Decks and patios shall only be installed on the side or rear of the house. The term “decks and patios” does not include a Front Porch or stoop. This standard is not in any way intended to affect handicap ramps or the use of decking materials in the creation of a traditional front porch.

7. Swimming Pools and Spas (Hot Tubs)

- a. Pools, spas and related equipment are only permitted in the rear yard and may not be located within any required setback.
- b. All pools and spas must meet enclosure and gate requirements of the Kentucky Building Code.

8. Individual Services

- a. Individual service structures, such as freestanding ATMs, movie rental kiosks, vending machines, and ice freezers, are only permitted as accessory structures to principal uses.
- b. The preferred location for such structures is inside the principal structure.
- c. Structures shall not be located in a manner that impedes pedestrian access, blocks parking areas, or creates any unsafe condition. Freestanding ATMs that are drive-up shall require a minimum of three stacking spaces.

9. Outdoor Display and Sales, On-going

- a. The use or structure must comply with all setback requirements for a primary building on the site.
- b. There shall be no outdoor displays that restrict traffic visibility in any way or impede the movement of vehicles on the site.

- c. There shall be no outdoor displays located in or in any way conflicting with or interfering with sidewalks, walkways, off-street parking areas or required landscaping yards.
- d. Outdoor display and sales areas shall be on a hard-surfaced material, such as concrete, asphalt, paver, or comparable material.
- e. Outdoor display and sales areas shall be maintained in an orderly manner.
- f. Outdoor display and sales shall not be located in a front yard unless the display is located abutting a building exterior wall and is less than 8 feet in depth. Except, gas stations may have outdoor display and sales in the front yard if located within the canopy area. Outdoor display and sales located in the side or rear yard must be screened from view of any public right-of-way.

K. Temporary Uses

1. All Temporary Uses

- a. A Temporary Use Permit shall be required prior to the establishment of any Temporary Use.
- b. Sale of retail products shall be limited to those allowed for sale by permitted uses the zoning district in which the temporary use is located.
- c. Permission to operate a temporary use on public or private property must be obtained in writing from the property owner or their designee.
- d. Temporary uses may not be located in a required setback, landscaping, or buffer area.
- e. Temporary uses may not take up required parking spaces, obstruct traffic on public streets, or interfere with safe traffic movement within parking lots or driveways.
- f. No mobile vendor shall be left unattended or stored, parked, or left overnight on any street or sidewalk.
- g. No temporary use shall solicit or conduct business with persons in motor vehicles.
- h. No temporary use shall use or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public, except for ice cream trucks.
- i. No mobile vendor shall engage in open-lot or outdoor display of products or merchandise.

2. Construction Trailer or Sales Office

- a. A construction trailer or sales office may be established and operated until the time of the Certificate of Occupancy, or completion of the sale of the lots or residences within the subdivision.
- b. Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.

3. Mobile Food Sales

- a. A mobile food establishment must be licensed by the Northern Kentucky Health Department, must obtain any required occupational license, and any required local right-of-way or business permits.
- b. Mobile food sales are not permitted within 200 feet of a residential district within any jurisdiction or 200 feet of an operating restaurant within any jurisdiction.

- c. The 200 feet restriction from residential districts does not apply to ice cream trucks.
 - d. Drive-through service is not permitted.
 - e. Exterior lighting must be hooded or shielded.
 - f. A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:
 - 1. Must be secured and mounted flat against the mobile food establishment; and
 - 2. May not project more than six inches from the exterior of the mobile food establishment.
 - g. A trash receptacle for use by customers shall be provided during hours of operation.
4. **Outdoor Display and Sales, Temporary**
- a. Temporary outdoor display is allowed for less than 48 hours unless otherwise approved by the Administrator.
 - b. Temporary outdoor display of goods shall be located immediately adjacent to the building and not in drive aisles, loading zones, fire lanes, or parking lots, except that areas in parking lots expressly shown and labeled on a site plan for temporary seasonal sales locations may be approved provided required parking for the primary use can still be met and the site doesn't interfere with safe pedestrian and vehicular circulation.
 - c. The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than one-quarter of the length of the building front, unless otherwise approved by the Administrator after considering aesthetic and safety concerns.
 - d. The outdoor display area shall take place on a hard surface or pavement.
 - e. No outdoor displays shall be allowed in required landscape areas.
 - f. At least five feet shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to get around the display.

~4.05 L. Solar Panels

1. Definitions for Solar Panel Regulations

- a. **GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system that is installed directly in the ground or by means of brackets or poles and is not attached or affixed to an existing structure.
- b. **ROOF-MOUNT:** A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.
- c. **SOLAR ENERGY EQUIPMENT:** A solar photovoltaic cell, panel, collector, array, solar shingle, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

d. **SOLAR ENERGY SYSTEM:** A set of devices whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, electricity generation, or water heating.

e. **SOLAR PANEL ARRAY:** A collection of multiple solar panels mounted or arranged together, providing energy to the same primary user, as part of a solar energy system.

f. **SOLAR-THERMAL SYSTEMS:** Solar-thermal systems use solar energy to typically heat a fluid, such as water or an antifreeze solution, or heat a gas, such as air. Solar thermal systems are most commonly utilized for heating residential hot water systems, though they are also used for space heating, spas or swimming pools.

2. Solar Panel General Regulations

a. Solar Energy Systems shall be permitted in all the zones in the City. Small solar panels not connected to the electrical system of the structure on the property or to the electrical grid in any way, such as solar security lighting or decorative yard lights and where the solar panel area measures less than (2) two square feet, are exempt from these regulations. All regulations solar panel regulations shall apply to any solar system that is connected to the electrical system of a structure or to the electrical grid in any way.

b. The installation of any solar energy system will require a zoning, building, and electrical permit. A site plan shall be included with any application.

c. The primary purpose of the solar energy system will be to provide power for the principal use of the property whereon the system is located and shall not be for the generation of power for commercial purposes for resale, other than as permitted by net metering laws. In addition, the following conditions and standards apply:

1. Installation of solar energy system shall comply with the currently adopted sections of NFPA 70, article 690 and applicable sections of the National Electric Code adopted by the Commonwealth of Kentucky.

2. Solar panels and equipment shall not be installed on or structurally supported by any structures that is not regulated by the Kentucky Residential Code or Kentucky Building Code such as small accessory/storage structures, play houses etc.

3. Any electric/utility lines connecting solar energy equipment to the primary use structure that would be strung between the structure and separately located solar equipment, including storage batteries, or would otherwise run along the ground shall be buried.

4. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the Kentucky State Building Code when in use.

5. All solar panels shall be equipped with a non-reflective finish/coating.

6. Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system.

d. ROOF MOUNTED SYSTEMS

1. Solar energy equipment shall be located on a rear or side-facing roof as seen from the fronting street. Under no circumstances shall solar equipment be mounted on the front face of a roof unless that system utilizes stealth technology such as solar shingles.

2. Roof mounted solar energy equipment shall not extend higher than the ridge level of a roof on a structure with a gable, hip or gambrel roof. In no event shall the placement of the solar panels result in the total height, including the building and panels, exceeding what is permitted in the zoning district.

3. Solar Equipment shall be located no less than 3-feet from the edge of the roof. In no instance shall any part of the system extend beyond the edge of the roof.

4. Any capping or framing shall be compatible with the color of the roof or structure.

5. All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and/or the materials adjacent to the lines. Electrical and/or plumbing lines can only be painted when the applicable codes would allow such items to be painted. All labels and certifications shall not be painted.

e. GROUND MOUNTED SYSTEMS

1. Ground-mounted solar equipment, arrays, and systems are permitted uses within any zoning district on parcels greater than or equal to three (3) acres. Ground-mounted solar equipment, arrays, and systems are only allowed as accessory uses to a permitted use on parcels less than three (3) acres.

2. Solar Energy Equipment shall be located only in the rear portion of a property. For corner lots, Solar Equipment shall not be located closer to the side street right-of-way than the primary building line of the structure.

3. Ground mounted solar energy equipment shall meet the minimum setbacks for permitted uses within the zoning district on parcels greater than three (3) acres, and shall meet the minimum setbacks for accessory use structures on parcels less than three (3) acres.

4. Such systems shall not exceed ten (10) feet in height.

5. Systems shall be located and installed so that the sun glare is directed away from an adjoining property line or public right of way,

6. Solar energy equipment must be protected from unauthorized access or tampering by appropriate fencing and/or plantings. All Solar equipment shall be shielded from sight from any street, public way or neighboring parcel by a barrier of a height equal to the maximum height of fencing for the zoning district they are located. The buffers shall be constructed of fencing, hedges, bushes or combinations of these items.

7. There shall be no signs that are visible from any public road posted on a solar energy system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification. Solar energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line. Warning signage required by the utility company, building, electric or fire codes shall be installed as regulated by such codes or utility company / regulations.

f. Additional regulations for Residential zones and residential uses in mixed use zones

1. Solar equipment and systems are not permitted on the vertical sides of buildings, nor on fences or walls.

2. When installed on a flat or shed roof, solar equipment shall be mounted flush with or within 12-inches of the plane of the roof.

3. Ground-mounted solar energy systems shall not exceed one-third (1/3) of the applicable rear yard.

g. Additional regulations for Non-Residential zones and non-residential uses in mixed use zones

1. Roof Mounted Systems

If located on a flat roof, then adequate screening should be provided in order to not be visible from the public right-of-way, parking lots and adjacent property.

2. Ground Mounted Systems

- A. Solar energy equipment shall not block any required driveway, parking entrances or walkways.
- B. Ground-mounted solar energy systems shall not exceed one-third (1/3) of the applicable rear yard.

ARTICLE 5 DIMENSIONAL REQUIREMENTS

Contents:

5.01 Purpose and Applicability

5.02 Conformance

5.03 Flexible Administrative Modification Rules**5.04 Standard Administrative Modifications****5.05 Determining Buildable Area****5.06 Setback and Lot Width Measurements****5.07 Yard Area Delineation****5.08 Permitted Encroachments****5.09 Height and Bulk Measurements****5.01 Purpose and Applicability**

- A. This Article is intended to define the dimensional standards and how the district standards should be applied to a lot.
- B. The standards that follow apply to all development in all established zoning districts unless expressed otherwise in this Ordinance. The dimensional standards for special districts shall be established for those districts upon adoption.

5.02 Conformance

Buildings which do not conform with the standards set forth by its zoning district or this Article shall follow the standards and regulations for nonconformities set forth in [Article 2, Applicability & Conformity](#).

5.03 Flexible Administrative Modification Rules

The Zoning Administrator may, from time to time, approve administrative modifications from measurable and quantifiable standards of this Ordinance subject to the following limitations:

- A. The standard for which the modification can be granted must be a quantifiable and measurable standard set forth in the Ordinance. Such standards may include, but are not necessarily limited to, height requirements and limitation, yard requirements, screening or buffer requirements, planting requirements, ratio requirements, spacing requirements, and other similar measurable and quantifiable standards. These modifications do not apply to the required number and size of parking spaces, lot size and density, and signage requirements.
- B. The Zoning Administrator shall grant such modification only after the requesting party has demonstrated that such minor deviation was a result of an unintended error or unique conditions of the property, does not and will not violate the spirit and harmony of this Ordinance, and does not and will not adversely affect the rights of other property owners in any material manner.
- C. The minor administrative modification may not deviate by more than 10 percent of any of the standards for which the modification is given, unless more specifically specified in [Section 5.04, Standard Administrative Modifications](#).
- D. The Zoning Administrator, in considering the administrative modification request, may approve, approve with conditions, deny, or determine that an application is required to the Board of Adjustment for their consideration. If the administrative modification is denied by the Zoning Administrator, the applicant may appeal the decision to the Board of Adjustment in accordance with the appeal provisions listed elsewhere in this section. Neither a denial of an administrative

waiver nor an unsuccessful appeal to that denial prevents the applicant from seeking a variance to the standard.

5.04 Standard Administrative Modifications

A. Front Yard Setback Averaging

1. In the R-RE, R-LLS, R-CVS, R-CPS, and NC Districts, front yard setback requirements shall be modified when nearby properties have a setback which is less than or greater than the requirement of the zoning district. These nearby properties must be:
 - a. Fronting on the same side of the street; and
 - b. On the same block; and
 - c. Within 300 feet; and
 - d. If in a residential zone, then located within any residential zoning district. If in the NC Zone, then located within the NC Zone; and
 - e. 51% or more of lots in the block are developed.

When this occurs, the front yard setback shall be the average of the nearby properties.



2. For the purposes of determining the average front yard setback, a proposed new road shall not be considered an interruption in the existing block front.

B. Exceptions to Lot Requirements

1. Where existing or proposed developments are to be subdivided, the minimum area and yard requirements may be less than required by this Ordinance provided that:
 - a. A community association or other responsible entity is established prior to the approval by the planning commission of any subdivision of land. The “association” shall be obligated and empowered to own, operate, and maintain all common areas including such items as open space, recreational facilities, access drives, parking areas, pedestrian walkways, etc., and all facilities constructed thereon.
 - b. In addition, the requirement that all lots abut a minimum frontage along a dedicated right-of-way may be waived provided that those lots that do not abut a dedicated right-

of-way are assured an unencumbered and maintained accessway by the association to a dedicated right-of-way.

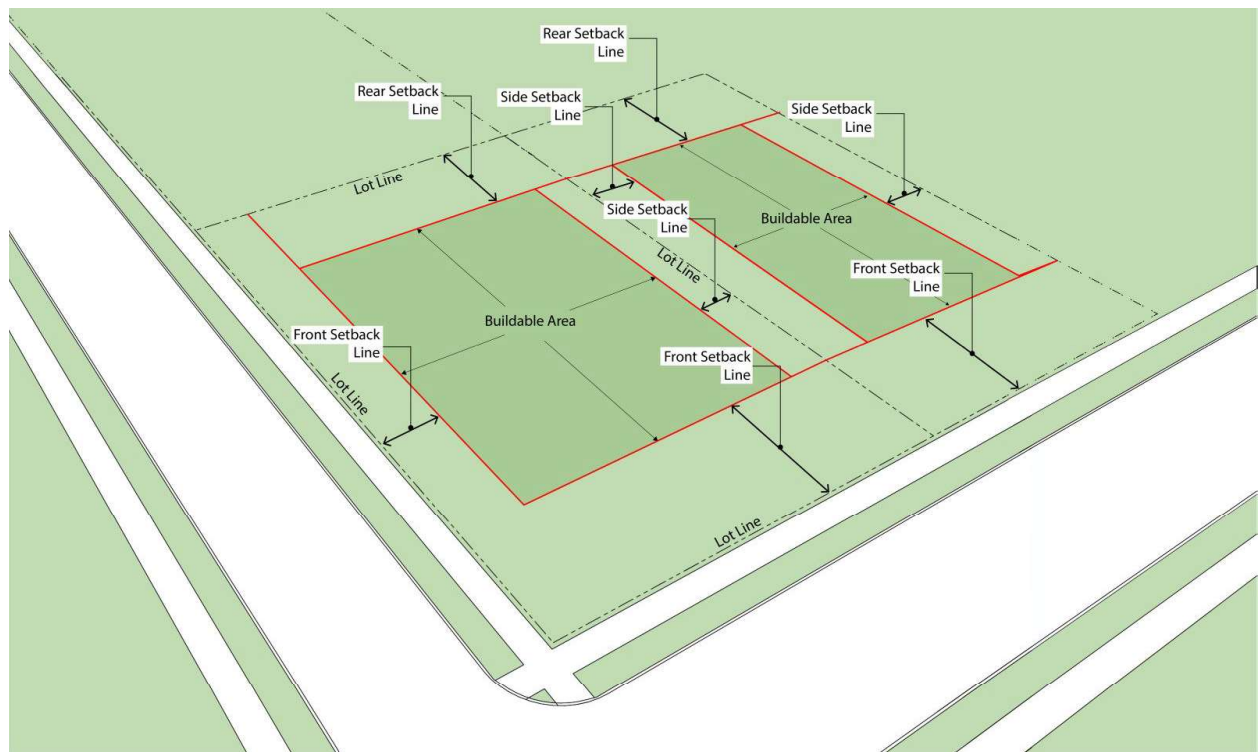
- c. The overall density of the development does not exceed the maximum density allowed by the zoning district.

C. Landscape

1. Landscape modifications are permitted as regulated by Section 7.07, G.

5.05 Determining Buildable Area

The required front, side, and rear yards for individual lots established by the applicable zoning district within which a lot is located shall be measured from the front, side, or rear property line inward toward the center of the lot. Once the required yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the buildable area within which the approved structure(s) shall be placed.



5.06 Setback and Lot Width Measurements

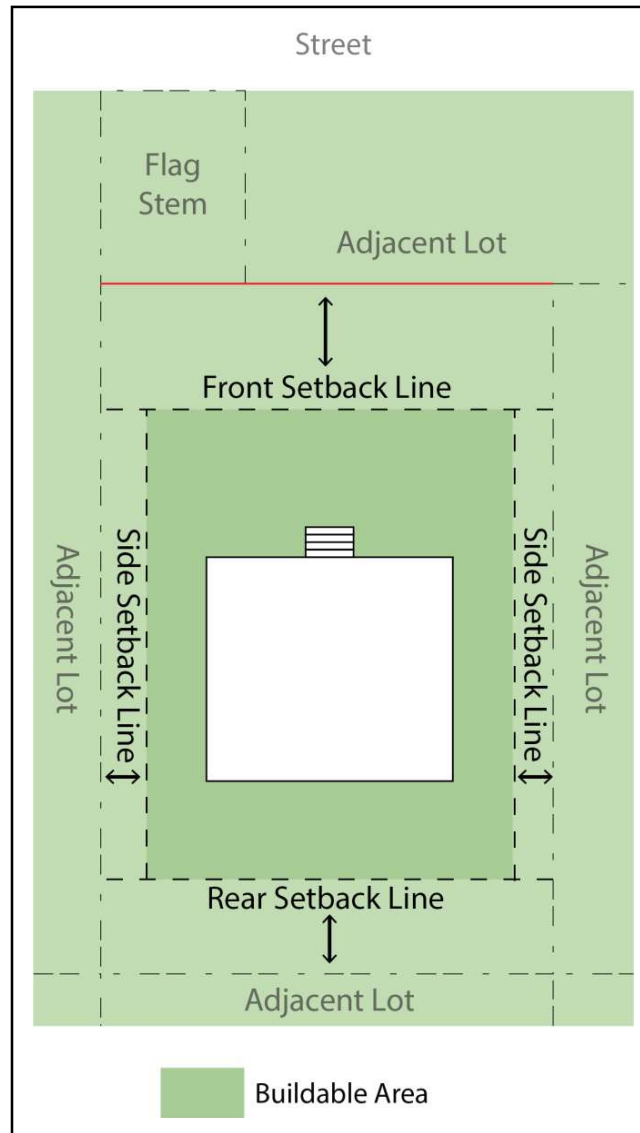
A. Lot Orientation

Lots that do not conform to traditional orientations require special consideration when determining their setbacks and orientation to the street and adjacent properties.

B. Flag Lot

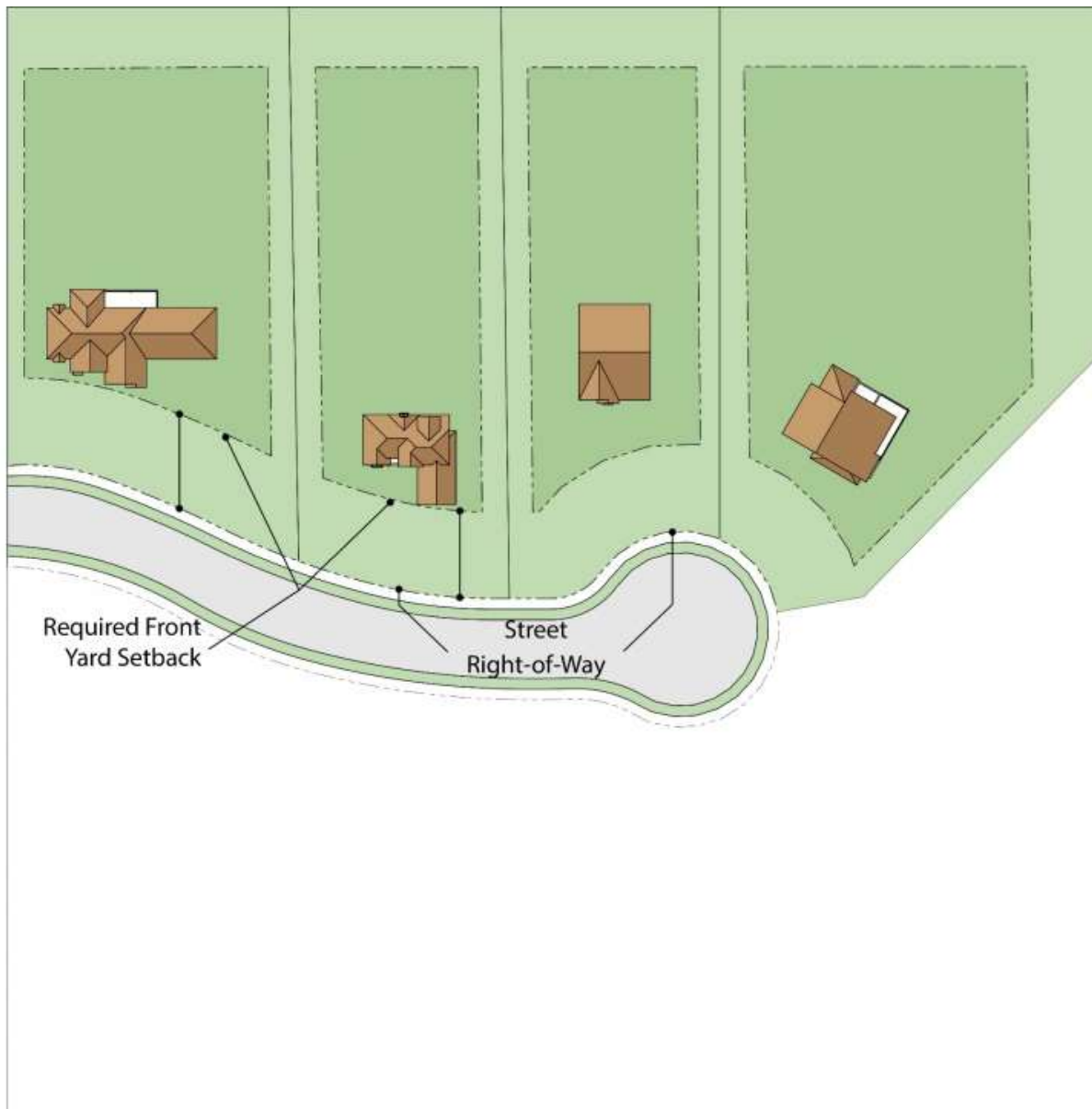
1. Flag lots shall abide by the side and rear setback requirements established by the applicable zoning district. The front setback shall be measured not from the street frontage, but from the closest point to the right-of-way where the minimum lot width is met.

2. Every flag lot shall contain 2 times the minimum lot area, and minimum lot width.



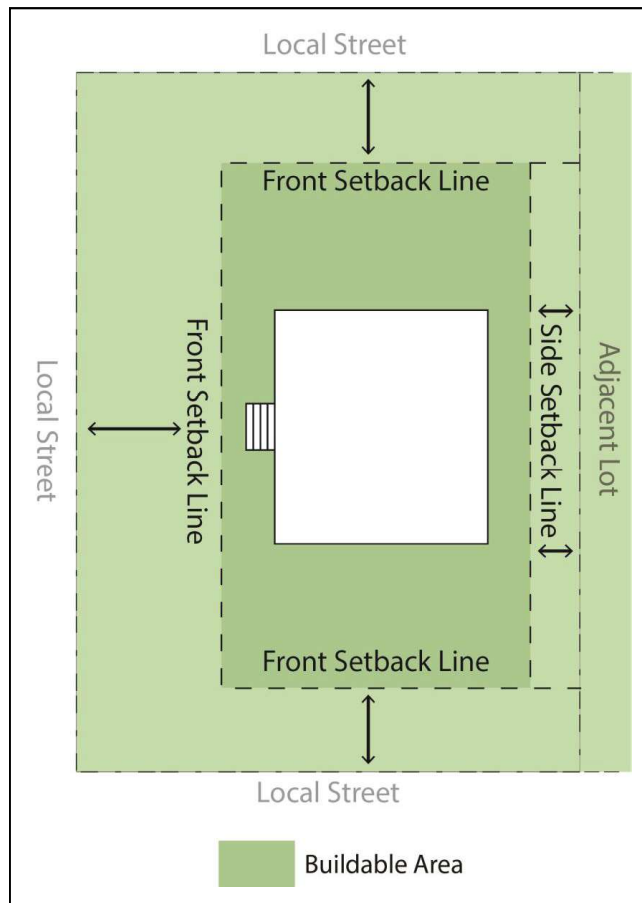
C. Cul-de-sac and Curved Lots

The front setback shall be measured parallel to the arc of the street right-of-way and follow the same arc that the front lot line forms.



D. Setbacks on Corner and Double/Multiple Frontage Lots

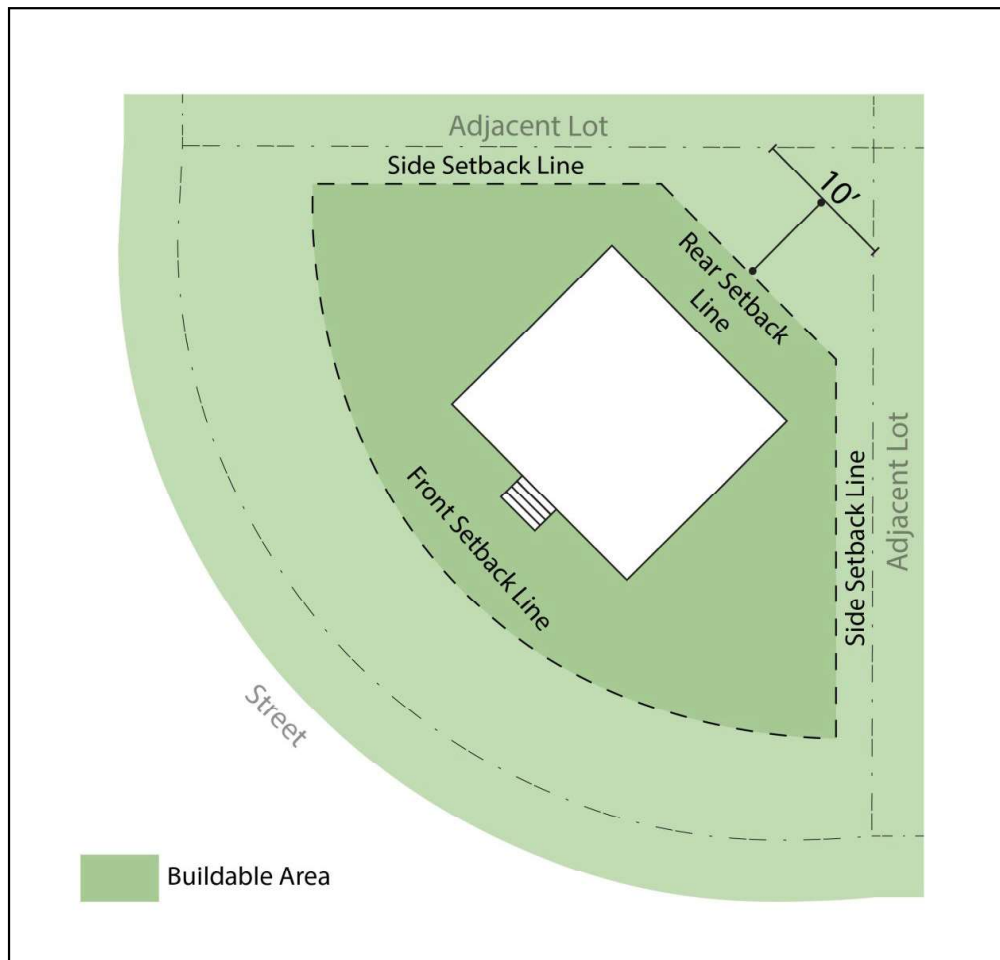
On lots having frontage on more than one street, the minimum front yard depth shall be provided on at least one street frontage, with the other frontage(s) having a minimum of one-half the required minimum front yard depth, except that when the lots abut an arterial street, as herein defined, the minimum front yard depth shall be provided each street.



Multiple Frontage Lot

E. Rear Setbacks on Triangular or Wedge Shaped Lots

In the case of a triangular or wedge-shaped lot, the required rear setback shall be measured from a line ten feet in length that intersects with both side property lines and is parallel to and at the maximum distance from the front facade of the principal structure.



F. Lot Width

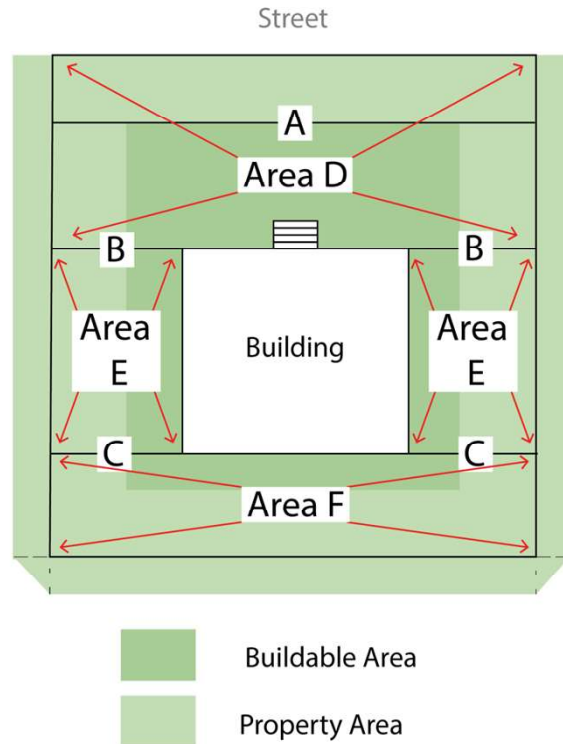
The minimum lot width shall be the lot width measured along the front setback line.

5.07 Yard Area Delineation

Yard areas shall be delineated in the following fashion:

- On a plan view of a property, front yard setback line(s) shall be drawn (Line A on illustration). Corner lots, double frontage lots, and multiple frontage lots will have more than one front setback line.
- Parallel to the dominant front façade, draw lines extending from the lateral-most corners of the front of the building to the lot line(s) or front yard setback line(s), whichever is closest (Lines B on illustration).
- Parallel to the dominant front façade, draw lines extending from the lateral-most corners of the rear of the building to the lot line(s) or front yard setback line(s), whichever is closest (Lines C on illustration).
- All area in front of the front façade of the building, all areas in front of Lines B, and all areas street-ward of the front yard setback line(s) (Line A) shall be considered front yard (Area D on illustration).

- E. All areas to the side of the building and between Lines B and Lines C shall be considered side yard (Area E on illustration).
- F. All areas to the rear of the rear façade of the building and all areas to the rear of Lines C shall be considered rear yard (Area F on illustration).

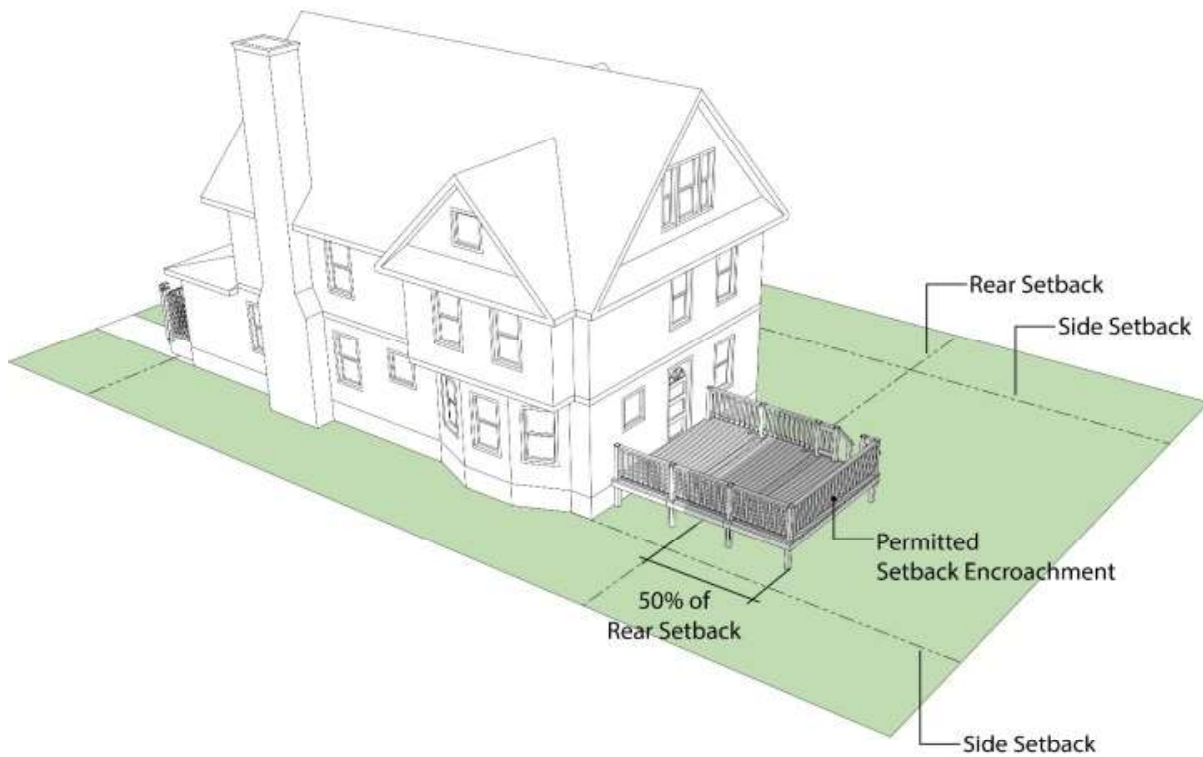
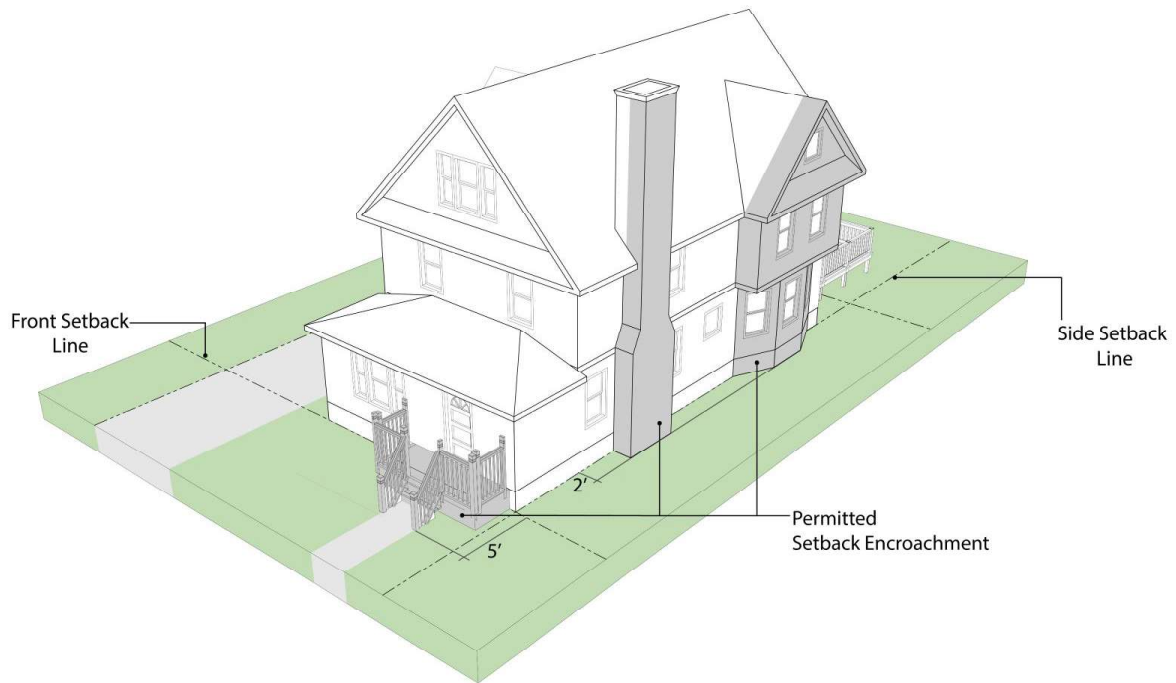


5.08 Permitted Encroachments

Buildings and structures must be located entirely at or behind setback lines, with the following exceptions.

A. Building Features

1. Structural features such as overhangs, bay windows, window wells, and residential chimneys may encroach up to two feet into the district setbacks.
2. A porch or similar structure that does not rise above the height of a structure's first story floor may extend beyond the established district setbacks or build-to-line up to a maximum of five feet. When located in the rear yard these structures are permitted to extend into the rear setback up to 50 percent or five feet, whichever is greater.



B. Mechanical Equipment and Utility Lines

1. Residential uses may have mechanical equipment extend into rear and side yards provided a three-foot buffer remains between this extension and any lot line.
2. All other utility equipment may extend into any property setbacks. These could include power lines, hydrants, transformers, etc.

C. Height Exemptions

Height limitations of this Ordinance shall not apply to such things as church spires, utility towers, solar panels, chimneys, smoke stacks, and necessary mechanical equipment, provided their construction is in accordance with all other City ordinances and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

D. Small Accessory Structures

Accessory structures less than 120 square feet may be placed within the side or rear setback not less than five feet from a property line.

E. Other Permitted Setback Encroachments

1. Walls and perimeter fencing as regulated in [Section 7.06, Fences and Walls](#).
2. Sidewalks, multi-use paths and other pedestrian amenities.
3. Driveways and other vehicular access points which are addressed in [Article 10, Parking & Loading Standards](#).
4. Landscaping as regulated by [Section 7.07, Landscaping, Screening, and Buffers](#).

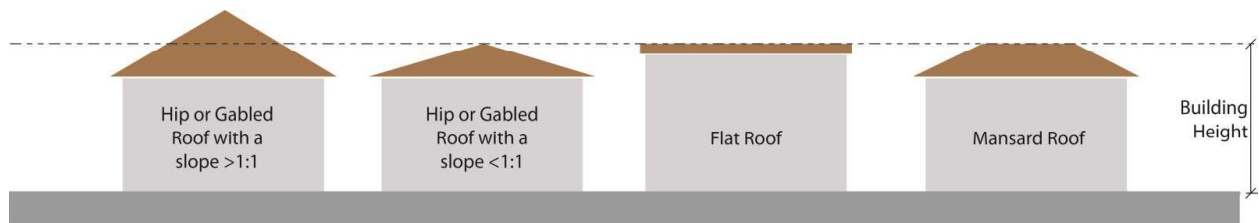
5.09 Height and Bulk Measurements

A. Maximum Height

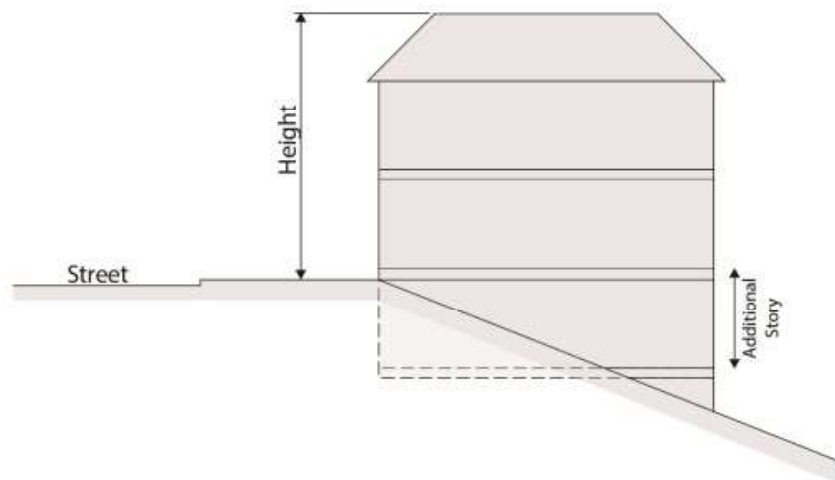
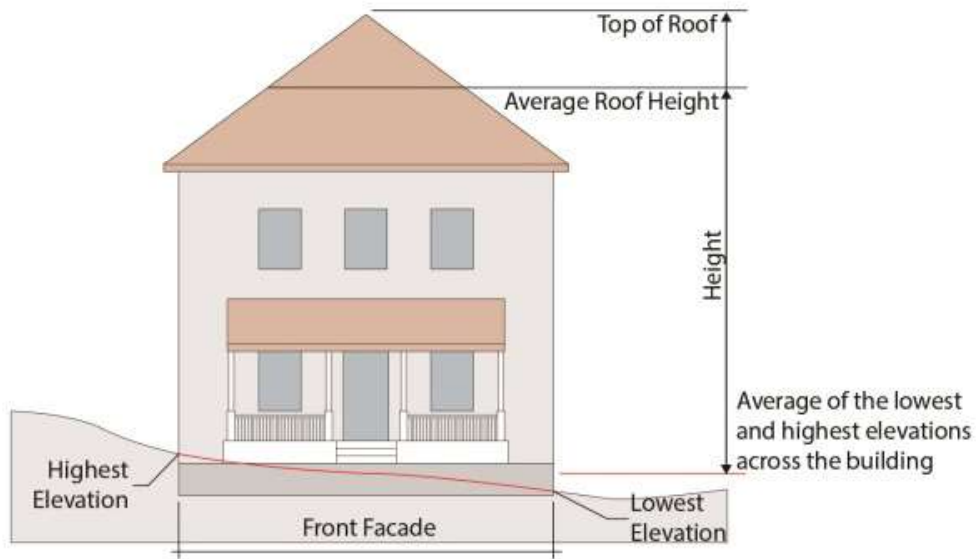
The maximum height shall be established by each zoning district.

B. Building Height Measurement

1. The height of a building shall be measured from the average grade to the highest structure element of the building, in most cases. Roof type variations shall be measured as follows:
 - a. Roofs with a slope greater than 1:1 shall be measured as the average height between the eaves and ridges.
 - b. Roofs with a slope less than 1:1, or that are flat or mansard roofs, shall be measured to the top of the building.



2. The average grade of a property is measured by calculating the average of the highest and lowest elevations along the building façade facing the primary street.
3. When a property slope decreases away from the front setback an additional story shall be permitted under the measured average grade.
4. If a floor of a building is more than 50 percent covered by the finished grade, this floor is not measured in the overall height of the building.



ARTICLE 6 UNIVERSAL REGULATIONS

Contents:

- 6.01 Purpose and Applicability
- 6.02 Permits and Licenses
- 6.03 Erection of Structures Only on Lots of Record
- 6.04 Reduction of Lot Area Restricted
- 6.05 Lot Coverage
- 6.06 Street Access Required
- 6.07 Clear Sight Distance Required
- 6.08 Demolition or Movement of Buildings or Structures

6.09 Required Improvements for Developments

6.10 Negative Access Easements Prohibited

6.01 Purpose and Applicability

The universal regulations shall apply to all zoning districts.

6.02 Permits and Licenses

It is the burden of the applicant to obtain all required local, state, and federal permits and licenses to operate lawfully.

6.03 Erection of Structures Only on Lots of Record

All structures shall be designed, erected, or altered on legal lots of record and in accordance with the Kentucky Building Code.

6.04 Reduction of Lot Area Restricted

Except as noted in Sections 2.07, D., Non-Conforming Lots, and 5.04, B., Exceptions to Lot Requirements, no lot in any district may be reduced in size below the minimum lot area required of the district in which the lot is located, except where the reduction is the result of an expansion or acquisition of rights-of-way for a street.

If the lot is reduced in size below the minimum lot area specified for the district, all uses, and structures contained on the lot shall comply with all other provisions of this Ordinance. If uses and structures cannot comply, the property owner shall seek relief from the Board of Adjustment, as provided for in Article 13, Process and Procedure.

6.05 Lot Coverage

No portion of terraces, balconies, breezeways, porches, or electric generation devices and related apparatus (e.g. solar panels and wind turbines) not included in floor area calculations will be included in computing lot coverage.

6.06 Street Access Required

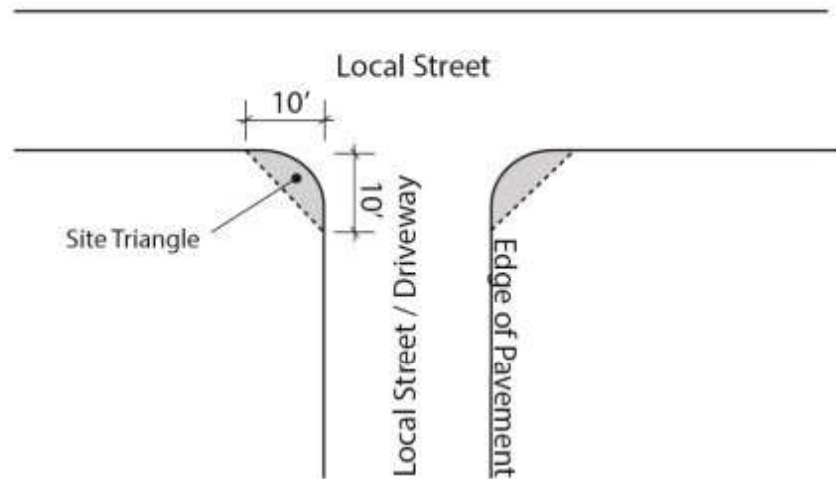
All developments shall have legal and physical access to an improved public right-of-way accepted for maintenance by the legislative body, a public right-of-way that is not accepted for maintenance with approval from the legislative body, or a private street.

6.07 Clear Sight Distance Required

No fence, wall, hedge, or other obstruction, above a height of 36 inches, as measured above the curb level, shall be erected, placed, maintained, or continued in any zone, within that triangular portion of a corner lot formed by measuring from the intersection of the right-of-way lines of two streets or of the right-of-way line of a street intersection with a railroad right-of-way line or driveway and joining these points with a straight line.

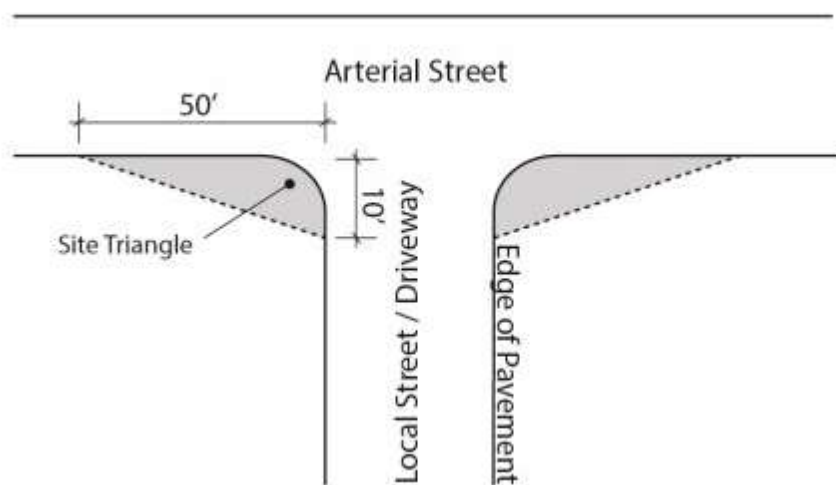
A. Local Street or Driveway Intersecting a Local Street

Sight triangles shall be maintained where local streets or driveways intersect another local street. These sight triangles shall be defined as a 10 foot by 10 foot triangle bounded on two sides by the edge of pavement or curb of the streets and on the third side by a straight line connecting the endpoints of the other two sides. In the event that a driveway crosses a sidewalk, then the edge of sidewalk furthest from the street shall be used as a side in place of edge of pavement or curb.



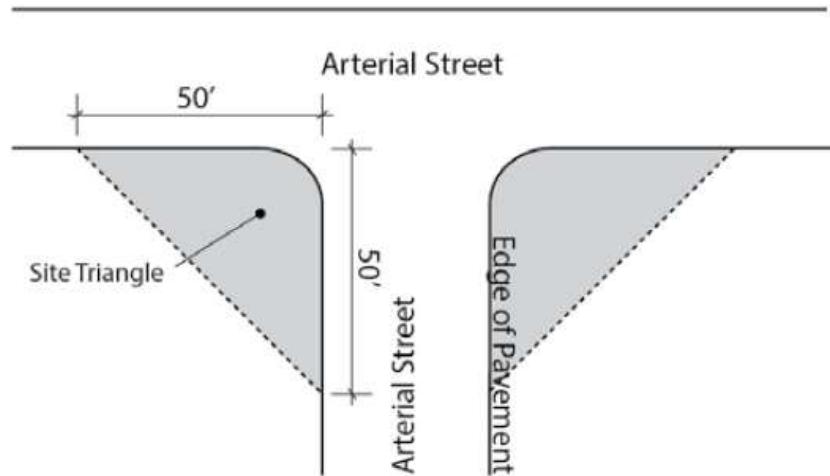
B. Local Street or Driveway Intersecting with a Collector or Arterial Street

Sight triangles shall be maintained where local streets or driveways intersect with a collector or arterial streets. These sight triangles shall be defined as a 10 foot by 50 foot triangle bounded on one side by the edge of pavement or curb of the street, one side by the edge of the driveway or other street, and on the third side by a straight line connecting the endpoints of the other two sides. In the event that a driveway crosses a sidewalk, then the edge of sidewalk furthest from the street shall be used as a side in place of edge of pavement or curb.



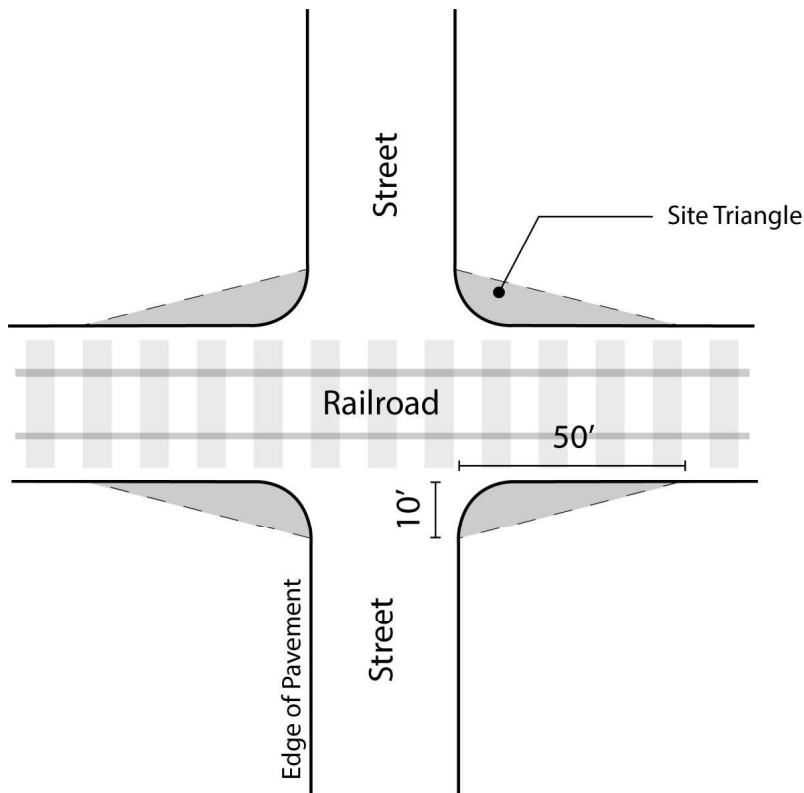
C. Collector or Arterial Street Intersecting With a Collector or Arterial Street

Sight triangles shall be maintained where a collector or arterial street intersects with a collector or arterial streets. These sight triangles shall be defined as a 50 foot by 50 foot triangle bounded on two sides by the edge of pavement or curb of the streets, and on the third side by a straight line connecting the endpoints of the other two sides.



D. Any Street Intersecting with a Railroad Right-Of-Way

Sight triangles shall be maintained where any street intersects with a railroad right-of-way. These sight triangles shall be defined as a 10 foot by 50 foot triangle bounded on one side by the edge of pavement or curb of the street, one side by the railroad right-of-way, and on the third side by a straight line connecting the endpoints of the other two sides.



6.08 Demolition or Movement of Buildings or Structures

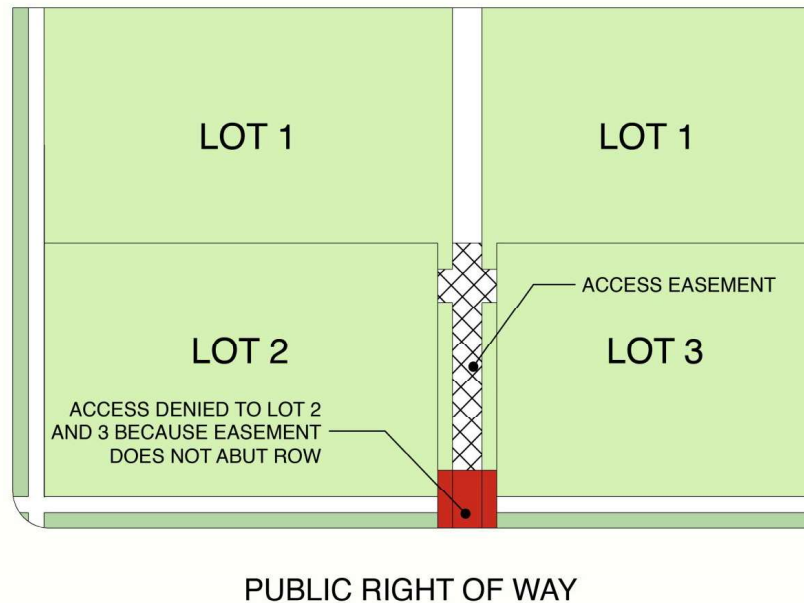
No building, structure, or improvement shall be demolished, moved, or relocated to any area or transported upon any public street until a building permit has been approved and secured, a transport permit has been obtained, and the building, structure, or improvement complies with the provisions of this Ordinance.

6.09 Required Improvements for Developments

- A. All developments shall be required to provide the following improvements in accordance with the applicable sections of the [Kenton County Subdivision Regulations](#). These shall be reviewed through [Article 13 Process and Procedure](#).
 - 1. All new streets shall be designed and constructed in accordance with the referenced regulations. This includes, but is not limited to pavement design, curb and gutters, and sidewalk provisions.
 - 2. Sidewalks shall be designed and constructed along all existing and proposed public streets in accordance with the referenced regulations. This includes, but is not limited to design and width.
 - 3. When required by the referenced regulations, a Traffic Impact Study meeting the scope of those regulations shall be submitted. Recommended infrastructure improvements identified in the study may be required as a part of the development plan approval.
 - 4. All stormwater runoff controls shall be constructed in accordance with the referenced regulations.
 - 5. All fire flows shall meet standards included in the referenced regulations. This does not apply to individual building fire department connections, which shall be approved by the applicable fire authority.
- B. The legislative body may consider and approve by ordinance, major modifications to the referenced regulations. Modifications or adjustments may be approved concurrently with a Map Amendment or Development Plan. When considering a proposed modification, the legislative body shall find that the request will not be detrimental to the public interest and meets at least one of the following criteria:
 - 1. That unusual topographical or exceptional physical conditions exist; or
 - 2. That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions; or
 - 3. That compliance with the regulations could cause an unsafe situation; or
 - 4. That the proposed modification or adjustment would create a materially safer situation than complying with the regulations; or
 - 5. That the proposed modification or adjustment is more compatible with the character of the surrounding neighborhood than complying with the regulation.

6.10 Negative Access Easements Prohibited

Negative easements preventing vehicle or pedestrian access to a lot from an adjacent public street are prohibited except when required by the City to limit driveway cuts on existing public streets.



ARTICLE 7 DEVELOPMENT STANDARDS

Contents:

7.01 Purpose

7.02 Applicability

7.03 Relation to Overlay and Special Districts

7.04 Character Standards

7.05 Site Lighting

7.06 Fences and Walls

7.07 Landscaping, Screening, and Buffers

7.01 Purpose

The purpose of these standards is to:

- A. Ensure that new development, renovations, infill, and redevelopment are designed, sized, and sited to complement the area in which they are located and the character of the community in general;
- B. Minimize traffic hazards and situations which endanger public safety;
- C. Protect existing development and property values through the promotion of high standards of design and compatibility; and
- D. To provide for a high quality of life for our citizens by promoting a variety of housing styles, transportation choices, and well-planned parks and open spaces.

7.02 Applicability

The following standards shall apply to all development in the zoning districts indicated, unless otherwise noted, with the following exceptions.

- A. Routine maintenance of buildings and sites.
- B. All plumbing, mechanical and electrical equipment, when such work is entirely within the interior of a building.
- C. Construction or alteration is necessary to comply with a lawful order of the City or State of Kentucky related to immediate public health or safety.
- D. Any interior alterations, repairs, or renovation which do not change the principal use of the structure.
- E. Expansion of existing uses not exceeding 30 percent of the gross floor (for structure-related uses) or lot area (for non-structure-related uses) of the existing development.
- F. Demolition or wrecking, repair, construction, reconstruction, alteration, rehabilitation, moving, demolition, or change in use for either land or buildings within any local historic preservation overlay district.

7.03 Relation to Overlay and Special Districts

These standards shall apply in all overlay districts, except historic preservation overlay districts, in the same manner and using the same process as standards applicable to the underlying district, including any applicable alternative standards except where such standards conflict the most restrictive shall apply unless otherwise noted.

7.04 Character Standards

The following tables of standards are intended to provide objective criteria required for development in particular zoning districts. Where a criterion is required in a zoning district, an "X" appears in that district column. Where a criterion is not required, a "-" appears in that column.

TABLE 7.1 - ZONING DISTRICTS											
	RESIDENTIAL					COMM	EMP	OTHER		SPECIAL	
"X" means that the standard is required. "-" means that the standard is not required.	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	PUD
A. Character Standards - Non-Residential Construction To define public street space, foster compatibility between development sites, and to emphasize key commercial areas, the following standards shall apply.											
1. More than one principal building, as defined herein, may be permitted on a lot.	-	-	-	-	-	-	X	-	X	X	X
2. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas, outdoor dining areas for restaurants, and outdoor play areas associated with child care centers if these uses are specifically permitted within the zone.	-	-	-	-	-	X	X	-	X	X	X
3. No outdoor storage of any material, usable or waste, shall be permitted except within enclosed containers, except where otherwise permitted in	-	-	-	-	-	X	X	X	X	X	X

TABLE 7.1 - ZONING DISTRICTS

	RESIDENTIAL					COMM	EMP	OTHER		SPECIAL	
<p>“X” means that the standard is required. “-” means that the standard is not required.</p>	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	PUD
Article 4, Use Regulations and Standards.											
<p>4. Buildings must use a minimum of 60% of the following primary building materials: brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit appearance may be used.</p> <p>Buildings may use a maximum of 40% of the following secondary building materials architectural grade metals, EIFS/stucco, glass block and precast concrete. Only architectural grade materials shall be used.</p> <p>Prohibited Building Materials may not be utilized at all. These prohibited materials include; plain/smooth faced CMU, flimsy or synthetic appearing exterior wall materials (such as ribbed, industrial style metal siding, exposed fastener metal wall panels, T1-11 or other hard board type materials that are manufactured in sheets) are not permitted.</p>											
	-	-	-	-	-	X	-	-	-	-	X
5. Materials for any pitched roof shall be architectural grade, three dimensional shingles or tiles, slate, or metal or standing seam metal.	-	-	-	-	-	X	-	-	-	-	X
<p>6. Ground level transparency must comprise a minimum percentage of the street-facing façade between 3 and 8 feet in height above grade. Materials such as opaque or darkly-tinted glass or glass block are not considered to be transparent. Display windows that do not provide visual access into the interior of the building count toward the minimum transparency percentage. Transparency requirements do not apply to residential buildings.</p> <p>The following minimum standards apply: Primary Street: ground level 50%, upper levels 30% Secondary Street: ground level 25%, upper level 25%</p>	-	-	-	-	-	X	-	-	-	-	X
7. The street-facing facades of commercial and mixed use buildings shall not have a blank, uninterrupted length greater than 40 feet without including a change in plane and one additional feature, such as changes in texture or pattern, projections, or recesses.	-	-	-	-	-	X	-	-	X	X	X
<p>B. Character Standards—Residential Construction To promote thoughtful residential design that will result in the creation and maintenance of strong, vibrant neighborhoods, the following standards shall apply.</p>											

TABLE 7.1 - ZONING DISTRICTS

	RESIDENTIAL					COMM	EMP	OTHER		SPECIAL	
"X" means that the standard is required. "-" means that the standard is not required.	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	PUD
1. More than one principal building, as defined herein, may be permitted on the minimum site for development.	-	-	-	-	X	X	-	-	-	-	X
2. No outdoor storage of any material, usable or waste, shall be permitted except within enclosed containers, except neatly stacked firewood and where otherwise permitted in Article 4, Use Regulations and Standards.	X	X	X	X	X	-	-	-	-	-	X
3. Exterior walls of all detached single-family residential dwelling units, except foundations, shall not be constructed of concrete or cinder block.	X	X	X	X	-	-	-	-	-	-	X
4. The same front elevation cannot be built adjacent to or directly across the street from a single-family residential dwelling with the same front elevation, unless colors, front door or garage doors, window style, gable, or other features are present which result in the front elevation appearing to be different.	X	X	X	X	-	-	-	-	-	-	X
5. All windows and doors on the front elevations of a new detached single-family residential dwellings must provide a minimum of 3/4 inch by 3 ½ inch trim surround or decorative shutters. Windows, doors, and garage doors in brick veneer are not required to meet this requirement.	X	X	X	X	-	-	-	-	-	-	X
6. All detached single-family residential dwelling units shall have a minimum of 50% "approved exterior covering" on the front elevation, excluding doors, windows, garage doors, roofs, exterior trim, and shutters. "Approved exterior covering" shall include, brick veneer, stone (real or cultured), stucco, fiber cement siding products natural wood or wood composite horizontal siding, natural wood or wood composite shingles, natural wood or wood composite shake. A combination of design features from the lists below in subsections 7.04, E., and 7.04, F., can be used to decrease the requirement on the front elevation, but it shall not be decreased below 25% unless three or more elements from subsection 7.04, F., are used.	X	X	X	X	-	-	-	-	-	-	X
C. Character Standards—Services, Utilities, and Minor Accessory Uses To subordinate the appearance of services, utilities, and minor accessory uses on individual sites and throughout the [City's/County's] jurisdiction, the following standards shall apply.											
1. All utility equipment (includes meters, boxes, valves, etc. but does not include overhead power lines, light poles, and similar equipment) shall be designed and located to be as inconspicuous as possible and shall not be located on the street-side of a principal structure.	X	X	X	X	X	X	X	X	X	X	X
2. All utility lines serving new development or	X	X	X	X	X	X	X	X	X	X	X

TABLE 7.1 - ZONING DISTRICTS

	RESIDENTIAL					COMM	EMP	OTHER		SPECIAL	
"X" means that the standard is required. "-" means that the standard is not required.	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	PUD
subdivisions and redevelopment sites shall be placed underground whenever practicable.											
3. All dumpster, trash and recycling receptacle storage areas shall be located in the side or rear yard. Dumpsters shall also be screened per Section 7.07, N.	X	X	X	X	X	X	X	X	X	X	X
4. No building may be constructed in any zone unless the building is connected to a public water and public sanitary sewer system of adequate capacity and design, and approved by proper authorities.											
Where existing buildings are presently unserved by a public sanitary sewer system and a public water supply, and are located within a reasonable distance of an existing or newly extended sanitary sewer or water line, as determined by the legislative body and/or the Northern Kentucky District Board of Health, said building shall be required to connect with the public sanitary sewer and water system and the private sewage disposal system and private water supply shall be prohibited.	X	X	X	X	X	X	X	X	X	X	X
5. All mechanical equipment shall be screened from view of the public street frontage or a private access drive which functions as a street. This does not include equipment that is required by a public utility company (i.e. Electric/gas meters, etc.).	-	-	-	-	-	X	-	-	-	-	X
6. Ground mounted equipment shall be screened either with landscaping or enclosed within a structure which uses the same materials, colors, or design detailing as the principal building.	-	-	-	-	-	X	-	-	-	-	X
7. If roof mounted, mechanical equipment shall be screened by a parapet wall or stage set roof types (for flat roofed buildings). If used, the parapet wall shall be designed and constructed as an integral part of the overall building. For roof mounted equipment on pitched roofed buildings, the equipment shall be wholly contained within roof structure.	-	-	-	-	-	X	-	-	-	X	X
D. Character Standards—Open Space											
To provide open space.											
1. The amount of maximum overall coverage of impervious surface permitted in the front yard is based on the size of the residential lot according to the following:											
30,000 square feet or greater - 25 percent	X	X	X	X	X	-	-	-	-	-	X
12,501 square feet – 29,999 square feet - 30 percent											
12,500 square feet or less - 40 percent											

TABLE 7.1 - ZONING DISTRICTS											
	RESIDENTIAL					COMM	EMP	OTHER		SPECIAL	
<p>“X” means that the standard is required.</p> <p>“-” means that the standard is not required.</p>	R-RE	R-LLS	R-CVS	R-CPS	R-MF	NC	RI	CO	INST	RD	PUD
The permitted impervious surface coverage stated within the above table may increase by 5 percent for any lot fronting a cul-de-sac turn around.											
2. Minimum twenty percent (20%) open space requirement											X

- E. The following optional design features may be used to decrease the required amount of “approved exterior covering” on the front elevation as described above in subsection 7.04, B., 6. Each design feature listed in this subsection will reduce the required “approved exterior covering” on the front elevation by five percent. Under no circumstance shall the front elevation of the dwelling unit be decreased below 25 percent “approved exterior covering” when incorporating the design features from this subsection.
1. A minimum of three of the following front elevation architectural features: shutters, single window dormers, multi-pane windows, decorative crown over doors, moldings and trim, dentil moldings, quoins, pilasters, cornices, exterior crown molding or window accoutrements that add another architectural element to the house.
 2. An exterior lighting package including, but not limited to, driveway post lamps, landscape lighting, flood/spot lights, wall lanterns, lamps near house, garage entrances, and others as approved by the zoning administrator. All lighting options must be permanently affixed and not temporarily installed. A minimum of three lighting features are required.
 3. A minimum of two window types into the front architecture of the unit. This includes bay windows, oriel windows, round-top windows, transom windows, and others as approved by the zoning administrator.
 4. Minimum of two ridgelines visible from the front of the house.
 5. Minimum of a four foot deep covered entry porch with columns.
 6. Minimum of a two foot deep recessed front entry.
 7. Minimum of a three foot deep covered entry with decorative brackets.
 8. Minimum of a one foot front facing gable with a minimum of an 8:12 pitch roof.
 9. Garage set back a minimum of two feet from the furthest projecting wall on the front elevation.
 10. Windows on garage doors that face any street or right-of-way.
 11. Two or more siding types on the front elevations including, but not limited to, horizontal siding, shake siding, and board and batten siding.
 12. Minimum of one sidelight at the front entry.
 13. Minimum of six windows or more on the front elevation.
 14. Dentil blocks, decorative brackets, crown molding, or similar architectural detailing at eaves on the front elevation.

- F. The following optional design features may be used to decrease the required amount of masonry on the front elevation as described in subsection 7.04, B., 6. Each design feature listed in this subsection will reduce the required masonry on the front elevation by 10 percent.
1. Attached two car garage with one door or two separate doors and designed or located to reduce the visual impact of garage doors along street frontages. This includes side-loaded garages or front-loaded garages that provide windows or other architectural details that mimic the features of the living portion of the dwelling unit on the side of the garage facing the street.
 2. Roofs made with roof materials such as tile, slate, cedar shake with fire protections, thirty-year or more asphalt shingles, dimensional asphalt, fiberglass, metal standing seam roofs, and others as approved by the zoning administrator.
 3. Two single window dormers or one multi-window dormer.
 4. A usable, fully covered front patio/porch that stretches at least 30 percent of the building frontage with a minimum width of eight feet and a minimum depth of six feet.
 5. Full length chimney constructed of brick or stone and mortar.
 6. The main roof being a hip roof with a minimum of 6:12 pitch on all sides.

7.05 Site Lighting

A. Applicability

The following standards shall apply to all exterior artificial light sources in all zones except for single-family residential uses. Uses that are in operation after dusk and/or before dawn are required to provide site lighting to ensure the safety of customers and workers. See Section 8.08 for regulations regarding glare for all uses, including single-family residential uses.

B. Exemptions

The following are exempted from the requirements of this section.

1. Lighting fixtures and standards required by federal, state, county, or city agencies, including street lights within public rights-of-way, except that new street lights shall use full cut-off fixtures.
2. Outdoor lighting fixtures used or required by law enforcement, fire and emergency services, transportation or similar governmental agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.
3. Because of their unique requirement for nighttime visibility and their limited hours of operation, stadiums, ball fields, playing fields and tennis courts are exempted from the standards of this section. However, lighting for these outdoor recreational uses shall be shielded to minimize light and glare trespass onto adjacent and nearby properties.

C. Prohibited Lighting Effects

The following effects from exterior lighting of buildings, properties, developments, signs or other features, and for any use, including, but not limited to, residential, commercial, and industrial uses, shall be prohibited.

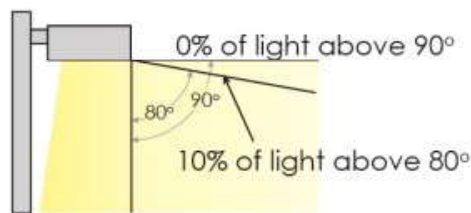
1. Light trespass (light that spills over or is directed onto adjacent properties or rights-of-way).
2. Flashing, scrolling, and strobing.
3. Lighting which may be confused with warning signals, emergency signals or traffic signals.

4. Direct or reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, that is visible at the property line or right-of-way.
5. Any artificial light source which creates glare observable within the normal range of vision from any public walk, thoroughfare, or adjacent property under normal weather conditions is considered a safety hazard and is prohibited.

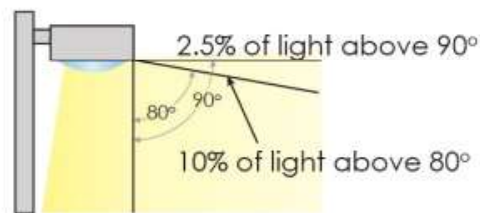
D. Lighting Standards

1. Parking lot lighting shall be a minimum of 1 foot candle at any point measured throughout the parking area.
2. Lighting levels shall not exceed ½ foot candle at any point along a residential property line and 5 foot candles along a nonresidential property line.
3. All lighting fixtures shall be full cut-off design and must be installed in a way that permits the full effect of full-cut-off features.

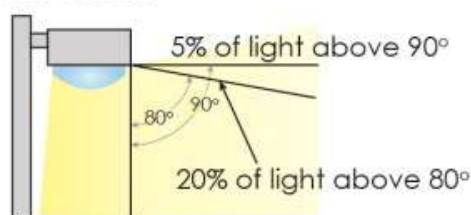
Full Cutoff



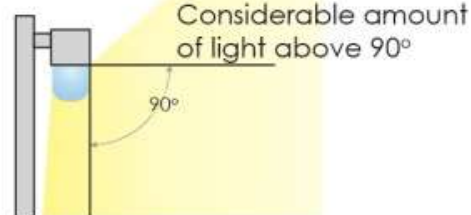
Cutoff



Semi-Cutoff



Non-Cutoff



4. Light poles shall be consistent in design with the overall architectural theme of the corridor but shall not exceed 30 feet in height. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while parking area lighting should be at larger scales to light parking areas and vehicular circulation routes.

E.

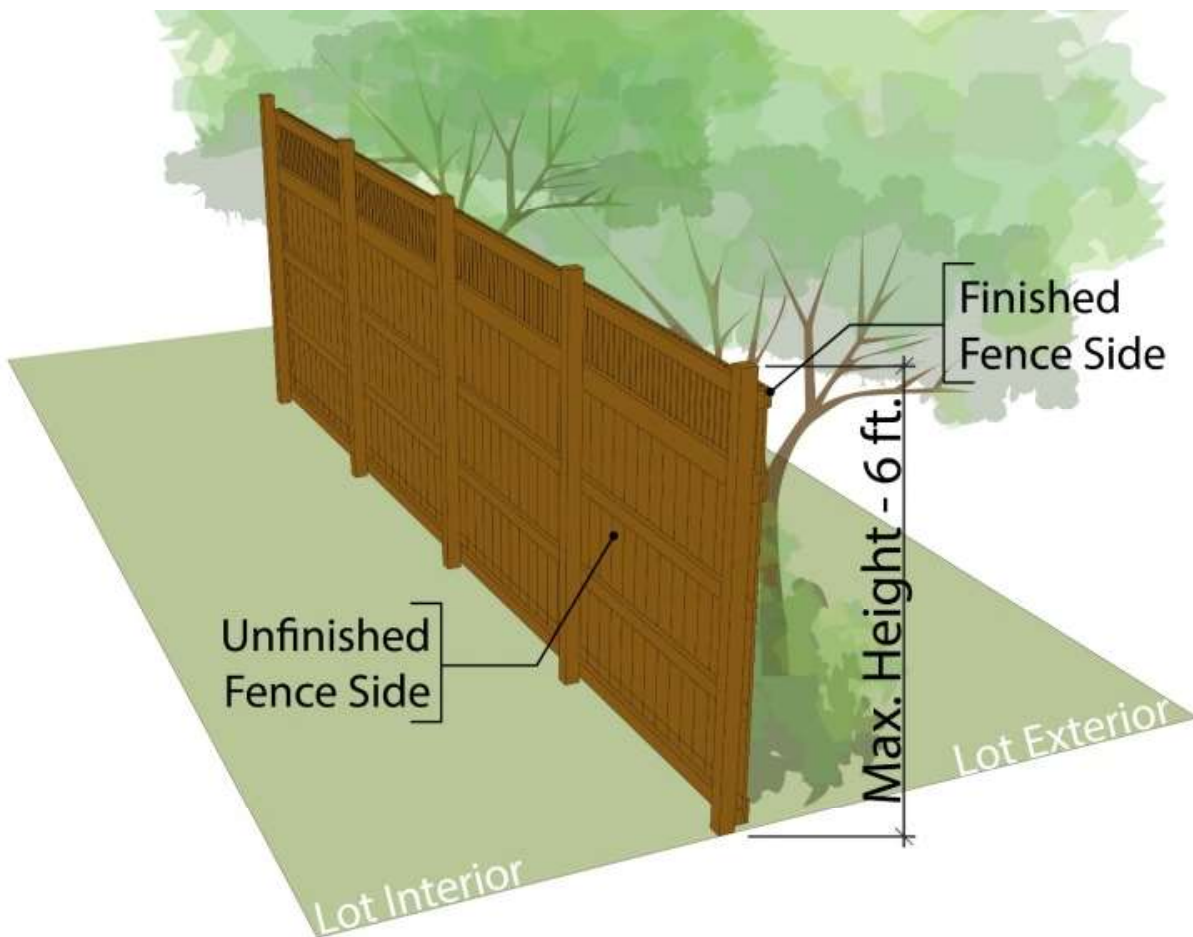
6. Lighting should be coordinated with landscaping and signage for proper site integration.

7.06 Fences and Walls

A. General Regulations

The following standards shall apply to all fences and walls in all zoning districts unless otherwise noted.

1. Fences and walls shall be maintained in good order.
2. Fences shall not contain advertising, signs, logos or other lettering unless expressly permitted by the Zoning Administrator.
3. Where a fence or wall is used as part of required screening, all required vegetation shall be planted on the exterior side of the fence or wall (exterior to the lot). See Section 7.07, [Landscaping, Screening, and Buffers](#).
4. Any fence located within a required sight triangle shall not exceed three feet in height.
5. Fences and walls shall be constructed such that the “finished” part of the fence or wall is located to the exterior of the property.



6. Walls and fences used for landscaping or screening shall be constructed of masonry, stone, wood, vinyl or a material similar in composition and appearance as the principal building. Such walls and fences shall be opaque or shall be of a design approved by the Zoning Administrator.
7. Nothing in this subsection shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the International Building Code or Soil Erosion and Sedimentation Control Act requirements.
8. Prohibited Fences

- a. Fences or walls topped with or containing broken glass or similar material is prohibited.
 - b. Fences constructed of readily flammable material (traditional wood fences excluded) such as paper, cloth, or canvas are prohibited.
 - c. Fence material not listed in Table 7.2, Fence and Wall Types Described and Illustrated are not permitted unless approved by the Zoning Administrator as a like-material that meets or exceeds the intent of the fence standards.
9. Barbed wire and electric fencing are permitted only in the Agriculture district where it is accessory to a permitted agricultural use.
 10. The construction of walls or fences is allowed on a property with no principal structure provided that a principal structure or principal use with the same ownership as the vacant property abuts the vacant property (without a street or alley separating). The fence constructed must meet all regulations of this section. Fence material must be consistent all the way around the property. Chain-link fences are prohibited on vacant properties in all Residential and Commercial Districts.
 11. In addition to a zoning permit, certain walls and fences may also require a building permit.

B. Materials and Design

The following standards shall apply to all fences and walls in all zoning districts unless otherwise noted.

1. Fence Types Described


TABLE 7.2 - FENCE AND WALL TYPES DESCRIBED AND ILLUSTRATED		
TYPE	DESCRIPTION	EXAMPLE PHOTOS
Masonry walls	Masonry walls may be made of brick, concrete block, stone, or a combination of such materials. Unfinished concrete block may not be used as a facing material. These walls may be used on many types of building sites to provide privacy, stabilize terraces, secure pets and children, and delineate or set off landscape features.	
Ornamental metal or other (materials designed to resemble ornamental metal)	Decorative metal fencing that has a pattern with a minimum 80 percent or more open. This fencing is most often used in urban areas and small lot subdivisions where the need to balance access control with visibility exists.	

TABLE 7.2 - FENCE AND WALL TYPES DESCRIBED AND ILLUSTRATED






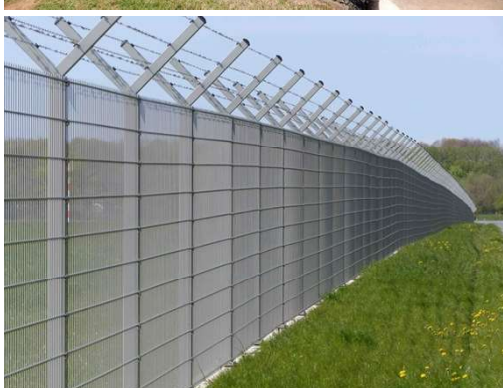
TYPE	DESCRIPTION	EXAMPLE PHOTOS
Woven wire, including chain link	Wire woven into a fencing material that has a pattern with a minimum 80 percent or more open. This fencing is most appropriate for agricultural areas to control livestock and delineate pasture.	
Wood or other (materials designed to resemble wood such as composite or vinyl)	Wooden picket or slat fencing either opaque (privacy fencing) or semi-opaque. Wooden slats and pickets on these fences must be a minimum of 3 inches wide.	
Mixed-material	Fences typically combining two or more fence materials. This fence type does not include woven wire fencing where fence posts made of wood or other materials may be used. These fences are often found in suburban or rural areas as visually lower-impact pet or child enclosures.	
Hedge	A fence or boundary formed by closely growing bushes or shrubs planted in a fashion that provides an opaque or nearly opaque barrier.	

TABLE 7.2 - FENCE AND WALL TYPES DESCRIBED AND ILLUSTRATED

TYPE	DESCRIPTION	EXAMPLE PHOTOS	
Barbed wire / sharp-pointed fences	A fence discouraging climbing or sitting through the use of sharp points or objects welded to or embedded in fence posts or walls.		
Flood retaining walls	Walls in this category are designed and intended to contain or redirect flood waters.		
Sports	These fences typically surround active sport areas such as tennis courts, volleyball courts, basketball courts, baseball fields, and football fields. They serve to keep the ball close to the field of play and to control access to the play area. Fences must be made of coated chain link or similar material.		
Security	Security walls and fences, including but not limited to razor wire, concertina wire, and similar high security fencing material required to secure industrial properties.		

2. Fence Types Limited

TABLE 7.3 - FENCE TYPES LIMITED

“X” means that the fence type is permitted. “-” means that the fence type is not permitted. Maximum heights are in feet	ZONING DISTRICTS												
	RESIDENTIAL						COMMERCIAL	EMP	OTHER		SPECIAL		
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	COND USE	NC	RI	CO	INST	RD	PUD	
a. Masonry walls	X	X	X	X	X	X	X	X	X	X	X	The type, location, and height of all fences and walls shall be approved on the Concept or Final Development Plan Type, location, and height of all fences & walls shall be approved on Concept or Final Development Plan	
Maximum Height, Front	-						-						
Maximum Height, Side	-						6	7	8	6			
Maximum Height, Rear	6 feet												
b. Ornamental metal or other	X	X	X	X	X	X	X	X	X	X	X		
Maximum Height, Front	-						-	6	8	-			
Maximum Height, Side	-						6			6			
Maximum Height, Rear	6 feet												
c. Woven wire, including chain link	X	X	X	X	X	X	X	X	X	X	X		
Maximum Height, Front	-						-	6	8	-			
Maximum Height, Side	-						6			6			
Maximum Height, Rear	6 feet												
d. Wood or other, more than 50% open [1]	X	X	X	X	X	X	X	X	X	X	X		
Maximum Height, Front	-						-	6	8	-			
Maximum Height, Side	-						6			6			
Maximum Height, Rear	7 feet												
e. Wood or other less than 50% open [1]	X	X	X	X	X	X	X	X	X	X	X		
Maximum Height, Front	-						-						
Maximum Height, Side	-						6	7	8	6			
Maximum Height, Rear	6 feet												
f. Mixed material [1]	X	X	X	X	X	X	X	X	X	X	X		
Maximum Height, Front	-						-						
Maximum Height, Side	-						6	7	8	6			
Maximum Height, Rear	6 feet												
g. Hedge [1]	X	X	X	X	X	X	X	X	X	X	X		
Maximum Height, Front	-						-						
Maximum Height, Side	-						6	7	8	6			
Maximum Height, Rear	6 feet												
h. Barbed	X ^[5]	-	-	-	-	-	-	-	X	-	-		

TABLE 7.3 - FENCE TYPES LIMITED

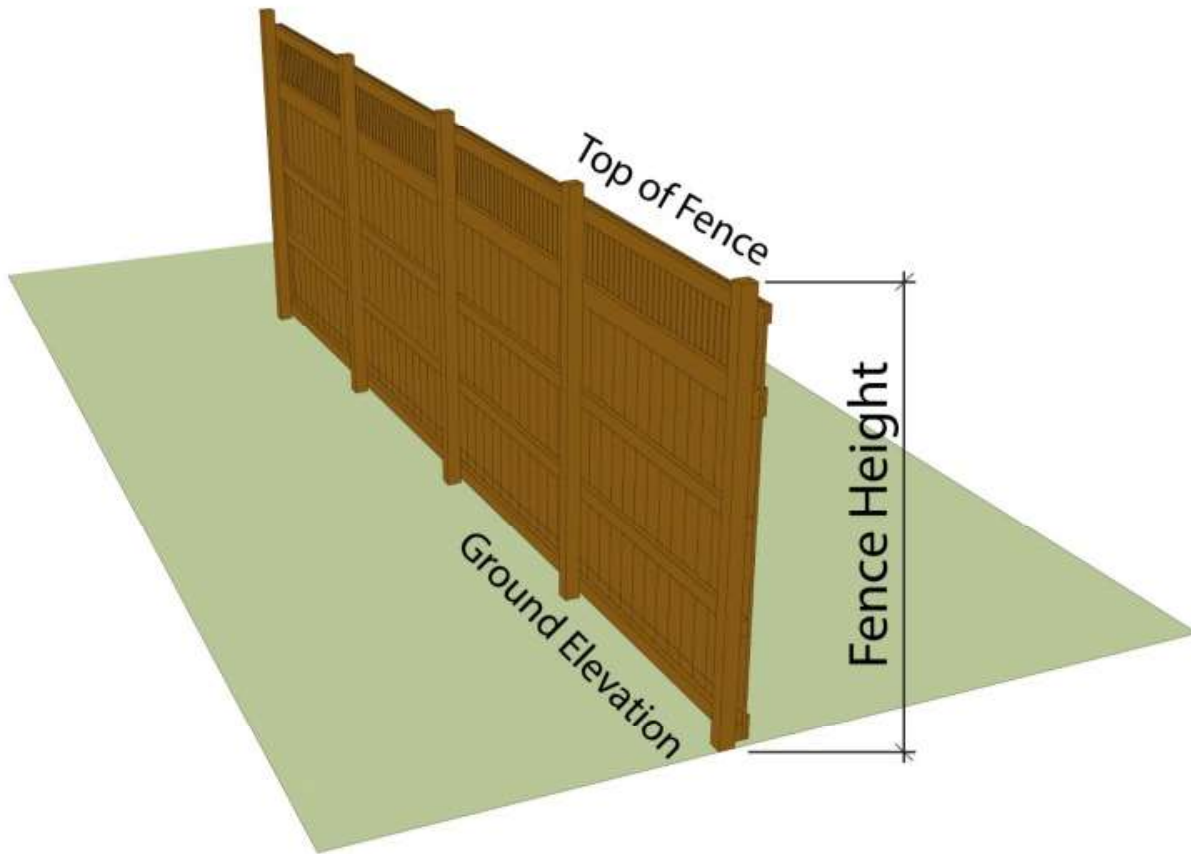
“X” means that the fence type is permitted. “-” means that the fence type is not permitted. Maximum heights are in feet	ZONING DISTRICTS												
	RESIDENTIAL						COMMERCIAL	EMP	OTHER		SPECIAL		
	R-RE	R-LLS	R-CVS	R-CPS	R-MF	COND USE	NC	RI	CO	INST	RD	PUD	
wire/sharp-pointed													
Maximum Height, Front	-	-							-	-			
Maximum Height, Side	5								8				-
Maximum Height, Rear													
i. Flood retaining walls	X	X	X	X	X		X	X	X	X	X		
Maximum Height, Front	Per Engineering Requirements												
Maximum Height, Side													
Maximum Height, Rear													
j. Sports	X	X	X	X	X		X	X	X	X	X		
Maximum Height, Front	8 [2]												
Maximum Height, Side													
Maximum Height, Rear													
k. Security [3] [4]	-	-	-	-	-		-	X	-	-	-		
Maximum Height, Front	-							8	-				
Maximum Height, Side								8					
Maximum Height, Rear													
[1] Not permitted along the street side of a corner lot in any non-residential district.													
[2] Fences up to 12' in height are permitted to enclose tennis courts or as a backstop for a baseball and/or softball fields.													
[3] Barbed wire, razor wire, concertina wire, or other sharp pointed materials must be at least 5’ above grade													
[4] The maximum height of a security fence includes the height of the barbed wire, razor wire, concertina wire, or other sharp pointed material													
[5] Only permitted on properties with active agriculture uses. Must be removed within 120 days if agricultural uses cease.													

3. Maintenance and Safety

Walls and fences shall be erected and maintained in a safe manner. Walls and fences not erected or maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise deemed unsafe by City shall be repaired, replaced, removed, or subject to enforcement action as a violation of this Ordinance.

4. Fence and Wall Measurements

- All fences or wall heights must be measured from ground level where the fence or wall meets the ground to the highest point of the fence or wall.
- Fence post finials are permitted to extend a maximum of 8 inches above the maximum height of any permitted fence.

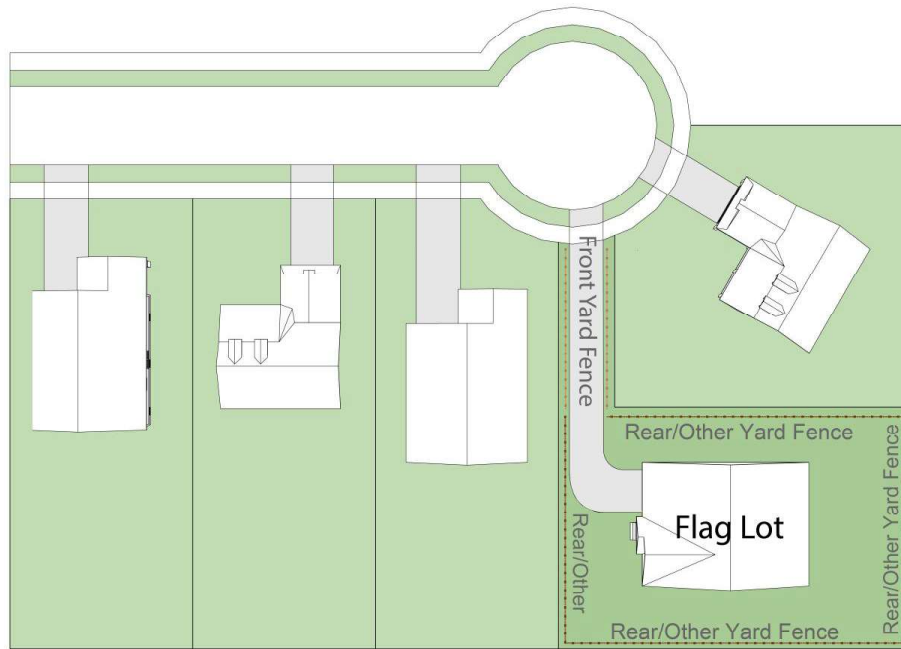


5. Retaining Walls

- a. Walls greater than six feet in height must be terraced or offset to prevent sheer vertical walls.
- b. A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to a level of the highest finished grade. The fence portion must be of the class and height permitted within the zone. The measurement of fence height shall be taken from the highest grade.

6. Fences on Flag Lots

The stem portion of flag lots are restricted to the front yard fence regulations. All other portions of the lot are permitted to have front, side, and/or rear yard fences, unless a more restrictive fence type or height is required on adjacent lot line. Where this occurs, the flag lot must use the more restrictive fence type or height standard.



7. Fences on Corner Lots and Double Frontage Lots

Corner lots and double frontage lots are restricted to the front yard fence regulations within any front yard area adjacent to a street, with side yard fences permitted in all other yard areas. Rear yard fences are only permitted within the rear yard areas, as defined within Article 14, for corner lots.

8. Fences on Vacant Lots

The construction of walls or fences is allowed on a property with no principal structure provided that a principal structure or principal use with the same ownership as the vacant property abuts the vacant property (without a street or alley separating). The fence constructed must meet all regulations of Section 7.06. No accessory structure other than a fence may be constructed on a vacant property.

- a. Fence material must be consistent all the way around the property.

7.07 Landscaping, Screening, and Buffers

A. Purpose

The purpose of this section is to establish minimum standards for the provision, installation, and maintenance of landscaped areas to physically separate and visually screen adjacent uses and zoning districts that are not compatible. These regulations are intended to:

1. Increase the compatibility of development with both adjacent development and the natural environment;
2. Provide direct and important physical and psychological benefits to human beings using landscape materials to reduce noise and glare, and to break up the monotony and soften the harsher aspects of the built environment;
3. Protect and enhance property values;
4. Improve environmental quality through the numerous beneficial effects of landscaping upon the environment.
5. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the community.

B. Applicability

1. The section shall apply to all public or private development (except where exempt from zoning by [KRS 100](#)), where any provision of the section requires landscaping. The regulations of this section shall apply to any new construction, redevelopment, expansion, relocation or redesign of existing parking areas, and substantial additions to buildings. To comply, a landscape plan, which meets the requirements of this section, must be submitted for review along with any site plan or development plan.
2. Any existing buildings that are substantially expanded per the defined criteria below are required to install perimeter landscaping. The table below dictates the level of expansion that would require conformity with the provisions of this Section. For example, if a business is 12,000 square feet and expands less than 30 percent (less than 3,600 square feet) then the requirements of this Section would not apply. However, if the expansion of the building is 30 percent or greater then these standards shall apply to the affected yards and lot lines.

TABLE 7.4	
Existing Structure Square Feet	Expansion Beyond Square Feet of Existing Structure
1,000 square feet or less	101 percent or greater
1,001 to 10,000 square feet	40 percent or greater
10,001 to 25,000 square feet	30 percent or greater
25,001 to 50,000 square feet	20 percent or greater
50,001 square feet or greater	10 percent or greater

3. New parking lots or parking lot expansions containing more than ten parking spaces or more than 1,500 square feet, which whichever is larger, shall be landscaped accordingly. If an existing parking lot is moved or redesigned, the parking lot landscape standards shall apply. If an existing parking lot is expanded, then these standards shall apply to the expanded area only. Normal maintenance, such as paving or restriping, will not invoke the parking lot landscape standards.
4. When multiple types of landscaping are required, each type must be provided, except in the following cases:
 - a. For areas on lots that require both perimeter landscape and buffer yards, the more restrictive standard shall apply;
 - b. Street trees may be counted towards the perimeter landscaping requirement;
 - c. Any type of landscaping may be used to meet the interior landscaping requirements.

C. Landscape Plan

A landscaping plan shall be required for the submission of any new development or redevelopment. This plan shall be submitted in accordance with the procedures and requirements in the Landscape and Planting Manual. Additional procedural requirements may be found in [Article 13, Process and Procedure](#).

D. Types of Landscaping Required

TABLE 7.5 - LANDSCAPE & REQUIREMENTS STANDARDS													
		RESIDENTIAL						COMM	EMP	OTHER		SPECIAL	
"X" means that the standard is required. "-" means that the standard is not required.	SECTION	R-RE	R-LLS	R-CVS	R-CPS	R-MF	COND USE	NC	RI	CO	INST	RD	PUD
Interior Site Landscaping Interior landscaping is the base landscape requirement that will increase aesthetics, encourage open space and an increase in the amount of natural vegetation within a site or development and shall be provided for all new construction.	7.07, I.	X	X	X	X	X	X	X	X	-	X	X	X
Foundation and Fence/Wall Landscaping Foundation and fence/wall landscaping is required to break up commercial or industrial building foundations, fences, and walls. The purpose of this type of landscaping is to increase aesthetics, and to soften foundations, fences, and walls.	7.07, J.	-	-	-	-	-	-	X	X	-	X	-	-
Perimeter Landscaping Perimeter landscaping is required to soften the perimeter or outside of the site or development, and expansions of existing buildings. The purpose of the perimeter landscape is to provide a slight separation between similar intensity uses.	7.07, K.	-	-	-	-	X	X	X	X	-	X	-	X
Parking Lot Landscaping Parking lot landscaping shall be provided for all	7.07, L.	-	-	-	-	X	X	X	X	-	X	-	X

TABLE 7.5 - LANDSCAPE & REQUIREMENTS STANDARDS

		RESIDENTIAL						COMM	EMP	OTHER		SPECIAL	
		R-RE	R-LLS	R-CVS	R-CPS	R-MF	COND USE	NC	RI	CO	INST	RD	PUD
<p>“X” means that the standard is required.</p> <p>“-” means that the standard is not required.</p>	SECTION												
<p>new parking lots and garages, relocated parking lots, and expanded parking lots. The purpose of this is to help screen the parking lot from view of the street or other lower intensity development. Types of parking lot landscaping required include parking perimeter landscaping, landscaping islands, and parking median landscaping.</p>													
<p>Buffer Yards Buffer yards provide an opaque buffer to limit the view of adjacent use and shall be provided for adjacent incompatible uses.</p>	7.07, M.	-	-	-	-	X	X	X	X	-	X	-	X
<p>Site Element Landscaping Site element landscaping shall be provided to screen elements on a site that may have additional noise, odor, or susceptible to trash and debris build-up such as dumpsters and mechanical equipment.</p>	7.07, N.	-	-	-	-	X	X	X	X	-	X	X	X
<p>Street Trees Street trees provide additional aesthetic enhancement along [City] street if determined by the Zoning Administrator that a street has established street trees lining the right-of-way. The purpose of street trees is to maintain the established aesthetic and character of a</p>	7.07, O.	X	X	X	X	X	X	X	X	X	X	X	X

TABLE 7.5 - LANDSCAPE & REQUIREMENTS STANDARDS

		RESIDENTIAL						COMM	EMP	OTHER		SPECIAL	
		R-RE	R-LLS	R-CVS	R-CPS	R-MF	COND USE	NC	RI	CO	INST	RD	PUD
“X” means that the standard is required. “-” means that the standard is not required.	SECTION												
street.													



E. Materials

1. The Landscape and Planting Manual shall be used to determine the appropriate plant materials, form, and density used in any landscape plan.
2. Areas of a site that are not being used for the building, off-street parking and loading, and interior sidewalks and walkways, must be covered with grass or other types of ground cover. Grass and other types of living ground cover shall cover at least 75 percent of all open space areas, the other 25 percent may be non-living natural ground cover such as rocks and stones. Parking lot islands may be covered by grass, other living ground covers, or non-living natural ground cover. This provision does not apply to inert stabilization in areas subject to

severe runoff or erosion. Use of native species is encouraged. Tire mulch and impervious materials shall not be used as ground cover anywhere on a site, except for playgrounds.

3. When calculating the number of plants required, the number of plants shall be rounded up to the nearest whole number.

F. Installation and Maintenance

1. At the time of installation, plant materials must meet the minimum caliper and height requirements identified in the Landscape and Planting Manual.
2. Concrete or similar curbing shall be installed around all landscape areas adjacent to parking lots, drives, sidewalks, bikeways, or streets to contain landscape material and to provide protection from vehicles. In low-impact design landscape areas, wheel-stops or curb breaks can be substituted.
3. Maintenance of the required landscape and buffers are the responsibility of the property owner. Maintenance includes actions necessary to keep landscape materials healthy, neat and orderly in appearance and free of litter and debris. The minimum standards for all maintenance of required plant materials shall be per the Tree Care Industry Association ANSI A300 Standards. Any living plant material that dies or is destroyed shall be replaced by the property owner.
4. Buffer yards over time may lose their screening ability and shall be replanted to meet the requirements of this Ordinance. The Zoning Administrator may order required buffer yard landscape plants to be replaced for as long as the conditions requiring the buffer exist.
5. The Zoning Administrator may order all other diseased, infested, dying, dead, or damaged landscape plants required in this Section to be replaced.
6. Replacement of trees and landscape is permitted and shall be in accordance with applicable provisions of this Ordinance.
7. Once streets have been accepted by the City, street trees shall be maintained and cared for by the property owner adjacent to the tree except in subdivisions where the property owners' association provides maintenance and care. Prior to street acceptance, the developer shall be responsible for ensuring maintenance and care. Maintenance shall include replacement and trimming as necessary. A maintenance responsibility statement shall be provided on the Final Plat and documented within the homeowners' association articles of incorporation or the restrictive covenants/deed restrictions for the development.
8. Irrigation systems in any zoning district shall not be placed in any portion of the Right-of-way.

G. Alternative Compliance

1. The Landscape and Planting Manual includes plant lists which shall be used when selecting trees and shrubs to meet the requirements of this section. For design flexibility, plant substitutions may be made on the following basis, unless otherwise noted:

1 large tree = 2 medium trees = 2 evergreen trees

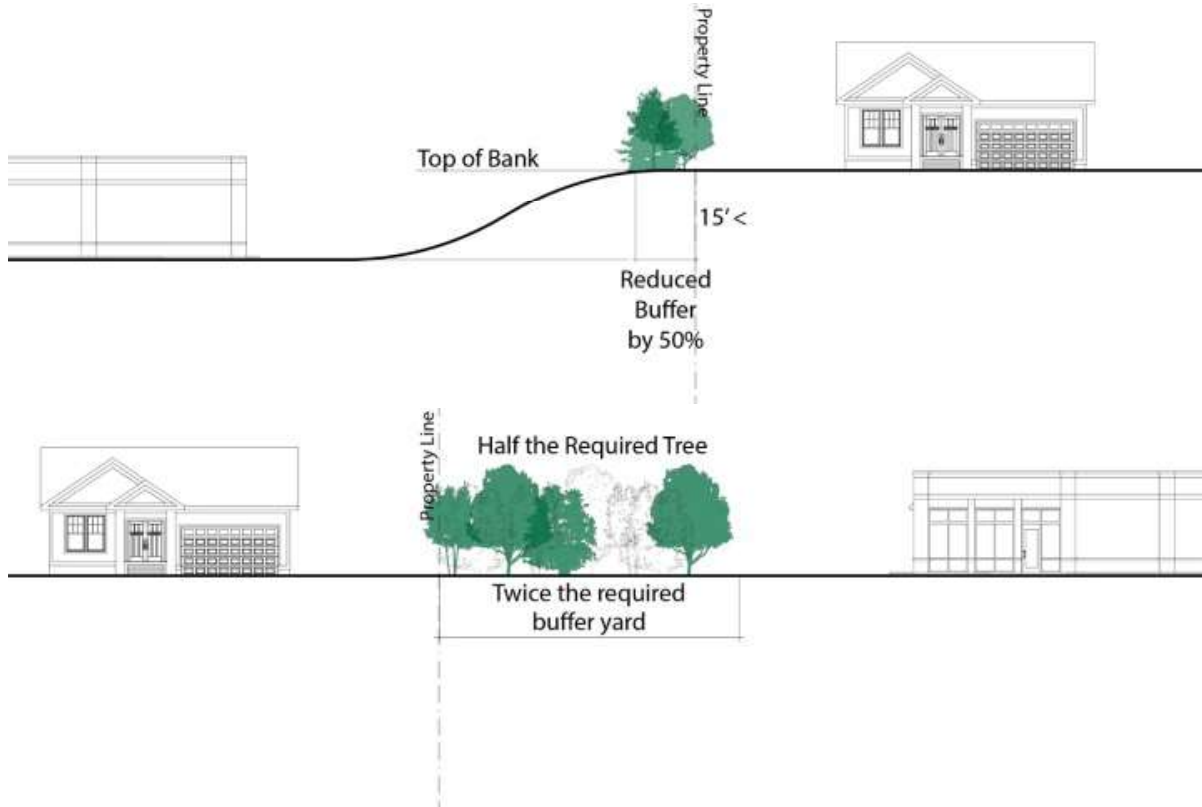
1 medium tree = 1 evergreen tree

1 large shrub = 2 medium shrubs = 4 small shrubs

1 medium shrub = 2 small shrubs

2. Where evergreen trees or shrubs are required for screening, substitutions as noted above are not permitted.

3. Unless specifically required, trees and shrubs do not have to be equally spaced but may be grouped together.
4. Where a property has unique conditions, the following adjustments are permitted:
 - a. When there is a topographical change of 15 feet or greater, a buffer yard width may be reduced by 50 percent. The required landscaping must be placed at the top of the bank.
 - b. When there is an undisturbed area twice as wide as the required buffer yard width, the number of required trees can be reduced by 50 percent.



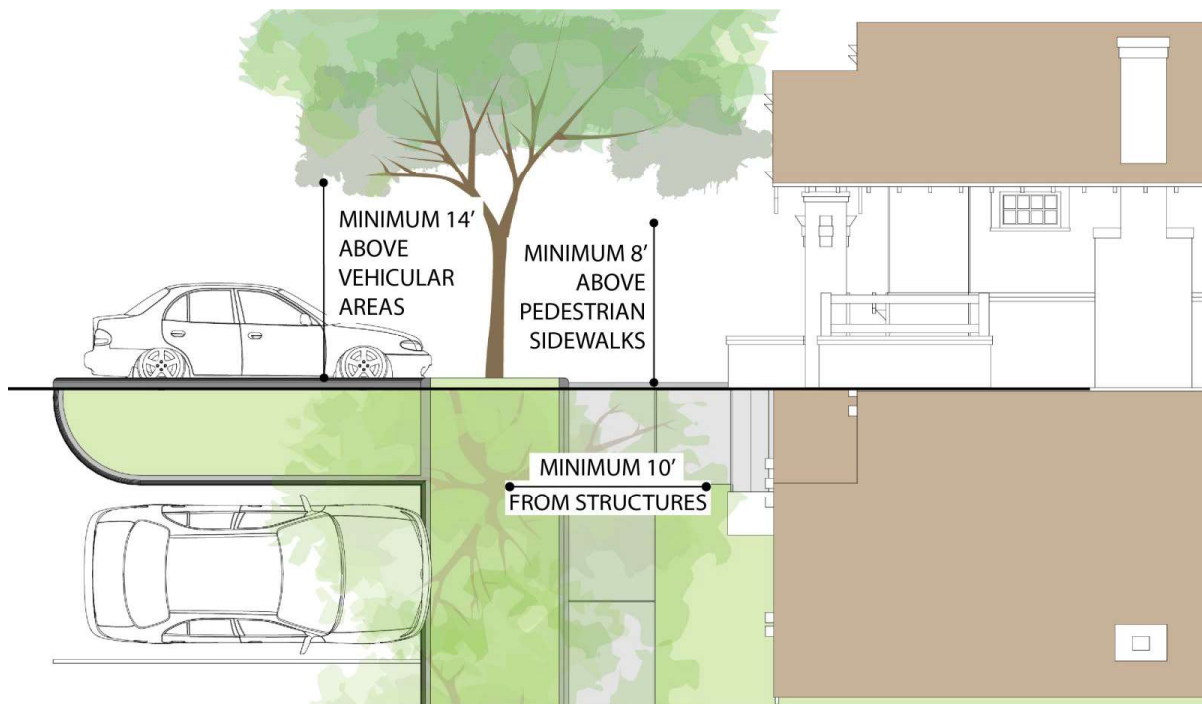
- H. Existing trees can be preserved to meet the requirements of any of the landscape requirements.
 1. The trees being preserved must be in the same general location and be able to fulfill the same purpose as required landscaping.
 2. Barriers shall be used to protect trees during the development of the site. Substantial barriers shall be specified on the landscape plan and shall be placed at or beyond the critical root zone (an area equal to a 1-foot radius from the base of the tree's trunk for each one inch of the tree's trunk diameter at 4.5 feet above grade). These barriers shall remain in place during heavy construction on the site and no vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees.
 3. If these trees are removed by any means, the property owner shall be responsible to provide new landscaping that meets these requirements.
- I. Under conditions where a strict interpretation of the requirements of this Section may be either physically impossible or create practical difficulties, an alternative compliance procedure may be used to maintain the spirit rather than the literal interpretation of the Ordinance. The proposed

solution must equal or exceed standard landscaping requirements. Requests to the Zoning Administrator for use of alternative landscaping schemes are justified only when one (1) or more of the following conditions apply:

1. The sites involve space limitations or unusually shaped parcels;
2. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
3. Due to a change of use of an existing site, the required buffer is larger than can be provided;
4. Safety considerations are involved; or
5. Existing utility lines or easements complicate the placement of required plant materials.

J. Clearance Areas

1. Landscaping in required landscaped areas shall not obstruct the sight lines between the street and the access drives and parking aisles near the entries and exits in accordance with the standards provided for in Section 6.07, Clear Sight Distance Required. Landscaping shall not be located where it creates an obstruction of view in the radius of any curb return.
2. Large and medium trees shall be planted or preserved so that when they reach maturity, there will be a minimum ten-foot clearance between the tree trunk and structures, building overhangs, walls, fences, utilities, or signs. Small trees shall be planted or preserved so that when they reach maturity, there will be a minimum ten-foot clearance between utilities or signs.
3. Trees shall maintain a minimum of eight feet of vertical clearance over any pedestrian or bicycle areas and a minimum of 14 feet over all vehicular areas.



K. Interior Landscaping

1. Ten percent of each lot must be landscaped with trees, shrubs, or planting beds. Grass or other types of ground cover does not count towards these requirements. Plants,

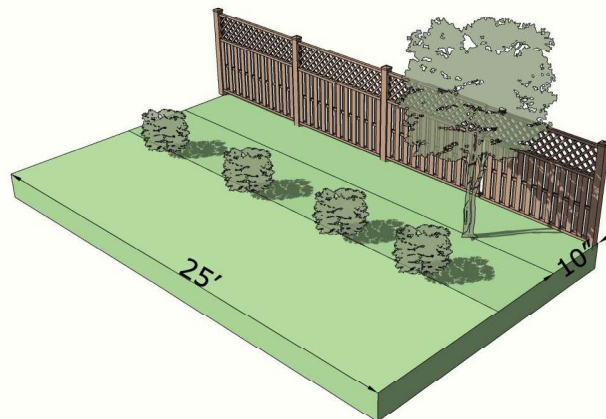
- bioretention areas, filter strips, swales, and constructed wetlands used to meet another landscaping requirement can be used to meet this requirement.
2. Primary entryways to developments shall be landscaped. The landscape shall be set back from the right-of-way to avoid impeding sight lines at the intersection according to Section 6.07, [Clear Sight Distance Required](#). These areas can include signage, wayfinding, shrubbery, trees, and ornamental planting.
 3. The table below contains the minimum requirements for interior landscaping. All trees required within this subsection shall be planted within the private lot or common open space and must be spaced at a width sufficient to accommodate mature growth.

TABLE 7.6 - LOT PLANTING				
Lot Size	< 12,000 sf	12,000 – 22,000 sf	22,000 – 45,000 sf	> 45,000 sf
Min. Number of Trees ¹	2	3	4	5 +1 per 15,000 sf of lot area over 45,000 sf
Large Tree	1	1	1	1/3 of all trees
Tree Placement	At least 1 in Front Yard	At least 2 in Front Yard	At least 2 in Front Yard	At least 3 in Front Yard

¹ Trees can be either large, medium, or evergreen, unless specified in the chart above.

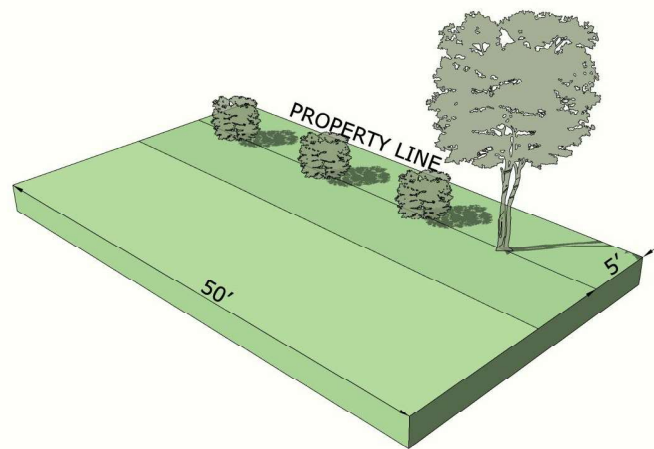
L. Foundation and Fence / Wall Landscaping

1. This subsection shall apply to walls and fences that are visible from and within a yard that abuts the public right-of-way and have a foundation, fence, or wall greater than 25 feet in length.
2. There shall be at least one small tree and four large shrubs for every 25 feet of the foundation, fence, or wall. These must be planted within 10 feet of the foundation, fence, or wall. These can be clustered in groups instead of placing on center to promote a more natural setting.
3. Where required, this landscaping may be counted toward any required interior landscaping.



M. Perimeter Landscaping

1. Perimeter landscaping shall be required for any new buildings, or the expansion of an existing building meeting the requirements in Section 7.07, B.,2., Applicability
2. Perimeter landscaping shall be located within the front, rear, and side yard setbacks and shall include one medium tree or medium street tree planted and two large shrubs every 50 feet of linear feet. These must be planted within five feet of the front, rear, and side property line. These can be clustered in groups instead of placing on center to promote a more natural setting.



3. Perimeter landscaping may include bioretention areas, filter strips, swales, and constructed wetlands provided they meet the requirements of the Storm Water Best Management Practice Manual prepared for the Northern Kentucky region.

N. Parking Lot Landscaping

1. All landscaped areas shall be separated from vehicular use areas by concrete curbing. Roll curbs may not be used for this separation. In low-impact designed landscape areas, wheel-stops or curb breaks can be substituted.
2. Parking lot landscaping consists of perimeter parking lot landscaping, parking lot peninsula and island landscaping, landscaping between multiple parking bays, and parking garage landscaping.

a. Perimeter Parking Lot Landscaping

TABLE 7.7 - PERIMETER PARKING LOT LANDSCAPING REGULATIONS			
Parking Lot location	Min. Perimeter Landscape width	Min. Required Trees (per 50 LF)	Min. Required Evergreen Shrubs (per 50 LF) ¹
Front and adjacent to public right-of-way	10 feet	(1) 2 large; or (2) 4 medium; or	(1) 15 large; or (2) 30 medium; or
Rear/Side Adjacent	5 feet	(3) 4 evergreen	(3) 45 small

TABLE 7.7 - PERIMETER PARKING LOT LANDSCAPING REGULATIONS

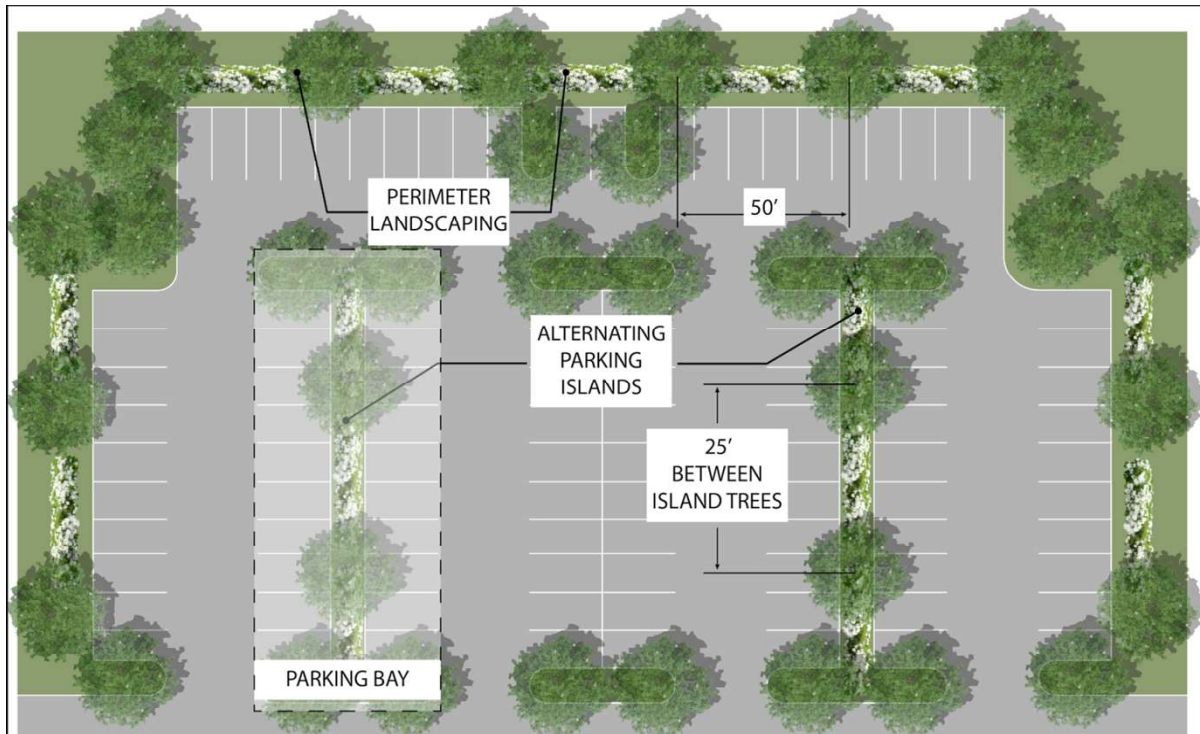
Parking Lot location	Min. Perimeter Landscape width	Min. Required Trees (per 50 LF)	Min. Required Evergreen Shrubs (per 50 LF) ¹
Residential Adjacent ²	15 feet	(1) 3 large; or (2) 6 medium; or (3) 6 evergreen	

¹ Dense or very dense shrubs

² A solid fence may be used adjacent to residential (if the type and location is permitted by the fence regulations). If a fence is used, trees are not required. Shrubs are still required and shall be planted between the fence and the adjacent property line.

b. Parking Lot Peninsula and Island Landscaping

1. All rows of parking shall be capped with a parking lot peninsula or island.
2. A parking lot peninsula or island is required for every 10 continuous parking spaces.
3. Peninsulas and islands shall be a minimum size of 9 feet wide by 19 feet long. Peninsulas and islands only adjacent to compact parking spaces (if permitted) shall be a minimum of 8 feet wide by 17 feet long.



4. Parking lot peninsulas and islands shall require at least one medium tree or medium street tree. Every peninsula and island shall also contain two large shrubs with ground cover, mulch, or decorative rock.
5. Low Impact Development practices are encouraged including: native grasses and vegetation, bioretention or rain gardens, grassed swales, and soil improvements.

c. Multiple Parking Bays

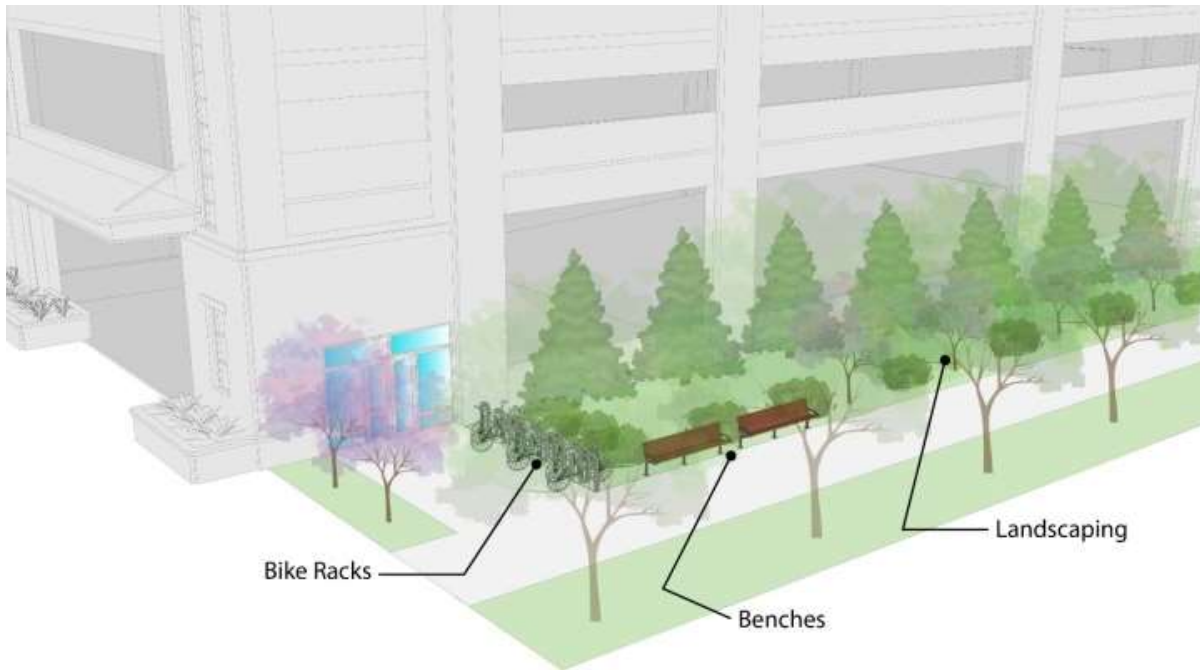
1. When a parking lot contains two or more parking bays, there shall be a continuous landscape island down the middle of every other bay. One medium tree and two large shrubs are required for every 25 feet. The remainder must be covered with ground cover, mulch, decorative rock, or pedestrian walkways that meets the requirements of

Section 10.20, C. Low Impact Development practices are encouraged, such as rain gardens, bioretention cells, and infiltration trenches.

d. **Parking Garages**

1. Perimeter Parking Garage Foundation Landscape

A parking garage shall meet the perimeter parking lot landscaping requirements found in Section 7.07, L., 2., a., Parking Lot Landscaping.



2. Pedestrian Amenities

Adjacent to any primary street frontage there shall be pedestrian-oriented amenities which can include benches, planters, bicycle racks, scooter storage areas, vehicular drop off, street lights, trash cans, charging station, etc. Two amenities should be chosen to be located on primary street frontage. The applicant may propose another alternative that meets the intent of the requirements approved by the Zoning Administrator. These amenities can be located within the right-of-way provided that written approval has been provided by the appropriate government jurisdiction.

3. Garage Screening Requirements

Trellises or hanging baskets may be used to further enhance parking garage parapets or around the exterior of the parking structure, especially when visible to adjacent residential spaces. Appropriately irrigated and drained planting boxes should be used. Planter boxes should be provided at the top level of the parking garage. If a parking garage is effectively hidden by a building, has an architectural façade, or has first floor retail or office, Perimeter Parking Garage Foundation Landscape and Pedestrian Amenities are not required.

O. **Buffer Yard Requirements**

TABLE 7.8 - BUFFER YARD REQUIREMENTS

DEVELOPING USES		ADJACENT USES							
Based on Table 4.1		Residential		Recreation	Lodging	Institutional	Commercial, Office, and Lodging	Industrial/Transportation	Interstate Limited Access Roadway
		Single/2/3/4 Family Residential	Multi-Family Residential	ALL	Bed and Breakfast, and Short Term Rentals	ALL	All Commercial and Office, and all other Lodging	ALL	ALL
Residential	Single/2/3/4 Family Residential	-	-	-	-	-	-	-	2
	Multi-Family Residential	1	-	-	-	-	-	-	2
Recreation	ALL	1	1	-	-	-	-	-	2
Lodging	Bed and Breakfast, and Short Term Rentals	1	1	1	-	-	-	-	2
Institutional	ALL	2	2	1	1	-	-	-	2
Commercial, Office, and Lodging	All Commercial and Office, and all other Lodging	2	2	2	2	1	-	-	2
Industrial/Transportation	ALL	3	3	2	2	1	1	-	2

TABLE 7.9 - BUFFER YARD TYPES

BUFFER YARDS	ARCHITECTURAL AND VEGETATIVE		VEGETATIVE
1	Minimum 7.5' wide Buffer Yard 6' tall fence or wall (must be an allowable type and height per Section 7.06) and Trees- planted between fence and adjacent property 2 trees per 1,000 square feet of buffer area, 25% large, 25% medium, and 50% evergreen and Shrubs- planted between fence and adjacent property 2 medium or large shrubs per 1,000 square feet of buffer area, 100% evergreen, any density	or	Minimum 15' wide Buffer Yard Trees 4 trees per 1,000 square feet of buffer area, 25% large, 25% medium, and 50% evergreen and Shrubs 4 medium or large shrubs per 1,000 square feet of buffer area, 100% evergreen, any density
2	Minimum 15' wide Buffer Yard 6' tall solid fence (less than 50% open) or wall (must be an allowable type and height per Section 7.06) and Trees- planted between fence and adjacent property 3 trees per 1,000 square feet of buffer area, 50% large and 50% evergreen	or	Minimum 30' wide Buffer Yard Trees 5 trees per 1,000 square feet of buffer area, 50% large and 50% evergreen and Shrubs 8 medium or large shrubs per 1,000 square feet of buffer area, 75% dense or very dense evergreen

TABLE 7.9 - BUFFER YARD TYPES			
BUFFER YARDS	ARCHITECTURAL AND VEGETATIVE		VEGETATIVE
	<p>and</p> <p>Shrubs- planted between fence and adjacent property</p> <p>4 medium or large shrubs per 1,000 square feet of buffer area, 75% dense or very dense evergreen</p>		
3	<p>Minimum 37.5' wide Buffer Yard</p> <p>6' tall solid fence (less than 50% open) or wall (must be an allowable type and height per Section 7.06) or a 6' high berm (3:1 slope max, 2.5:1 slope if designed by a geotechnical engineer)</p> <p>and</p> <p>Trees- planted between fence and adjacent property</p> <p>3 trees per 1,000 square feet of buffer area, arranged in a double row with 100% evergreens</p> <p>and</p> <p>Shrubs- planted between fence and adjacent property</p> <p>4 medium or large shrubs per 1,000 square feet of buffer area, 100% dense or very dense evergreen</p>	or	<p>Minimum 75' wide Buffer Yard</p> <p>Trees</p> <p>5 trees per 1,000 square feet of buffer area, arranged in a double row with 100% evergreens</p> <p>and</p> <p>Shrubs</p> <p>8 medium or large shrubs per 1,000 square feet of buffer area, 100% dense or very dense evergreen</p> <p>Another option can be presented as long as there is 100% opacity.</p>

P. Site Element Landscaping

1. All trash dumpsters, trash pads, and ground-mounted heating and cooling units shall be screened from residential uses, residential zones, and all adjacent public roads. This equipment shall use a six-foot-high solid fence or wall (if the type and location is permitted by the fence regulations) along with three small or medium evergreen shrubs per 10 lineal feet. The evergreen shrubs must be within five feet of the equipment and may be grouped together. An alternative option is a six-foot high evergreen screen planted in a double staggered row with three medium evergreen shrubs per 10 lineal feet. The evergreen shrubs must be within five feet of the equipment.
2. Detention/retention basins and ponds shall be landscaped per the interior landscape regulations and are encouraged to be shaped to replicate a natural form of a pond. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, or other plant materials. Use of native species is encouraged.
3. Any service structure that can be seen from the first floor of a residence or from any street shall be screened with a solid evergreen screen surrounding the service structure. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures. Service structures shall include but are not limited to propane tanks, electrical transformers, utility vaults which extend above ground, ground mounted utility equipment and any electrical or other equipment or elements providing service to a building or a site. All service structures shall be adequately screened so it is not visible from adjacent residential developments or public right-of-way.
4. Site elements such as outdoor lighting, signage, trash receptacles and fencing should be considered integral parts of the landscape plans.

5. Irrigation systems may be installed. No portion of any irrigation system shall extend into the Right-of-way abutting any yard, parcel, or lot.

Q. Tree Preservation

1. To accomplish the purposes of the landscape regulations, existing trees shall be saved upon development of a property unless it can be demonstrated that the site design restrictions necessitate their removal.
2. A tree preservation plan must be prepared by a Certified Arborist and submitted with a required Final Development Plan or permit application. The determination of which trees shall be saved shall be guided by the following principles:
 - a. The practicability of arranging site plan components around existing features. In general, plans for groups of structures should be designed to preserve tree masses, individual tree specimens, and small stands of trees. Natural woodland areas shall be protected wherever feasible.
 - b. The condition of the vegetation with respect to continued vitality.
 - c. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.
 - d. The desirability or lack thereof a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics, and the function the vegetation would fulfill as a site plan component.
 - e. The potential for interference with utility services or with passage or visibility along roads or walkways.
 - f. The possibility of preserving the vegetation while meeting the development needs through pruning rather than removal.
 1. Development Plans for sites with existing trees or stands of trees should make reasonable efforts to protect and incorporate them into the overall site design.
 2. Prior to the approval of the development and the issuance of a permit, the developer shall inventory trees on the site which have a caliper of eight inches or greater, following the "American Standard for Nursery Stock" standards that are intended to be saved. The inventory shall contain the location, size, and common name of an existing stand-alone tree, areas of dense trees or shrubs, and other natural features. Existing trees saved in the development of the site shall be credited toward the landscaping requirements as identified in sub-subsection 3 below.
 3. To encourage tree preservation, each tree preserved greater than eight inch caliper shall convert as credits for required landscaping. Credits for each preserved eight inch caliper tree shall be:
 - a. Two (2) required shade trees; or
 - b. Four (4) ornamental trees.
 4. Barriers shall be used to protect trees during the development of the site. Substantial barriers shall be specified on the landscape plan and shall be placed at or beyond the critical root zone (an area equal to a 1-foot radius from the base of the tree's trunk for each one inch of the tree's trunk diameter at 4.5 feet above grade). These barriers shall remain in place during heavy construction on the site and no vehicles, machinery, tools, chemicals, construction materials, or temporary

soil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees.

ARTICLE 8 NATURAL RESOURCES AND ENVIRONMENTAL STANDARDS

Contents:

- 8.01 Purpose and Applicability**
- 8.02 Hillside Development Standards**
- 8.03 [RESERVED]**
- 8.04 Flood Protection Development Standards**
- 8.05 [RESERVED]**
- 8.06 Storm Water Management**
- 8.07 [RESERVED]**
- 8.08 Odor, Noise, Dust, Vibration, Debris, and Glare**
- 8.09 Excavation, Grading, Movement of Soil, Tree Removal, and Erosion and Sedimentation Control**

8.01 Purpose and Applicability

A. Purpose

The purpose of these standards is to:

1. Establish development standards to protect functions and values of environmentally-sensitive features;
2. Protect the public and public investment from injury, loss of life, property damage, or financial loss due to flooding, erosion, landslides, soil subsidence, environmental degradation, and steep slope failures;
3. Protect unique, fragile and valuable elements of the environment by maintaining and promoting native biodiversity and habitat;
4. Prevent cumulative adverse environmental impacts on water quality, ground water, wetlands and aquatic areas; and
5. Preserve and enhance the natural beauty of the landscape and open ridgelines.

B. Applicability

These standards shall apply to all development in all zoning districts unless otherwise stated.

8.02 Hillside Development Standards

A. Intent

It is the intent of these regulations to:

1. Reduce the alteration of hillside topography through grading and paving;
2. Permit development on certain hillside areas by adjusting topography, preserving existing vegetation, and revegetating as needed to address the impacts of construction activities;

3. Use the best accepted landscape design, architecture, and civil engineering practices to preserve, enhance, and promote the existing and future appearance and integrity of hillside areas;
4. Encouraging the maximum retention of natural topographic features such as natural drainage swales, streams, slope ridge lines, rock outcroppings, vistas from and of the hillsides, trees, and other natural plant formations and to retain the sense of identity and image that the hillside areas now impart to the City.

B. Applicability

1. Development proposed on land areas identified in the Comprehensive Plan as “Developmentally Sensitive Areas” containing slopes of greater than 20 percent, other areas which have slopes of 20 percent or greater, or which have underlying Kope formations as identified on the Northern Kentucky Geographic Information System shall meet these standards.
2. Lots indicated as developmentally sensitive that have been graded and filled prior to a development application and no longer have slopes of 20 percent or greater are subject to the site safety and stability requirements of this section.
3. Areas identified in the Comprehensive Plan as Developmentally Sensitive Areas containing unaltered slopes less than 20 percent and that do not contain Kope formations are exempt from these standards.

C. Design Standards

For applicable areas, the following design element shall apply:

1. Design and construction must correct problems related to drainage, erosion, slippage, and other hazards as may be identified during planning or construction.
2. Buildings and other improvements should be sited to conform to topography and take advantage of existing site features.
3. Grading should conserve natural topographic features and appearances by minimizing the amount of cut and fill and by blending graded slopes and benches with the natural topography; straight graded cut and fill slopes are discouraged.
4. Retaining walls should blend with the natural topography and follow existing contours to the greatest extent practicable. Retaining walls that are visible from a public street should have a veneer of natural stone, stained concrete, or earth toned textured surface to help blend the wall with the natural hillside environment and existing character.
 - a. Structures should be designed and built of materials and use colors that blend into the natural terrain.
 - b. In locations with limited vegetation and open visibility to properties and roadways at lower elevations, additional trees and shrubs may be required to screen the structure.
 - c. Fence lines that are along ridgelines or are highly visible from a distance should be avoided.
 - d. Existing natural vegetation must be preserved to the greatest extent practicable whenever it is determined that retaining the vegetation is important to slope stability and erosion control.
 - e. The Zoning Administrator may provide relief from zoning requirements such as setbacks, buffer yards, and other dimensional requirements per Section 5.03 to

facilitate compliance with the Hillside Development Standards if they would have an egregious effect on the development or use.

D. Safety and Stability

For applicable areas, the following site certification process shall apply:

1. A subsurface investigation shall be performed by a qualified geotechnical engineer for the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage or soil erosion.
2. In addition to applicable site plans or Final Development Plans, the applicant must submit the following:
 - a. Plan(s) which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling), compaction, erosion, sedimentation basins, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.
 - b. A geotechnical investigation for the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis. Such investigation shall be made by a qualified geotechnical engineer, indicating that any structural or physical changes proposed in the area will be completed in a manner which will minimize hillside slippage and soil erosion, and prescribe any necessary hillside stabilization and hillside design requirements for the development.
3. No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures in areas identified as DSA may occur until plans and specifications for such work have been submitted for review.
4. At the conclusion of the earthwork operations, a written statement shall be provided by the geotechnical engineer of record that, to the best of their knowledge and belief, all earthwork operations were performed in general conformance with the recommendations contained in the associated geotechnical exploration report. No final zoning approval shall be given until the applicant has provided the final certification of the site by the geotechnical engineer.

8.03 [RESERVED]

8.04 Flood Protection Development Standards

A. Findings of Fact

1. The flood hazard areas of Kenton County are subject to periodic inundation 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.
2. 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.

B. Purpose

It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private loss due to flooding by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood water, or which may increase flood hazards to other areas.

C. Applicability

These regulations shall apply to all Special Flood Hazard Areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the legislative body of Kenton County from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the legislative body of Kenton County which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Kenton County.

D. Special Flood Hazard Areas; Flood Insurance Study; Flood Insurance Rate Maps

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Kenton County, dated May 16, 2013, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data and any subsequent amendments, are hereby adopted by reference and declared to be a part of these regulations. This FIS and attendant mapping is the minimum area of applicability of this section and may be supplemented by studies for other areas which allow implementation of this section and which are recommended to the administrative body by the Floodplain Administrator and are enacted by the administrative body pursuant to statutes governing land use management regulations. The FIS and FIRMS are permanent records of Kenton County and are on file and available for review by the public during regular business hours at Planning and Development Services of Kenton County (PDS).

E. Interpretation

In the interpretation and application of this section, all provisions shall be:

1. Considered minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Liability Disclaimer

The degree of flood protection required by this section 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 section does not imply that land outside special flood hazard areas or uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of the Local Floodplain Administrator of Kenton County or any of its officers or employees for any flood damages that result from reliance on this section or any administrative decision lawfully made pursuant to these requirements.

G. Application; Endorsement Required

All applications for construction, use, or development subject to floodplain regulations shall be made on forms provided by the Zoning Administrator. Endorsement by the Floodplain Administrator is specifically required prior to application for a state floodplain construction permit. Once a state floodplain permit is issued, the applicant can file for a local floodplain permit.

H. As-built Elevation and Floodproof Certification Required

Upon placement of the lowest floor, and before construction or flood proofing by whatever means continues in areas noted as AE, A1-30, AH, and A zones where a regulatory Base Flood Elevation has been adopted, it shall be the duty of the permit holder to submit a certification of the elevation relative to mean sea level of the lowest floor or flood-proofed elevation, as built, to the Floodplain Administrator and the State. This certification must be sealed and prepared by or under the direct supervision of a registered land surveyor or professional engineer.

1. When floodproofing is used the certification must be sealed and prepared by or under the direct supervision of a professional engineer or architect registered in Kentucky. Any 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 required corrections shall be cause to issue a stop-work order for the project.

I. General Construction Standards

In all Special Flood Hazard Areas the following standards are required.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. 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. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

5. Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
6. Within Zones AH or AO, adequate drainage paths are provided around structures on slopes to guide flood waters around and away from proposed structures.
7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
10. Nonconforming structures located in a regulated floodplain are subject to restrictions imposed on all nonconforming structures detailed in [Article 2, Applicability & Conformity](#).

J. Specific Construction Standards

In all special flood hazard areas where base flood elevation data have been provided, the following standards are required.

1. Residential Construction

New construction and substantial improvement of any residential structure (including a manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no less 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 the elevation standards included in this subsection.

- a. 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.
- b. 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 judgement 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, (6),a, states as a part of the technical requirements for a State Floodplain Permit: The applicant shall provide cross sections for determining floodway boundaries (and thereby Base Flood Elevations) at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + 0.5 foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary, to ensure that significant flood damage will not occur, the cabinet may

require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

- c. In all other Zones elevated two feet above the base flood elevation, upon the completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered professional engineer or surveyor and verified by the building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
- d. Manufactured homes shall meet the following additional standards.
 1. All new and substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. This standard is required whether the home is on an individual parcel or lot as a primary or secondary structure, in an area of expansion to an existing manufactured home park or subdivision, in a new manufactured home park or subdivision, or within the boundaries of an existing manufactured home park or subdivision that has incurred "substantial damage" resulting from flooding.
 2. All regulated manufactured homes must be elevated on a permanent foundation, have their lowest floors elevated no less than two feet above base flood elevation, and be securely anchored to an adequately set foundation system resistant to flotation, collapse, and lateral movement.
 3. Except for manufactured homes that have incurred substantial damage resulting from flooding, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength standing no less than 36 inches in height above the highest adjacent grade.

2. **Non-residential Construction**

New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with the elevation standards included in this subsection or, together with attendant utility and sanitary facilities, made to meet the following standards.

- a. Buildings shall be floodproofed to an elevation of 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.
- b. Structures shall have components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris.
- c. Construction must have a certification sealed by a registered professional engineer or architect stating 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 prior to issuance of a certificate of occupancy.
- d. Recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the permit requirements for new construction including anchoring and elevation requirements for "manufactured homes." A recreational vehicle is ready for highway use if it is licensed

and insured in accordance with the State of Kentucky motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- e. All new construction and substantial improvement with fully enclosed areas below the lowest floor (including basements) that is usable solely for parking of vehicles, building access, or storage, and which is subject to flooding shall meet the requirements for elevated structures. Flood resistant materials shall be used for any building materials utilized below 2 ft. above BFE.

3. **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 to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Openings for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 1. There shall be 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.
 2. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade).
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. 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).
- c. The interior portion of such enclosed areas shall not be finished or partitioned into separate rooms.

4. **Floodways**

Because floodways are extremely hazardous due to the velocity of flood waters which carry debris, potential projectiles, and resulting erosion potential, encroachments including fill, new construction, substantial improvements, and other changes or uses are prohibited unless certified (with acceptable supporting technical data) by a registered professional engineer is provided demonstrating that the encroachments will not result in any increase in base flood elevation levels during a base flood event.

5. **Standards for Utilities**

- a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 1. Infiltration of flood waters into the systems, and
 2. Discharge from the systems into flood waters.
 3. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flood.

K. Standards for Streams Without Established Base Flood Elevation or Floodways

Where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, encroachments including fill material or structures are prohibited within special flood hazard areas unless certified (with acceptable supporting technical data) 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.

L. Standards for Shallow Flooding Zones

In areas that 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, the following standards shall apply.

1. All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to or above two-foot freeboard above base flood elevation, three feet above grade 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. All new construction and substantial improvements of non-residential structures shall also, 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.

M. Standards for Accessory Structures in All Flood Zones Beginning with the Letter "A"

All accessory structures must:

1. Be uninhabitable,
2. Be anchored to resist floatation and lateral movement,
3. Be provided with flood openings in accordance with the standards of this section,
4. Be built of flood resistant materials to two feet above the base flood elevation,
5. Have utilities elevated two feet above the base flood elevation,
6. Only be used for storage or parking, and
7. Not be modified for a different use after permitting.

N. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

O. APPEALS AND VARIANCE PROCEDURES

1. Nature Of Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the legislative body to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

2. Designation of Variance and Appeal Board

- a. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of these regulations.

3. Duties of Board of Adjustment

- a. The Board of Adjustment shall hear and decide requests for variances from the requirements of this ordinance and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- b. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court, as provided in Kentucky Revised Statutes.

4. Variance Procedures

In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:

- a. Danger that materials may be swept onto other lands to the injury of others;
- b. Danger to life and property due to flooding or erosion damage;
- c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- d. Importance to the community of the services provided by the existing or proposed facility;
- e. Necessity that the facility be located on a waterfront, in the case of functionally dependent use;
- f. Availability of alternative locations, which are not subject to flooding or erosion damage;
- g. Compatibility of the proposed use with existing and anticipated development;

- h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. Safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges and culverts.
5. Conditions for Variances

Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- a. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- b. Variances shall only be issued upon a determination that the variance is the "minimum necessary" to afford relief considering the flood hazard. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the legislative body 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 legislative body believes will both provide relief and preserve the integrity of the local ordinance.
- c. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under "Public safety and nuisance"), cause fraud or victimization of the public (as defined in the definition section) or conflict with existing local laws or ordinances.
- d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor being situated below the base flood elevation.
- e. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request
- f. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Article 6 (4) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

6. Variance Notification

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
- b. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Kenton County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- c. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

7. Historic Structures

Variances may be issued for the repair or rehabilitation of "historic structures" (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

P. SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

This ordinance was adopted at a public meeting of the legislative body of the City of Villa Hills on February 20, 2013.

8.05 [RESERVED]

8.06 Storm Water Management

A. Compliance Required

All new development, except single and two-family residential uses on individual lots, must comply with the Northern Kentucky Regional Storm Water Management Program Rules and Regulations of Sanitation District No. 1 (Sanitation District No. 1's Storm Water Regulations) for stormwater management for water quality and quantity, regardless of property size, as noted in Section 6.09, [Required Improvements for Developments](#).

B. Downspouts, Drains, and Sump Pumps

1. Roof downspouts, footing, foundation drains, and sump pumps that are discharged above ground shall be discharged onto the same parcel of land from which the water is generated, as far from the property line as practical and at least five feet from the residence.
2. Roof downspouts, footing, foundation drains, and sump pumps discharging toward the street shall be discharged onto a pervious area no closer than 20 feet from the edge of the sidewalk, edge of pavement, or back of curb.
3. In all cases, downspouts shall not discharge directly onto driveways, roads, or sidewalks or in any manner which causes the discharge to freely flow across these surfaces.
4. Connecting roof downspouts, footing, foundation drains, and sump pumps to the public sewer system is prohibited unless approved by Sanitation District No. 1 in writing.

C. Low Impact Development (LID)

1. Low Impact Development Encouraged. To balance growth needs with environmental protection, reduce infrastructure and utility maintenance costs (e.g. streets, curbs, gutters, sidewalks, storm sewer), reduce storm water management costs, preserve the integrity of ecological and biological systems, protect water quality by reducing sediment, nutrient, and toxic loads to water bodies, and to preserve trees and natural vegetation, low impact development is encouraged.
2. Low Impact Storm Water Development. Design of individual and collective low impact storm water development systems must meet the requirements of SD1's Storm Water Best Management Practice Manual prepared for the Northern Kentucky region.
3. Site Design Strategies. Generally, site design strategies will address the arrangement of buildings, roads, parking areas, and other features, and the conveyance of stormwater runoff across the site. LID site design strategies are intended to complement the natural and built environment while minimizing the generation of runoff. Site design strategies should address some or all of the following considerations:
 - a. Necessary grading and land disturbance should be designed to encourage sheet flow and lengthen stormwater flow paths.
 - b. Natural drainage divides should be maintained to keep flow paths dispersed.
 - c. Areas of impervious surfaces should be separated, and stormwater should be conveyed across vegetated areas. This assists runoff filtration and encourages infiltration.
 - d. Distribute small-scale LID strategies across the development site in order to maximize benefits.
 - e. To the maximum extent possible, treat pollutant loads where they are generated.
 - f. Preserve naturally vegetated areas and soil types that slow runoff, filter pollutants, and facilitate infiltration.
 - g. LID systems and structures should be integrated into the natural and built landscape with attention to flow paths, infiltration areas, and the use of appropriate native plant materials.
4. Site Design Elements. In addition to water quality impacts, LID site design elements when successfully implemented, perform three necessary functions: filtration and infiltration, capture and reuse, and reductions in impervious surfaces.
5. Site Design Location. Required open space areas may be used for onsite treatment of stormwater consistent with an approved stormwater plan.

- a. For residential projects, LID Best Management Practices can be included in the acreage requirement for open space as prescribed in applicable residential zones provided the intent of the project's required buffer is met as prescribed in Section 7.07, [Landscaping, Screening, and Buffers](#). Acceptable LID practices include, but are not limited to, swales, pocket wetlands, bioretention areas, and infiltration trenches. Basins and other retention and detention facilities, however, may not be included in required open space.
- b. For non-residential projects, LID Best Management Practices can be incorporated into the landscaping and buffer areas as required in Section 7.07, [Landscaping, Screening, and Buffers](#).

8.07 [RESERVED]

8.08 Odor, Noise, Dust, Vibration, Debris, and Glare

A. Applicability

These standards apply to all uses, structures, and activities on all land within the City jurisdiction unless otherwise expressly exempted.

B. Odor

Odors detectable beyond the property line that are offensive to persons with normal sensibilities are prohibited with the following exceptions.

1. Odors common to permitted agricultural operations.
2. Odors associated with seasonal applications of fertilizer regardless of their location.
3. Odors associated with road construction and maintenance, roofing, and similar transient, non-repetitive activities.

C. Noise

The use of outdoor loud speakers to communicate with workers, customers or other individuals, to amplify or project phone signals or ringers, or to broadcast music or information of any kind that can be heard beyond the property line is prohibited with the following exceptions.

1. Outdoor broadcasts of emergency sirens shall be permitted.
2. The use of outdoor loud speakers at or in conjunction with any outdoor event, theatrical production, or similar occasion approved by the City shall be permitted.
3. Noise associated with outdoor business activities that are permitted in the use standards.
4. Noise associated with permitted site development activities from 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays, which are not legal holidays. Sounds emanating from construction sites on Sundays or legal holidays or outside of the exempt work hours are prohibited. Development sites with approved development agreements between the City and the developer may contain different hours.

D. Dust

Dust shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling with biodegradable oils, sprinkling, or other acceptable means, except:

1. Dust associated with permitted agricultural operations.

E. Vibration

No use, operation, or activity shall create earthborn vibrations which are transmitted through the ground and discernible beyond the property line except for vibrations associated with permitted site development activities from 7:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. and 6:00 p.m. on Saturdays, which are not legal holidays. Vibrations emanating from construction sites on Sundays or legal holidays or outside of the exempt work hours are prohibited. Development sites with approved development agreements between the City and the developer may contain different hours.

F. Debris

Debris including but not limited to litter, mud, grass, and gravel must not be allowed to blow onto or to be carried onto adjacent properties or public roadways.

G. Glare

There shall be no direct or reflected glare from any source including high temperature processing, combustion, welding, metal structures, or surfaces that impact adjacent properties, rights-of-way, or aircraft.

1. Safety hazard. Any source that creates glare or reflection observable within the normal range of vision from any public right-of-way under normal weather conditions is considered a safety hazard and is prohibited.
2. Nuisance. Any source of glare observable within the normal range of vision, under normal weather conditions, from any lot other than the lot where the light source is located or on an adjacent right-of-way is considered a nuisance and is prohibited.

8.09 Excavation, Grading, Movement of Soil, Tree Removal, and Erosion and Sedimentation Control

A. Approvals Required

No land shall be stripped, excavated, graded, filled, or otherwise have soil, trees, or vegetation moved or removed without first obtaining a zoning permit. The following activities shall be excluded:

1. Minor filling of small depressions and removal of diseased or dangerous vegetation.
2. Bona fide agriculture and silviculture activities.
3. Normal excavation or grading incidental to the construction or alteration of a building on the premises for which a valid permit has been granted.

B. Area Limited

Clearing, grading, vegetation and tree removal, and similar activity shall be limited to that portion of a lot or development tract for which a valid zoning permit has been issued or for which a preliminary plat has been approved.

C. Erosion and Sedimentation Control

Erosion and sedimentation controls for excavation, movement of soil, and tree removal shall meet all requirements of Sanitation District No. 1 regardless of whether Sanitation District No. 1 reviews and permits the proposed development. Furthermore, erosion control activities must be planned, and mitigation applied to conform to the following standards:

1. The smallest practical area of land shall be exposed at any one time during development.
2. When land is exposed during development, the exposure shall be kept to the shortest period of time practicable.
3. Temporary vegetation or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
5. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
6. Permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development shall be fitted to the topography and soils to create the least erosion potential.
8. Wherever feasible, natural vegetation shall be retained and protected.

ARTICLE 9 SEXUALLY-ORIENTED BUSINESSES

Contents:

- 9.01 Purpose and Applicability**
- 9.02 [RESERVED]**
- 9.03 [RESERVED]**
- 9.04 Individual Business Standards**
- 9.05 [RESERVED]**
- 9.06 Severability**

9.01 Purpose and Applicability

A. Purpose

The purpose of these standards is to establish comprehensive regulations for sexually-oriented businesses within the City of Villa Hills. These regulations are designed to protect and promote the public health, safety and welfare by regulating the location and design of sexually-oriented businesses to minimize the nature and extent of adverse secondary effects. It is the desire of the legislative body to balance the Constitutional rights of businesses that present sexually-oriented entertainment with the legislative body's interests in ensuring that this community not suffer from adverse effects. The facts and other matters set forth in [Appendix 15.01, Preamble to the Regulations of Sexually Oriented Businesses](#) are hereby adopted as findings of fact in support of the legislative body's action.

B. Definitions

The definitions specific to this Article are found in Section [14.04, Definitions for Sexually Oriented Businesses](#).

C. Applicability

These standards shall apply to sexually-oriented businesses in all districts unless otherwise stated.

1. Prohibited Uses

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

- a. Sexually-oriented motion picture arcade or booth;
 - b. Sexually-oriented encounter center;
 - c. Sexually-oriented motel;
 - d. Sexually-oriented massage parlor or any business offering massages that is operated by a person who is not licensed as a massage therapist in accordance with the provisions of KRS 309.350 et seq.;
 - e. Sexually-oriented modeling studio;
 - f. Sexually-oriented nude modeling studio; and
 - g. Sexually-oriented escort bureau.
2. **Other Prohibited Uses.** Because there are no suitable sites for such sexually-oriented businesses, the following additional uses are prohibited:
- a. Sexually-oriented media store;
 - b. Sex shop;
 - c. Service-oriented escort bureau;
 - d. Sexually-oriented motion picture theatre; and
 - e. Sexually-oriented cabaret or theatre.

9.02 [RESERVED]

9.03 [RESERVED]

9.04 Individual Business Standards

A. Standards for a Media Store with Some Sexually-Oriented Media

A retail book, video or other media store that has sexually-explicit media that constitutes more than ten percent but not more than 40 percent of its inventory or that occupies more than ten percent but not more than 40 percent of its gross public floor area shall not be classified as a sexually-oriented business but shall be 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 shall not visible outside the room;
2. Age limit. Sexually-explicit media shall be available only to persons 18 years or older;
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; and
5. Lighting. The area occupied by customers shall be well lit at a lighting level of least 30 footcandles measured three feet from the floor.

9.05 [RESERVED]

9.06 Severability

It is hereby declared to be the intention of the Villa Hills City Council that the sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Chapter, since the same would have been enacted by the Villa Hills City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

ARTICLE 10 PARKING & LOADING STANDARDS

Contents:

- 10.01 General Parking Requirements**
- 10.02 Location of Parking**
- 10.03 Circulation**
- 10.04 Calculation of Off-Street Parking Requirements**
- 10.05 Off-Street Parking Requirements**
- 10.06 Parking for Uses Not Listed**
- 10.07 Accessible Parking**
- 10.08 [RESERVED]**
- 10.09 Parking for Changes in or Expansions of an Existing Use**
- 10.10 Parking Flexibility**
- 10.11 Shared Parking**
- 10.12 Parking or Storage in a Front or Side Yard**
- 10.13 Parking, Storage, or Use of Campers, Boats, Trailers, or Recreational Vehicles and Other Similar Equipment**
- 10.14 Parking, Storage, and Use of Non-Recreational, Commercial, and Industrial Vehicles**
- 10.15 Parking Vehicles for Sale**
- 10.16 Overflow and Special Event Parking**
- 10.17 Design**
- 10.18 Access Management and Circulation**
- 10.19 Traffic Impact Studies**
- 10.20 Bicycle and Pedestrian Facilities**
- 10.21 Drive-In or Drive-Through Lanes and Stacking Spaces**

10.22 Loading Areas

10.01 General Parking Requirements

- A. Every lot shall provide off-street parking unless otherwise stated in this Ordinance. No site plan shall be approved, or zoning permit issued unless the proposed use conforms to the parking requirements of this section.
- B. Off-street parking is permitted in required yard and setback areas as provided in this section, but shall not be permitted in any required landscaping area.
- C. Permitted on-street parking directly in front of and adjacent to the zoning lot shall count toward fulfilling the parking requirement of that lot, except for single-family detached residential uses.
- D. All vehicles must maintain current license plates and inspection stickers. Unlicensed vehicles shall not be stored or parked on any lot, unless in a completely enclosed buildings, except for motor vehicle sales and rental, motor vehicle service, junk, scrap, or salvage yard or where otherwise permitted as a commercial use.

10.02 Location of Parking

- A. Required off-street parking must be provided:
 - 1. On the same parcel or within 500 feet of the principal use for which it is required,
 - 2. On a lot with a title or permanent access easement,
 - 3. Offsite in an area approved by the Zoning Administrator as shared parking, or
 - 4. As otherwise approved by the Zoning Administrator.
- B. In the R-MF districts, onsite parking shall be located primarily to the rear of the principal building and may be accessed from the front, side, or rear of the property. None of the parking provided shall be located between a primary façade and a public street.
- C. In the NC, INST, and RD, no more than 50 percent of onsite parking, or up to two rows, whichever is less, may be located between a primary façade and a public street. All other parking spaces must be located to the side and rear of the principal building. Access may be from the front, side, or rear of the property.
- D. The location of detached garages, carports, and surface parking lots for any multi-family development within any district shall not be located between any primary building and the adjacent public street frontage.
- E. The location of off-street parking within PUD districts shall be approved through the Development Plan Process.

10.03 Circulation within Off-Street Parking Areas

- A. **General Standards**
 - 1. All off-street parking shall be served by interior circulation drives. No private off-street parking spaces shall directly connect to public streets, except for single-family (attached and detached) residential. All maneuvering into and out of parking spaces shall be conducted onsite.
 - 2. At least one vehicular and one pedestrian connection shall be provided between adjacent mixed-use and commercial buildings, such as shops and offices and mixed-use buildings, that require public access. This vehicular connection must meet the requirements of the Access

Control Regulations of the Kenton County Subdivision Regulations following the procedures in Section 6.09, Required Improvements for Developments. A public sidewalk can be counted as the pedestrian connection if there is no parking within the front yard. If there is parking within the front yard, then a more direct connection between buildings must be provided.

3. All parking lots shall be designed to allow continuous vehicular circulation. In situations where dead end parking aisles are unavoidable, a vehicular turnaround shall be provided.

10.04 Calculation of Off-Street Parking Requirements

- A. All parking and loading requirements that are based on square footage shall be calculated using the gross floor area of the subject use, unless otherwise noted.
- B. Parking spaces designated specifically for recreational vehicles, motorcycles, scooters, fleet vehicles, delivery vehicles, or vehicles on display for sale or rental shall not be counted towards the parking requirements of this section, unless otherwise stated.
- C. The number of parking spaces required shall be calculated so that any fraction of 0.5 or greater shall be rounded up to the next whole number.

10.05 Off-Street Parking Requirements

- A. The number of off-street parking spaces required within PUD districts shall be approved through the Development Plan Process.
- B. The following table lists the parking requirements for all other zoning districts:

TABLE 10.1 - REQUIRED OFF-STREET PARKING	
USE	PARKING REQUIREMENT
AGRICULTURE	
Agriculture, Exempt	No Parking Requirement
Agriculture, Non-Exempt	Per 10.10,B.
On-farm sales (farm markets, roadside stands)	No Parking Requirement
Agritourism	Determined by type of use, e.g. retail, brewery, assembly, or winery, or per 10.10,B.
RESIDENTIAL	
Accessory Dwelling Unit	1 per unit
Cottage Court	1 per unit
Live/Work Unit	2 per unit
Manufactured Home, Qualified	In addition to any provided garage spaces, 2 per unit if on-street parking is provided or 4 per unit if no on-street parking is provided
Manufactured Home	1 per unit
Mobile Home	1 per unit
Multi-family	
1-Bedroom	1 per unit
2-Bedroom	1.5 per unit
3+ Bedroom	2 per unit
Single-Family, attached	In addition to any provided garage spaces, 2 per unit
Single-Family, detached	In addition to any provided garage spaces, 2 per unit if on-street parking is provided or 4 per unit if no on-street parking is provided

TABLE 10.1 - REQUIRED OFF-STREET PARKING

USE	PARKING REQUIREMENT
Upper Floor Housing	1 per unit
Two-Family	2 per unit if on-street parking is provided or 4 per unit if no on-street parking is provided
Three/Four-Family	1 per unit
COMMERCIAL	
Animal care, Veterinary Clinic - enclosed and outdoor activity	1 per 400 sf
Assembly, Commercial	1 per 4 seats or 1 per 300 sf if no permanent seats
Bar or Drinking Place	1 per 200 sf
Brewery, Distillery, Winery	1 per 200 sf, plus 1 per employee on shift of largest employment
Building Material Sales	1 per 1,000 sf, plus 1 per 2,500 sf of outdoor display or storage
Car Wash	1 per employee, plus 1 per owner or manager, and stacking space equal to 5 times the capacity of the facility
Carpenter shops, electrical, plumbing and heating shops, furniture upholstery and similar establishments	1 per employee on shift of largest employment
Check Cashing and Title Loan Business	1 per 400 sf
Commercial Printing	1 per employee on shift of largest employment
Conversions	1 per 300 sf
Day Care or Child Care Center, Type I and Type II	1 per 400 sf
Dry Cleaner	1 per 300 sf
Equipment Sales, Rental, Repair	1 per 1,000 sf
Farmer's Market	No Parking Requirement
Financial Services	1 per 300 sf
Funeral Home, Mortuary	1 per 4 seats
Gas Station	1 per gas pump island, plus 2 per working bay, plus 1 per employee on shift of largest employment
Liquor Store	1 per 300 sf
Medical Office	1 per 400 sf
Motor Vehicle Sales and Rental	1 per 500 sf of sales and service area
Motor Vehicle Service, Major	1 per 500 sf of service area
Motor Vehicle Service, Minor	1 per 500 sf of service area
Nursery / Garden Supply	1 per 300 sf of retail sales area
Office	1 per 400 sf
Personal Services	1 per 300 sf
Restaurant with drive-in or drive-through only	1 per 300 sf
Restaurant with sit-down only, or sit down and drive-in / drive-through combination	1 per 200 sf
Restaurant carryout only	1 per 300 sf
Retail Store	1 per 300 sf
Sexually-Oriented Business	1 per 4 seats
Studios for Work or Teaching	1 per 400 sf
Tattoo or Body Art Services	1 per 300 sf
INSTITUTIONAL	
Assembly, Institutional and Civic	1 per 4 seats or 1 per 300 sf if no permanent seats

TABLE 10.1 - REQUIRED OFF-STREET PARKING

USE	PARKING REQUIREMENT
Cemeteries and Crematories	No Parking Requirement
College or University	Per 10.10, B.
Community Center, Civic Center	1 per 500 sf
Emergency Medical Facility/Urgent Care/Surgery Center	1 per 300 sf
Hospital	1 per 3 beds
Library	1 per 500 sf
Meeting, Banquet, or Conference Facility	1 per 250 sf
Museum	1 per 500 sf
Park	No Parking Requirement
School, primary or secondary	Per 10.10, B.
INDUSTRIAL	
Fabrication, light	1 per employee on shift of largest employment
Manufacturing, heavy	1 per employee on shift of largest employment
Mini-warehouse, personal storage	1 per 30 units
Mining, quarrying and crude petroleum and natural gas production	1 per employee on shift of largest employment
Outdoor storage	1 per employee on shift of largest employment
Research and Development	1 per 1,000 sf
Warehouse and Logistics	1 per 1,000 sf
LODGING	
Bed and Breakfast	1 per guest room, plus 2 spaces for owners/employees
Short Term Rentals, Owner and Non-Owner Occupied	1 per sleeping room, plus 1 for the caretaker
Convalescent homes, nursing homes, assisted living facilities	1 per 2 beds, plus 1 per employee on shift of largest employment
Hotel, Motel	0.8 per room, plus 1 per 800 sf of public meeting, event, or restaurant area
Residential Care Facility	1 per 2 beds, plus 1 per employee on shift of largest employment
Rehabilitation Home	1 per 2 beds, plus 1 per employee on shift of largest employment
RECREATION	
Athletic Fields	Per 10.10, B.
Indoor Commercial Recreation	1 per 400 sf
Golf Course, Country Club	1 per 300 sf of club house, plus 3 per hole
Outdoor Commercial Recreation	1 per 400 sf of building, plus 1 per 10,000 sf of outdoor recreation area
Shooting Range or Archery	1 per 300 sf of sales area, plus 1 per lane
Stadium	Per 10.10, B.
TRANSPORTATION	
Airport	1 per 4 seating accommodations for waiting passengers, plus 1 per 2 employees on shift of largest employment
Boat Harbor, Marina	1 per in-water boat slip
Railroad Facilities	1 per employee on shift of largest employment
Truck Terminals	1 per employee on shift of largest employment
UTILITY	
Public or Quasi-public Utilities and Related Facilities	No Parking Requirement

10.06 Parking for Uses Not Listed

- A. Parking requirements for uses not expressly listed in Table 10.1, Required Off-Street Parking shall be determined by the Zoning Administrator who shall apply the unit of measurement set forth in the table for a use that the Zoning Administrator deems to be most similar to the proposed use, or the applicant can submit a parking study per Section 10.10, B.

10.07 Accessible Parking

- A. Accessible spaces shall be provided and designed as required to meet the requirements of the Americans with Disabilities Act (ADA).
- B. Accessible spaces shall count towards the minimum parking requirements of Table 10.1, Required Off-Street Parking.

10.08 [RESERVED]

10.09 Parking for Changes in or Expansions of an Existing Use

- A. Change in the use of an existing structure or site shall require compliance with the minimum parking requirements applicable to the new use. However, if the new use also requires additional buffer or parking lot landscaping, the Zoning Administrator may permit a reduction of up to 20 percent in the required number of spaces to accommodate additional landscaping and buffering.
- B. Any expansion of an existing building or use including addition of dwelling units, personnel, seats, chairs, and similar changes shall require review by the Zoning Administrator to determine additional off-street parking necessary to accommodate the expansion area or change.

10.10 Parking Flexibility

- A. Alternative Parking Requirements
 - 1. The Zoning Administrator may approve the total number of parking spaces required by this Section, for applicants that demonstrate proof of parking needs based on formal parking studies or existing site demand as demonstrated on similar sites, or a combination of both. However, the Zoning Administrator may require that the unconstructed parking area be reserved for future parking. Reserved parking areas must be labeled on the site plan and designed to indicate how they will integrate into constructed parking areas and driveways if needed.
 - 2. The number of off-street parking spaces determined by a parking study should be determined using the latest edition of the ITE Parking Generation Manual, or use the following methodology:
 - a. Estimate the maximum number of employees on the greatest shift and provide one space for each two employees;
 - b. Estimate the total number of inbound and outbound trips generated during the peak conditions using the latest edition of the ITE Trip Generation Manual;
 - c. Estimate the parking duration per trip in minutes and divide by 60 minutes;
 - d. Multiply the total number of inbound and outbound trips generated during the peak conditions by the number generated in subsection c. above;
 - e. Add the results from subsection a. to the result from subsection d. This is the required number of off-street parking spaces.

10.11 Shared Parking

- A. Shared parking can be used when any site or building is under the same ownership, or when two or more owners provide satisfactory guarantee of a shared parking agreement. The number of minimum required parking spaces shall be computed by multiplying the minimum number of parking spaces normally required for each land use by the appropriate percentage for each of the five time periods shown in Table 10.2 Shared Parking Credit Table. Each column would then be totaled which would determine the number of parking spaces required for each time period. The time period column that generates the highest number of parking spaces becomes the minimum parking requirement for both uses. (Two examples follow the table.)

TABLE 10.2 - SHARED PARKING CREDIT TABLE					
USE	TIME OF OPERATION				
	Weekday		Weekend		All Days
	Daytime (6am-6pm)	Evening (6pm-Midnight)	Daytime (6am-6pm)	Evening (6pm-Midnight)	Nighttime (Midnight-6am)
Office/Industrial	100%	10%	10%	5%	5%
Retail/Personal Service	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Theater/Commercial Recreational Establishment	40%	100%	100%	100%	10%

Example 1: Two Similar Uses

Parcel A use is classified as retail/personal service and has a building of 10,000 square feet, while Parcel B use is classified as a restaurant without drive-in or drive-through (sit down only) and has a building of 5,000 square feet. The parcel has two different owners who have agreed to provide a parking agreement.

The minimum number of required parking spaces shall be calculated as follows using the information in the above paragraph and Table 10.2.

According to Table 10.1, Retail/personal Service requires 1 parking space per 300 square feet which equates to approximately 33 parking spaces ($10,000/300 = 33.33$)

The restaurant without drive-in or drive-through (sit down only) requires 1 parking space per 200 square feet which equates to approximately 25 parking spaces ($5000/200 = 25$)

Then using the percentages in Table 10.2, the following calculations would be made:

TABLE 10.3 - SHARED PARKING CREDIT TABLE (EXAMPLE 1)

USE	TIME OF OPERATION				
	Weekday		Weekend		Nighttime
	Daytime (6am-6pm)	Evening (6pm-Midnight)	Daytime (6am-6pm)	Evening (6pm-Midnight)	(Midnight-6am)
Parcel A: Retail / Personal Services	$33 \times 0.6 = 19.8$	$33 \times 0.9 = 29.7$	$33 \times 1.0 = 33$	$33 \times 0.7 = 23.1$	$33 \times 0.05 = 1.65$
Parcel B: Restaurant	$25 \times 0.5 = 12.5$	$25 \times 1.0 = 25$	$25 \times 1.0 = 25$	$25 \times 1.0 = 25$	$25 \times 0.1 = 2.5$
Total Spaces	32.3	54.7	58	48.1	4.15

The conclusion for this example, is that there would be no shared parking credit since the total parking spaces required for each individual use is the same as the total shared parking required. There would be no reduction of spaces.

Example 2: Two Different Uses

Parcel A use is classified as an office building that has a building of 25,000 square feet and Parcel B use is classified as retail/personal service and has a building of 10,000 square feet. The two parcels have the same owner and a shared parking easement will be noted on the recorded development plan.

The minimum number of required parking spaces shall be calculated as follows using the information in the above paragraph and Table 10.2.

According to Table 10.1, the office requires 1 parking space per 400 square feet which equates to approximately 63 parking spaces ($25,000/400 = 62.5$)

The retail/personal Service requires 1 parking space per 300 square feet which equates to approximately 33 parking spaces ($10,000/300 = 33.33$)

Then using the percentages in Table 10.2, the following calculations would be made:

TABLE 10.4 - SHARED PARKING CREDIT TABLE (EXAMPLE 2)

USE	TIME OF OPERATION				
	Weekday		Weekend		Nighttime
	Daytime (6am-6pm)	Evening (6pm-Midnight)	Daytime (6am-6pm)	Evening (6pm-Midnight)	(Midnight-6am)
Parcel A: Office	$63 \times 1.0 = 63$	$63 \times 0.1 = 6.3$	$63 \times 0.1 = 6.3$	$63 \times 0.05 = 3.15$	$63 \times 0.05 = 3.15$
Parcel B: Retail / Personal Service	$33 \times 0.6 = 19.8$	$33 \times 0.9 = 29.7$	$33 \times 1.0 = 33$	$33 \times 0.7 = 23.1$	$33 \times 0.05 = 1.65$
Total Spaces	82.8	36	39.3	26.25	4.8

The conclusion for this example is that there is a benefit to sharing parking. Each individual site would require 63 and 33 parking spaces respectively or a total of 96 parking spaces. Under the shared parking scenario, only 83 parking spaces are required, thereby saving 13 spaces between the two uses.

- B. A shared parking plan shall be provided with the site plan or Development Plan. The plan should address the following:
1. Site plan of parking spaces intended for shared parking and their proximity to land uses they will serve.
 2. A directory signage plan that directs drivers to the most convenient parking area for each particular use, if such distinctions can be made.

3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses.
 4. A photometric plan that addresses lighting.
 5. The written shared parking agreement shall be provided to the Zoning Administrator.
- C. **The Zoning Administrator shall review the request for shared parking against the following criteria:**
1. Proximity to the shared parking area, its connectivity to the intended site, and the reasonableness that it can be used as intended (e.g. slope issues, safety, physical barriers, etc.).
 2. Any property using shared parking facilities shall be located within 500 feet walking distance of the parking facility, using established sidewalks and crosswalks where available.
 3. Individual parking spaces are not limited to specific tenants.
 4. Shared parking may be used for other uses, which are not shown in the parking credit table. The applicant shall prepare a similar calculation for the proposed uses, indicating the estimated percentage of each time period, based upon current parking information. Documentation shall be submitted by the applicant to demonstrate that the normal and regular operating hours of the uses proposing a shared parking arrangement do not coincide or overlap in any manner.
 5. When reviewing a shared parking agreement, the Zoning Administrator may consider any additional reductions in minimum parking requirements that are to be obtained pursuant to Section 10.10, *Parking Flexibility*.

10.12 Parking or Storage of Vehicles in a Front or Side Yard

The following standards apply to all single-family and two-family residential properties in all residential and mixed-use districts.

- A. No vehicle shall be parked or stored in a front or side yard of a residential property, except in:
 1. A driveway that is paved per Section 10.17, B., Paving, not to exceed the maximum curb cut width set forth in Section 10.17, A., Width of Access Points.
 2. A parking space composed of a paved surface, accessed by means of a driveway, depicted on an approved site plan, and set back a minimum of five feet from all City rights-of-way.
- B. The addition of impervious surfaces including driveways, parking spaces and adjacent areas may not cause total impervious surface ratio to exceed the maximums allowed by Section 7.04 Character Standards - Residential Construction.
- C. Parking or storage of a recreational vehicles on a residential property is subject to the standards set forth in Section 10.13, below.

10.13 Parking, Storage, or Use of Campers, Boats, Trailers, or Recreational Vehicles and Other Similar Equipment

- A. No vehicle which is abandoned, non-functional, in a state of disrepair, or lacking a valid license, shall be stored in excess of seventy-two (72) hours in any residential zone, unless it is in a completely enclosed building.

- B. It shall be unlawful for any person(s) to live in any boat, automobile, camper, recreational vehicle, or truck, within the jurisdiction of the legislative body, except houseboats may be permitted to temporarily dock along the Ohio River for a period not to exceed 72 hours.
- C. Except as provided for herein, it shall be unlawful to park and/or store any trailer, mobile home, recreational vehicle, camper, boat, or other such type equipment within any place or location in the city. The outside storage and/or parking of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment, shall be restricted to the rear yard of all lots within the jurisdiction of the legislative body, except as herein provided, and in cases where, due to unique conditions, topographic or other, which do not allow use of the rear yard, the board of adjustment may permit such storage to be located in the side yard of the lot following review and approval by said board. In no case shall more than one of the aforementioned vehicles or similar type equipment be permitted outside of an enclosed building on any lot or parcel of land.

Temporary parking to allow a trailer, recreational vehicle, camper, boat, or similar type equipment to be parked on a paved surface in a residential district zone within the City for a period not to exceed seventy-two (72) hours for loading or unloading operations, maintenance, or cleaning in preparation for or incidental to a vacation or other legitimate recreational use may be permitted upon notification to the city administrator, the city clerk's office, or the police department. The city official that receives the notification shall record the date and address of the trailer, recreational vehicle, camper, boat, or other similar equipment for follow-up inspection by the designated code enforcement officer or zoning administrator to ensure the vehicle is removed within seventy-two (72) hours.

Storage and/or parking of any trailer, mobile home, camper, boat, boat on trailer, recreational vehicle, or similar type equipment may be permitted within driveways during the period from April 1 through the following November 1, provided that the following conditions are met: (1) the required off-street parking spaces are available in addition to the space utilized by the aforementioned vehicles or similar type equipment; (2) the stored and/or parked vehicle or equipment shall not extend over any property or right-of-way line; (3) no more than one such vehicle or piece of similar type equipment is permitted in the driveway at any one time.

- D. It shall be unlawful to park or to keep any truck in excess of 6,000 pounds gross vehicle weight, at any place on property located in a residential district zone, except in a completely enclosed garage.
- E. Any property which does not comply with the provisions of Section 10.13, A., at the time of adoption of this ordinance, shall be given a period of 60 days from the date of adoption of this ordinance to comply with all of the provisions of this section. Further, any property which does not comply with the provisions of Section 10.13, C., and 10.13, D., of this ordinance at the time of its adoption shall be given a period of three months from the date of adoption of this ordinance to comply with all of the provisions of these sections.

10.14 Parking, Storage, and Use of Non-Recreational, Commercial, and Industrial Vehicles

- A. The following applies in all residential and mixed-use districts.
 - 1. For this section, refer to the Federal Highway Administration's vehicle category classification for non-recreational, commercial, and industrial vehicles.

2. Classes 1 through 3 vehicles (with or without signs) which are properly licensed, inspected, and used for commercial purposes may be parked anywhere on a residential lot designed, constructed and approved for vehicle parking.
 3. Class 4, Class 5, and Classes 6 through 13 vehicles (with or without signs) used for commercial, industrial, farm, or construction purposes are prohibited on residential lots, except within completely enclosed structures or when actively involved in pick-up or delivery to the residence.
 4. Moving trailers, vans, or POD storage units may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed 60 days while owners are moving in or out of a residence. A City permit to place a POD storage unit is required.
 5. Dumpsters used for debris during construction and renovation of a residence may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed the period of construction. A permit to place a dumpster is required.
- B. Any area used for commercial, industrial, or heavy vehicle and equipment parking located to the rear of primary buildings on industrial sites may be maintained with a paved surface or compacted gravel or crushed stone.

10.15 Parking Vehicles for Sale

- A. In all residential zones, vehicles for sale must meet the parking and location requirements of the Article that pertain to the type of vehicle being sold.
- B. In all non-residential zones, vehicles for sale are not permitted except when motor vehicle sales are permitted within the zone.

10.16 Overflow and Special Event Parking

Any non-paved surface used for overflow and special events parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement or brick pavers. Pervious pavement will be required where stormwater control limits impervious surfaces or if located in a floodplain. This section does not apply to single-family detached residential lots.

10.17 Design

A. Width of Access Points

1. In the R-RE, R-LLS, R-CVS, R-CPS Zones, no access point shall be less than nine feet nor more than 20 feet in width. In all other zones, access points shall not be less than 12 feet nor more than 48 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.
2. The zoning administrator may modify (enlarge or reduce) the width to provide for a more efficient and safe channelization and/or flow of traffic.

B. Paving

1. All required off-street parking areas, drive aisles, and driveways shall be paved with asphalt, concrete, permeable pavement, or other approved material as determined in [Appendix 15.03, Specifications For Paving of Off-Street Parking and Loading Areas](#). If the driveway is longer than 100 feet and located in the INST, R-LLS, R-CVS, R-CPS, and R-MF Zones, the first

100 feet is required to be paved and the remaining length of the driveway may be laid with gravel or crushed stone. If the driveway is longer than 100 feet and located in the R-RE or CO zones, the first 20 feet is required to be paved and the remaining length may be laid with gravel or crushed stone.

2. All drive aisles used to access dumpsters shall be paved with heavy duty asphalt or concrete.
3. Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, all parking spaces shall be striped or otherwise designated to clearly mark each space.
4. See [Article 7](#), Section [7.04](#) Character Standards - Residential Construction for limitations on impervious surfaces in front yards on residential lots.

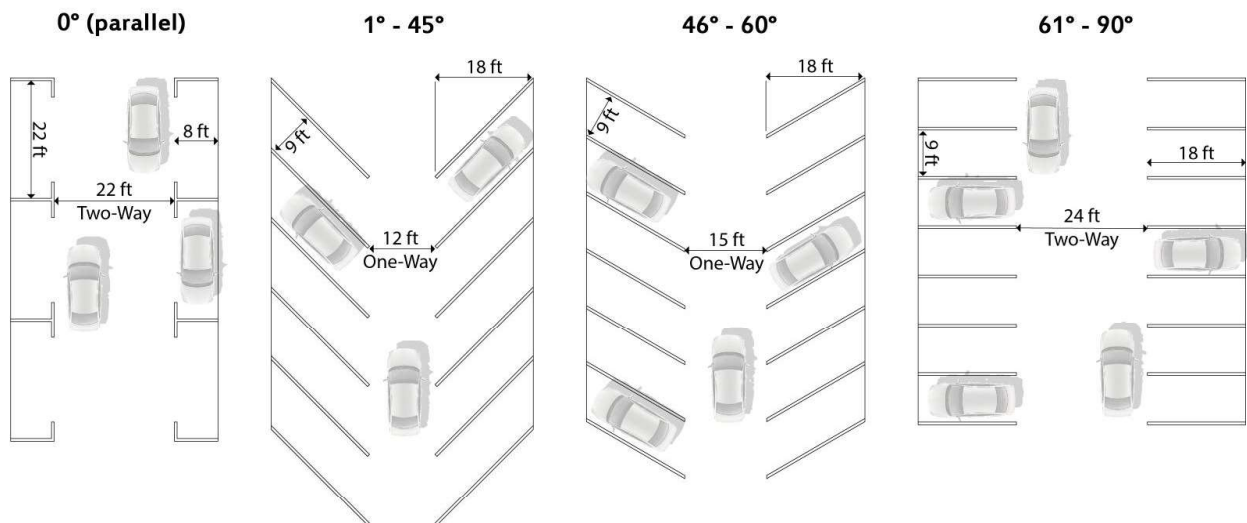
C. Parking Space Dimension Requirements and Design

All parking areas shall be constructed according to the following:

1. All parking aisles shall terminate with a bump-out for turnaround maneuverability.
2. All parking spaces shall have a vertical clearance of at least seven feet.
3. Parking space dimensions:

TABLE 10.5 - PARKING SPACE DIMENSIONS

ANGLE	LENGTH	WIDTH	AISLE (One Way / Two Way)
0° (parallel)	8 ft	22 ft	12 ft / 22 ft
1° to 45°	18 ft	9 ft	12 ft / 22 ft
46° to 60°	18 ft	9 ft	15 ft / 22 ft
61° to 90°	18 ft	9 ft	18 ft / 24 ft



D. Compact Vehicle Spaces

1. Up to 15 percent of required parking may be designed for compact vehicles. Each space must be clearly marked for use by compact vehicles only.

2. Compact vehicle spaces shall be a minimum of 8 ft in width by 16 feet in length.
3. Where compact vehicle spaces are the only spaces located along an aisle, the aisle width may be decreased by 2 feet.

10.18 Access Management and Circulation

A. Purpose

It is the intent of the City to maximize safety and minimize disruption of traffic flow by directing access from abutting properties to existing or planned public streets, and to maximize the City investments in their roadway infrastructure for mobility's sake. These regulations are being implemented to implement Goal 6, Objective A and Mobility Element Recommendation 2, Task 1 of the Kenton County Comprehensive Plan, and the subsequent and tasks related to access management on roadways. These regulations shall apply to all street identified by the legislative body, or in the case of new or proposed Streets, as identified on the submitted subdivision.

B. General Standards

1. All developments must meet the requirements of the Access Control Regulations of the [Kenton County Subdivision Regulations](#) following the procedures in Section 6.09, [Required Improvements for Developments](#).
2. All developments shall be subject to the Traffic Impact Studies Requirements and mitigation of traffic impacts following the procedures in Section 6.09, [Required Improvements for Developments](#).
3. The design of all roadway elements shall be in compliance with the [Kenton County Subdivision Regulations](#) Article 4, Section 4.1, Streets.
4. Modifications to the access management requirements of this Article may be granted following the procedures in the Section 6.09, [Required Improvements for Developments](#)

10.19 Traffic Impact Studies

Traffic Impact Studies shall be required when the full build out potential of the proposed development requesting access meets any or all of the criteria identified in the [Kenton County Subdivision Regulations](#), Article 7, Sections 7.2-1 through 7.2-4. The full build out potential shall be defined as the proposed development and future development for which connections are accommodated in the development plan as required in the [Kenton County Subdivision Regulations](#), Article 4, Public and Private Infrastructure.

10.20 Bicycle and Pedestrian Facilities

- A. Bicycle parking shall be provided for all uses except single-family, two-family, three/four family, manufactured housing, and mobile home dwellings, at a rate of five percent of automobile parking requirements.
- B. The rack area shall be no more than 120 feet from the entrance it serves, or as close as the nearest non-handicap, off-street auto parking space, whichever is farther. Rack area(s) should be clearly visible from the entrance they serve and should be provided near each actively used entrance. In general, multiple buildings should not be served with a combined, distant rack area. It is preferred to place smaller rack areas in locations that are more convenient.
- C. For parking lots with over 25 spaces, pedestrian walkways shall be provided to connect off-street parking areas to buildings. These walkways must be designed and constructed per the [Kenton](#)

County Subdivision Regulations, Section 4.1-11 Sidewalks and Section 4.1-12 Alternative Pedestrian Walkways. Lighting fixtures shall be provided along the walkway area placed at regular intervals to provide continuous ground plane overlap. The lighting shall be in accordance with Section 7.05, [Site Lighting](#).

D. Bicycle Parking Design

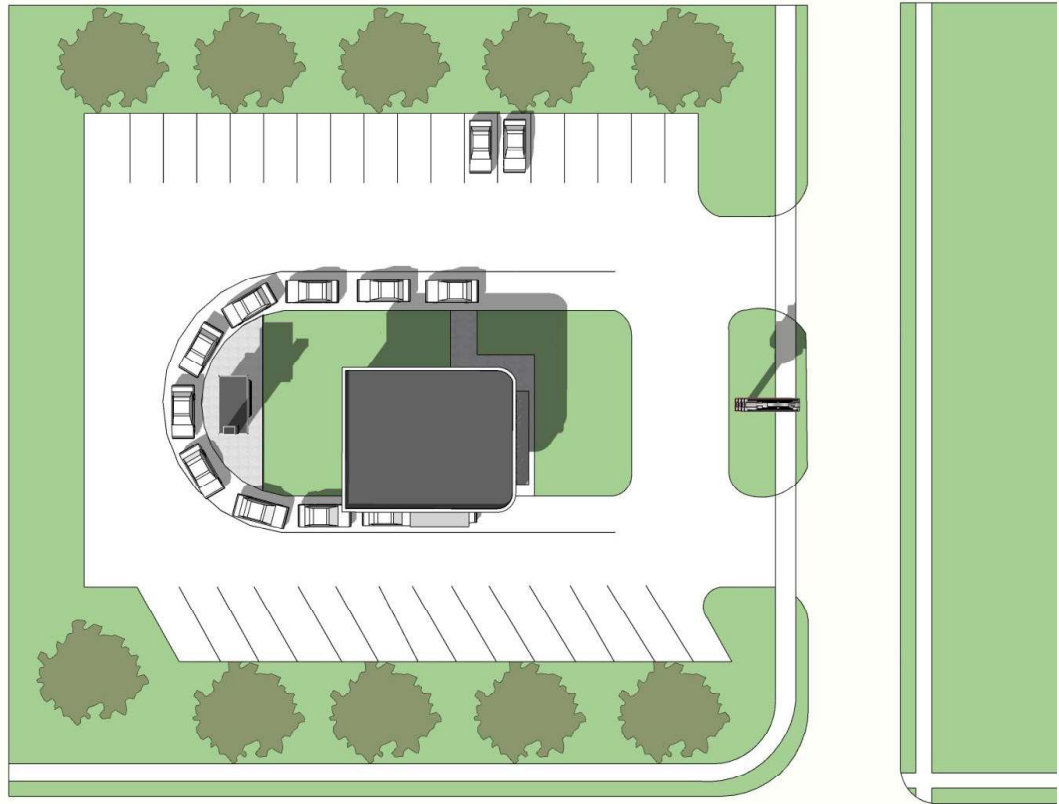
1. Bike lockers and racks shall be securely anchored to the ground and on a hard surface.
2. Each required bicycle parking space shall be accessible without moving another bicycle.
3. Required bicycle parking spaces shall be available for residents, visitors, customers and employees of the use.

10.21 Drive-In or Drive-Through Lanes and Stacking Spaces

A. Stacking Spaces & Lanes

Vehicle stacking spaces and the number of lanes shall be provided in accordance with Table 10.4, below.

TABLE 10.6 - REQUIRED DRIVE THROUGH STACKING SPACES & LANES			
Drive-Through Activity	Minimum Required Stacking Spaces Per Lane	Begin Stacking Space Measurements At	Maximum Number of Stacking Lanes
Bank, Financial Institution, ATM	3	Teller Window or ATM	3
Restaurant/Drive-up, Drive-through	8	Pick-Up Window	2
Car Wash (Full Service)	4	Outside of Washing Bay	2
Car Wash (Self Service or Automated)	2	Outside of Washing Bay	2
Pharmacy	3	Pick-Up Window	1
Other	Determine by the Zoning Administrator based on anticipated demand.		



Ex. Restaurant / Drive-up, Drive-thru Stacking Space Requirement

B. Location

1. Stacking spaces shall be located entirely within the site, and outside of a required driveway or parking aisle needed to access required parking spaces.
2. No drive-through lane may pass between the front façade of the primary building and the front lot line.
3. Drive-through accessory facilities, such as menu boards, order boards, order stations, and service windows shall be located to the side or rear of the building. They shall not be located on any side of the principal building abutting a residential district or the residential component of a PUD district.
4. The speaker or order station shall not be in any required yard or less than 100 feet from the property line shared with any residential district.
5. Any required stacking space must be located a minimum of 20 feet from an access point.

C. Size of Stacking Space

For the purposes of determining compliance, stacking spaces shall measure 9 feet in width and 18 feet in length, and shall be illustrated on the site plan submitted for development plan review.

D. Other Requirements

1. Drive-up and drive-through accessory facilities shall be designed and located to avoid impairing pedestrian mobility or creating risks to pedestrian safety

2. Electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line with any adjacent Residential district.
3. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
4. Drive-through lanes shall be physically marked or separated from all parking areas and driveways using pavement markings, decorative pavement, raised islands, or other forms of barriers.

10.22 Loading Areas

A. General Loading Requirements

1. When loading and unloading will occur during business hours, loading spaces shall be permanently available, marked and maintained for loading purposes for the use they are intended to serve. The Zoning Administrator may approve the temporary reduction of loading spaces in conjunction with a seasonal or intermittent use.
2. For uses requiring loading and unloading during business hours, entrances, exits, or driveways shall not be computed as any part of a required loading and unloading space.
3. When loading and unloading will occur during nonbusiness hours only, loading spaces can be located within any required off-street parking area provided the spaces meet the requirements of Subsections B., C., and D., below. If the delivery hours change to business hours, then the loading spaces will need to be permanently available.
4. Plans for all loading and unloading facilities shall be submitted to the Zoning Administrator for review and for compliance with the provisions of this Ordinance and such other pertinent ordinances of the legislative body. Such plans shall show the number and location of loading and unloading spaces, including necessary maneuvering of trucks, and dock and apron approach, 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, typical cross-sections of pavement, and such other information or plans as the circumstances may warrant.
5. The approaches to loading and unloading areas on non-residential sites shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.

B. Calculation of Loading Requirements

1. Loading Requirements

- a. The number of loading spaces to be required shall be determined by the Zoning Administrator based upon the requirements set forth in Table 10-5. For land uses not addressed in Table 10-5, the Zoning Administrator shall determine the applicable loading space standards.
- b. As an alternative to the requirements in Table 10-5, any applicant may provide the Zoning Administrator with a loading space study to determine loading space demand. The Zoning Administrator may approve an alternative loading space requirement based upon the study.
- c. When any land or building is under the same ownership, or when two or more owners provide satisfactory guarantee of a shared loading agreement, the Zoning Administrator may approve shared loading.

TABLE 10.7 - LOADING SPACE REQUIREMENTS

Type of Land Use	Total Gross Floor Area	Minimum Loading Spaces Required
Industrial Uses	Less than 20,000 s.f.	1 space
	20,000 s.f. or more	2 space plus 1 per every 100,000 s.f.
Institutional and Office	Less than 50,000 s.f.	1
	50,000 s.f. or more	1 space for every 50,000 s.f.
Commercial, retail, service, restaurant, and other allowed commercial uses	Less than 40,000 s.f.	1
	40,000 s.f. or more	2 spaces plus 1 per every 100,000 s.f.

2. Loading Space Study

- a. For the purposes of determining the loading space requirements, any submitted loading space study shall take into the consideration the following:
 1. Estimated and projected arrival and departure rates for scheduled and unscheduled trucks.
 2. Estimated and projected length of truck stop duration for loading and unloading of each truck.
 3. Estimated number of trips by vehicle type (i.e., two axle vehicles, semi-tractor trailers, etc.) and size.
 4. The Zoning Administrator shall review the study of estimated and projected loading and unloading needs and decide if the number of spaces provided are adequate for the use proposed.

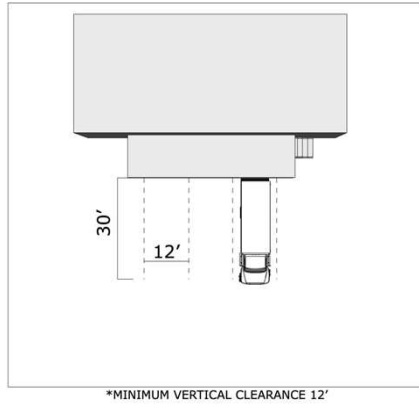
C. Location of Loading Areas

1. All designated loading and unloading areas shall be located on the same lot as the use served and in a side or rear yard.

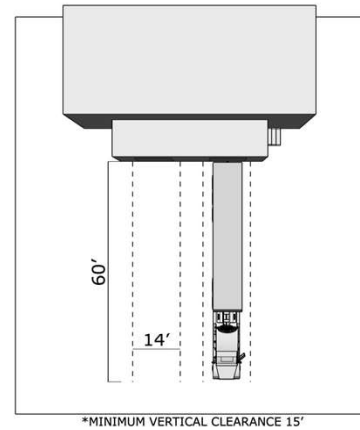
D. Design of Loading Areas

1. The minimum requirements for loading spaces are:
 - a. For local pick-up and delivery trucks (Class 3 and Class 5 trucks according to the Federal Highway Administration's vehicle category classification for delivery vehicles): 12 feet in width by 30 feet in length with a 45-foot maneuvering apron, and a twelve-foot height clearance.
 - b. For over-the-road tractor-trailers trucks (Class 6 through 10 trucks according to the Federal Highway Administration's vehicle category classification for delivery vehicles): 14 feet in width by 60 feet in length with a 60-foot maneuvering apron, and a 15 foot height clearance.
2. Loading and unloading areas and drive aisles used to access those areas shall be paved with heavy duty asphalt or concrete as determined in [Appendix 15.03, Specifications For Paving of Off-Street Parking and Loading Areas](#).
3. The design of loading and unloading areas shall prevent any portion of any vehicle using the loading facility from projecting into a public right-of-way.

Local Pick-Up and Delivery Trucks



Over-The-Road Tractor Trailer Trucks



ARTICLE 11 SIGNS

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11.01 Title

This Article shall be known as the Sign Ordinance of Villa Hills, Kentucky.

11.02 Purpose and Intent

The purpose of this Article is to establish a comprehensive scheme for the regulation of signs within the jurisdiction of the City. 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. The basis for adopting these regulations can be found in [Appendix 15.02, Preamble to the Sign Regulations](#).

11.03 Scope, Authority, and Applicability

A. **Scope**

This Article is adopted pursuant to KRS 100.

B. **Authority**

This Article regulates signs, as defined herein, when mounted, located, or displayed on property located within the incorporated limits of Villa Hills, on land that is either private land or public land over which the City Council has land use regulatory authority.

C. **Applicability, General**

This Article shall apply to all signs erected, placed, painted, installed or otherwise made visible on private or public property in the City, except as otherwise provided herein. All signs displayed in the City shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the City, except as specified herein. No sign, outdoor advertising, structure, billboard or display shall be erected, installed, located or maintained in any zoning district of the City, except in conformity with these regulations. New signs, additional signs, relocations or structural alterations of existing signs also require sign permits.

D. **Compliance Required**

It shall be unlawful and a violation of this Article for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curbstone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, restroom, bus stop kiosk or shed, bus stop station building, tree, or in or upon any portion of any public sidewalk, street, or sign, except as specifically allowed within this Article.

E. **Actions Requiring a Permit**

The following actions require a permit, unless a particular sign is exempt from obtaining a permit under this Article.

1. **New Sign:** If any new sign is erected, a permit shall be obtained.
2. **Replacements:** If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements of this Article.
3. **Relocation:** If any sign is removed from one location and erected at a new location, a new permit shall be obtained.
4. **Alteration:** Alteration or enlargement of any sign shall require a permit the same as for a new sign. Any change in technology for a sign shall be considered an alteration; this shall expressly apply but not be limited to the conversion of a sign to changeable copy technology of any type.

F. **Illumination**

1. Unless installed and maintained as permitted in this Article, illumination of signs is prohibited. The prohibition on separate illumination for a sign does not prohibit indirect, incidental illumination that spills over from a light serving another lawful purpose.
2. In no case shall any sign illumination exceed one foot-candle at any property line.

G. **Exemptions**

The following signs or sign elements are exempt from the provisions of this Article but are subject to any other applicable laws and regulations.

1. 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. Any sign with a sign area of less than four square feet in area and less than four feet in height (if freestanding), that is not separately illuminated and that is not legible from the public right-of-way or from private or public property other than the property on which it is located.
3. Signs on mass transit vehicles operating in or passing through the jurisdiction.
4. Signs on vehicles and watercraft which are regularly used in the operation of a business; signs on vehicles which are parked for long periods of time, which are not operational or which are not regularly used in the operation of a business at the same location where the vehicle is most frequently parked shall be considered detached signs and subject to regulation under this Article. For purposes of this subsection, a "long period of time" shall be a continuous period of 30 days or separate periods that total 40 days or more out of any 60-day period.
5. Signs and plaques designating historic properties, events, or features provided such signs have been approved by the City.
6. Flags representing governmental entities and institutions not used for commercial advertising.

H. Exempt Signs Subject to Other Standards

Signs listed in this Section shall be exempt from the permit requirements of this Article, but shall, to the maximum extent allowed by law, be subject to the other standards of this Article. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this Article or otherwise deviate from the standards set forth in this Article to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Article. This subsection shall apply to all the following types of signs.

1. Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message.
2. Signs installed by employees or officials of the City, 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 installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use and provide contact information regarding the facility or provide contact information regarding the facility.
6. Signs installed by a transit company with a franchise or other right to operate in the City, where such signs are installed along its routes and relate to schedules or other information about the transit route.

I. Product Displays, Sales Devices, Menu Boards

1. Nothing in this Article shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular product may be a thing which would be

- prohibited by this Article if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this Article. This Article shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label “Chevrolet” on an automobile or “John Deere” on a tractor shall not be considered a sign for purposes of this Article, but a separate sign attached to such a product shall be considered a sign and subject to regulation.
2. Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products shall be allowed without a sign permit if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the site on which the sign is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height. All other signs on vending machines, gas pumps, news racks and similar machines and devices shall be considered “signs” and shall be subject to all of the regulations of this Article.
 3. In districts where drive-through and drive-up facilities are allowed, drive-thru signs or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such device is less than 12 square feet in size, and that the only words, numerals, symbols or pictures on such device that are legible from any location other than the site on which it is located shall include no commercial message but shall simply identify the device as a “menu,” “directory,” “instructions,” “information” or something similar or a logo that is no larger than one foot in any dimension. In such districts, directional information and logos installed on drive-through canopies and clearance bars are also permitted and are not considered signs.

11.04 Prohibited Sign Types

Unless specifically authorized in this Article, or by other law, the following sign types are prohibited at all times and in all zones.

- A. Any sign, handbill, poster, advertisement, or notice of any kind that is fastened, placed, painted, or attached in any way to a curbstone, lamp post, utility pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy bench, restroom, bus stop kiosk or shed, bus stop station building, tree, or in or upon any portion of any public sidewalk, street, or sign, except as specifically allowed within this Article. Such signs may be removed and destroyed without notice if located on a public structure.
- B. Any sign placed on, in, or over any public property, including the public right-of-way, without the written consent of the public authority having jurisdiction over the property and in full compliance with this Ordinance. Such signs may be removed and destroyed without notice.
- C. New billboards.
- D. Any freestanding sign of which the area 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; note that this is intended as a circuit-breaker and that all signs are subject to other size and dimensional requirements in this Ordinance.
- E. Portable signs, including folding portable signs and flashing portable signs. This does not pertain to sidewalk signs when they are specifically permitted.
- F. Pennants, banners, streamers, balloons, and similar devices.
- G. Animated, projecting, revolving, and moving signs, including those which create the appearance of animation, projection, revolving or other movement, or use flashing or intermittent lights, or

lights of changing degrees of intensity; automatic changeable copy signs that conform with this Article are not subject to this limitation.

- H. 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.
- I. Signs on vacant lots in non-residential zones larger than 12 square feet in area.
- J. 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
- K. Signs which emit or transmit audible sound, odor, or visible matter.

11.05 Temporary Signs

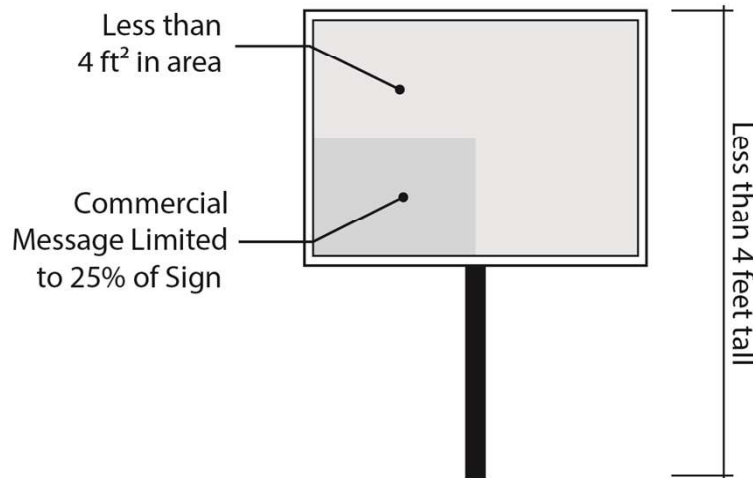
One temporary sign will be permitted on each site in a non-residential zone, subject to the following standards and conditions:

- 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 freestanding, it shall be set back a minimum of 10 feet from any property line;
- 6. It shall not be separately illuminated;
- 7. If the message relates to an event, such sign shall be removed within seven days following the conclusion of the event;
- 8. Such a sign may bear any commercial or noncommercial message.

11.06 Signs Allowed Without a Permit

The following signs or sign-like devices are allowed in all zoning districts without a sign permit and are not to be included in determination of the allowable numbers, type and area of a sign that requires a sign permit. If a sign otherwise falling under this Section is electrified, it will require an electrical permit. Signs subject to this Section shall conform to the requirements specified.

- A. Address Numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area.
- B. Detached signs smaller than four square feet in area and less than four feet in height, of which not more than 25 percent may be used for a commercial message (e.g., "Enter" or "Exit" signs).



- C. Detached signs smaller than six square feet, allowed in residential, conservation, and agricultural zoning districts in accordance with this Article.
- D. Temporary signs not greater than 12 square feet located in non-residential zones.
- E. Wall signs containing no commercial message and not larger than four square feet in area.
- F. Cultural decorations or displays of noncommercial nature, mounted on private residential property, which pertain to cultural observances.
- G. Building marker signs such as 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.
- H. Symbols that do not bear or include any commercial message and that are integrated into the architecture of a building.
- I. Gravestones when erected in a lawful cemetery or graveyard.
- J. Graphic images which are visible only from aircraft flying above.

11.07 Other Actions Allowed Without a Permit

- A. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar compliant sign, whether electrical, illuminated, electronic message center or non-illuminated painted message, provided that the copy on an electronic message board shall not change more frequently than allowed under this Article.
- B. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations. If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.
- C. Installation of permanent signs smaller than four square feet where such signs are allowed by this Article, contain no commercial message and involve no electrical installation.
- D. Installation of temporary signs not larger than four square feet, where such signs are allowed by this Article and conform with this Article in all respects.

11.08 Installation, Design, and Construction Standards

A. Location

1. No sign shall be located so that it obstructs access to or from a doorway, fire escape or required escape window.
2. No sign shall be located so that it blocks the free air flow through windows in residential units.
3. No sign located within a clear sight triangle (see Section 6.07 Clear Site Distance Required) shall obstruct the vision of motorists or pedestrians between a height of 30 inches and 108 inches off the ground.
4. No wall sign shall extend above the top of the wall of the building, including parapets and architectural extensions.
5. No sign shall be located within eight vertical feet or four horizontal feet of overhead electrical or other wires.

D. Sign Maintenance

1. The property owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign. The property owner may assign such responsibility to a tenant or other party, but the property owner shall remain accountable for the maintenance.
2. Nothing in this Article shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

E. Additional Standards for Flashing, Moving, 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 Article; conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this Section and with all other applicable standards related to the location, height, size and other characteristics of the sign.
2. Rules for Automatic Changeable Copy Signs Allowed under this Article. Automatic changeable copy signs shall be allowed only in those districts in which “automatic changeable copy sign” is listed as a permitted sign type. The term automatic changeable copy sign does not include signs that change less than four times per day. All automatic changeable copy signs and programmable signs shall be subject to all the following additional restrictions.
 - a. Signs shall be programmed 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 all 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 sign'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 programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.
 - f. The area of a sign consisting of electronic or electro-mechanical message board elements shall not constitute more than 200 square feet of a sign.
 - 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 electro-mechanical message board includes 100 or more square feet of sign area shall not be erected within 500 feet of property falling in one of City or other jurisdiction's residential zoning 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 electro-mechanical message board includes 20 or more square feet of sign area but less than 100 square feet of sign area shall not be erected within 200 feet of property falling in one of the City or other jurisdiction's residential zoning 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 electro-mechanical message board includes less than 20 square feet of sign area shall not be erected within 100 feet of property zoned and used exclusively for single-family uses; it is the express intent of this provision to allow the use of such technology on signs for institutional uses located in residential districts, provided that the required separation is maintained between the sign and any property zoned and exclusively used for a single-family use.

11.09 Signs Requiring a Permit

A. Sign Requirements by District

The following table contain relevant regulations by sign type for signs requiring a permit.

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
Institutional uses in any zoning district (except the INST Zone)	Wall	1 per street frontage	4	N/A	No	No	N/A	N/A	.
	Detached Principal	1	40	6	External or internal, direct or concealed source	Automatic or manual - Can't exceed 30% of the sign area	5	5	
CO, R-RE	Wall	1 per dwelling	1 (2 if not-single family use)	N/A	No	No	N/A	N/A	No commercial message if use other than single-family
	Detached Yard	4 - 1 may be permanent	6	6	No	No	N/A	N/A	1. Signs related to the sale of personal property shall be removed within 24 hrs after the end of a sale. 2. Sales related to the sale, lease, or rental of the premises shall be removed no later than the date on which the deed, lease, or other document representing the transaction is complete. 3. If a sign relates to an election or special event, the sign shall be removed 7 days following the conclusion of the election or special event.

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
									4. The only commercial messages allowed are messages related to commercial activity lawfully conducted on the premises, including the sale of agricultural products, the lawful occasional sale of personal property, or the sale, rental or lease of the premises.
	Temporary Subdivision	1 sign at each principal entrance. No more than 1 sign for each 50 lots proposed	32	6	No	No	5	5	Must be removed upon the earlier of the following: 1. Installation of a permanent entrance sign; 2. Sale of more than 90% of the lots in the subdivision; or 3. 2 years from the date of installation.
	Permanent Entrance	1 per main entrance	50 - Can be divided between 2 signs located on opposite sides of	6	External or internal, direct or concealed source	No	5	5	1. Must be located at the main entrances.

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
			the same entrance						
	Incidental	No limit	2	4	No	No	N/A	N/A	Can be permanent or temporary with no commercial message meant for incidental signs only
R-LLS, R-CVS, R-CPS	Wall	1 per dwelling or use if not single-family	1 or 2 if use not single-family	N/A	No	No	N/A	N/A	No commercial message if use other than single-family
	Detached Yard	4 - 1 may be permanent	6	6	No	No	5	5	1. The permanent sign shall not contain a commercial message, and no more than 2 signs (including wall signs) may contain commercial messages. 2. Signs related to the sale of personal property shall be removed within 24 hrs after the end of a sale. 3. Sales related to the sale, lease, or rental of the premises shall be removed no later than the date on which the deed, lease, or other document

TABLE 11.1 - PERMITTED SIGNS									
ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
									<p>representing the transaction is complete.</p> <p>4. If a sign relates to an election or special event, the sign shall be removed 7 days following the conclusion of the election or special event.</p> <p>5. The only commercial messages allowed are messages related to commercial activity lawfully conducted on the premises, including the lawful occasional sale of personal property, or the sale, rental or lease of the premises.</p>
	Temporary Subdivision	1 sign at each principal entrance. No more than 1 sign for each 50 lots proposed	32	6	No	No	5	5	<p>Must be removed upon the earlier of the following:</p> <p>1. Installation of a permanent entrance sign;</p> <p>2. Sale of more than 90% of the lots in the subdivision;</p>

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
									or 3.2 years from the date of installation.
	Permanent Entrance	1 per main entrance	50 - Can be divided between 2 signs located on opposite sides of the same entrance	6	External or internal, direct or concealed source	No	5	5	1. Must be located at the main entrances.
R-M, R-MF	Wall	1 per dwelling or permitted uses other than single-family	1 or 2 if use not single-family	N/A	No	No	N/A	N/A	
	Additional Wall	1 per public entrance	4	N/A	No	No	N/A	N/A	1. For buildings with 3+ units sharing a common entrance. 2. Allowed at the public entrance and not legible from a public right-of-way.
	Detached Principal	1 per street frontage	25	6	External or internal, direct or concealed source	No	5	10	
	Detached Directory	1 per vehicle entrance	6	4	Concealed source	No	15	15	
	Detached Additional	1 per public entrance per building	6	4	Concealed source	No	25	25	
	Detached Yard	4 - 1 may be permanent	6	6	No	No	N/A	N/A	1. The permanent sign shall not contain a

TABLE 11.1 - PERMITTED SIGNS									
ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
									<p>commercial message, and no more than 2 signs (including wall signs) may contain commercial messages.</p> <p>2. Signs related to the sale of personal property shall be removed within 24 hrs after the end of a sale.</p> <p>3. Sales related to the sale, lease, or rental of the premises shall be removed no later than the date on which the deed, lease, or other document representing the transaction is complete.</p> <p>4. If a sign relates to an election or special event, the sign shall be removed 7 days following the conclusion of the election or special event.</p> <p>5. The only commercial messages allowed are messages related to</p>

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
									commercial activity lawfully conducted on the premises, including the lawful occasional sale of personal property, or the sale, rental or lease of the premises.
	Incidental	No Limit	2	4	No	No	N/A	N/A	No commercial message intended to provided messages such as "beware of dog" or "restrooms"
	Permanent Entrance	1 per main entrance	50 - Can be divided between 2 signs located on opposite sides of the same entrance	6	External or internal, direct or concealed source	No	5	5	
	Temporary Subdivision	1 sign at each principal entrance. No more than 1 sign for each 50 lots proposed	32	6	No	No	5	5	Must be removed upon the earlier of the following: 1. Installation of a permanent entrance sign; 2. Sale of more than 90% of the lots in the subdivision; or 3. 2 years from the date

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
									of installation.
INST	Wall	1 per building street frontage	4	N/A	No	No	N/A	N/A	
	Detached Principal	1	40	8	External or internal, direct or concealed source	Automatic or manual - Can't exceed 30% of the sign area	5	5	
	Detached Additional	1 for each 3 separate buildings or per vehicle entrance, whichever is more	20	6	No	No	50	30 - 50 from property in a residential zone	Cannot be legible from the ROW
	Incidental	No limit	2	4	No	No	N/A	N/A	Contain no commercial messages
	Banners	N/A but site must be larger than 5 acres in order to erect banners	16 on one side	24 if attached to poles	No	No	May be visible from public right-of-way	Not legible from any adjacent property	1. Must be anchored to a pole or building at the top and bottom so the banner does not flap in the wind. 2. May be attached to poles serving another purpose (street or parking lot lights, etc.), or to poles used only for the banners. 3. No two banners shall be closer than 75 feet from one another, measured in a straight line. 4. May

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
									include messages related to the activities or services of the institution or other non-commercial message. May not contain a commercial message not related to the institutional use.
NC, RD	Wall	1 per building street frontage	2 per lineal foot of building width on the side of the building which the sign is located	N/A	Concealed source	No	N/A	N/A	The total area of all wall and window signs cannot exceed 2 per lineal foot of building width on the side of the building which the sign is located
	Window	Area limit only	25% of window area on that building wall	N/A	No	No	N/A	N/A	
	Additional Wall	1 per public entrance	4	N/A	No	No	N/A	N/A	1. For buildings with 3+ tenants sharing a common entrance. 2. Allowed at the public entrance and not legible from a public right-of-way.
	Detached Principal	1 per street frontage	25	NC: 5 RD: 30	Concealed source	No	5	5 - 50 feet from the nearest single-family	No pole signs, no monument signs

TABLE 11.1 - PERMITTED SIGNS

ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
								residential district	
	Detached Additional	1 per vehicle entrance	6	4	Concealed source	No	25	5 - 50 feet from the nearest single-family residential district	
RI	Wall	1 per street frontage	2 per lineal foot of building width on the side of the building which the sign is located	N/A	Concealed source	No	N/A	N/A	
	Window	Not permitted	N/A	N/A	N/A	N/A	N/A	N/A	
	Detached Principal	1 per street frontage	80	20	Concealed source	Automatic or manual - Can't exceed 25% of the sign area	5	15	No pole signs, only monument signs
	Detached Directory	1 per vehicle entrance and one per public entrance per building	6	6	Concealed source	No	15	20 - 50 from the nearest single-family residential district	
	Incidental	No limit	2	4	No	No	N/A	N/A	No commercial message
	Detached Additional	1 for each 4 separate non residential uses or per vehicle entrance, whichever is less 1 per 2 drive-thru	20	6	External or internal, direct or concealed source	No	50	30 - 50 from the nearest residential district	

TABLE 11.1 - PERMITTED SIGNS									
ZONING DISTRICT	SIGN TYPE	MAXIMUM NUMBER ALLOWED	MAXIMUM AREA (SQ FT)	MAXIMUM SIGN HEIGHT (FT)	ILLUMINATION	CHANGEABLE COPY	MINIMUM SETBACK (FT)		ADDITIONAL REGULATIONS
							STREET	OTHER PROPERTY LINE	
		lanes							
PUD	The type, location, and height of all signs shall be approved on the Concept or Final Development Plan.								

11.10 Murals

A. Purpose

The purpose of this section is to establish minimum standards for the provision, installation, maintenance, and repair of murals to ensure compatibility with building environment and protect public safety. These regulations for murals are intended to:

1. Create and preserve original artwork;
2. Encourage artistic expression and neighborhood pride;
3. Increase community cultural assets;
4. Foster community engagement;
5. Deter vandalism; and
6. Enhance environment and quality of life through cultural resources.

B. Mural Regulations

1. The aggregate area of all words or written messages on a static display shall comprise no more than 20% of the area of the display. The mural may contain the signature of the artist and date but not to exceed 1% of total mural area.
2. Murals are allowed in NC zoning district(s).
3. Design, construction, installation, repair, and maintenance of such displays will not interfere with traffic or public safety.
4. No part of a mural shall exceed the height or width of the structure to which it is tiled, painted, or affixed.
5. No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed and shall not project over a public right of way.
6. No mural may consist of, or contain, electrical or mechanical components, or changing images.
7. No murals shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.

8. No mural shall be arranged and illuminated in a manner that will produce a light intensity of greater than three foot candles, as measured at the property line of the nearest commercial property or one foot candle, as measured at the property line of the nearest residential property.

C. Installation, Maintenance, Repair, and Removal

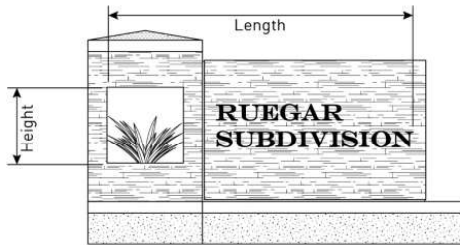
1. It shall be the responsibility of the property owner or the owner's designee to ensure that the mural is maintained in good condition, free from graffiti, and free from chipped, peeled, torn or faded paint or materials for the duration of the mural's existence. Failure to properly maintain the mural, including removal of graffiti, will subject the mural to abatement or removal by the City.
2. In the event that a mural is damaged, vandalized, removed, altered, or destroyed, including graffiti abatement, the property owner or the owner's designee, in consultation with the mural artist, shall be responsible for restoring the mural to the original condition, within 60 days from the date a notice is sent to the property owner regarding damage to the mural. In the event the mural is not timely restored, the City may, with notice sent to the property owner or the owner's designee, remove the mural in its entirety.
3. In the event that a mural requires excessive or unreasonable maintenance or receives significant adverse public reaction, the City may at its discretion, with notice sent to the property owner or the owner's designee, remove the mural in its entirety.

11.11 Sign Measurements

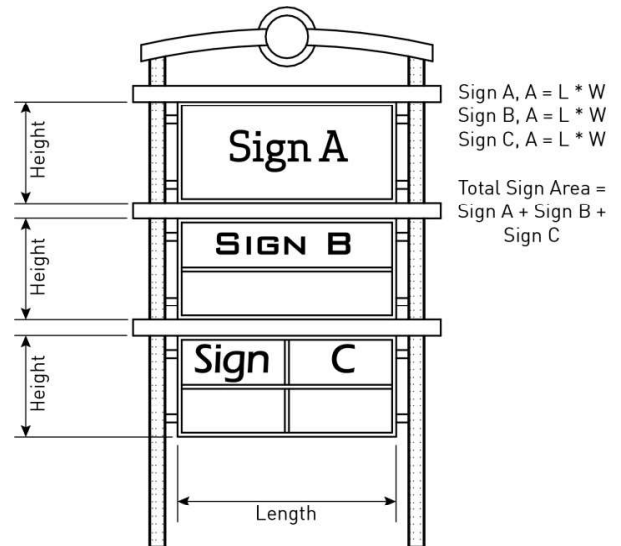
A. Calculating the Area of Signs Other than Wall Signs

1. The gross surface area of a sign, except wall signs, is the entire area contained within a single continuous perimeter enclosing the extreme limits of such sign. For detached signs composed of more than one sign cabinet or module, the gross surface area shall include the sum of the area in each cabinet or module only. If a sign has more than one face, the gross surface area shall be equal to the maximum area of the sign face or faces visible from any ground position along any public right-of-way at any one time.
2. The perimeter of a sign will not include lighting fixtures, pole covers, landscaping, framing, decorative roofing, moldings or aprons or other architectural or decorative embellishments, provided they contain no written copy, logos or symbols.

Measuring the sign area of a detached sign composed of more than one sign cabinet or module

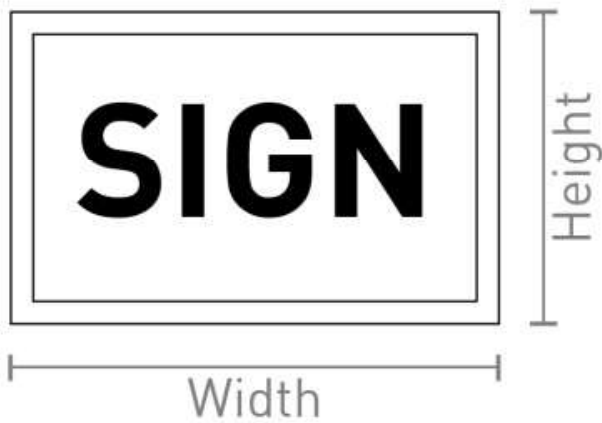


Measuring the sign area of a detached sign where one face is composed of multiple parts



B. Calculating the Area of Wall Signs

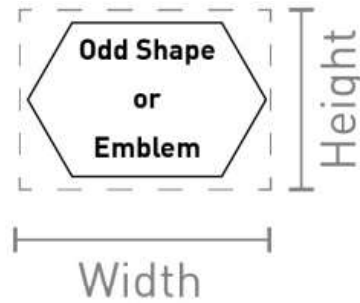
The gross surface area of a wall sign is the entire area contained within a single continuous perimeter composed of any straight-line geometric figure(s) which encloses the extreme limits of the advertising message(s). If the sign is composed of individual letters or symbols using the wall as the background 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.

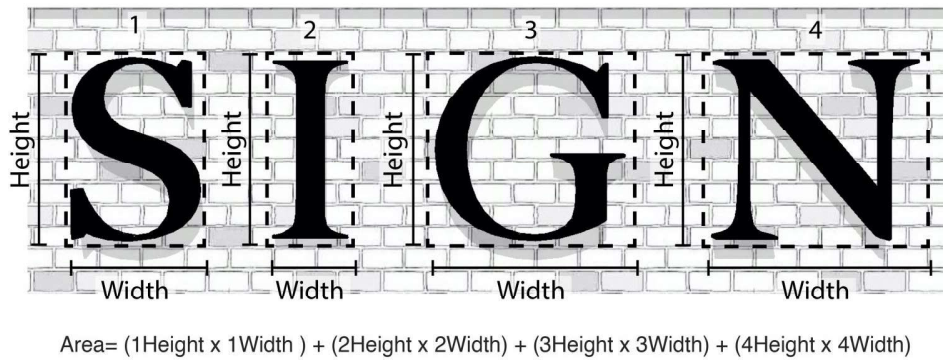


$$\text{Area} = \text{Height} \times \text{Width}$$



$$\text{Area} = \pi r^2$$



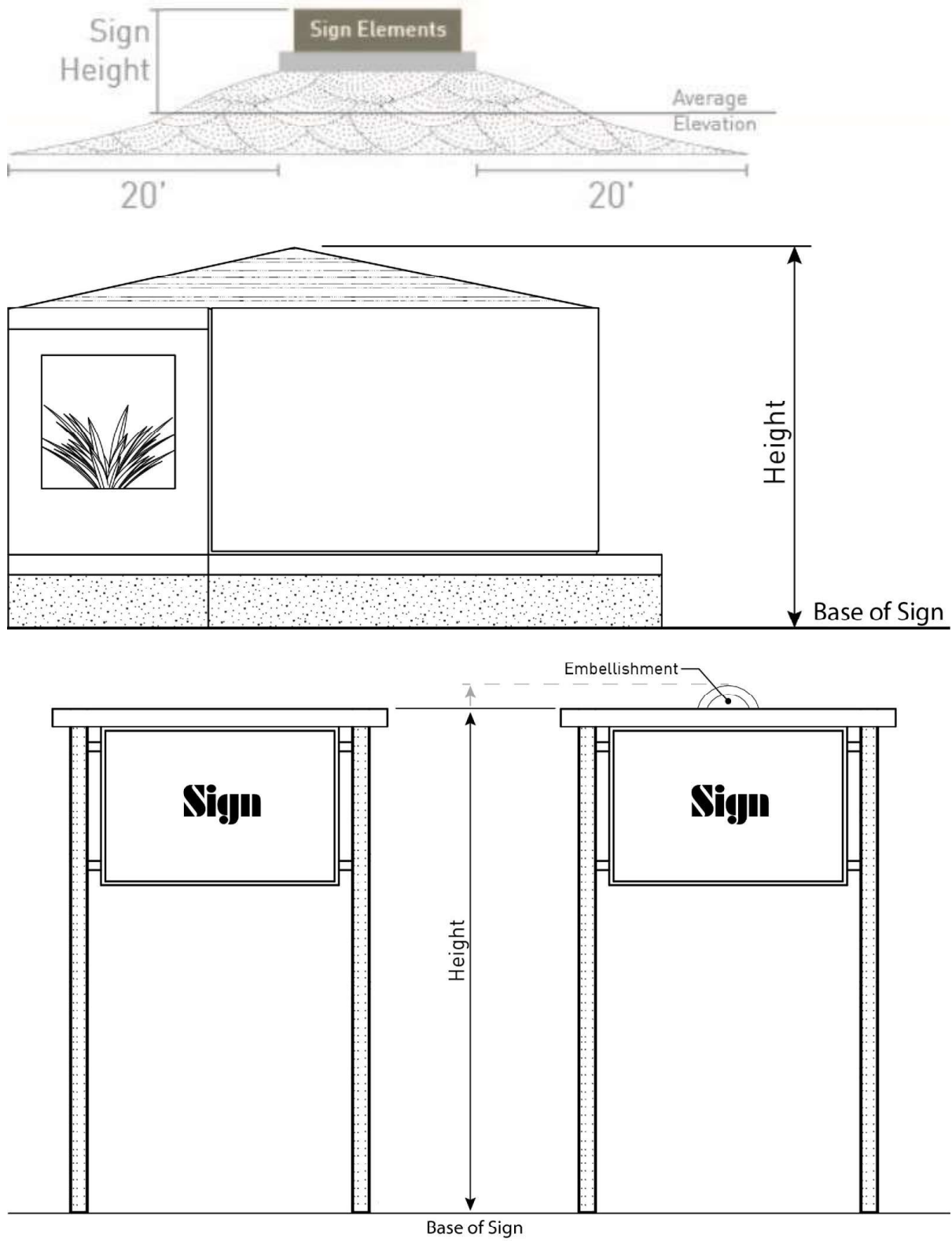


C. Calculating the Area of Multi-Faced Signs

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.

D. Measurement of Sign Height

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.



11.12 Policies and Rules of Construction

This Article shall be administered, enforced and construed in accordance with the following policies.

A. Discretionary Review

When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, then the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative aspects of the sign. This provision does not override the billboard policy.

B. Message Neutrality

It is the policy of this City to regulate signs in a constitutional manner.

C. Regulations for Offsite Messages

This Article distinguishes in some cases between commercial messages that relate to products or services not offered at the location of the sign ("off-site commercial messages"). The purpose of that distinction is to acknowledge the need of businesses for identification and notice of their businesses at a business location while limiting the proliferation of commercial messages generally. There is no intent to limit noncommercial messages in any way with this distinction.

D. Billboard Policy

New billboards, as defined herein, are prohibited. The City Council completely prohibits the construction, erection or use of any billboards, other than those which legally exist within the regulatory zoning jurisdiction of the City Council, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City Council will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.

E. Message Substitution

Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device, and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

F. Regulatory Interpretations

All regulatory interpretations of this Article are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a “structure” as defined in the building code then in effect, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this Article.

G. Noncommunicative Aspects

All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

H. Mixed-Use, Overlay, and PUD Zones

1. In any zone where both residential and non-residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: (1) if specific sign regulations are provided in the zoning district, those regulations shall be applied; or (2) if no sign regulations are provided in the zoning district, residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
2. Signs within a PUD district are established during plan approval and must be installed in conformity with the plan.

I. 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.

J. Legal Nature of Sign Rights

As to all signs attached to real property, the signage rights, duties and obligations arising from this Ordinance attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance. Nonconforming signs are regulated by Section 2.07, H.

K. Severability

1. Generally

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as limited by this Article.

2. **Severability Where less Speech Results**

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section or elsewhere in this Article or this Ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

3. **Severability of Provisions Pertaining to Prohibited Signs**

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A of this Section, or elsewhere in this Article or in this Ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or of any part of this Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as expressly provided in this Article.

4. **Severability of Prohibition on Off-premise Signs**

If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or other provisions of this Article, this Ordinance, or this Ordinance are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.

ARTICLE 12 ADMINISTRATIVE ROLES AND RESPONSIBILITIES

Contents:

- 12.01 Zoning Administrator**
- 12.02 Floodplain Administrator**
- 12.03 Technical Review Committee**
- 12.04 Planning Commission**
- 12.05 PDS Staff**
- 12.06 Board of Adjustment**
- 12.07 Legislative Body**
- 12.08 [RESERVED]**

12.01 Zoning Administrator

This Ordinance shall be administered by the administrative officials, who are appointed by the legislative body, and who shall have all powers and duties authorized by statute and Ordinances for administrative officials. It shall be illegal for any person or entity to interfere with the administrative official's performance of duties. The duties of an administrative official shall include, but are not limited to:

- A. Interpretation of terms and provisions of this Ordinance;
- B. Administration of this Ordinance by the issuance of zoning permits and certificates of compliance, including the collection of fees authorized by law;
- C. Enforcement of this Ordinance, investigation, and resolution of zoning complaints including the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences; of illegal additions, alterations, or structural changes; and any other illegal work or activity being done;
- D. Review and issuance of administrative modifications per the requirements of Section 5.03, [Flexible Administrative Modification Rules](#) and Section 5.04, [Standard Administrative Modifications](#);
- E. Processing applications for appeals, variances, conditional uses and changes from one nonconforming use to another nonconforming use;
- F. Preparation of the record for appeal from the decisions of the Board of Adjustment as provided by Kentucky Revised Statutes;
- G. Serving as staff and providing administrative assistance to the Board of Adjustment regarding their functions under this Ordinance.

12.02 Floodplain Administrator

The floodplain regulations included within this Ordinance shall be enforced by the Floodplain Administrator, who is appointed by the legislative body, and who shall have all powers and duties authorized by Kentucky Revised Statutes and this Ordinance. It shall be illegal for any person or entity to interfere with the Floodplain Administrator's performance of duties. The duties of the Floodplain Administrator include, but are not limited to:

- A. Reviewing zoning permit applications to determine compliance with floodplain requirements including determining that planned changes and uses will not result in a cumulative increase in the water surface elevation of the base flood more than one foot at any point when combined with all other existing and anticipated development;
- B. Notifying relevant agencies and adjacent communities prior to authorizing any use or change that alters or relocates a watercourse, submitting evidence of such notification to FEMA, and assuring that the flood carrying capacity within the altered or relocated watercourse is maintained;
- C. Maintaining documentation of all floodplain information and activity including all maps, site plans, and certifications and making this documentation reasonably accessible to the public;
- D. Interpreting floodplain maps and boundaries as needed; and
- E. Working with the Zoning Administrator and other local, state, and federal officials to remedy floodplain violations.

12.03 Technical Review Committee

The powers and duties of the Technical Review Committee ("TRC") are as generally described below.

- A. Establishment and Membership: The TRC is created and shall consist of PDS staff, regulatory agencies and public utilities agencies, and other agencies or consultants deemed appropriate. The Applicant and their representatives and their invitees, Staff, City staff and officials, regulatory agencies and public utility agencies shall be permitted to attend TRC meetings.
- B. Jurisdiction and Authority: The TRC has the duty to review and make comments to the applicant, pursuant to the procedures and standards in this Ordinance and other applicable regulations.

12.04 Planning Commission

The Kenton County Planning Commission (KCPC) shall have all general and specific powers, duties, and responsibilities necessary to carry out its functions in accordance with this Ordinance and KRS Chapter 100.

12.05 PDS Staff

When referenced in this Ordinance, PDS staff is the duly authorized representative of the Kenton County Planning Commission. PDS staff has the duty to review applications submitted to the Kenton County Planning Commission, and make recommendations and comments to applicants and the Planning Commission, and where authorized by this ordinance make final decisions.

12.06 Board of Adjustment

The Board of Adjustment shall have the following powers, duties, and responsibilities necessary to carry out its functions in accordance with this Ordinance and KRS Chapter 100:

- A. To hear and decide applications for conditional use permits.
- B. To hear and decide applications for variances including variances to the floodplain regulations.
- C. To hear and decide requests for appeals of administrative decisions.
- D. To hear and decide changes from one nonconforming use to another nonconforming use as regulated under [KRS 100.253](#).

12.07 Legislative Body

The legislative body shall have the following duties related to this Ordinance:

- A. To review and from time to time initiate changes to this Ordinance.
- B. To decide upon any application or request for amendments to this Ordinance or the Official Zoning Map.
- C. To decide upon any application or request for a Concept Development Plans.

12.08 [RESERVED]

ARTICLE 13 PROCESS AND PROCEDURE

Contents:

13.01 General Application Requirements

13.02 Development Plan Review

13.03 Planned Unit Development Requirements