

Article 6. Use Regulations

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Section 6.01 General

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

Section 6.02 Accessory Uses and Structures

6.02.01 General

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

A. Time of Construction

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

B. Subordinate Nature

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

C. Lot and Building Standards

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

D. Building Coverage

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

E. Height of Accessory Structures

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

6.02.02 Residential Garages

- A. Each detached house, attached house, and two-unit building is limited to one freestanding, accessory garage.
- B. Residential garages must be located on the same lot as the principal building.
- C. Street-facing garage doors (whether on attached or detached garages) may comprise no more than 40 percent of the width of the front facade of the detached house, attached house, or two-unit building to which it is accessory. Such street-facing garage doors must be recessed at least five feet from the front façade. The intent of these standards is to prevent garages from being the dominant visual feature on the front of the building.
- D. Detached garages and carports must be set back at least five feet from rear property lines abutting alleys.

6.02.03 Satellite Dish Antennas

- A. Satellite dish antennas up to one meter (39.4 inches) in diameter are permitted as accessory uses in all zones. They must comply with all setback requirements of the subject zone, except as expressly indicated in 9.08.09.
- B. Satellite dish antennas over one meter in diameter, up to 3 meters (118.2 inches) in diameter, are permitted as accessory uses in all commercial and industrial zones, subject to the following standards:
 - 1. Antennas may be erected on the roof or attached to a principal building, provided the maximum height of the installation does not exceed the maximum allowable height of the subject zone or more than 15 feet above the top of the building on which it is to be located, whichever is less. Satellite dish antennas that are mounted on the roof or attached to the building must be located in a manner so as to detract as little as possible from the architectural character of the building.
 - 2. Satellite dish antennas must comply with all setback requirements of the subject zone, except as expressly indicated in 9.08.09.
 - 3. A building permit is required for each satellite dish antenna installation.

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

6.02.04 Home Occupations

The following standards apply to permitted home occupations:

- A. No persons other than members of the household residing in the premises may be engaged in such operation.
- B. The use of the dwelling unit for the home occupation must be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) may be used in the conduct of the home occupation.
- C. A home occupation may not change the outside appearance of the building or premises in which it is located and no visible evidence of the conduct or activity of a home occupation may be seen from the exterior of the building that is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate may be permitted, as regulated by Article 10.
- D. Home occupations may be conducted only within dwelling units. No activities related to home occupations may be conducted within accessory buildings.
- E. Home occupations may not displace any required off-street parking spaces.
- F. There may be no exterior storage of any materials on the premises.
- G. The retail sale of goods is not permitted on the premises in connection with such home occupation.
- H. No traffic may be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- I. No equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot in which the dwelling is located may be used in such home occupation. In the case of electrical interference, no equipment or process that creates visual or audible interference in any radio or

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

Section 6.03 Animal Services, Sales and Grooming

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

Section 6.04 Bed and Breakfast

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

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

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

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

6.04.04 Food service may be provided for resident guests only.

Section 6.05 Boat Docking Facilities

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

Section 6.06 Body Art Service

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

Section 6.07 Day Care

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

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

Section 6.08 Entertainment, Indoor

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

Section 6.09 Entertainment, Outdoor

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

Section 6.10 Financial Service

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

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

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

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

Section 6.11 Fortune Telling Service

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

Section 6.12 Gasoline Stations

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

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

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

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

Section 6.13 Group Living

6.13.01 Youth Shelter

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

- A. No more than one youth shelter may be permitted per each 25,000 persons residing in the city.
- B. Maximum occupancy may not exceed one person per 125 square feet of gross floor area in the building or 250 square feet of lot area.
- C. Twenty-four hour, on-site adult supervision must be provided.
- D. Shelters must comply with all building codes and other applicable codes and ordinances.
- E. Shelters are appropriate when and where the above criteria can be met, unless clear and convincing evidence is presented that deleterious impacts involving noise, traffic, safety, or property values will result from the establishment of a shelter at a particular location.

6.13.02 Addiction treatment facility

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

- A. No more than one addiction treatment facility may be permitted per each 25,000 persons residing in the city.
- B. The facility must provide for staff offices, sleeping space, meeting rooms, bathrooms, and kitchen and dining facilities.
- C. Twenty-four hour, on-site staff supervision must be provided.
- D. Facilities must comply with all building codes and other applicable codes and ordinances.
- E. Adults or adults with minor children may not reside at the facility for more than 18 consecutive months.

- F. Licensure for the program operated at the facility must be obtained in accordance with Non-Medical Alcohol Treatment and Education Center regulations, 908 KAR 1:230 and 240.
- G. Facilities are appropriate only when the above criteria can be met, unless clear and convincing evidence is presented that deleterious impacts involving noise, traffic, safety, or property values will result from the establishment of a facility at a particular location.

Section 6.14 Hospitals and Medical Facilities

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

Section 6.15 Junk/Salvage yard

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

Section 6.16 Limited Manufacturing, Indoor

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

Section 6.17 Lodges and Private Clubs

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

Section 6.18 Mixed-Use Buildings

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

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

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

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

Section 6.19 Minor Vehicle Servicing or Repair

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

6.19.01 The site must be adjacent to an arterial street.

6.19.02 All repairs must be conducted within a completely enclosed building

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

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

Section 6.20 Neighborhood Retail Sales and Service

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

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

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

Section 6.21 Offices

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

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

6.21.02 Architectural or land-design offices.

6.21.03 Attorney, land title, or other legal offices.

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

6.21.05 Insurance sales or claims offices.

6.21.06 Tourism or economic development offices.

6.21.07 Marketing and/or design firms.

Section 6.22 Qualified Manufactured Housing Units

6.22.01 Purpose

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

- A. Immediately adjacent to either side of the proposed site within the same block front;
- B. Immediately adjacent to the rear; and
- C. Within a one-eighth mile radius of the proposed location of the qualified manufactured housing unit.

6.22.02 Effect of Compliance

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

6.22.03 Compatibility Determination

- A. Applications must be submitted to the Zoning Administrator demonstrating: (a) compliance with the standards of this subsection, and (b) that the proposed construction, installation, or relocation of the qualified manufactured housing unit is generally similar in exterior appearance, building materials, and living area to other dwelling units that have been constructed on adjacent tracts, lots, and parcels.
- B. Applications for the placement of qualified manufactured housing units must be submitted with a nonrefundable application fee on a form developed for that purpose to the Zoning Administrator. Qualified manufactured housing units that have been illegally placed upon a lot must be removed before an application may be accepted.
- C. The application must include:

1. Information reasonably necessary to make a determination of conformity with the standards of this subsection;
 2. Recent photographs of the front, side, and rear of the qualified manufactured housing unit's exterior finish;
 3. Photographs taken from the proposed site of the dwelling unit in the northerly, easterly, southerly, and westerly directions, and photographs of any adjacent dwelling units. The photographs must be taken no more than 30 days before submittal of the application.
 4. A site plan or plot plan containing appropriate information including, but not limited to, the following:
 - (a) location of all existing buildings, structures, easements, and boundary lines;
 - (b) north arrow, scale, city and land lot;
 - (c) existing use of adjacent property; and
 - (d) location of all proposed buildings, structures, and land uses.
- D. Applications will be first reviewed for completeness. If the application is rejected as incomplete, the applicant must be notified of the reasons for the rejection. The applicant is responsible for the satisfaction of all of the comments prior to the resubmission of the revised application.
- E. Complete applications must be reviewed for compatibility with architectural appearance and similarity with:
1. adjacent development or surrounding developments;
 2. development within the same zone or general area; and
 3. proposed development permitted in the same zone or general area.
- F. Compatibility with architectural appearance will be based on the following:
1. floor living space and setbacks;
 2. siding and exterior materials;
 3. roof pitch;
 4. square footage; and
 5. general aesthetic appearance.
- G. Compatibility with the orientation and location of existing structures will be based on the following:

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

Section 6.23 Residential Storage Warehouse

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

6.23.01 The site must be adjacent to an arterial street.

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

Section 6.24 Retail Sales and Service

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

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

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

Section 6.25 Safety Services

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

Section 6.26 Sexually Oriented Businesses

6.26.01 General

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

6.26.02 Prohibited Uses

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

- A. Sexually oriented motion picture arcade or booth;
- B. Sexually oriented encounter center;
- C. Sexually oriented motel;
- D. Sexually oriented massage parlor or any business offering massages that is operated by a person who is not licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statues §309.350 et seq.;
- E. Sexually oriented modeling studio;
- F. Sexually oriented nude modeling studio; and
- G. Sexually oriented escort bureau.

6.26.03 Permitted Uses

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

- A. Media store with some sexually oriented media (not subject to licensing);
- B. Sexually oriented media store;
- C. Sex shop;
- D. Service oriented escort bureau;
- E. Sexually oriented motion picture theatre; and
- F. Sexually oriented cabaret or theatre.

6.26.04 Permitted Zoning Districts

- A. A media store carrying some sexually oriented media is permitted in any zoning district where other retail establishments are permitted.
- B. A sexually oriented media store, sex shop or service oriented escort bureau is permitted in the following zoning districts if it holds an approved Zoning Permit and a valid License approved by Section 111.600 et seq. of the Covington Code of Ordinances (or under the county-wide Kenton County Ordinance No. 451.9 if the City of Covington's ordinance is repealed), establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus:
 - 1. CBD, Central Business District Zone
 - 2. CC, Commercial-Community Zone
- C. A sexually oriented business featuring on-premise entertainment such as sexually oriented motion picture theatre, cabaret or theatre is permitted in the following zoning districts if it holds an approved Zoning Permit and a valid City of Covington Sexually Oriented Business License (or Kenton County Sexually Oriented Business License if Covington's ordinance is repealed):

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

6.26.05 Zoning Permit

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

A. Zoning Permit and License Required

1. Permit and license required
Each sexually oriented business or service oriented escort bureau is required to obtain a Zoning Permit under the City of Covington's Zoning Code and a Sexually Oriented Business License from the City of Covington (or under Kenton County Ordinance No. 451.9 as amended, if the Covington ordinance is repealed) establishing licensing requirements for sexually oriented businesses and service-oriented escort bureaus. However, no license is required for a media store with some sexually oriented media.
2. Order of submissions
For a new sexually oriented business or service oriented escort bureau, the process is designed for the applicant to apply for a Zoning Permit first and Kenton County License second.
3. Application Contents
In addition to the other requirements of an application for a Zoning Permit, the applicant must submit to the Zoning Administrator at least the following:
 - (a) A complete description of the exact nature of the business to be conducted;
 - (b) A location plan, showing the location of the property and the applicant's identification of any school, religious institution, public recreation area, park or day care center within 1,500 feet of the property;
 - (c) A sketch of the exterior and interior of the premises, showing all areas that will be open to the public and their purposes, the dimensions of such areas, all entrances and exits, the location of the screen for a

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

6.26.06 General Standards

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

A. Separation standards

1. Separation distances

- (a) No retail-only sexually oriented business (sexually oriented media store or sex shop) or service oriented escort bureau may be located within 500 feet of any area within the zoning districts having the designation of “residential” as the district classification or within 500 feet of any parcel of land occupied by a school, religious institution, park, library, public recreation area, or day care center (considered “protected uses”) in any other district.
- (b) No sexually oriented business offering on-premise entertainment (sexually oriented motion picture theatre, cabaret or theatre) may be located within 1000 feet of any area within the zoning districts having the designation of “residential” as the district classification or within 1000 feet of any parcel of land occupied by a school, religious institution, park, library, public recreation area, or day care center in any other district.
- (c) No sexually oriented business may be located within 1,000 feet of any other sexually oriented business or service oriented escort bureau; such a separation is required regardless of whether it is located within the city or within the county.

2. Single use
There may be no more than one type of sexually oriented business or service oriented escort bureau at any one location.
3. Nonconformity
No legally established and permitted sexually oriented business or service oriented escort bureau will become nonconforming through subsequent establishment of a school, religious institution, park, library, public recreation area, or day care center (protected uses); nor may a Zoning Permit for a sexually oriented business or service oriented escort bureau be denied based on the filing of a Zoning Permit application for a protected use after the filing of such application for a sexually oriented business.
4. Measurement method
Where this section requires that one use be separated from another use, measurements must be made in accordance with this subsection. For a use which is the only use or the principal use on a lot or parcel, the measurement must be made from property line to property line from a point nearest to the use for which the measurement is being made. If the use is located in a multi-tenant building, then the distance must be measured from the portion of the building of the leasehold or other space actually controlled or occupied that is nearest to the use for which the measurement is being made
Measurements between properties or spaces under this section must be made by the shortest distance between the 2 properties and/or spaces.

B. Standards for Parking

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

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

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

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

C. Standards for Exterior Lighting and Signage

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

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

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

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

6.26.07 Individual Business Standards

A. Standards for a Service Oriented Escort Bureau

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

1. Room size
The establishment must operate all business in an open area of at least 600 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices may be used to obscure any part of the room where customers are located.
2. Lighting
The area occupied by customers must be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.

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

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

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

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

C. **Standards for a Sexually Oriented Media Store or Sex Shop**
A sexually oriented media store or sex shop is subject to the following additional standards:

1. **Room size**
The establishment must operate all business in an open area of at least 600 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices may be used to obscure any part of the room where customers are located;
2. **Displays**
No displays of sexually explicit media or images may be visible from the exterior of the buildings; and
3. **Lighting**
The area occupied by customers must be well lit at a lighting level of least 30 footcandles measured 3 feet from the floor.

D. Standards for a Sexually Oriented Motion Picture Theatre

A sexually oriented motion picture theater is subject to the following additional standards:

1. Presentation area

All screenings and presentations of motion pictures, videos or other media must occur in a room open to all customers of the establishment and containing at least 1000 square feet of floor area. No walls, dividers, curtains, screens, shades or other similar devices may be used to obscure any part of the room.

2. Lighting

The lighting level in the area occupied by customers must be at least 5 footcandles as measured at the floor.

3. Seating

Seating must consist of individual, theater-style chairs, with solid arms separating the chairs. No couches, benches, portable chairs, beds, loose cushions or mattresses, or other forms of seating may be provided. Separate spaces for wheelchairs must be provided in accordance with the applicable provisions of the building code and the Americans with Disabilities Act.

E. Standards for a Sexually Oriented Cabaret or Theatre

A sexually oriented cabaret or theater is subject to the following additional standards:

1. Presentation area

All entertainment must occur in an unobstructed room of at least 600 square feet of floor area with a person in any part of such room having a clear view of all entertainment areas;

2. Performance stage

All entertainment must take place on stage elevated at least 24 inches above the surrounding floor area, with a minimum area of 100 square feet, and with a horizontal separation of at least 60 inches between the edge of the stage and the nearest space to which customers have access—the horizontal separation must be physically enforced by a partial wall, rail, or other physical barrier, which may be located

either on the stage (to keep the entertainers back from the edge) or on the floor (to keep the customers back from the stage);

3. Lighting

The lighting level in the area occupied by customers must be at least 15 footcandles as measured 3 feet from the floor.

4. Seating

Seating must consist of chairs or open booths; no couches, beds, or loose cushions or mattresses, or of any form may be provided.

- F. If there are any conflicts between the requirements of this ordinance and the City's licensing ordinance, the requirements of this ordinance control.

6.26.08 Zoning Administrator Review and Expiration of Zoning Permit

A. Determination of Completeness

Within 5 business days of submission of the sexually oriented land use permit application, the Zoning Administrator must determine if the application is complete. If the application is incomplete, the Zoning Administrator must return the application to the applicant with a letter or form specifying the items that are missing. The application may not be further processed unless and until the applicant submits a complete application.

B. Review, Decision

If the Zoning Administrator determines that an application is complete, the Zoning Administrator must review the application and, within 20 calendar days of submittal of the complete application, grant or deny the permit. If the permit is denied, the denial must be made in writing, by letter or on a form, and must specify the reasons why the application was denied, citing the specific provisions of this ordinance or other provisions of the City's ordinances that provide the basis for such denial. If the Zoning Administrator fails to act on a complete application within the 20-day period, the application is deemed denied. Upon denial or deemed denial, the applicant may appeal that denial to the Board of Adjustment. The applicant may, at its option, pursue other or additional administrative remedies available under the zoning ordinance; by doing so, applicant will be deemed to have waived any right to a

decision within a particular time period and will be subject to all of the terms, conditions and timelines applicable to such administrative remedies under the zoning ordinance.

C. Expiration of Zoning Permit

The issuance of the Zoning Permit must be conditioned on the applicant obtaining and retaining a Kenton County Occupational License for the use represented by the Zoning Permit. If a no license has been granted within 6 months after the issuance of the Zoning Permit, then the Zoning Permit will expire; provided, however, that the expiration date for the Zoning Permit must be extended until 30 days after the end of any administrative or judicial appeal of the Zoning Permit.

6.26.09 Appeal Procedures

A. Appeals to Board of Adjustment

1. Appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator. Such appeal must be taken within 10 calendar days after such action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee must also be paid to the Zoning Administrator at this time. The Zoning Administrator must forthwith transmit to the Board all papers constituting the record on which the action appealed from was taken and must be treated as and be the respondent in such further proceedings. At the public hearing on the appeal held by the Board, an interested person may appear and enter his or her appearance, and all must be given an opportunity to be heard.
2. The Board of Adjustment must hear the appeal within 30 calendar days of its filing with the Zoning Administrator and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Administrator at least 7 calendar days prior to the hearing. The affected parties may appear at the hearing in person or by an attorney. The Board of Adjustment must

hear the matter and render a decision within 36 days after the filing of the appeal. If the Board of Adjustment fails to act within such time, the application is deemed denied.

B. Appeals from the Board of Adjustment

1. Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment may appeal from the action to the circuit court of the county in which the property which is the subject of the action of the Board of Adjustment lies. Such appeal must be taken within 30 calendar days after the final action of the Board of Adjustment. The Board of Adjustment will be a party in any such appeal filed in the circuit court. All final actions which have not been appealed within 30 days are final and not subject to judicial review.
2. After the appeal is taken, the Rules of Civil Procedure will govern. When an appeal has been filed, the Clerk of the Circuit Court must issue a summons to all parties, including the Board of Adjustment in all cases, and must cause it to be delivered for service as in any other law action.

Section 6.27 Stables and Riding Academies

Stables and riding academies must be located on lots with a minimum area of five acres. All structures associated with such uses must be set back at least 100 feet from all lot lines.

Section 6.28 Taverns and Restaurants

6.28.01 General Regulations

Restaurants or taverns serving beer, wine, or alcohol after 1:00 a.m. cannot abut a residential use in a residential zone and must have sufficient customer parking available in the zone where it is located without impacting adjacent zones.

6.28.02 Brewpubs

The area used for brewing, including brewing and kegging, shall not exceed thirty (30%) percent of the total floor area of the commercial space. The brewery shall not produce more than 4,000 barrels or 124,000 gallons of beer or ale per year. No brewing equipment or storage is permitted on the exterior of the building.

6.28.03 Microbreweries

The brewing operation does not include the production of any other alcoholic beverage. The brewery shall be allowed to produce up to the limits imposed by KRS 243.157 or the maximum permitted under the laws and regulations of the Commonwealth of Kentucky. No brewing equipment or storage is permitted on the exterior of the building.

Section 6.29 Vehicle and Equipment Sales, Used

No used vehicle/equipment sales establishment may be established within 1,500 feet of a lot containing an existing used vehicle/equipment sales establishment.

Section 6.30 Waste-Related Service (Landfills)

6.30.01 Landfills must comply with all applicable regulations of the Kentucky Department of Natural Resources and Environmental Protection. In addition, all sanitary landfills must comply with the performance standards of the Division of Air Pollution, Division of Water Quality, and other applicable performance standards of the Commonwealth of Kentucky.

6.30.02 The minimum site area for a landfill is 50 acres.

6.30.03 Screening areas must be provided along all boundary lines not protected by comparable vegetative screening, in accordance with the applicable requirements of Section 8.01.

6.30.04 Landfill operations may not be conducted within 100 feet of any dedicated right-of-way or property line that is the exterior boundary of the landfill, or within 300 feet of any existing structure regularly occupied or utilized by any person for the conduct of residential, commercial, industrial, and public and semi-public type activities.

6.30.05 Site plan requirements. Before a permit is issued, a Stage I Development Plan must be prepared meeting the applicable requirements of Section 12.06 and submitted to the Board of Adjustment and City Commission for approval. In addition, the following information must also be submitted: a plan showing the specific reuse of the area after completion of landfill operations, including the final grades to be established in meeting the needs of the proposed reuse of the landfill and a plan showing the method and procedures for disposing of any methane gas.

Section 6.31 Home For Adjustment

6.31.01 Home for adjustments may be permitted when the lot they are located on is not located adjacent to an arterial street. No more than one building housing a home for adjustment may be permitted per each 25,000 persons residing in the

city. No more than two agencies providing home for adjustment services may be permitted per each 20,000 persons residing in the city.

Section 6.32 Multi-Unit (multi-family) Buildings

6.32.01 In the RU-2A Zone, conditional uses may be permitted for Multi-Unit (multi-family) Buildings on lots smaller than 6,000 square feet but not smaller than 3,000 square feet, provided that all of the following criteria are met:

- A. The building is an existing building
- B. The building was not originally built as a single or two-family residential building.
- C. Each Dwelling unit provides at least 1,500 square feet of gross floor area.

Section 6.33 Community and Market Garden

6.33.01 Community Gardens uses, where allowed, are subject to the following standards:

- A. No sale of items grown or any other items may take place on-site.
- B. In order to privatize or sell plots of the garden the property owner must obtain a valid Occupational License permit
- C. Two (2) accessory structures, limited to tool sheds, shade pavilions, plant preparation houses, greenhouses, and other structures that relate to the principal use of a Community Garden with authorization from the Zoning Administrator, is permitted and is subject to regulations of Section 6.02
- D. Fences shall not exceed six (6) feet in height, shall be at least fifty percent (50%) open if they are taller than four (4) feet, and shall be constructed of wood or ornamental metal

6.33.02 Market gardens uses, where allowed, are subject to the following standards:

- A. All structures associated with the market garden operation, including greenhouses, hoop houses and high tunnels, located on the site shall comply with the location requirements of the underlying zone regulations, but shall not take up more than 60 percent of the lot, and be no more than 15 feet in height. For purposes of open space, areas of the site devoted to garden use and not enclosed in a structure shall be included in the calculation of required yards. Trellises, raised beds, and frames used to assist in the growing of plants and shrubs shall not be considered as structures within the meaning of this section.

- B. Composting shall be limited to plant materials generated on the site, and plant-based food waste and non-vegetative materials such as wood chips, pre-composted materials or soil to enhance these plant materials. Compost piles shall be set back at least 10 feet from all property lines and shall be covered or enclosed to prevent migration of compost materials due to wind, slope, or water-based erosion. Compost piles shall not exceed 5 feet in height, and compost piles within 3 feet of any building entry shall not exceed 3.5 feet in height. The amount of compost materials on site at any given time shall not exceed 20 cubic yards.
- C. Water for the purposes of maintaining the garden and for dust suppression shall be available on the site, either in the form of a water collection system or an on-site or off-site connection to the local water service.
- D. Market gardens shall be operated so as not to create a nuisance condition for adjacent properties due to vibration or odor. Dust and noise shall be managed consistent with state law and local ordinance, and visible fugitive dust crossing the property lines shall be corrected by sprinkling with water. The premises shall be kept free of debris at all times.
- E. Market gardens shall only be permitted to be open to the public during the hours of 8 am and 8 pm. Gardening activities conducted outside of the hours of 8 am and 8 pm shall be conducted in a manner that do not constitute a nuisance.
- F. Fences shall not exceed six feet in height, shall be at least 50% open if they are taller than four feet, and shall be constructed of wood, wood-wire combination, or ornamental metal.

Section 6.34 Mobile Food Vending Service

6.34.01 Mobile Food Vending Services may be permitted only in commercial and industrial zoning districts, provided that all of the following criteria are met:

- A. The mobile food vending service shall not be located in any required setback, sight distance triangle, or buffer.
- B. Any operator of a mobile food vending service must receive and display a valid zoning compliance permit from the Zoning Administrator.
- C. The operator of a mobile food vending service shall obtain, in writing, the permission of the property owner to operate on his property and shall submit a copy to Community Development
- D. If the operator of a mobile food vending service is issued a notice of any municipal code violation at the location assigned for the permit, then the operator or his/her agent(s) are not eligible to renew the permit at that location for a period of one year.

- E. Any person(s) so engaged shall not be relieved from complying with the provisions of this section by reason of association with any local dealer, trader, operator, merchant, organization, or auctioneer, or by conducting the mobile food vending service in connection with, as part of, or in the same name of any local dealer, trader, operator, merchant, organization, or auctioneer.
- F. The mobile food vendor must meet all applicable local and state laws, rules, regulations and ordinances, including but not limited to the Mobile Food Unit regulations and permitting requirements in the Covington Code of Ordinances Sections 111.550 to 111.558.

Section 6.35 Temporary Vendor

6.35.01 Temporary Vendors may be permitted only in commercial zoning designations, provided that all of the following criteria are met:

- A. Temporary vendors must be located a minimum of 10 feet from all property lines
- B. Any operator of a temporary vendor service must receive and display a valid zoning compliance permit from the Zoning Administrator.
- C. The maximum duration of a temporary vendor permit is for 30 days at one location, renewable up to 2 additional times, for a total period of 90 days per calendar year at a single location.
 - 1. Temporary firework vendors are allowed only as permitted in KRS 227.715
- D. The operator of a temporary vendor service shall obtain, in writing, the permission of the property owner to operate on his property and shall submit a copy to Community Development.
- E. If the operator of a temporary vendor service is issued a notice of violation at the location assigned for the permit, then the operator or his/her agent(s) are not eligible to renew the permit at that location for a period of one year.
- F. There shall be only one (1) temporary vendor permitted to operate on a property
- G. No signs, merchandise, or other elements of a temporary vendor service shall be located in the public right-of-way

Section 6.36 Package Liquor (Distilled Spirits)

6.36.01 Package Liquor (Distilled Spirits) are permitted in the CBD-Central Business District zone, provided that all of the following criteria are met:

- A. The sale of Package Liquor (Distilled Spirits) is accessory to a permitted “Retail Sales and Service Use, Other (not specifically listed above or specifically excluded herein)” use or “Restaurant” use;
- B. The seller has valid state and local ABC permits authorizing the sale of package liquor;
- C. The floor area used for the sale of package liquor is no more than 10% of the floor area of the sales area of the primary retail sales use for a “Retail Sales and Service Use, Other (not specifically listed above or specifically excluded herein)” or no more than 10% of the floor area of the seating area of the primary “Restaurant” use or 100 square feet, whichever is less.

6.36.02 Package Liquor (Distilled Spirits) are permitted in the CT-Tourist Commercial zone, provided that all of the following criteria are met:

- A. The sale of Package Liquor (Distilled Spirits) is accessory to a permitted tavern or restaurant use;
- B. The seller has valid state and local ABC permits authorizing the sale of package liquor;
- C. The floor area used for the sale of package liquor is no more than 10% of the floor area of the seating area of the primary “Tavern” or “Restaurant” use or 100 square feet, whichever is less.

6.36.03 Package Liquor (Distilled Spirits) are permitted in the IL-Industrial Limited zone, provided that all of the following criteria are met:

- A. The sale of Package Liquor (Distilled Spirits) is accessory to a permitted tavern or restaurant use;
- B. The seller has valid state and local ABC permits authorizing the sale of package liquor;
- C. The floor area used for the sale of package liquor is no more than 10% of the floor area of the seating area of the primary “Restaurant” use or 100 square feet, whichever is less.