

## **Article 1. Introduction/Legal Framework**

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### **Section 1.01 Title**

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

### **Section 1.02 Authority**

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

### **Section 1.03 Effective date**

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

### **Section 1.04 Applicability**

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

### **Section 1.05 Purposes**

The purposes of this zoning ordinance are to:

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

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

- 1.05.03** promote harmonious relationships among land uses and orderly and compatible land use and development patterns;
- 1.05.04** implement the policies and goals contained within officially adopted plans, including the *Comprehensive Plan*;
- 1.05.05** promote and enhance the overall quality of life of residents, employees, and visitors;
- 1.05.06** ensure the provision of adequate light, air, privacy, and access to property;
- 1.05.07** prevent excessive population densities, overcrowding of land or buildings, blight, danger, and congestion in the circulation of people and commodities;
- 1.05.08** promote the economic stability of existing land uses and protect them from intrusions by incompatible or harmful land uses;
- 1.05.09** encourage environmentally responsible development practices and protect natural resources and other sensitive areas that are in need of special protection;
- 1.05.10** preserve the character and quality of residential neighborhoods and promote a range of housing choices for all segments of the community;
- 1.05.11** promote economically vibrant and attractive business and commercial areas and retain and expand the city's employment base;
- 1.05.12** create environments that promote bicycle, pedestrian, and transit use;
- 1.05.13** promote the conservation, protection, restoration, and enhancement of the city's visual, scenic, and historic resources;
- 1.05.14** promote the arts and culture, education, tourism, and diversity of the city;
- 1.05.15** lessen congestion in the public streets by requiring off-street parking and loading;
- 1.05.16** provide attractive and effective signage that is compatible with the surrounding urban environment;
- 1.05.17** establish clear and efficient development review and approval procedures consistent with the requirements of KRS Chapter 100;

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

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

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

## **Section 1.06 Rules of Construction/Interpretation**

### **1.06.01 Numbering Style**

- A. The provisions of this zoning ordinance are organized into the following hierarchical structure:
  - Articles
    - Sections
      - Subsections
        - Paragraphs
          - Subparagraphs
- B. The word “Article” precedes all article numbers.
- C. The word “Section” precedes all section numbers. The first numerals in a section number, before the first period, identify the article in which the section is located. The second two numerals, following the article number and first period, identify the section number. Thus, “Section 1.06,” indicates section 6 of article 1.
- D. The two numerals following the section number, after the second period, identify the subsection number. Thus, “1.06.01” identifies subsection 1 of section 6 of article 1.
- E. Paragraphs within subsections are identified by capital letters.
- F. Arabic numerals are used to identify subparagraphs.
- G. Small letters in parenthesis identify sub-subparagraphs.

### **1.06.02 Meanings and Intent**

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

### **1.06.03 Tenses and Usage**

- A. Words used in the singular include the plural. The reverse is also true.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words “must,” “will,” “shall” and “may not” are mandatory.
- D. The word “may” is permissive.
- E. The word “should” is advisory, not mandatory or required.
- F. When used with numbers, “up to X,” “not more than X” and “a maximum of X” all include “X.”

#### **1.06.04 Conjunctions**

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

- A. “And” indicates that all connected items or provisions apply; and
- B. “Or” indicates that the connected items or provisions may apply singularly or in combination.

#### **1.06.05 Fractions**

##### **A. Minimum Requirements**

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

##### **B. Maximum Limits**

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

#### **1.06.06 Headings and Illustrations**

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

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

**1.06.07 References to Other Regulations**

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

**1.06.08 Current Versions and Citations**

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

**1.06.09 Lists and Examples**

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

**1.06.10 Delegation of Authority**

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

**1.06.11 Public Officials and Agencies**

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

**Section 1.07 Official Zoning Map**

**1.07.01 Adoption**

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

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

#### **1.07.02 Zoning Map Amendments**

- A. Where changes are made to zone boundaries in accordance with the procedures of Section 12.04 and the Kentucky Revised Statutes, such changes must be made on the official zoning map promptly after the amendment has been approved by the City Commission. The City Commission must provide PDS with a certified copy of the amendment in order that the official zoning map may be changed. Failure to comply with the procedures of this paragraph does not affect the validity of an approved zoning map amendment.
- B. No changes of any nature may be made on the official zoning map that are not in conformity with the procedures set forth in this zoning ordinance.

#### **1.07.03 Replacement of Official Zoning Map**

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

### **Section 1.08 Interpretation of Zone Boundaries**

Rules for interpretation of zone boundaries are as follows:

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

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

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

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

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

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

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

### **Section 1.09 Zoning Classification upon Annexation**

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

### **Section 1.10 Minimum Requirements**

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

### **Section 1.11 Conflicting Provisions**

#### **1.11.01 Conflict with State or Federal Regulations**

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

#### **1.11.02 Conflict with Other City Regulations**

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

### **1.11.03 Conflict with Private Agreements and Covenants**

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

## **Section 1.12 Nature of Provisions**

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

## **Section 1.13 Transitional Provisions**

### **1.13.01 Construction in Progress**

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

### **1.13.02 Approvals Granted Before August 15, 2006**

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

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

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

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

**1.13.04 Violations Continue**

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

**1.13.05 Nonconformities**

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

**Section 1.14 Severability**

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