

Article 2. Residential Zones

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|--------------|-------------------------------------|------|
| Section 2.01 | Purpose and Intended Character..... | 2-1 |
| Section 2.02 | Allowed Uses..... | 2-3 |
| Section 2.03 | Lot and Building Standards..... | 2-5 |
| Section 2.04 | Residential Infill Development..... | 2-8 |
| Section 2.05 | Cluster Development..... | 2-12 |

Section 2.01 Purpose and Intended Character

The residential zones have the following purposes and intended character.

2.01.01 RR-40, Rural Residential

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

2.01.02 RS-20, Suburban Residential

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

2.01.03 RS-12.5, Suburban Residential

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

2.01.04 RS-7.5, Suburban Residential

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

2.01.05 RU-5, Urban Residential

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

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

2.01.06 RU-3.5, Urban Residential

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

2.01.07 RU-2, Urban Residential

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

2.01.08 RU-2A, Urban Residential

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

2.01.09 RU-2B, Urban Residential

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

2.01.10 RU-1, Urban Residential

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

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

2.01.11 RU-0.5, Urban Residential

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

Section 2.02 Allowed Uses

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

2.02.01 Permitted Uses

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

2.02.02 Conditional Uses

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

2.02.03 Prohibited Uses

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

2.02.04 Standards and Conditions

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

2.02.05 Use Table

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

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

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

Section 2.03 Lot and Building Standards

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

2.03.02 Table of Lot and Building Standards

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

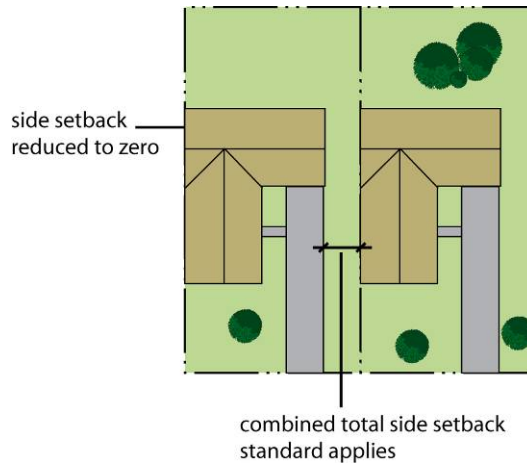
[1] Street-facing garages, where allowed, must be setback at least 20 feet.

[2] Within the RU-2B Zone, the minimum lot area per dwelling unit is 2,000 square feet, except that in the case of an existing building, one dwelling unit shall be permitted for each 1,000 square feet of gross floor area in the building, not including the basement.

[3] In the case of an existing building within the RU-2A Zone, the minimum lot area shall be 1,800 square feet per dwelling unit. This provision only applies to an existing building being converted into single-family residential

2.03.02 Lot Line (Single-Family) Houses

- A. All lot line houses must comply with the lot and building standards of Sec. 2.03.01, except when those standards are expressly modified by the lot line house standards of this subsection (2.03.02).
- B. The side setback on one side of a lot may be reduced to zero. The minimum setback on the other side of the lot must comply with the applicable side setback standards of Sec. 203.01.

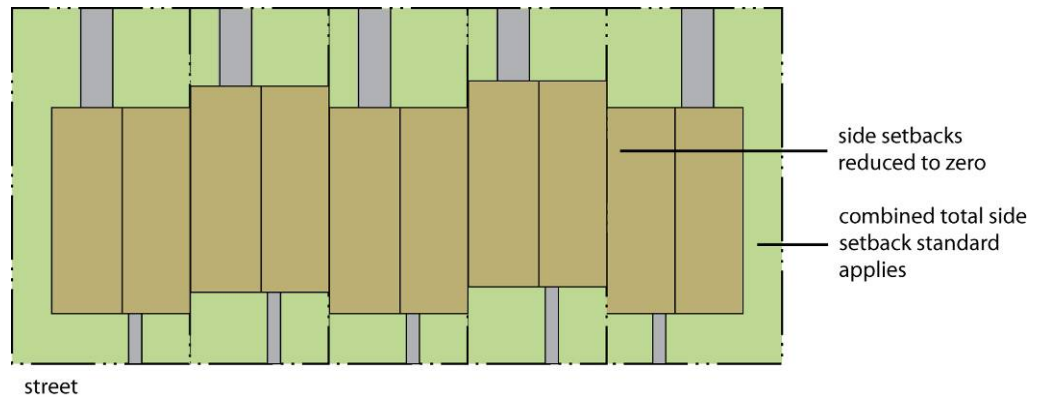


- C. Eaves and other building projections on the side of a house with a reduced setback may not project over the abutting lot line unless: (a) an easement for the projection is obtained from the abutting owner and recorded with the Kenton County Clerk, and (b) such projections are located at least 9 feet above the ground.
- D. When the exterior wall or eaves are set back less than 2 feet from the lot line, an easement must be obtained from the abutting owner and recorded with the Kenton County Clerk. The easement must ensure at least 2 feet of unobstructed space between the furthest projection of the structure (including the eave) and the edge of the easement. This provision is intended to ensure the ability to conduct maintenance and upkeep activities on the lot line house.
- E. Windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed on lot line houses.

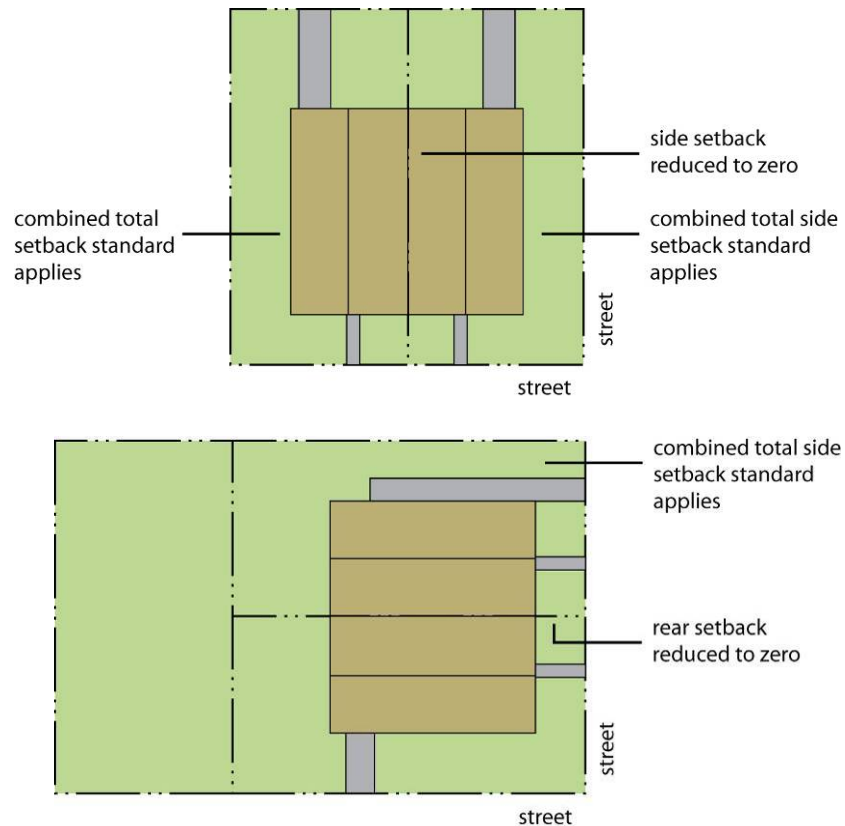
Windows that do not allow visibility into the side yard of the adjacent lot, such as clerestory windows or translucent windows, are allowed, subject to compliance with the building code.

2.03.03 Attached (Single-Family) Houses

A. General



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



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

B. RU-5 and RU-3.5 Zones

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

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

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

1. Up to 8 dwelling units may be attached (have common or abutting walls) in the RU-2, RU-1 and RU-0.5 zones. Structures containing 9 or more attached houses are prohibited.
2. The roof of each attached house must be distinct from the others through separation of roof pitches or direction, or other variation in roof design.
3. Common access to the rear of the lots is required for access to parking areas (individual or common) and may take the

form of a public right-of-way (alley) or private easement. Private access drives must be at least 12 feet wide if designed for one-way traffic and at least 20 feet wide if designed for two-way traffic.

Section 2.04 Residential Infill Development

2.04.01 Purpose

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

2.04.02 Applicability

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

2.04.03 Compliance with Lot and Building Standards

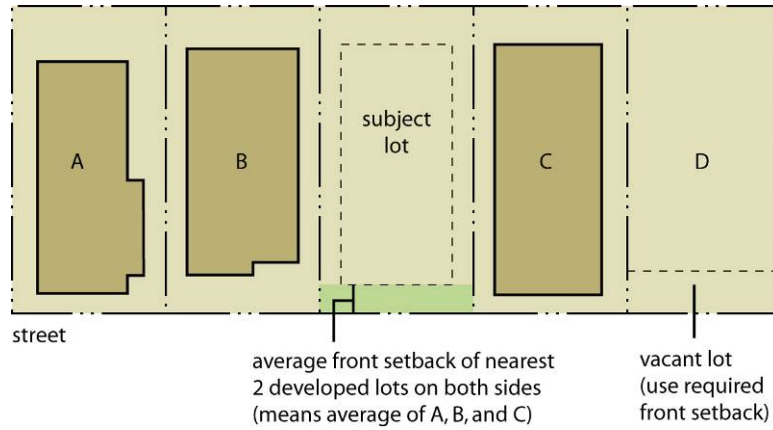
Residential infill development must comply with the general lot and building standards of Sec. 2.03.01, unless otherwise expressly indicated.

2.04.04 Review Procedure

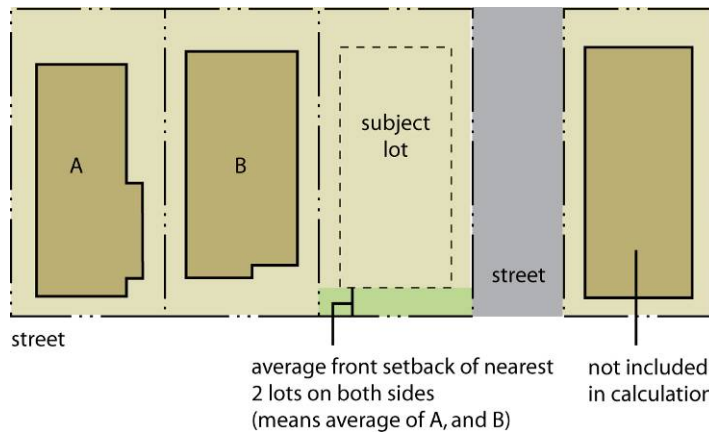
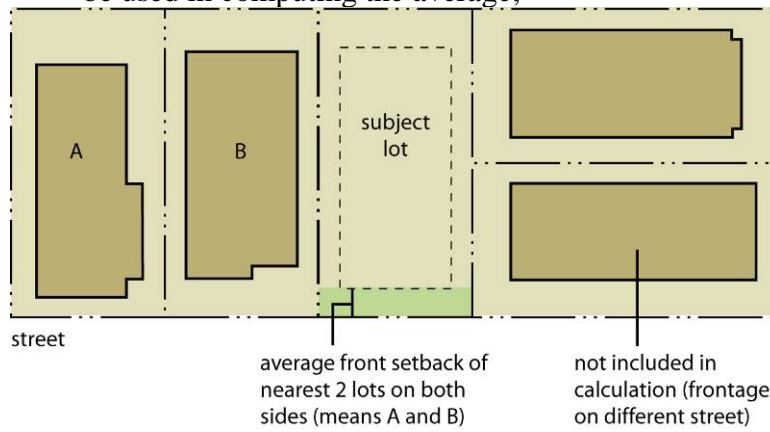
Projects subject to the residential infill standards of this section must be reviewed according to the Building Permit procedure of Section 12.11. Waivers or modifications of residential infill development standards may be approved only through the Design Review procedures of Section 12.15.

2.04.05 Front Setbacks

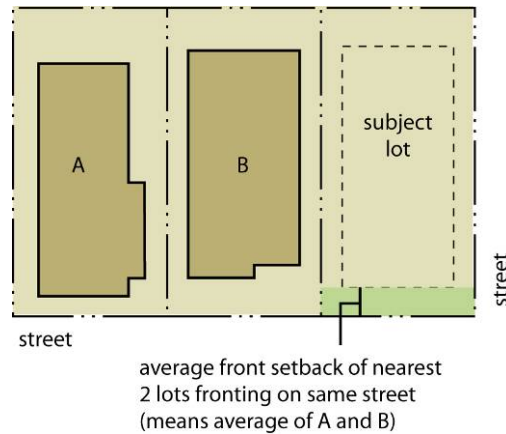
- A. Buildings subject to these residential infill development standards must comply with the contextual front setback standards of this section.
- B. Contextual front setbacks must be at least as deep as the average front setback that exists on the 2 lots on both sides of the subject lot, in accordance with the following rules:



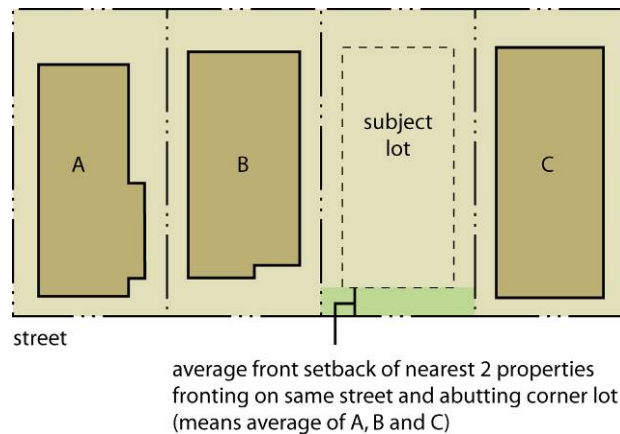
1. Lots that front on a different street than the subject lot or that are separated from the subject lot by a street may not be used in computing the average;



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



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



4. The setback of vacant lots is assumed to be the front setback required by Sec. 2.03.01.
- C. Off-street parking areas and garages must be setback at least 20 feet from the front property line.

2.04.06 Height

- A. Buildings subject to these residential infill development standards are required to comply with the following contextual height standards.
- B. Building heights may not exceed and may be no more than 15% less than the average height of buildings on the 2 nearest developed lots on either side of the subject lot.

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

2.04.07 Building Entrances

- A. At least one building entrance must face the street and be directly accessible from the sidewalk except on lots that are 25 feet or less in width.
- B. Porches must be provided when 50 percent or more of existing buildings on the block face have porches.
- C. On multi-unit buildings, entrances must be emphasized through architectural features, such as porches, transom and sidelight windows, decorative trim and/or arches.

2.04.08 Parking and Garages

- A. Parking and garages that are provided on-site shall meet the following requirements:
 1. Lots with access to an improved alley must use the alley for vehicle access. No new curb cuts from the street or street-facing garages are permitted on lots that have access to an improved alley.
 2. Street-facing garage doors may comprise no more than 40 percent of the width of the front facade of the building. All street-facing garage doors must be recessed at least 5 feet from the front façade of the building. The intent of these standards is to prevent garages from being the dominant visual feature on the front of the building.
 3. When street-facing garages are allowed, they must be setback at least 20 feet from the front property line and at least 5 feet from the front façade of the building. Double-

wide garages doors may not be used on street-facing garages. Two-car garages must use 2 single-side garage doors. Driveways leading from the street may not exceed 12 feet in width.

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

2.04.09 Windows

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

Section 2.05 Cluster Development

2.05.01 Purpose

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

- A. Providing flexible development options where the standard rectilinear lot pattern is not practical because of physical constraints;
- B. Promoting the preservation of open space and natural resources;
- C. Allowing for common open space and recreation areas in a development project while still achieving the density of the base zone; and
- D. Reducing development costs.

2.05.02 Description

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

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

2.05.03 Where Allowed

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

2.05.04 Approval Procedure

Cluster developments are allowed by right. Review of development plans for compliance with applicable regulations must be conducted by the Kenton County Planning Commission's authorized representative prior to approval by the Zoning Administrator. No permits may be issued by the Zoning Administrator until the Kenton County Planning Commission's authorized representative has approved development plans as being in compliance with the standards of this zoning ordinance.

2.05.05 General Lot and Building Standards

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

2.05.06 Density

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

2.05.07 Cluster Lot and Building Standards

A. Minimum Lot Area and Width

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

B. Minimum Setbacks

1. A setback equal to the minimum front setback of the base zone must be provided along the entire perimeter of the cluster development that is adjacent to any street or right-of-way.

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

2.05.08 Building Envelopes

The proposed ground-plane building envelope for all houses must be shown on the plans that accompany the permit application with enough detail to allow a determination of compliance with required development standards. The ground-plane building envelope must delineate the area on the lot in which the building will be placed.

2.05.09 Common Open Space

A. Minimum Area

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

B. Use

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

C. Maintenance

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

