

## **Article 5. Overlay Zones**

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### **Section 5.01 General**

**5.01.01** Overlay zones are tools for dealing with special situations or accomplishing special planning and zoning goals. As the name implies, overlay zones are over-laid on base zone classifications to alter some or all of the underlying zone regulations. Overlay zones are shown on the official zoning map in parentheses following the base zone map symbol. Thus, an RU-2-zoned parcel that is included in the Historic Preservation Overlay zone would be shown on the zoning map as RU-2 (HP-O)

**5.01.02** Overlay zone regulations apply in combination with underlying base zone regulations and all other applicable standards of this zoning ordinance. When overlay zone standards conflict with standards that otherwise apply in the underlying base zone, the regulations of the overlay zone always govern. All applicable regulations of the underlying base zone apply to property in an overlay zone unless otherwise expressly indicated.

### **Section 5.02 Reserved**

### **Section 5.03 HP-O, Historic Preservation Overlay**

#### **5.03.01 Purpose**

- A. The HP-O, Historic Preservation Overlay zone is intended to preserve structures, buildings, appurtenances, and places that are of basic and vital importance for the development of the culture, because of their association with history; because of their unique architectural style and scale, including color, proportions, form, and architectural details; or because of their being a part of or related to a square, park or area of cultural, historical, or architectural importance to the city.

- B. This zone is intended to work in conjunction with the other zones and for the purpose of protecting and preserving the exterior of the buildings, structures, appurtenances, and places.

#### **5.03.02 Applicability**

- A. The regulations of this section apply to all development proposed within the boundaries of the HP-O zones, as shown on the official zoning map.
- B. Upon approval of an HP Overlay zone, the official zoning map must be amended by adding the suffix HP-O, in parentheses, to the existing zones, i.e., RU-2 (HP-O), within the identified areas.

#### **5.03.03 Principal Permitted Uses and Structures**

Any principal permitted uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building or structure in accordance with the purpose of this zone are permitted.

#### **5.03.04 Permitted Accessory Uses**

Any accessory uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building, structure, appurtenances, or place in accordance with the purpose of this zone are permitted, subject to the approval of the Board of Adjustment.

#### **5.03.05 Conditional Uses**

Any conditional uses allowed in the underlying zone and that do not destroy or alter the exterior architectural features of the building, structure, appurtenances, or place in accordance with the purpose of this zone, subject to approval by the board of adjustment.

#### **5.03.06 Special Conditions**

- A. Off-street parking, as set forth in Article 7.
- B. No alteration of the exterior appearance of any building, structure, appurtenance, or site is permitted unless the work is determined to be consistent with the Covington Design Guidelines.
- C. No new construction is permitted unless the work is determined to be consistent with the Covington Design Guidelines.
- D. No demolition of buildings or structures is permitted unless it is reviewed and approved by the Urban Design Review Board as set forth in Sec. 12.14.07.

### **5.03.07 Protective Maintenance Required**

- A. All buildings and structures in designated Historic Preservation Overlay zones must be properly maintained and repaired at the same level required elsewhere in the city. Should an owner omit essential maintenance and repairs, which would eventually result in the building becoming so run down that it would be constitutionally unreasonable for the city to refuse to allow the owner to demolish the building, the Urban Design Review Board must bring this matter to the attention of the Code Enforcement Department, who must immediately require of the owner or agent protective maintenance and repair to further the economy, health, safety, and general welfare of the city and nothing in this subchapter will be construed to prevent ordinary maintenance or repairs of any structures.
- B. In any case where the Code Enforcement Department determines that there are emergency conditions dangerous to life, health, or property affecting a historic structure or area, he or she may order the remedy of these conditions without the approval of the Urban Design Review Board. The Code Enforcement Department must promptly notify the Historic Preservation Officer and the Chairperson of the Urban Design Review Board of the action being taken.

### **5.03.08 Actions by the City Commission**

- A. If the City Commission creates a Historic Preservation Overlay zone, its action must include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical or architectural significance requiring protection against destruction and encroachment.
- B. It is also the intent of this section that the City Commission be lenient in its judgment of plans for new construction or for alteration, repair, or demolition of structures determined to be non-contributing, except where such construction, alteration, repair, or demolition would seriously impair the historic or architectural value of surrounding structure or the surrounding area. It is not the intent of this subchapter to limit new construction, alteration, or repair to any one period of architectural style.

## **Section 5.04 AP-O, Area Protection Overlay**

### **5.04.01 Purpose**

The purpose of the Area Protection Overlay zone is to preserve those areas wherein the city legislative body is actively considering enacting a development plan project under KRS Chapter 99, and additionally to protect those areas from development that is inconsistent with the city's adopted goals and objectives for the area as a potential development plan project under KRS Chapter 99.

### **5.04.02 Applicability**

- A. The regulations of this section apply to all development proposed within the boundaries of the AP-O zones, as shown on the official zoning map.
- B. Upon approval of an AP Overlay zone, the official zoning map must be amended by adding the suffix AP-O, in parentheses, to the existing zones, i.e., RU-2 (AP-O), within the identified areas.

### **5.04.03 Processing**

The zoning of an area to AP Overlay zone must be processed in the following manner:

- A. The city's legislative body must declare by resolution its intent to consider an area for a development plan project as enacted under KRS Chapter 99. In identifying the area, the city must include goals and objectives as a guide for development of the area as related to its future as a development under KRS Chapter 99. These goals and objectives may apply to both the area as a whole and the sub-areas within larger areas.
- B. A public hearing must be held by the Planning Commission on the zoning map amendment, and a recommendation must be forwarded to city's legislative body.
- C. The city's legislative body must review the recommendation of the Planning Commission and take action on the proposed amendment within 90 days.
- D. The zoning of an area under the designation AP Overlay zone will be subject to the time constraints as noted below. Upon the expiration of the time constraints, it is the responsibility of the city's legislative body to initiate an amendment to the zoning ordinance to remove from the official zoning map the AP Overlay

zone designation. A zoning map amendment may be initiated if either the following conditions applies:

1. The legislative body, under authority of KRS Chapter 99, adopts a development plan project for the AP Overlay zone area; or
  2. A development plan project (KRS Chapter 99) has not been adopted for the AP Overlay zone area within 12 consecutive months from the date of approval of the amendment to AP Overlay zone; however, the duration of the AP Overlay zone may be extended for a period not to exceed six months, provided the city is actively preparing to adopt a development plan project for the area.
- E. The zoning map amendment to remove the AP Overlay zone designation must be in accordance with the procedures outlined in KRS Chapter 100 for a zoning map amendment.

#### **5.04.04 Permitted Development**

- A. **Principal Permitted, Conditional, and Accessory Uses**  
Buildings or premises may be utilized only for those principal permitted, conditional, or accessory uses within the particular underlying zone where the building or premises is located, provided that no new construction is permitted except in accordance with the requirements of this section. Conditional uses must also be reviewed and approved by the city's Board of Adjustment.
- B. **New Construction**  
New construction means demolition, erection, physical expansion, or outside remodeling of building or premises, including accessory uses or appurtenances to the principal use. It does not mean normal maintenance (such as cleaning and painting) or demolition required by the Code Enforcement Department for the purposes of maintaining the health, safety, and welfare of the neighborhood.
1. **Application**  
A permit for new construction may be granted only in accordance with the following review process:
    - (a) Applicable information as required under Section 12.06 must be submitted to the Zoning Administrator for acceptance and further

- processing. In addition, architectural drawings or renderings of various elevations must be included to identify outside building treatment. The purpose of the material submitted is to determine the compliance of the proposed new construction with the identified review criteria in paragraph 5.04.04, B., 2.
- (b) The Zoning Administrator must review the submitted information within 30 days of its receipt to determine if the proposed new construction is in compliance with the zoning ordinance (such as use, parking, and setbacks). The Zoning Administrator must then submit, with the proposal for new construction, a report to the Urban Design Review Board identifying whether or not the proposal is in compliance with the requirements of the zoning ordinance and if not in compliance, what must be done to comply with this chapter (such as additional parking or setback or variance from the Board of Adjustment).
  - (c) A meeting of the Urban Design Review Board must be scheduled no more than 30 days after receipt of the proposal for new construction and the report of the Zoning Administrator. At the meeting, the applicant must present to the Board his or her proposal for new construction. The presentation by the applicant and consideration by the Board must focus on the review criteria, division 5.04.04, B., 2., keeping in mind that the purpose of the review is to effect the adopted goals and objectives for the area as a future development plan project, and to maintain to the extent possible the distinctive character, quality of construction, and individual architectural integrity within the AP Overlay zone area.
  - (d) In reviewing the proposal for new construction, the Urban Design Review Board may utilize and confer with any city department, local neighborhood, or interest groups that could provide input toward their recommendation.
  - (e) The Urban Design Review Board must, within 14 days of their meeting, make a report to the city's legislative body indicating their recommendation and bases for such recommendation, including any conditions thereto.

- (f) The city's legislative body, after receiving the report of the Urban Design Review Board, must within 60 days review the recommendations of the Urban Design Review Board and take action to approve or disapprove the proposal. If approved, the proposal must be forwarded to the Zoning Administrator for further processing, in accordance with the requirement of this or other applicable city ordinances. In the event a proposal is disapproved by the legislative body, notice of the action and basis therefore must be forwarded to the applicant.

2. Review and Approval Criteria

A proposal for new construction must be reviewed in accordance with the following criteria. If the proposed new construction involves demolition, the review must also include a concurrent review of the replacement uses.

- (a) Zoning Compliance  
The proposed new construction must be a permitted or conditional use in the underlying zone where the new construction is proposed, and the development must be in accordance with the requirements of the zoning ordinance. Any conditional use must be reviewed and approved by the Board of Adjustment prior to submission for new construction review. (NOTE: The report of the Zoning Administrator must be the basis of determining compliance with the zoning ordinance).
- (b) Goals and Objectives for the Area  
The proposed new construction must be consistent with the adopted goals and objectives for future development within the area as noted by the city in identifying the area for consideration as a development plan project under KRS Chapter 99.
- (c) Height  
New buildings, including all appurtenances thereto, must be constructed so as to maintain a relationship compatible to and in character with existing adjacent development along or within the same

block. Consideration must be given to maintaining similar building proportions (height to width) as exists within the area. Where necessary, the Urban Design Review Board may recommend a variance be requested from the Board of Adjustment. Any recommendation by the Urban Design Review Board for approval of a new construction proposal that requires a variance from the Board of Adjustment must be conditioned on receipt of the variance.

(d) Location

New buildings must be positioned so as to maintain the existing pattern of setback from the street and the established building rhythm (structure to open space) where applicable. Where necessary, the Urban Design Review Board may recommend a variance be requested from the Board of Adjustment. Any recommendation by the Urban Design Review Board for approval of new construction proposal that requires a variance from the Board of Adjustment must be conditioned on receipt of the variance.

(e) Special Details

Architectural details, including windows, doors, roofing, and facade treatments on new and remodeled buildings must be in character with existing structures the area in terms of sizes, shapes and materials.

**5.04.05 Other Regulations**

The amendment of AP Overlay zone does not affect the applicability of other regulations contained within this chapter. An HP-O, Historic Preservation Overlay zone may be adopted in conjunction with an AP Overlay zone.

**Section 5.05 P-O, Phased Overlay**

**5.05.01 Purpose**

Phased zoning is an overlay type regulation to be used in cases where the time or phasing of the zoning of an area is especially critical to the implementation of the adopted comprehensive plan. The intent of the phased zoning regulations is to encourage redevelopment of a specified area for the use or density designated on the comprehensive plan when the



necessary conditions for such development are realized (for example, demolition of existing building). Until such conditions are realized, the type of development identified by the comprehensive plan is premature and such development would be prevented by temporarily zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future rezoning that would be in compliance with the adopted comprehensive plan.

#### **5.05.02 Applicability**

- A. The phased zoning regulations may be overlaid over any zoning classification in accordance with the zoning map amendment procedures of Section 12.04. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced based on the general existing land use, but on attainment of all the requirements of the zone that corresponds to the adopted comprehensive plan for type of use or density, the area could be rezoned in direct compliance with the plan.
  
- B. Phased zones are indicated on the official zoning map by adding to the overlaid zone, the letter “P-O” as a suffix enclosed in parentheses. For example, in order to properly phase its change, an area zoned RS-12.5 that is identified for future use on the adopted comprehensive plan for industrial could be temporarily zoned RS-12.5 (P-O), indicating that present development on the site would be in conformance with the regulations of the overlaid RS-12.5 zone, but on the attainment of certain conditions (for example, provision of an adequate access road, demolition of existing building) as indicated on the local comprehensive plan, the area could be rezoned through the zoning map amendment procedures of Section 12.04. At the time of the zoning amendment, the temporary RS-12.5 (P-O) zone is removed and the area is developed according to the regulations of the new zone, which is in conformance with the adopted comprehensive plan.

### **Section 5.06 MHP-O, Mobile Home Park Overlay**

#### **5.06.01 General**

A Mobile Home Park (MHP-O) Overlay zone is permitted to be superimposed over any of the residential zones, provided that all conditions or provisions of this section, the applicable requirements of the subdivision regulations, and any additional requirements as determined necessary to provide for the most efficient layout of the MHP zone and its

proper integration with the surrounding development are met; and a public hearing is held on the MHP application.

**5.06.02 Review and Approval Procedures**

MHP-O zones require review and approval in accordance with the procedures of Section 12.05.

**5.06.03 Uses and Densities**

Mobile homes, including customary accessory buildings and uses, are permitted within the MHP-O zone. The density of dwelling units in MHP-O zones must be determined by the density (dwelling units per net acre) as calculated from the existing residential zone superimposed by the MHP-O zone. This density must be applied to the total project area, excluding that land devoted to streets (public and private). The following structures and uses related to and for the exclusive use of the residents of the mobile home park (excluding, however, any commercial uses) are also permitted:

- A. Rental or sales offices for lots or mobile homes in the mobile home park.
- B. Community centers.
- C. Laundry facilities.

**5.06.04 Public and Semi-Public Uses**

Public and semi-public structures and uses are permitted in the MHP-O zone. These uses must be delineated on the plan and must be limited to one or more of the following:

- A. Schools (nursery, elementary and secondary);
- B. Religious assembly; and
- C. Open space or recreation areas.

**5.06.05 Area Requirements**

No MHP-O zone is permitted on a tract of less than 10 acres. However, development of a smaller tract adjacent to an existing MHP-O zone is permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

**5.06.06 Height and Setback Regulations**

Requirements must be as approved in the plan.

**5.06.07 Off-Street Parking and Loading or Unloading**

Off-street parking and, when applicable, loading or unloading facilities must be provided in accordance with Article 7.

**5.06.08 Fences, Walls, and Signs**

The location, height, and type of all fences, walls, and signs must be as approved in the plan.

**5.06.09 Erosion and Sedimentation Control**

Effective erosion and sedimentation controls must be planned and applied in accordance with Section 9.03.

**5.06.10 Common Open Space; Recreation Area**

At least 20 percent of the total acreage of the proposed mobile home park must be retained as common open space and recreation area and dedicated to a public or private entity for operation and maintenance. Such open space and recreation areas must be physically situated so as to be readily accessible, available to, and usable by all residents of the mobile home park. Common open space and recreation area is that part of the total project, exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

**5.06.11 Installation**

Mobile homes must be installed in accordance with KRS 227.550, et seq. by a Kentucky certified installer.

**Section 5.07 PUD, Planned Unit Development**

**5.07.01 Purpose**

The purposes of the Planned Unit Development (PUD) Overlay zone are to:

- A. Promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures;
- B. Promote the advantages of modern large-scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities;

- C. Preserve, to the greatest extent possible, the existing landscape features and amenities and to utilize such features in a harmonious fashion; and
- D. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

**5.07.02 General**

The PUD Overlay zone may be superimposed over any of the residential zones, provided that all conditions or provisions of this section, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding development are met; and a public hearing is held on the PUD application.

**5.07.03 Review and Approval Procedures**

PUD Overlay zones require review and approval in accordance with the procedures of Section 12.05.

**5.07.04 Residential Uses and Densities**

All types of residential housing units (attached or detached) are permitted within a PUD Overlay zone, including, but not limited, to single-family, two-family, and multi-family residential units. The density of dwelling units in a PUD must be determined by the density (dwelling units per net acre) as calculated from the underlying residential (R) zone. This density must be applied to the total project area, excluding that land devoted to commercial uses and streets (public and private).

**5.07.05 Commercial uses**

- A. Commercial uses intended primarily for the service and convenience of residents of the PUD are permitted within the project area, provided a market analysis is made justifying the need for those uses.
- B. These commercial uses must be grouped in complexes clearly delineated on the Stage I plan and may include one or more of the following uses:
  - 1. Delicatessen, grocery, meat, fruit, or vegetable market;
  - 2. Drug store;
  - 3. Bakery shop;

4. Laundry/dry cleaning pick-up stations, or self-service facilities;
  5. Beauty or barber shops;
  6. Shoe repair shops;
  7. Hardware stores;
  8. Business or professional office;
  9. Clothing store;
  10. Restaurants;
  11. Banks; or
  12. Other similar, neighborhood-oriented retail sales or service uses expressly approved as part of the Stage I plan.
- C. Another use may be substituted on the approved plan for a use previously approved provided it is one of the above listed uses and provided the use will not involve any building expansion beyond the approved plan and further provided that the use is approved by the Zoning Administrator.

**5.07.06 Public and Civic Uses**

Public and civic uses are permitted in the PUD. These uses must be delineated on the plan and must be limited to one or more of the following uses:

- A. Schools (nursery, elementary and secondary);
- B. Religious assembly;
- C. Community centers, including day-care facilities;
- D. Country clubs;
- E. Libraries;
- F. Fire or police stations;
- G. Open space-recreation areas; or
- H. Other similar, public or civic use types expressly approved as part of the Stage I plan.

**5.07.07 Area Requirements**

No PUD Overlay zone is permitted on a tract of less than 25 acres. However, development of a smaller tract adjacent to an existing PUD Overlay zone is permitted if the proposed development conforms to and

extends the original development as if the new area had been a part of the original development.

**5.07.08 Height and Setback Regulations**

Requirements must be as approved in the plan.

**5.07.09 Off-Street Parking and Loading or Unloading**

Off-street parking and, when applicable, loading or unloading facilities must be provided in accordance with Article 7.

**5.07.10 Fences, Walls, and Signs**

The location, height, and type of all fences, walls, and signs must be as approved in the plan.

**5.07.11 Erosion and Sedimentation Control**

Effective erosion and sedimentation controls must be planned and applied in accordance with Section 9.03.

**5.07.12 Common Open Space; Recreation Area**

At least 20 percent of the total acreage of the proposed PUD must be retained as common open space and recreation area and dedicated to a public or private entity for operation and maintenance. Such open space and recreation areas must be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space and recreation area must be that part of the total project, exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

**Section 5.08 MUC-O, Mixed Use Corridor Overlay**

**5.08.01 Purpose**

The purpose of the Mixed Use Corridor Overlay Zone is to provide for a pedestrian friendly, mixed use corridor consistent with the Madison Avenue Corridor Redevelopment Plan's recommended land use and transportation goals, objectives, policies, and strategies. This zone is intended to assist in the redevelopment of the Madison Avenue Corridor so that it may serve as a destination for residents to live, work, and have access to a wide variety of small- to medium-sized retail, office, and service uses. The MUC-O Zone regulations collectively promote high quality site design, creating a sense of place within the corridor and providing a livable environment for existing residents while enhancing the value and aesthetics of the surrounding community. The design intent of the MUC-O Zone is as follows:

- A. Provide a walkable mixed-use corridor that is inviting to pedestrians, nearby residents, and the traveling public.
- B. Encourage and maintain a pedestrian friendly urban environment while minimizing the impact of the automobile.
- C. Provide an appropriate mix of commercial, office, and residential uses that work together to create a harmonious streetscape.
- D. Establish building form and architectural standards compatible with the historic character of the area.
- E. Ensure that development is compatible with adjoining residential zones and uses.
- F. Encourage the use of green infrastructure while minimizing the impacts of stormwater runoff.

**5.08.02 Conflict**

In any case where the standards and requirements of the MUC-O Zone conflict with those of the underlying zoning districts or other provisions of the Covington Zoning Ordinance, the standards and requirements of the MUC-O Zone shall apply.

**5.08.03 Applicability and Extent**

- A. The regulations of this section apply to all development proposed within the boundaries of the MUC-O Zones, as shown on the official zoning map.
- B. Upon approval of an MUC-O Zone, the official zoning map shall be amended by adding the suffix MUC-O, in parentheses, to the existing zones, i.e. RU-2 (MUC-O), within the identified areas.
- C. The MUC-O Zone may be superimposed over any zone provided that all conditions imposed of this section of the ordinance and the applicable requirements of the subdivision regulations are met.
- D. The requirements of this section shall not apply to existing single- or two-family homes that are used exclusively for residential purposes. Additions or renovations to such structures or accessory uses are permitted, subject to the zoning requirements of the underlying zone as well as the Residential Infill Development regulations, per Section 2.04 of this ordinance. Existing single- and two-family homes that are partially or fully destroyed may be

rebuilt as a matter of right. Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this section.

- E. Any existing nonconforming structures and uses shall be regulated by Article 14.
- F. The MUC-O Zone regulations shall apply to any of the following activities:
  - 1. Any change of use that includes the renovation or change of any exterior façade; or
  - 2. Construction of new structures; or
  - 3. Any substantial addition or other development of an existing developed site where the proposed addition is clearly visible from any street, as described in Table 1.

**Table 1 - Substantial Additions to Existing Developed Sites**

Where Existing Structure Is	Substantial Increase - An Addition Of
0 – 1,000 sq. ft.	101% or greater
1,001 – 10,000 sq. ft.	40% or greater
10,001 – 25,000 sq. ft.	30% or greater
25,001 – 50,000 sq. ft.	20% or greater
50,001 sq. ft. and above	10% or greater

- 4. The renovation or change of any exterior façade; or
- 5. Any development of vacant land or buildings that occurs after the effective date of this section of the ordinance; or
- 6. Parking area expansion or reconfiguration or redesign of existing parking or equivalent paved area, pursuant to Section 5.08.11 of these regulations; or
- 7. New or the expansion of accessory structures, pursuant to Sections 5.08.07 and 5.08.09, of these regulations.

**5.08.04 Review and Approval Procedures**

Developments within the MUC-O Zone require review and approval in accordance with the following procedures:

- A. Pre-application meeting: Prior to filing for development plan review, the developer, petitioner, applicant, or property owner shall attend a pre-application meeting with PDS, city staff, and the Urban Forestry Board to discuss the development review process, the MUC-O Zone requirements, the City of Covington Zoning



Ordinance requirements, and the City of Covington's Book of Streetscape Standards.

- B. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal ultimately will be approved or rejected in any form. This meeting is intended to review the development plan and identify any issues in applying the regulations of the MUC-O Zone.
- C. Stage II Development Plan Review: Projects may be built as a matter of right when they meet all of the standards of the MUC-O Zone regulations. Incomplete applications will not be accepted for review. Following the formal submission of a Stage II Development Plan, the KCPC's duly authorized representative/PDS Staff shall prepare a recommendation of approval, approval with conditions, or disapproval. This recommendation shall be forwarded to the City's Chief Administrative Official or his/her designee.
- D. Final review and approval by the City's Chief Administrative Official or his/her designee shall take place within 30 days from receipt of PDS staff recommendation.
- E. Compliance with the Code: Compliance with the MUC-O Zone regulations shall be evaluated based on the intent of the Code, how well the development conforms to the regulations and whether it is consistent with the city's goals and plans. Minor modifications shall be reviewed and discussed at the pre-application conference and shall be based on problems related to topography, or street grade, the location of streets, breaks and passages between buildings, signs, streetscape details, design issues related to the inclusion of green infrastructure stormwater management practices, inclusion of existing buildings or mature trees as part of a development proposal. All other modifications from compliance with the MUC-O regulations that are not specifically under the review jurisdiction of the Board of Adjustment may be considered and approved only through the Design Review procedure of Section 12.15.
- F. Permit Process: Zoning and Building Permits will not be issued for building activity until the Stage II Development Plan review process is completed and a determination is made by the City's Chief Administrative Official or his/her designee, that the proposal

is consistent with the MUC-O Zone regulations, per the approved plan.

**5.08.05 Permitted Uses**

- A. Permitted uses, conditional uses, and accessory uses within the MUC-O Zone shall be as specified within the underlying zones.
- B. Where permitted in the underlying zones, the following uses are also subject to these additional standards:

Entertainment Uses: Entertainment and spectator sports establishments shall be conducted within an enclosed building with a maximum capacity of 300 persons.

Parking, Non-accessory: Retail space shall be incorporated on the ground floor, facing the street. Underground parking is permitted, not to count toward the measurement of building height.

Gasoline Stations: Must have a canopy over the fuel pumps that is attached to and is an extension of the main structure. The canopy must have either a cross-gabled or cross-hipped roof that is consistent with the main structure's roof color, material, and pitch.

**5.08.06 Lot and Building Standards**

All development in the MUC-O Zone shall comply with the following lot and building standards (see Table 2). See Section 9.08 for other rules governing measurements and exceptions to these standards.

	Mixed use buildings	All other buildings
<b>Maximum floor area ratio<sup>1</sup></b>	2.0	1.25
<b>Min. lot area per dwelling unit (sq. ft.)</b>	1,000	1,500
<b>Maximum height (stories)<sup>2</sup></b>	3	3
<b>Minimum height (stories)<sup>2</sup></b>	2	2
<b>Maximum Front Setback (ft.)<sup>3,4</sup></b>	10	10
<b>Minimum Side Setback (ft.)</b>		
Abutting R Zone	10% lot width	
Abutting non-R Zone	None required	
<b>Minimum Rear Setback (ft.)</b>		
Abutting property line of R-zoned lot	25% lot depth or 25 ft, whichever is less	
Abutting alley, street or non-R Zone	None required	
Floors containing dwelling units	30	
<sup>1</sup> The gross floor area of commercial establishments shall not exceed 15,000 square feet. <sup>2</sup> The height of adjacent buildings shall not deviate by more than one (1) story. <sup>3</sup> Pedestrian amenities may locate within the front setback per the requirements of Section 5.08.09, F., 2. <sup>4</sup> The maximum front yard setback may be increased to twelve (12) feet to accommodate green infrastructure and integrated stormwater controls.		

**5.08.07 Accessory Uses**

- A. Customary accessory uses and structures.
- B. Any use or structure customarily incidental to a principal permitted use or structures, or incidental to a conditional use for which a permit has been issued.
- C. Signs, as regulated by Article 10 and Section 5.08.14 of this ordinance.
- D. Private off-street parking areas, as regulated by Article 7 and the requirements contained in Section 5.08.11 of this ordinance.
- E. Fences and walls, as regulated in Article 9 of this ordinance.

**5.08.08 Streetscape Requirements**

Streetscape requirements within the MUC-O Zone shall meet the following standards:

- A. **Verge/Planting Strips/Street Trees**  
 Along arterial streets, a minimum verge strip of 5 feet shall be maintained with planting types that meet the requirements of the existing landscape regulations. Street trees shall be required adjacent to arterial streets within the MUC-O Zone, with 1 tree every 40 feet on center (maximum). This may be located within

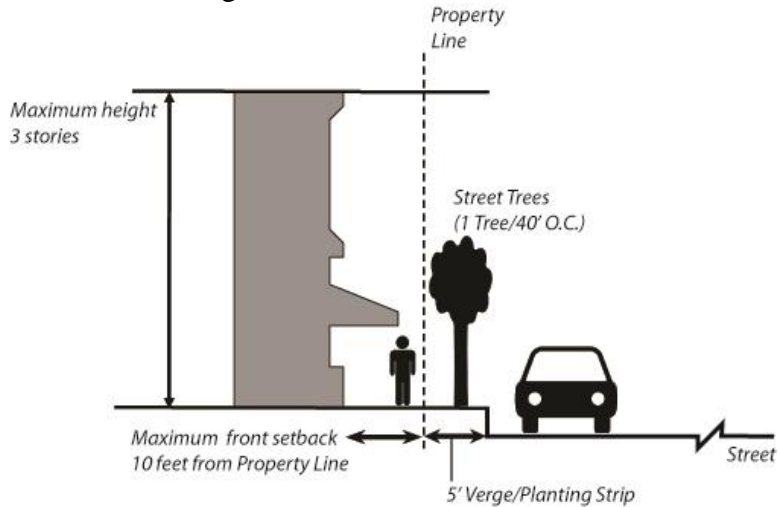
the right-of-way per the approval of an encroachment permit from the City or the Kentucky Transportation Cabinet, whichever applies.

- B. Facades with customer entrance, or are visible from streets, sidewalks, or pedestrian amenities, or other public uses: One tree planted within 15 feet of the building, for each 50 ft of façade length. Street trees can count towards this requirement.
- C. The clustering of trees may be permitted as long as the same number of trees are planted. Trees must be spaced properly to accommodate tree size and maturity.
- D. The placement and spacing of street trees may be modified to accommodate bioretention and other linear green infrastructure.

**5.08.09 Building Form Standards**

- A. Building Placement
  - 1. Buildings shall be placed within 10 feet of the front and street side property lines (Figure 1).

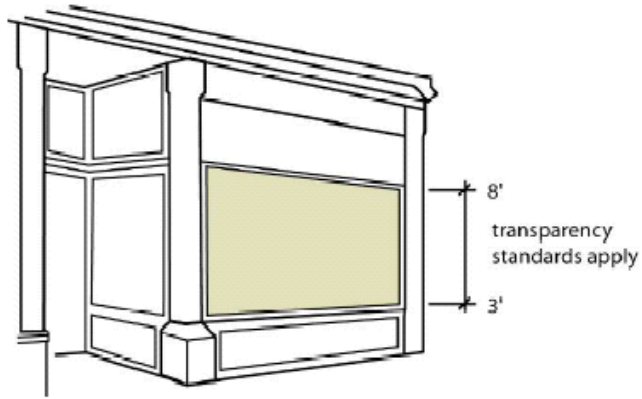
Figure 1



- B. Transparency
  - 1. Ground Floor Transparency  
Transparent windows and doors shall comprise a minimum percentage of the street-facing façade between 3 and 8 feet in height above grade, as specified in Table 3. Such windows and doors shall allow views into and out of the

building. Materials such as opaque or darkly-tinted glass or glass block are not considered to be transparent (Figure 2).

Figure 2



2. The following minimum standards apply:

Table 3

Street Frontage (linear feet)	Transparency Percentage	
	Primary Street	Secondary Street
40 or less	65	30
41-80	60	40
81 or more	50	50

3. **Upper Story Transparency**  
Upper story walls facing streets and off-street parking areas shall have between 50 and 65 percent transparency.
4. **Display Windows**  
Display windows that do not provide visual access into the interior of the building count toward the minimum transparency percentage, provided that they are at least 2 feet in depth.
5. **Waivers and Modifications**  
Waivers or modifications of these transparency standards may be approved only through the Design Review procedure of Section 12.15.

C. **Building Entrances**

1. The main customer entrance for a building shall face a

public or private street. Secondary entrances are permitted if located on the rear wall of the building.

2. All sides of a principal building that directly face an abutting public street shall include at least one customer entrance.
3. Corner building entrances on corner lots shall be provided, unless the corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
4. Customer entrances shall include at least 3 of the following:
  - (a) canopies or porticos
  - (b) roof overhangs
  - (c) recesses/projections
  - (d) arcades
  - (e) raised corniced parapets over the door
  - (f) arches
  - (g) integral planters or wing walls that can accommodate landscaped areas or outdoor seating areas.
5. Service entrances for shipping and receiving shall not be visible from a public street.

D. Building Materials and Colors

1. Acceptable exterior building materials include but are not limited to the following:
  - (a) Pre-cast concrete
  - (b) Brick
  - (c) Split face or scored CMU
  - (d) Stone
  - (e) Granite
  - (f) Ceramic tile
  - (g) Architectural metals
  - (h) Nonreflective glass
  - (i) Wood
  - (f) Smooth hardie plank
2. The following exterior building materials are not permitted:
  - (a) Metal cladding or paneling, except for temporary office management or storage uses during the

- construction phase.
  - (b) Vinyl
  - (c) Cinder-block
  - (d) Stone veneer
3. Building colors shall be low-reflecting, muted, and neutral or earth-toned. Roof colors shall be muted and compatible with the dominant building color. High-intensity colors, bright primary colors, metallic colors or fluorescent colors are not permitted. Black may only be used as an accent color, or on windows and window surrounds and trim. It shall not be used as the main color or on major trim elements.
- E. Standards for roofs and parapets: Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses.
1. Materials: The following materials are permitted:
- (a) Clay or concrete (faux clay)
  - (b) Tile (barrel or flat roman)
  - (c) Slate (Equivalent synthetic or better)
  - (d) Metal (Standing seam 5-v crimp, equivalent or better)
  - (e) Asphalt shingle or wood shakes
2. Only the following configurations and techniques are permitted:
- (a) Roof shapes
    - (1) Side gabled
    - (2) Front gabled
    - (3) Cross gabled
    - (4) Simple hipped
    - (5) Pyramidal hipped
    - (6) Cross hipped
    - (7) Gable-on-hipped
    - (8) Flat with parapet
  - (b) Pitched roofs (exclusive of roofs behind parapet walls)
    - (1) The primary ridge beam shall run parallel to

- the street.
    - (2) Simple hip and gable roofs shall be symmetrically pitched between 25 and 50 percent.
    - (3) Mechanical equipment must be screened from view from the ground from all public use areas, adjacent to the site in question.
    - (4) Sloping roofs with a vertical rise that exceeds one-half the average height of supporting walls as measured along each facade are not permitted.
  - (c) Overhang
    - (1) Eaves must overhang at least 24 inches on primary structures.
    - (2) Rakes (gable end) must overhang at least 18 inches.
    - (3) Balconies must be minimum of four (4) feet of platform and be accessible from the interior.
- 3. Parapet Roofs and Other Features
  - (a) Parapets, towers, or cornices, both incorporating a peaked or a flat-faced elevation shall be incorporated into each building design in the development.
  - (b) Parapet walls sufficiently high enough to screen rooftop mechanical from viewing shall conceal roofs of building structures that are generally flat. This regulation may not be waived or modified.
  - (c) Parapet height shall be measured at the top of the Parapet, including any coping. An additional 3 feet in height by 12 feet in width (or 15 percent of the façade, whichever is greater) is permitted for a section of the Parapet emphasizing the building's main street entry or a corner. Any other variations regarding building heights must receive a variance.
  - (d) Facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet.
- 4. Minor modifications to the roof colors and materials are permitted to accommodate green roofing systems.



F. Building Façade Treatments

1. Commercial and mixed-use building facades shall not have a blank, uninterrupted length greater than 40 feet without including a change in plane and one additional feature, such as changes in texture or pattern, projections, or recesses, having a depth of at least 3 percent of the entire length of the façade and extending at least 20 percent of the entire length of the façade.
2. Side or rear walls facing walkways or visible from a street shall include false windows defined by frames, sills and lintels, only when actual doors and windows are not feasible because of the building use.

G. Pedestrian Amenities

1. All commercial and mixed-use developments shall provide two or more pedestrian amenities from the following list:
  - (a) A plaza, courtyard, square, or extra-wide sidewalk (minimum of 8 feet wide) next to the building entrance.
  - (b) Sitting space on benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width).
  - (c) Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a sidewalk or other pedestrian space).
  - (d) Public art that incorporates seating (e.g. fountain, sculpture, etc.)
  - (e) Transit amenity, such as a bus shelter or pullout, in accordance with the Transit Authority of Northern Kentucky's guidelines.
  - (f) Any other public amenity approved by the City's Chief Administrative Official or his/her designee.
2. Pedestrian amenities may be located within the front setback or within the public right-of-way per the approval of an encroachment permit from the City or the Kentucky Transportation Cabinet, whichever applies.
3. Pedestrian amenities may also be developed between buildings, thus interrupting the continuous building street wall. Such areas shall be accessible to the public or serve an adjacent business. The design of such spaces shall

ensure that parking to the rear of buildings is effectively screened through the use of fences, walls, or evergreens or a combination thereof. Such screening materials shall be in accordance with the provisions of Article 8 of this ordinance.

**5.08.10 Utilities**

All utilities shall be located underground when any new development or redevelopment occurs. Utilities may be located above ground if the utilities are accessible from the rear lot line and enter the rear of the building. This regulation may not be waived or modified.

**5.08.11 Off-Street Parking, Loading / Unloading and Access Management**

- A. The number and design of off-street parking areas shall meet the requirements of Article 7, including provisions for special parking studies, shared parking, and cooperative parking.
- B. Location
  - 1. Off-street parking areas shall be located at the rear or side of the building. No off-street parking shall be located on street corners.
  - 2. Parking located on the side of the building shall not be more than 10% the total number of required off-street parking spaces.
- C. The required off-street parking for any use may be located on property within 500 feet of the subject site. An agreement providing for the shared/cooperative use of parking, executed by the parties involved, must be filed with the Zoning Administrator, in a form approved by the Zoning Administrator. Shared/cooperative parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by Article 7.
- D. For mixed-use buildings, the total parking requirement shall be determined by a special parking study according to the requirements contained in Section 7.05 of this ordinance, a shared use parking agreement according to the requirements contained in Section 7.08 of this ordinance, or a cooperative parking agreement according to the requirements contained in Section 7.09 of this ordinance.

- E. Parking area screening shall be provided, as regulated by Section 8.02.
- F. Off-street loading spaces shall be provided and screened, as regulated by Section 7.13.
- G. Access to individual parcels shall be regulated by Section 7.12 of this ordinance.
- H. Interparcel Access Requirements: For all uses located in the MUC-O Zone, the property owner shall grant an access easement to each adjoining property owner. The purpose of the easement is to facilitate movement of customers and their vehicles from establishment to establishment (lot to lot) without generating additional turning movements on a public or private roadway. Such interparcel access easements shall be recorded and reference to deed book and copy of such recorded easement shall be provided to the city. Setbacks, curb, and perimeter landscaping requirements shall not apply to the interparcel access easement area. The interparcel access easement shall be provided subject to the following provisions:
  - 1. The interparcel access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but the use of parking spaces may be restricted to the owner's customers and tenants only.
  - 2. The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining property owner.
  - 3. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of the owner's driveways and parking areas shall be extended to the point of access on the property line.
  - 4. The location of vehicular connections across a property line should be mutually determined and constructed by both property owners. In the case of coordination problems or any factors preventing construction of an interparcel connection, the city shall determine the location of connection to be constructed by property owners.
  - 5. Where the proposed land use is such that adverse impact of the required easement on the use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the city may waive the requirement for access easements, in whole or in part,

administratively as a minor modification.

- I. No new curb cuts onto arterial or collector streets are allowed for lots that abut alleys (i.e. access must be from the alley). This regulation may not be waived or modified.

#### **5.08.12 Drive-Through Facilities**

- A. Drive-through facilities shall only be accessory to banks and other financial institutions and drug store uses, whether such uses are principal or accessory uses.
- B. Drive-through facilities shall be located at the rear of buildings only and shall be completely screened from all adjacent right-of-ways.
- C. Ingress and egress to the drive-through shall not be provided directly from arterial or collector streets.
- D. In no circumstances shall a new curb cut be approved to provide access to a drive-through facility.
- E. Only one stacking lane per drive-through facility is permitted.

#### **5.08.13 Lighting**

Lighting requirements shall meet the following:

- A. General Requirements: Light poles shall be consistent in design with the overall architectural theme of the corridor. Pedestrian-oriented lighting should be at smaller scales to light walkways and plazas while parking area lighting should be at larger scales to light parking areas and vehicular circulation routes.
- B. Continuity: All lighting, including but not limited to building lighting, security lights, and architectural lights should be from the same family of fixtures to maintain continuity throughout the MUC-O Zone.
- C. Off-Street Parking Areas and Pedestrian Lighting
  - 1. Light fixtures should be spaced at regular intervals and offer continuous ground plane overlap.
  - 2. Light fixtures shall be located at least two (2) feet back from the curb within a public right-of-way. Light poles shall not exceed thirty (30) feet in height.

3. Lighting should be used in combination with signage standards and other elements where possible.
4. Lighting should be coordinated with street tree plantings for proper integration.
5. Lighting should be maintained along the length of both sides of the public and private roadways.
6. Glare Reduction and Lighting Levels
  - (a) All non-decorative lighting shall be fully shielded lights that do not emit light rays at angles above the horizontal plane as certified by a photometric test report.
  - (b) Decorative, pedestrian-scale lights are encouraged in areas of pedestrian activity. All decorative lights over ten (10) feet in height shall be fully shielded to avoid light spillage on adjacent property and road rights-of-way.
  - (c) Where lighting abuts a residentially used or zoned property, the maximum illumination at the property line shall not exceed 0.5-foot candles. Where lighting abuts a non-residentially used or zoned property, the maximum illumination at the property line shall not exceed 1-foot candle.
  - (d) Lighting located on the building wall shall be fully shielded to direct the light downward.

D. Prohibited Lighting

1. Neon accent lighting is prohibited on buildings and structures.
2. Bare metal light poles and elevated “sonotube” type concrete bases are prohibited.

**Section 5.08.14 Sign Regulations**

- A. Article 10 of the Covington Zoning Ordinance applies with the following additional regulations:
  1. Façade signs are permitted only within the area between the first story and the second story, but no higher than 25 feet, and no lower than 10 feet above the adjacent grade.
  2. Non-illuminated names of buildings, dates of erection, monument statues, tablets when carved into stone, concrete, metal, or any other permanent type of construction and

integral part of an allowed structure are permitted, not larger than five (5) square feet in size.

3. Pole signs and cabinet-type façade signs are not permitted.
4. Flashing, traveling, animated, or intermittent lighting are not permitted.
5. No illuminated signage is permitted that would glare into residential units within multi-use structures.
6. Pedestrian-oriented signs

Figure 3

- (a) Pedestrian oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign, as they stand adjacent to the business (see Figure 3).
- (b) One (1) pedestrian-oriented sign is permitted per business for facades facing the public street.
- (c) Signs of this type shall be erected on or attached to and not parallel to a building.
- (d) Signs must not be placed lower than ten (10) foot above grade.
- (e) Signs must not exceed four (4) square feet in size and not extend beyond the building wall more than twenty-four (24) inches.



7. Finish Materials
  - (a) All exterior materials will be of high quality, durable, and easy to maintain, and provide for longevity of use. Permitted finish materials include:
    - (1) Masonry;
    - (2) Wood, painted, stained or natural;
    - (3) Metal; and
    - (4) Plastic, when used for individual letters and symbols only
8. The regulations established in Section 5.08.14 (A)(1)-(6) may not be waived or modified.