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Covington, KY Code of Ordinances

ARTICLE 8. LANDSCAPING.

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§ 8.01 SCREENING AREA.

Screening areas must be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

8.01.01 Screening Area Requirements. All screening areas must be approved by the Zoning Administrator (or Planning Commission, where required by this section), according to submitted plan as regulated by the requirements of § 12.06. Screening areas must be designed, provided, and maintained according to the following:

(A) Where vegetative or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort must be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such conditions to the satisfaction of the Zoning Administrator or Planning Commission, as required by this section.

(B) Whenever screening is required, it must be provided as follows:

(1) All screening must be provided by the construction of a Class 1 or Class 5 fence, as regulated by § 9.02 of this chapter and/or evergreen trees;

(2) All trees must be a minimum of ten feet in height when planted; however, smaller trees (a minimum of five feet in height) may be utilized in combination with berms (e.g., earthen mounds) to provide the minimum ten-foot height requirement; berms must be covered with suitable vegetation, such as grass, ivy, and shrubs, to preclude erosion of the berm;

(3) Trees that are intended to provide screening to a separate multi-family development from a single-family development may not be planted further than 15 feet apart; parking facilities that are located adjacent to the single-family areas must be additionally screened to a minimum height of three feet (via an earth berm, depressed parking, solid fence, and the like) to reduce automobile headlight glare onto adjacent property;

(4) Trees that are intended to separate commercial and industrial development from residential development (single-family and multi-family) may not be planted further than ten feet apart; parking facilities that are located adjacent to residential areas must be additionally screened to a minimum height of three feet (via an earth berm, depressed parking, solid fence, and the like) to reduce automobile headlight glare onto adjacent property.

(C) All trees, shrubs, and other planting materials must be living plants (not artificial) and must be suitable to the Northern Kentucky area and the specific conditions of the site in question, such as but not limited to soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The legislative body may require review of the proposed screening plan from the United States Soil Conservation Service, or the applicable County Agricultural Extension Service.

(D) Screening areas are to be provided within the required minimum setbacks as required in each zone's regulations. In the case where property is located adjacent to another governmental jurisdiction, screening requirement must be the same as if the zone in the adjacent legislative body (or a zone containing the most similar types of permitted uses as provided herein) were located within this legislative body.

(E) In the case where a zoning map amendment occurs resulting in adjacency to a different zone than was previously the case, and where development has already occurred on property in the unchanged zone, required additional setbacks and screening requirements (as required in each zone regulation) must be provided for the property in the zone where the zone change occurred.

8.01.02 Provision and Maintenance. Required screening areas must be provided as a condition of development by the owner or developer. All required screening, including the planting of trees and other vegetation, must be maintained by the property owner.

8.01.03 Plans. Areas to be set aside as screening areas must be identified on required plans, as regulated in § 12.06 and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the legislative body, may be required to be posted. It is unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

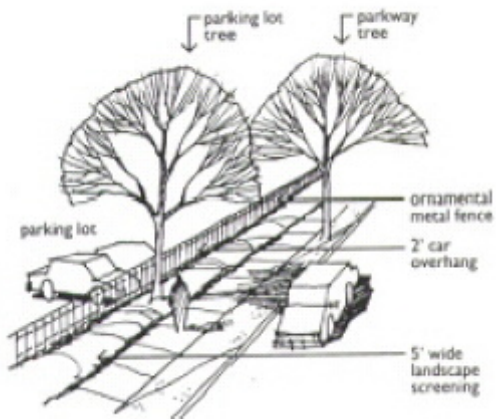
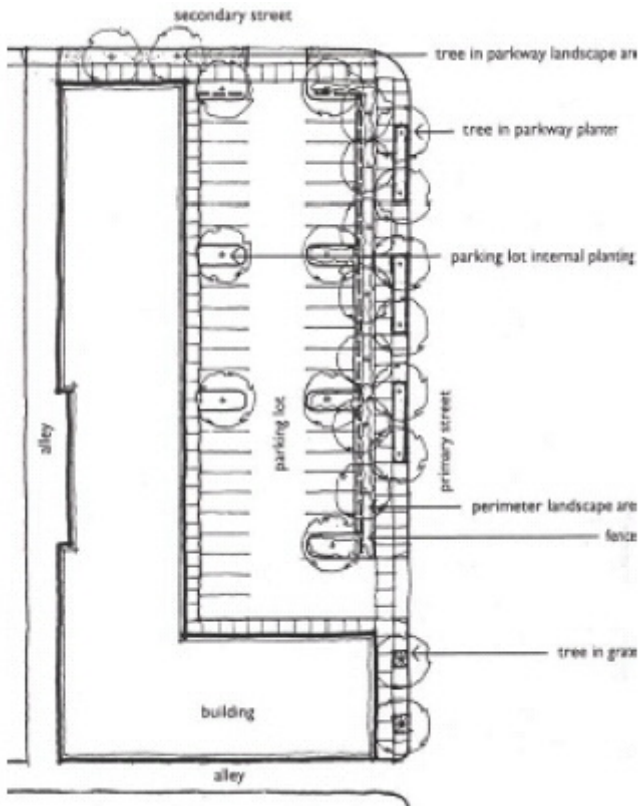
(Ord. O-37-06, passed 8-15-06)

§ 8.02 VEHICULAR USE AREAS.

8.02.01 Applicability. Unless otherwise expressly stated, the standards of this section apply to all of the following in all zones:

- (A) The construction or installation of any vehicular use area.
- (B) Any existing vehicular use area that is accessory to an existing principal building, if such building or any portion thereof is repaired or rehabilitated (including interior alteration and remodeling) and the cost of such repair or rehabilitation exceeds 150% of the property's assessed value;
- (C) The repair, rehabilitation, or expansion of any existing vehicular use area, if such repair, rehabilitation, or expansion would increase the number of existing parking spaces by more than 25% or four spaces, whichever is less;
- (D) Any existing vehicular use area which is accessory to an existing principal building, if such building or any portion thereof is expanded or enlarged and the expansion increases the existing floor area on the zoning lot by 50% or 5,000 square feet, whichever is less; and
- (E) The excavation and reconstruction of an existing vehicular use area if such excavation and reconstruction involves the removal of 50% or more of the asphalt, concrete, or other pavement devoted to vehicular use. This provision does not apply to the resurfacing of asphalt or concrete or to emergency work on underground storage tanks if such work is intended to maintain the integrity and safety of such tanks and is subject to review under other federal, state, or local laws.

8.02.02 Perimeter Landscaping, Screening, and Fencing.



(A) Screening from Abutting Residential and Institutional Uses.

(1) The perimeter of all vehicular use areas larger than 1,500 square feet must be effectively screened from all abutting R-zoned property and from all abutting property that is improved with a hospital, nursing home, religious assembly, community center, school, college, or other similar institutional use.

(2) Such screening must consist of a wall, fence, or hedge not less than five feet in height and not more than seven feet in height.

(3) Screening fences must be masonry or wood and must be planted with vines. Chain-link fences are prohibited.

(B) Screening from Streets.

(1) The perimeter of all vehicular use areas larger than 1,200 square feet must set back at least seven feet from front and street side (corner) property lines and effectively screened from view of such street.

(2) The view of such vehicular use areas from all abutting streets must be visually screened either by permitted buildings (other than fences or walls) or by a hedge, not less than three feet in height and not more than 4.5 feet in height, or by a combination of buildings and hedges.

(a) This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings reasonably necessary for access drives and walkways.

(b) Visual screening must be located between the perimeter of the vehicular use area and the front property line.

(c) Hedges used to satisfy the standards of this section must consist of individual shrubs with a minimum width of 24 inches, spaced no more than 36 inches on center.

(3) The remainder of the required seven-foot vehicular use area setback must be landscaped and must include at least one tree for every 25 linear feet of street frontage. Trees must have a minimum caliper size of 2.5 inches.

(4) Notwithstanding the other provisions of this zoning ordinance, the front or rear bumper overhang of vehicles parked within the vehicular use area may encroach upon the required front setback up to a maximum distance of two feet. This allowed overhang area may be included in the calculation of the required depth of each abutting parking space.

(C) Fences. Ornamental fencing is required to be installed along the perimeter of vehicular use areas adjacent to front and street side (corner) property lines and abutting any existing front yard of property located within an R zone.

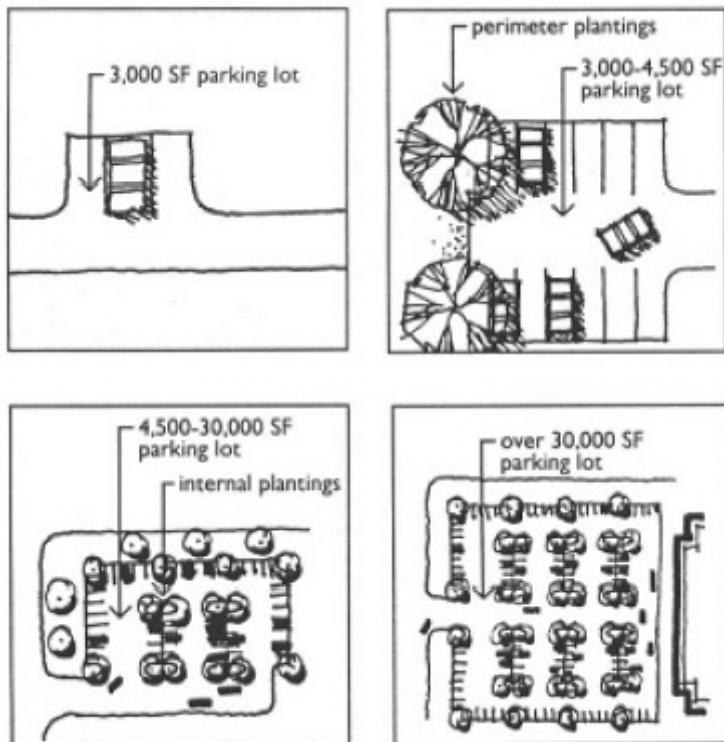
(1) The required ornamental fencing must be installed behind the required perimeter landscape area, at least five feet from abutting property lines.

(2) Required fences are limited to a height of no more than 4.5 feet above grade unless the Zoning Administrator determines that the fence is necessary for security purposes, in which case the fence may be a maximum of six feet in height.

8.02.03 Interior Landscaping. All lots containing vehicular use areas with an area 3,000 square feet or more must provide interior landscaping in accordance with the requirements of this section.

(A) The area of interior landscaping must be equal to:

<i>Area of Vehicular Use Area (square feet)</i>	<i>Minimum Interior Landscaped Area</i>
3,000 - 4,500	5% of vehicular use area
4,501 - 30,000	7.5% of vehicular use area
More than 30,000	10% of vehicular use area



(B) Required interior landscaping must comply with the following standards:

(1) The area of setbacks and landscaping provided to comply with the perimeter landscape standards of § 8.02.02 may not be counted toward satisfying interior landscaping standards.

(2) Interior landscaped areas must be designed to enhance the appearance and safety of the vehicular use areas. Such areas must be reasonably dispersed throughout vehicular use area.

(3) Existing plant material may be counted towards satisfaction of this requirement.

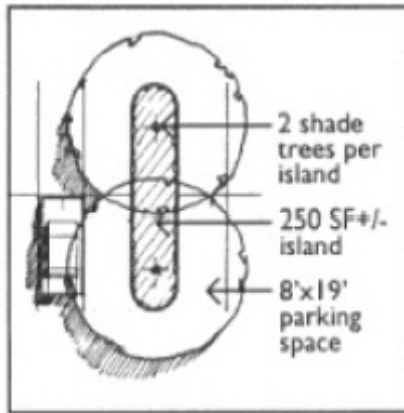
(4) One tree must be planted for each 125 square feet of required interior landscape area. Trees must have a minimum caliper size of 2.5 inches.

(5) Existing trees that have a minimum caliper size of 2.5 inches may be counted towards satisfying interior landscaping requirements if such trees are preserved and adequately protected through all phases of construction. Each 2.5 caliper inches of any existing tree that is preserved will be deemed to be the equivalent of one 2.5-inch caliper tree.

(6) Each separate landscaped island or area must contain a minimum of 165 square feet of area, have a minimum dimension of eight feet in any direction, and include at least one tree. Within vehicular use areas with an area of less than 4,600 square feet, required trees may be installed along the perimeter of the vehicular use area instead of within interior islands.

(7) The trees required to be planted within interior landscaping areas must be canopy trees.

(8) The soil volume and composition for trees required within interior planting islands must have two-foot minimum depth and topsoil must be backfilled and mounded.



8.02.04 Landscape and Tree Protection. All required landscaping areas must be protected from vehicular encroachment by curbs or wheel stops. All trees must be installed and trimmed to ensure that no tree limb or portion thereof extends below the level of six feet above the ground.

8.02.05 Sight Triangles. Landscaping must comply with the sight triangle standards of § 9.01.
(Ord. O-37-06, passed 8-15-06)

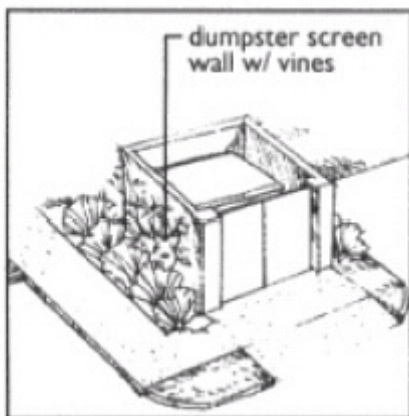
§ 8.03 TRASH STORAGE AREA SCREENING.

8.03.01 Applicability. All of the following uses and developments must provide for the enclosure and screening of dumpsters and trash collection bins:

- (A) Multi-unit buildings;
- (B) Business, commercial, or manufacturing development; and
- (C) Substantial rehabilitation of such developments, where the cost of such repair or rehabilitation exceeds 150% of the property's assessed value.

8.03.02 Screening Methods.

(A) Required trash storage area screening may be achieved by designating an enclosed space for trash facilities within a principal building or within an accessory structure such as a garage.



(B) When trash storage areas are not enclosed within a principal or accessory structure, they must be screened on all sides by masonry walls with a minimum height of six feet. One side of the storage area must be furnished with an opaque, lockable gate.

(C) The screening walls required by this section must be planted with vines.

(Ord. O-37-06, passed 8-15-06)

§ 8.04 INSTALLATION AND MAINTENANCE.

8.04.01 Property owners are responsible for installing landscape materials required by this article. Such materials must be installed in accordance with standard practices of horticultural professionals and in good and workmanlike manner and must be maintained by the property owner in good condition.

8.04.02 Any damaged or dead trees, shrubs, or ground cover must be promptly replaced.

8.04.03 Maintenance of landscaping must include continuous removal of weeds; mowing; trimming; edging; cultivation; reseeding; plant replacement; appropriate fertilization; spraying; control of pests, insects, and rodents by nontoxic methods whenever possible; watering; and other operations necessary to assure normal, healthy plant growth.

8.04.04 The obligation for continuous maintenance is binding on the applicant for landscape plan approval to any subsequent owners of the property or any other parties having a controlling interest in the property.

8.04.05 When weather conditions do not permit planting, installation of plant material may be delayed until the start of the next growing season. In such cases, the Building Inspector is authorized to issue a temporary certificate of occupancy for a period of up to eight months. Required landscaping must be in place prior to expiration of the temporary certificate of occupancy. A permanent certificate of occupancy may be issued once required landscaping is in place.

(Ord. O-37-06, passed 8-15-06)

§ 8.05 ADMINISTRATIVE ADJUSTMENTS.

8.05.01 Fence Standards. The Zoning Administrator is authorized to approve an Administrative Adjustment waiving or modifying the fence standards of § 8.02.02(C) when:

(A) The vehicular use area is located within an Industrial zone; and

(B) The Zoning Administrator determines that the vehicular use area is isolated from R zones and residential uses.

8.05.02 Screening of Vehicular Use Areas from Streets.

(A) The Zoning Administrator is authorized to approve an administrative adjustment allowing alternative landscape treatments to partially or wholly satisfy the standards of § 8.02.02(B) that require the installation and maintenance of hedges as vehicular use area screening.

(B) The Zoning Administrator is expressly authorized to approve such alternative landscape treatments as:

- (1) Landscaped earth berms;
- (2) Elevation changes;
- (3) Vine-covered fences, walls or trellises; and
- (4) Brick walls.

(C) The Zoning Administrator may authorize such administrative adjustment only upon finding that the proposed alternative landscape treatment would:

- (1) Provide an effective visual screen of the parking areas and parked automobiles;
- (2) Promote the physical definition of a continuous street wall;
- (3) Provide a visual effect that promotes and enhances the vehicular and pedestrian experience through the use of quality architectural and urban design; and
- (4) Is appropriately designed and maintained to satisfy applicable building and/or landscape industry standards.

8.05.03 Hardships.

(A) The Zoning Administrator is authorized to approve an administrative adjustment waiving or modifying the requirements of this Article, provided that the Zoning Administrator finds that the:

- (1) Strict application of the provisions would deprive the applicant of the reasonable use of the land or would otherwise impose an unreasonable hardship upon the applicant;
- (2) Conditions and circumstances upon which the waiver or modification is sought are not caused by the applicant; and
- (3) Alternative landscape treatments will be provided to off-set the waiver or reduction in otherwise applicable standards.

(B) The Zoning Administrator is expressly authorized to approve alternative landscape treatments, such as:

- (1) Landscaped earth berms;
- (2) Raised planters;
- (3) Hanging baskets;
- (4) Flower boxes;
- (5) Planting trellises;
- (6) Roof-top gardens;
- (7) Perimeter plantings on roof-tops, decks, or balconies;
- (8) Pedestrian lighting;
- (9) Flag or banner poles;
- (10) Benches and seating areas;
- (11) Vine-covered fences, walls, or trellises;
- (12) Brick walls; and
- (13) Additional landscaping and tree planting elsewhere on the site that will be visible from public right-of-way.

(Ord. O-37-06, passed 8-15-06)