

ARTICLE VII

DEFINITIONS

SECTION 7.0 WORDS AND PHRASES: For the purposes of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

Words used in the future tense include the present;
Words used in the present tense include the future;
Words used in the singular include the plural;
Words used in the plural include the singular;
Words used in the masculine include the feminine;
Words used in the feminine include the masculine;
The word "shall" is mandatory;
The word "may" shall be deemed as permissive.

ACCESSORY BUILDING OR USE, CUSTOMARY: A "customary accessory building or use" is one which:

- a. Is subordinate to and serves the principal building or principal use;
- b. Is subordinate in area, extent, or purpose to the principal building or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
- d. Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off - street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served; and
- e. Is limited to one building which has a maximum size of one hundred (100) square feet and is no more than ten (10) feet in height. This customary accessory building and use limitation applies only to single-family residential zones R-1Bc, R-1C, R-1D, R-1E.

AGRICULTURE: The use of land for agricultural purposes, including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

AIR RIGHTS: Air rights for the purpose hereof shall be defined to mean the ownership or control of all land, property, and that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question)

which is reasonably necessary or legally required for the full and free use of the ground surface.

ALLEY: All public rights - of - way at the rear of the lot which normally affords a secondary means of access to abutting property.

AMERICAN ASSOCIATION OF NURSEYMEN, INC. (STANDARDS): The Association's Horticultural Standards Committee maintains and revises horticultural standards (see American Standards for Nursery Stock) to comply with the standards procedures of the American National Standards Institute.

AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1 - 1990): An American National Standard implies a consensus of those substantially concerned with its scope and provisions. An American National Standard is intended as a guide to aid the manufacturer, the consumer, and the general public.

APARTMENT: A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

APARTMENT HOUSE: See DWELLINGS, MULTI - FAMILY.

AUTOMOBILE LAUNDRY: A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with chain, conveyor, blower, steam cleaning device, or other mechanical devices. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self - service basis shall be construed to be the same.

AUTOMOBILE AND TRAILER SALES AREAS: An open, partially open, or enclosed area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on or from the premises.

AWNING or CANOPY: A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like. May include a type that can be retracted, folded, or collapsed against the face of the supporting building.

BASEMENT: That portion of a building between floor and ceiling, which is partly below and partly above the average level of the adjoining grade but so located that the vertical distance from the average level of the adjoining grade to the floor below is less than the vertical distance from the average level of the adjoining grade to the ceiling.

BASAL AREA: The total cross sectional area of a tree trunk measured at Diameter at Breast Height (DBH).

BILLBOARD: a sign, having an area greater than twenty-five (25) square feet, and which meets any one or more of the following criteria:

- a. a permanent structure sign which is used for the display of offsite commercial messages;
- b. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- c. an outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration.

BOARD OF ADJUSTMENTS: Board of Adjustments of the city.

BOARDING HOUSE: A residential building other than a hotel, motel, or tourist cabin where lodging and meals for four (4) or more persons are served for compensation, and by prearrangement for definite periods.

BORROW PIT: Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than mining operations such as gold, silver, coal, etc., and that necessary and incidental to grading or to building construction on the premises.

BUFFER AREA: Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use, or operation.

BUILDING: A structure enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

BUILDING, ALTERATION OF: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one location to another.

BUILDING AREA OR LOT COVERAGE BY BUILDING: That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses excluding those portions of the lot or building site which shall be reserved for minimum required yard spaces.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof

and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED: A building surrounded by open space on the same lot or tract of land.

BUILDING, HEIGHT OF: The vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The official or officials appointed by the city for carrying out the building code.

BUILDING LINE: A line defining the minimum front, side, and rear yard requirements.

BUILDING MAIN: See BUILDING, PRINCIPAL.

BUILDING PERMIT: A permit issued by the city's building inspector authorizing the construction or alteration of a specific building, structure, sign, or fence on a specific tract.

BUILDING, PRINCIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.

BUILDING SITE: One contiguous piece of land that meets all of the provisions of the city's ordinances, regulations, and codes for building on said site. For the purpose of this ordinance, the entire amount of ground being called a building site shall be in one (1) specific zone category and this shall not be construed to mean merely a residential, commercial, industrial, etc., but specifically Residential R-1A, R-1B, R-2, CBD-1, CBD-2, etc.

CALIPER: The measurement of the tree trunk taken six (6) inches above the ground up to and including four (4) inch caliper size, or twelve (12) inches above the ground for larger trees.

CAMPING/VACATION MOBILE UNIT: Any coach, cabin, house trailer, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle.

CANOPY COVER: The area that a tree or trees' canopy covers which generally corresponds to a percentage of ground surface area.

CARPORT: See GARAGE, PRIVATE.

CELLAR: That portion of a building between floor and ceiling which is wholly or partly below the average level of the adjoining grade and so located that the vertical distance from the average level of the adjoining grade to the floor below is equal to or greater than the vertical distance from the average level of the adjoining grade to the ceiling.

CHANGEABLE COPY SIGN, AUTOMATIC: “Automatic changeable copy sign” means a type of sign on which the copy changes automatically through the use of electronic or electro-mechanical technology. All changeable copy shall be included within the allotted face of sign square footage.

CHANGEABLE COPY SIGN, MANUAL: “Manual changeable copy sign” means any sign on which copy for all or a portion of the sign can be changed by a human being removing or rearranging letters, symbols or numerals. All changeable copy shall be included within the allotted face of sign square footage.

CITIZEN MEMBER: Any member of the Planning Commission or Board of Adjustment who is not an elected or appointed official or employee of the city.

CLINIC, ANIMAL: A building used by a group of professional medical persons for the healing arts or treatment of small animals on an out - patient or non - boarding basis only, without animal runs.

CLINIC, PERSONS: A building used by a group of professional medical persons for the healing arts or treatment of persons on an out - patient or non - boarding basis only.

CLUB: A building owned or rented by a non-profit association made up of bona fide members paying dues, the use of which is restricted to said members and their guests.

COMMERCIAL MESSAGE: Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Kenton County and Municipal Planning and Zoning Commission, Kenton County, State of Kentucky.

COMPLEX (COMMERCIAL): Multiple sites that do not meet the definition of “Center, integrated) but that meet all of the following criteria: the sites are cumulatively contiguous; the sites form a defined geographic area, typically extending to public streets, highways, waterways or other natural or human-built geographic boundaries; the owners or agents for the owners of the sites have common interests in promoting business and other activity in the defined geographic area.

COMPREHENSIVE (MASTER) PLAN: A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. It shall contain, as a minimum, the following elements:

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;
- C. A transportation plan element;
- D. A community facilities plan element;
- E. May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, regional impact, historic preservation and others.

CONCEALED LIGHTING: An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

CONDITIONAL USE: A use which may be suitable, as determined by the Board of Adjustment, in zones herein defined, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments, consisting of two parts:

- a. A statement of the factual determination by the board of adjustments which justifies the issuance of the permit; and
- b. A statement of the specific conditions which must be met in order for the use to be permitted.

CONFORMING USE: Any lawful use of a building, structure, lot, sign, or fence, which complies with the provisions of this ordinance.

CONSTRUCTION LIMITS: The area affected by the grade changes only.

COUNCILMEN: Members of the City Council of the city.

COURT: An open unoccupied space other than a yard, on the same lot with a building and which is bounded on two (2) or more sides by the building.

CURB CUT: Any interruption, or break in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall

authorize and approve the establishment of such curb level or its equivalent for the purpose of this ordinance.

DAY CARE CENTER: A service providing protection, optimal care and developmental experiences via a group center in a planned environment. Day care programs are oriented primarily towards two groups: (1) children during those periods when the parents are away from home; and (2) the physically frail, moderately handicapped and slightly confused or disoriented older person.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DECIDUOUS TREE: Not persistent; annual shedding of leaves.

DEVELOPMENT PLAN: Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, and all other conditions agreed to by the applicant.

DIAMETER AT BREAST HEIGHT (DBH): The diameter, in inches, of a tree trunk, measured four and one-half (4-1/2) feet above the existing grade.

DISTRICT: For purposes of this ordinance, synonymous with "ZONE".

DISTURBED LIMITS: The site area affected by grading changes plus an additional twenty (20) foot area on the perimeter

DORMITORY: A building used to provide residences for a group of persons (including students, faculty, or staff) of whom all are exclusively associated with an institution for higher education.

DRIVE - IN, EATING OR DRINKING PLACE: See EATING ESTABLISHMENTS -- RESTAURANTS.

DRIVE-IN FACILITY: A facility which, by its design (e.g., window, counter, microphone/speaker, etc.), allows people to receive goods and/or services while remaining in their automobile, for consumption/use on the premises.

DRIVE-THRU FACILITY: A facility which, by its design (e.g., window, counter, microphone/speaker, etc.) allows people to receive goods and/or services while remaining in their automobile, for consumption/use elsewhere than on the premises.

DUMPSTER: A container used for the temporary storage of rubbish or garbage, pending collection, and should be fitted with a secure lid.

DWELLING: Any building which is completely intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

DWELLING, ATTACHED, SINGLE - FAMILY: A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of any other unit.

DWELLING, DETACHED, SINGLE - FAMILY: A dwelling standing by itself and containing only one (1) dwelling unit, separate from other dwellings by open space, but shall not include mobile homes.

DWELLING, DOUBLES: See DWELLING, TWO-FAMILY.

DWELLING, DUPLEXES: See DWELLING, TWO-FAMILY.

DWELLING, GROUP HOUSE: A building that has not less than three (3) one-family housekeeping units erected in a row as a single building on one lot or on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being completely separated from any other building by space on all sides and such space shall be at least the required minimum yard setbacks as so specified in this ordinance.

DWELLING, TRAILER: See MOBILE HOME.

DWELLING, TWO - FAMILY: A residential building designed, arranged, or used exclusively by two (2) families, living independently of each other.

DWELLING, MULTI - FAMILY: A residential building used and/or arranged for rental occupancy, owner occupancy, or cooperatively owned by occupants, having three (3) or more dwelling units, as separate housekeeping units. This type of dwelling shall be inclusive of apartment buildings and group house dwellings.

DWELLING UNIT: A building, or portion thereof, providing complete housekeeping facilities for one (1) person or one (1) family.

EASEMENT: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or

the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

EASEMENT, LANDSCAPING OR PLANTING: The area in which planting must be installed and the setback for buffering between land uses, zones, vehicular use areas, and public or private streets.

EATING ESTABLISHMENTS -- RESTAURANTS: A restaurant is an establishment selling food items ordered from a menu, prepared on the premises, and served in a ready to consume state.

- A. Carry-out restaurant -- A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is prohibited or discouraged.
- B. Drive-in restaurant -- A restaurant where consumption of food on the premises is encouraged in the vehicle and where food is provided by "car - hop" or self - service.
- C. Sit-down restaurant -- Those restaurants which provide seating arrangements for the consumption of food or beverages on the premises.
- D. Drive-thru restaurant -- A restaurant where food or beverages are served directly to the customer in a motor vehicle either by person or other means which eliminates the need for the customer to exit the vehicle.
- E. Combination restaurant -- A restaurant which provides any combination of sit-down, carry-out, drive-in, and/or drive-thru services.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare. This definition is not meant to include buildings.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

FENCE: A structure made of wire, wood, metal, masonry, or other material, including hedges., which is constructed or erected in a more or less permanent location in or on the ground and which constitutes an enclosure or barrier around or along a field, yard, etc., but not including decorative structures of less than twenty (20) feet in length.

FILLING STATION: See SERVICE STATION.

FLOOD - 100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year).

FLOODPLAIN OR FLOOD PRONE AREA: The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or ocean, lake, or other body of standing water which has been, or may be, covered by flood water.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on official Federal, State, and local floodplain maps.

FLOOR AREA, GROSS: The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, and garages, measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units.

For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

The gross floor area shall not include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

FRATERNITY OR SORORITY: A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the said institution.

FRATERNITY/SORORITY HOUSE: A building used by a fraternity or sorority to provide living quarters for some or all members as well as to provide study, meeting, recreational and other facilities.

FREQUENCY: The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

FRONTAGE: All the property abutting one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable frontage. For purposes of this definition, frontage for a building wall shall be measured for the wall that is most nearly parallel to that street. In no case shall the same building wall be considered to have more than one frontage.

GARAGE, ATTACHED: A portion of a building, used as a private garage, that is attached by one or more common walls, to the principal use of the lot. Such structure shall be completely enclosed and have a complete roof.

GARAGE, PRIVATE: A portion of a principal building not exceeding eight hundred (800) square feet in are, per dwelling unit, designed, intended, and used for the storage of not more than four (4) motor-driven vehicles, per dwelling unit, owned, used, and registered in the name of the occupants of the dwelling unit for which said private garage is intended. Not more than one (1) of the vehicles shall be a commercial vehicle and this vehicle shall not be more than two (2) ton capacity. This definition shall not include a public garage.

GARAGE, PUBLIC: A building, or portion thereof, designed, intended, and used exclusively for the care, repair, or equipment of self-propelled motor vehicles or other vehicles. This definition shall not include private garage.

GROUP HOUSING: See DWELLING, GROUP HOUSE.

HOLIDAY DECORATIONS: Decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season, exclusive of decorations, which contain business, product sales, or service advertising content. Holiday decorations shall not be considered "signs."

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling, as permitted herein, and carried on solely by the inhabitants thereof, and further meeting requirements specified in Section 9.11 of this ordinance.

HOSPITAL, PERSONS: A building used by a group of professional medical persons for the healing arts or treatment of persons generally on an in - patient or boarding basis.

HOSPITAL, ANIMAL: A building used by a group of professional medical persons for the healing arts or treatment of animals generally on an in-patient or boarding basis and shall have outside runs.

HOTEL: A building occupied as the more or less temporary abiding place for travelers and transient guests who are lodged with or without meals and in which there are sleeping rooms usually occupied singly.

HOUSE TRAILER: See MOBILE HOME.

IN-HOME DAYCARE: any child care business provided in a private residence for provision of full or part-time care of three or more children unrelated to the operator, that do not reside on the same street as the occupant, where this service is offered on a regular, recurring basis for a fee or other remuneration. In-Home Daycare does not include casual babysitting services that are offered on a non-recurring basis and are typically offered in the evening or weekends for friends and family.

INTERIOR LANDSCAPING: All landscaping surrounded by the perimeter landscaping, including all vehicular use landscaping.

JUNK: Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys, and bones, rags, used cloth, used rope, used rubber, used tin foil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, inoperative motor vehicles, used tires, and other manufactures goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition or which are subject to being dismantled.

JUNK YARD: An open area where any waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes an auto wrecking yard or the storage or keeping of one (1) or more inoperative motor vehicles unless where otherwise specifically permitted but does not include uses established entirely within enclosed building.

KENNEL, COMMERCIAL: Any building, structure, or open space devoted in its entirety or in part to the raising, boarding, or harboring of four (4) or more dogs, at least four (4) months of age for commercial purposes.

KENNEL, NONCOMMERCIAL: A kennel at, in, or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder in using them for hunting or practice tracking trails or for exhibiting them in dog shows or field or obedience trails or for guarding or protecting the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character or residential property.

LABORATORY: A building or a portion of a building devoted to the experimental study in science, or the testing and analysis of chemicals, drugs, explosives, minerals, etc.

LABORATORY, MEDICAL OR DENTAL: A building or a portion of a building devoted in use of providing bacteriological, biological, medical, x-ray, pathological, and similar

analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises, except the custom fabrication of dentures.

LAUNDROMAT: A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEASABLE AREA, GROSS: The floor area occupied exclusively by tenant, including finished basement and mezzanine areas and excluding common areas as elevators, stairways, corridors, and lobbies.

LEGIBLE: A sign or message is "Legible" when it can be understood by a person with an eighth-grade education (or more). Where this Article requires a determination of "visibility" or "legibility," the standard shall be based on the eyesight of an adult eligible to receive a Kentucky driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

LOADING AND/OR UNLOADING SPACE: A surfaced space within the main building or on the same lot providing for the temporary standing, loading and/or unloading of trucks; said space having a minimum dimension of forty-eight (48) feet in length, twelve (12) feet in width, and fourteen (14) feet in height, except as herein provided; and connected with an accepted deeded public right-of-way which affords ingress and egress for vehicles.

LODGING HOUSE: A building, other than an apartment, hotel-motel, hotel, motel, or tourist court, where lodging for five (5) or more persons is provided for compensation.

LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this ordinance.

LOT AREA: The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights - of - way, floodplains, the waters of any lake, river, creek, or major drainage ditch, and shall be in one (1) zone only. For the purposes of this ordinance, all of the area of a given lot shall be in the same specific zoning category.

LOT, CORNER: A "corner lot" is a lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved streets does not exceed one hundred thirty - five (135) degrees.

LOT, DEPTH OF: The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot that has frontage on more than one (1) street.

LOT, INTERIOR: A lot other than a corner lot with only one (1) frontage on a deeded and occupied public right - of - way.

LOT, ZONING: A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developers as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

LOT LINE, FRONT: The common boundary line of an interior lot (other than a double frontage lot) and a street right - of - way line or the common boundary line of a corner lot (other than a double frontage lot) and that street right-of-way line toward which the principal or usual entrance to the main building situated on such lot most nearly faces, or the common boundary line of a through lot and any adjacent road or street right-of-way line.

LOT LINE, REAR: The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

LOT LINE, SIDE: Any boundary line of a lot, other than a front lot line or rear lot line.

LOT OF RECORD: A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the appropriate county clerk, state of Kentucky.

LOT WIDTH: The width of the lot as measured along the building front setback line.

MEZZANINE: An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground floor and extending only over part of the main floor.

MINIMUM BUILDING SETBACK LINE: A line parallel to the front, side, and/or rear lot line and set back from the lot line a sufficient distance as specified in this ordinance, to provide the required minimum yard space.

MINIMUM FRONT YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the street right-of-way line and the front lot line, as defined herein.

MINIMUM REAR YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the rear lot line, as defined herein, and the rear lot line.

MINIMUM SIDE YARD WIDTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the side lot line, as defined herein, and the side lot line.

MOBILE HOME: Any coach, cabin, mobile home or other mobile structure in a single unit which is intended, designed, and used for the fixed residence of a person, family, or a household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this ordinance, the removal of wheels and/or the permanent or semi-permanent attachment of a foundation to said mobile structure shall not change its classification.

MOBILE HOME PARK: Any lot, parcel, or premises, subdivided, designed, maintained, intended, and/or used for the purpose of supplying a location or accommodation for mobile homes; or any lot, parcel, or premises on which is parked, standing, or located two (2) or more mobile homes for a longer period than twenty-four (24) hours; or one (1) or more mobile homes connected to either electrical lines, or water or sewer pipes; or any mobile home being utilized on the premises on which it is located. For the purpose of this ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.

MODULAR: Housing manufactured off - site, often mass - produced, and designed so that sections are interchangeable. This is a production technique which can be applied to low or high density type construction.

MOTEL: A group of attached or detached buildings but not house trailers containing individual sleeping or living units for travelers and transient guests, with garage attached or parking facilities conveniently located to each unit. The term includes tourist court when related to the context specified herein.

N/A: Where used in the sign regulations, the particular requirement is “not applicable.”

NEIGHBORHOOD: A geographical area containing residences or a combination of residences and businesses, which geographical area meets all of the following criteria:

- a. The area shall consist of at least 20 acres that are geographically contiguous;
- b. The area shall have direct access from local streets to one or more collector and/or arterial streets;
- c. The area shall not be part of another designated neighborhood for which permits for which permanent entrance signs have been issued; and
- d. The area shall either have been developed as one planned complex, subdivision or center, or it shall have established its identity as a neighborhood through activities of a community association, neighborhood festivals or other continuing activities separate from the desire for an entrance sign.

NITA measure of luminance. One nit is equal to one candela per square meter (1cd/m²). Ten thousand nits are equal to one stilb. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an ordinary wax candle generates approximately one candela.

NONCONFORMING LOT: A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

NONCONFORMING USE OR STRUCTURE: An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the regulations contained in this ordinance, or amendments thereto, which pertain to the zone in which it is located.

NOXIOUS MATTER OR MATERIALS: Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

NURSERY: Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

NURSERY SCHOOL: Any building used for the education of preschool age children with or without compensation, and including all accessory buildings and play areas, and shall, for the purpose of this ordinance, be considered a group activity.

NURSING HOME: A health establishment which provides nursing care under the direction of a Kentucky licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

OCTAVE BAND: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOROUS MATTER: Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

OFFICIAL THOROUGHFARE PLAN: The Transportation Element of the comprehensive plan, as adopted by the Kenton County and Municipal Planning and Zoning Commission.

OUTDOOR ENTERTAINMENT BUILDINGS. An accessory structure erected in a residentially zoned property primarily utilized for entertainment purposes for that property. The building may include restrooms, showers, limited kitchen/cooking facilities, fireplace, and covered entertainment seating. It may not be utilized to house boats or vehicles. The Outdoor Entertainment Building may or may not be associated with a swimming pool.

OWNER - OCCUPANT: The property owner who will occupy the residence.

PARKING AREA, OFF - STREET: An open, surfaced area, other than the right - of - way of a street, road, highway, alley, or place, used for temporary parking of self-propelled motor vehicles and available for public use either free, for compensation, or as an accommodation for clients or customers.

PARKING BUILDING OR GARAGE: A building, or portion thereof, designed, intended, and used exclusively for the temporary parking of self-propelled motor vehicles and may be publicly or privately owned and/or operated and may be for remuneration, free, or privately utilized.

PARKING SPACE: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than two hundred (200) square feet exclusive of driveways, permanently reserved for the temporary parking of one (1) operative automobile and connected with a deeded and accepted public right-of-way by a surfaced driveway which affords ingress and egress for vehicles.

PARTICULATE MATTER: Any material, except uncombined water, which exists in a finely divided, suspended form as a liquid or solid at standard conditions.

PERFORMANCE STANDARDS: Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate

matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

PERIMETER LANDSCAPING: The landscaping surrounding a land use or a vehicular use area.

PLANNED UNIT DEVELOPMENT (PUD): A large scale, unified land development which preserves the natural features and foliage of the site. It permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces, through flexible regulations which encourage creative design.

PUBLIC BUILDING: Any building open to the general use, participation, or enjoyment of the public or operated for the public's benefit and owned and/or operated by a City, County, State, or Federal Government or by a public utility corporation or municipal district or authority.

RAILROAD RIGHTS - OF - WAY: A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

RECREATION, COMMERCIAL: Recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

RECREATION, PRIVATE, NONCOMMERCIAL: Clubs or recreation facilities operated by a non-profit organization and open only to bona fide members of such non-profit organizations and their guests.

RECYCLABLE MATERIALS: Reusable materials including, but not limited to metals, glass, plastic, wood and paper that are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.

RECYCLING CONTAINER: A container used for the temporary storage of recyclable materials pending collection fitted with a secure lid. The container must be clearly labeled as a recycling unit and identify accepted recycled materials. All recycling containers larger than two cubic yards are subject to the recycling regulations of Table 9-3.

REPLACEMENT TREE: Any tree planted to meet the requirements of this ordinance, either for landscaping or tree density purposes.

REST HOME: Any building, institution, residence, or home used, for a consideration, as a place of abode for the reception and care of three (3) or more persons, who by reasons of age, mental, or physical infirmities, are not capable of properly caring for themselves.

SCHOOLS, PAROCHIAL: An institution or a place for instruction or education belonging to and maintained by a religious organization.

SCHOOLS, PRIVATE: An institution or a place for instruction or education belonging to and maintained by a private organization other than those types defined in this ordinance.

SCHOOLS, PUBLIC: An institution or place for instruction or education belonging to the public and established and conducted under public authority in the various districts, counties, or cities and maintained at the public expense by taxation, and open with or without charge to the public for their attendance. This does not include schools owned and/or conducted by private parties though said schools may be open to the public generally and though tuition may be free. Schools in the aforementioned category of public schools shall include all public cottage or kindergarten, elementary, junior high, high school, junior colleges, college and universities, but no others.

SCHOOLS, BUSINESS: An institution or place for instruction or education, specifically in courses of bookkeeping, business administration, operation of business machines, shorthand and typing, and related courses, operated for an intended profit. For the purpose of this ordinance, business colleges shall be included in this definition.

SCHOOLS, TRADE: An institution or place for instruction or education, specifically in one or more of the general trades such as: welding, carpentry, electrical, etc.

SCREENING AREA: An area set aside to remain vacant or buildings and to be planted and landscaped to reduce the blighting effect of certain land uses on adjacent property.

SEPARATE (LIGHTING OR ILLUMINATION): A prohibition on separate illumination for a sign does not prohibit indirect, incidental illumination that spills over from a light serving another lawful purpose.

SERVICE FACILITIES, PUBLIC UTILITIES: Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, or the Department of Motor Transportation, or Federal Power Commission, and common carriers by rail, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such place is incidental to a service facility.

SERVICE STATION: Any building, structure, or land, used for the dispensing, sale, or offering for sale, at retail, of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work.

SHOPPING CENTER: Means a group of four or more separately operated commercial establishments, planned, developed, owned, and managed as a unit with common off-street parking provided on the property and designed to serve multi-purpose shoppers.

SIGN: Any device, fixture, placard or structure, including its component parts, which by display of a visual image draws attention to an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any public street, road, highway, right-of-way or parking area.

SIGN, ANIMATED: a sign which uses movement or change of lighting to simulate action or motion.

SIGN, BANNER: A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, flexible plastic, or fabric of any kind with only such material for backing. Permitted materials for a banner do not include paper or cardboard.

SIGN, DETACHED: Any sign erected on a freestanding frame, foundation, mast or pole and not attached in any way to any building. Every face of a freestanding sign shall be considered as a separate sign for purposes of computing the sign area.

SIGN, DIRECTORY: Any sign providing way-finding information by identifying occupants of specific buildings or units within a building and, where necessary, providing directions for finding such building or unit

SIGN, PRINCIPAL: The main freestanding sign on a site. The term is used to distinguish such a sign from other freestanding signs that may be allowed on multi-tenant or large sites.

SIGN, TEMPORARY: A sign which is not permanently affixed. This definition is intended to include all devices such as banners, pennants, flags, searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures. This type of sign is intended to be displayed for a limited period of time, no more than 30 days.

SIGN, WINDOW: A sign affixed to or installed inside a window and clearly legible to persons outside the building. Note that signs that are installed behind windows but that are legible from other private property or from driving lanes of adjacent streets will be subject to limitations on window signs but will also be regulated as wall signs.

SITE: One or more lots or parcels of land that, for purposes of the Zoning Ordinance, are used as a single unit. As an example, but not by way of limitation, a site may include more than one "lot" as shown on a subdivision plat, but, for zoning purposes, the

permissible use, setbacks and yard requirements are determined for the larger “site” and not for the individual “lots.”

SOUND LEVEL METER: An instrument standardized by the American Standards Association for measurement of intensity of sound.

STABLE, PRIVATE: A separate accessory building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises and not kept for compensation, hire, or sale.

STABLE, PUBLIC: A main building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners, occupants of the premises or other and are kept for compensation, hire, or sale.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall be counted as a story.

STORY, HALF: A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

STREET, ARTERIAL: Public thoroughfares which serve the major movements of traffic within and through the community, as identified in the adopted comprehensive plan for the city.

STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute the major movements of traffic within and through the community, as identified in the adopted comprehensive plan for the city.

STREET, EXPRESSWAY: A divided arterial highway for through traffic with full or partial control of access in general with grade separations at major intersections.

STREET, FREEWAY: A divided multi - lane highway for through traffic with all crossroads separated in grades and with full control of access.

STREET, LOCAL: Facilities which are designed to be used primarily for direct access to abutting properties and leading into the collector street system.

STREET, PRIVATE: A paved private thoroughfare which affords access to abutting property for private users of such property. For the purposes of density calculation, a private street shall constitute the areas of its paved surface and sidewalks.

STREET, PUBLIC: A public thoroughfare, constructed within the boundaries of an officially deeded and accepted public right - of - way, which affords principal means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right - of - way.

STRUCTURAL ALTERATION (SIGNS): As it applies to signs, any change in supporting members of a building or structure, such as foundation, bearing walls, columns, beams or girders. For a sign, any change in or replacement of supporting members of a sign structure, such as foundation, columns, beams or girders shall be considered a structural alteration.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including such buildings, mobile homes, signs, and fences, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, driveways, or curbs.

SUBDIVISION: The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

SUBSTANCE ABUSE TREATMENT FACILITY, INPATIENT: A facility for the treatment of alcohol or other drug abuse where one or more patients are provided with meals and/or lodging for overnights stays and care.

SUBSTANCE ABUSE TREATMENT FACILITY, OUTPATIENT: A facility uses for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided, and overnight stays do not occur.

SWIMMING POOL, OUTDOOR: Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection therewith; which structure or device is intended to cause, or would cause, if completely filled, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term "structure" as used in this ordinance.

Outdoor swimming pools shall be deemed to consist of the following classes: private, semi - public, public, and commercial, as follows:

- a. Private: when consisting of an accessory structure appurtenant to a one - family or a two - family dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged or received for such use.
- b. Semi - public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, or private club, or country club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such church, club, country club, or regular attendants at such school and by individual guests (as distinguished from groups of any kind) of the foregoing with no payment of any kind or in any form being charged or being received for such use.
- c. Public: a swimming pool operated by a unit of government for the general public.
- d. Commercial: a swimming pool operated for profit, open to the public upon payment of an hourly, a daily, weekly, monthly, annual, or other fee.

TAVERN: Any establishment selling, by the drink, fermented malt beverages or malt, vinous, or spirituous liquors.

TENT: Any structure or enclosure, the roof of which and/or one-half (1/2) or more of the sides are constructed of silk, cotton canvas, fabric, or a similar light material.

TOURIST COURT: See MOTELS.

TOURIST HOME: A building designed for or used by a single family or two-family dwelling in which sleeping rooms are provided or offered to transient guests for compensation, but for not more than four (4) transient guests.

TRAILER: See CAMPING/VACATION MOBILE UNIT.

VARIANCE: A departure from dimensional terms of this ordinance pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

VEHICLE: Any device meeting the definition of "motor vehicle" under KRS. §186.010.

VEHICULAR USE AREA: Any area containing more than one thousand five hundred (1,500) square feet and used by two or more vehicles for parking, sales, or service, exclusive of driveways.

YARD: An open space on the same lot or building site with a main building occupied and unobstructed from the ground upward, except by trees, plants, shrubberies, ornaments, utility poles and wires, dog houses, outdoor furniture, and except as otherwise permitted in Section 9.20, G., "Permitted Obstructions In Minimum Required Yards".

YARD DEPTH, FRONT: An open space extending the full width of the lot or building site measured between a line parallel to the street right - of - way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.

YARD DEPTH, REAR: An open space extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rearmost point of any building excluding steps and unenclosed porches and the rear lot line.

YARD WIDTH, SIDE: An open area between any building and the side lot line, as defined herein, extending from the front to the rear yard, or on through lots or building sites, from one front lot line to the other front lot line.

ZONE: An established area within the city for which the provisions of this ordinance are applicable. (Synonymous with the word "DISTRICT".)

ZONING ADMINISTRATOR: The official or officials appointed by the city for carrying out the provisions and enforcement of this ordinance.