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## 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 no larger than 10% of the available yard area in which said structure is to be located. For the purpose of this ordinance, accessory structures attached to the principal structure shall be considered to be part of the principal structure;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- d. Is located on the same 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 lot with the building or use served.

**ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE:** A business having as a substantial and significant portion of its stock and trade, revenues, space or advertising expenditures, resulting from the sale, renting or viewing of one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, laser disks, slides, or

other visual representations which depict or described specified sexual activities or specified anatomical areas; or

2. Instruments, devices, or paraphernalia which are designed for specified sexual activities.

**ADULT CABARET:** A nightclub, bar, tavern, restaurant or similar business which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTEL:** A hotel, motel or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTION PICTURE THEATER:** A business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER:** A theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**ADULT VIDEO STORE:** See ADULT BOOKSTORE.

**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 which normally affords a secondary means of access to abutting property.

**ANYBODY:** Any human being, and any combination thereof, in the form of partnership, corporation, joint venture, unincorporated association, or otherwise.

**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.

**APPLICABLE LAWS:** The constitutions, statutes, ordinances, rules, regulations and other laws of the United States, Commonwealth of Kentucky, County of Kenton, City of Erlanger, and any other governmental entity or agency having jurisdiction.

**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:** Any area used for the display, sale, or rental of new or used automobiles or trailers, and where only minor incidental repair of such automobiles or trailers may take place.

**AUTOMOTIVE PARTS AND ACCESSORIES STORE:** Establishments engaged in the retail sale of new automobile parts, accessories, or fluids. Such use shall not include the installation, removal, or replacement of such parts, accessories, or fluids which are sold by the establishment.

**BASEMENT AND CELLAR:** That portion of a building between floor and ceiling, which is so located that the vertical distance from the average level of the adjoining grade to the floor below is greater than the vertical distance from the average level of the adjoining grade to the ceiling.

**BED AND BREAKFAST ESTABLISHMENT:** A residential dwelling unit wherein the occupant offers overnight accommodations to guests for compensation.

**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 Adjustment, City of Erlanger, Commonwealth of Kentucky.

**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.

**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 of Erlanger for carrying out the building codes.

**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.

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

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

**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 residential, commercial, industrial, etc., but specifically residential R-1B, CBD-2, etc.

**BUSINESS:** A commercial or industrial establishment selling commodities and/or a service. For the purpose of this ordinance, businesses located within the same building and tenant space shall be considered one (1) business.

**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 (MARQUEE):** A roof-like structure serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building. Such structure shall be open on three (3) sides and, if ground supported, supports shall be confined in number and cross section area to the minimum necessary for actual support of the canopy.

**CARPOR:** A shelter intended and used for motor driven vehicles, consisting of a roof extended from the side of a building.

**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.

**CHILD-CARE CENTER:** Any child-care center which provides full or part-time care, day or night, to at least seven (7) children who are not the children, grandchildren, neices, nephews, or children in legal custody of the operator. “Child-Care Center” shall not include any child-care facility operated by a religious organization while religious services are being conducted, or a youth development agency. For the purposes of this section, “Youth Development Agency” means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which operates continuously throughout the year as an outside-school-hours center for youth who are six (6) years of age or older, and for which there are no fee or scheduled-care arrangements with the parent or guardian of the youth served.

**CITIZEN MEMBER:** Any member of the Planning Commission or Board of Adjustments who is not an elected or appointed official or employee of the legislative body.

**CLINIC, ANIMAL:** A building used by medical persons for the treatment of small animals on an out-patient basis only, without animal runs.

**CLINIC, HUMAN CARE:** A building used by medical persons for the treatment of persons on an out-patient basis only.

**CLUB:** An association of persons for some common objective, usually jointly supported and meeting periodically.

**COFFEEHOUSE:** An establishment that sells coffee and other non-alcoholic refreshments and provides seating for its patrons.

**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.

COMPATIBILITY STANDARDS: Standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction.

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, 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 is essential to or would promote the public health, safety, or welfare in one or more zones, 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 in addition to those imposed within this ordinance.

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.

**CONVENIENT STORE:** A building, or portion thereof, used by a retail establishment which sells convenient merchandise items. The dispensing, sale, or offering for sale, at retail, of any motor vehicle fuels or oils may be included as part of this facility.

**COUNCIL PERSONS:** Members of the City Council, City of Erlanger, Commonwealth of Kentucky.

**CURB CUT:** Any interruption, or break in the line of a street curb in order to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.

**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".

**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.

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

**DORMITORY:** A residence hall providing rooms for individuals or groups.

**DRINKING ESTABLISHMENTS:** See TAVERN.

**DRIVEWAYS:** An area which connects a parking space with a public street, road, or way.

**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 building that has not less than three (3) one-family housekeeping units erected in a row as a single building on one lot or one adjoining lot, 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, 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, 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, designed, arranged, or used exclusively by three (3) or more families, living independently of each other.

**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.

**EATING ESTABLISHMENTS -- RESTAURANTS:** A restaurant is an establishment selling food items ordered from a menu and prepared on the premises for immediate consumption.

- A. Carry-out -- A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is prohibited.
- B. Drive-in -- A restaurant where consumption of food on the premises is encouraged (in car, no seating facilities) and where food is provided by "car-hop" or self-service.
- C. Sit-Down Restaurants -- Those restaurants which provide seating arrangements.
- D. Combination -- A restaurant which provides any combination of sit down, carry out, and/or drive-in services.

**EMPLOYEE:** Any person who is paid directly or indirectly by the licensee for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer or independent contractor.

**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.

**EVERYBODY:** Every human being, and every combination thereof, in the form of a partnership, corporation, joint venture, unincorporated association, or otherwise.

**FAMILY:** Shall consist of one individual, or any number of individuals related by genetics, adoption, marriage, or personal affinity, or any number of unrelated individuals occupying a dwelling unit as a single housekeeping unit. The term shall include individuals residing in a residential care facility as defined in KRS 100.984, state licensed adult family homes, homes for the disabled, and foster homes. The term shall not include group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

**FAMILY CHILD-CARE HOME HOME:** A private home that provides full or part-time care, day or night, for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.

**FENCE:** A structure, other than a building, which is a barrier or means of security, confinement or separation.

**FILLING STATION:** See SERVICE STATION.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

**FLOOD - 100 YEAR FREQUENCY:** The highest level of flooding that, on the average, is likely to occur once every 100 years.

**FLOODPLAIN OR FLOOD PRONE AREA:** Any normally dry land area that is susceptible to being inundated by water from any source.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**FLOODWAY ENCROACHMENT LINES:** The lines marking the limits of floodways on the official zoning map.

**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, PRIVATE:** An accessory building, 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 vehicles and this vehicle shall not be more than two (2) ton capacity. This definition shall not include a public garage.

**HELIPORT:** An area used by a helicopter, which area may include passenger and cargo facilities, maintenance and overhaul, fueling, service, storage space, tie down space, hangars, and other structural facilities and open spaces.

**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.

**HOSPITAL (HUMAN CARE):** A building used by medical persons for treatment of persons generally on an in-patient basis.

**HOSPITAL (ANIMAL):** A building used by medical persons for treatment of animals generally on an in-patient basis and may have outside runs.

**HOTEL-MOTEL:** A building or buildings to be used for the temporary abiding place for travelers and transient guests.

**HOUSE TRAILER:** See MOBILE HOME.

**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 tinfoil, 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 manufactured 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 waste, used or second hand materials are bought, sold, exchanged, stored, shredded, 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 buildings.

**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 used for providing bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists.

**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 occupant(s), including finished basement and mezzanine areas and excluding such common areas as elevators, stairways, corridors, and lobbies, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

**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.

**LEGISLATIVE BODY:** City of Erlanger.

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

**LOADING AND/OR UNLOADING SPACE:** A space used for the temporary standing, loading and/or unloading of 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, the waters of any lake, river, creek, and shall be in one (1) zone only.

**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 LINE, FRONT:** The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line or lines of the lot and the street right-of-way line toward which the principal or usual entrance to the main building faces.

**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, MINIMUM:** The width of the lot as measured along the building front setback line.

**MANAGER:** Any employee of a sexually oriented business who acts as a manager or supervisor of other employees, finances or patrons of the business or is otherwise responsible for operation of the business.

**MANUFACTURED HOME:** A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein and installed in accordance with KRS 227.570 by a Kentucky certified installer.

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

**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 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:** A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Mobile homes must be installed in accordance with KRS 227.570 by a Kentucky certified installer.

**MOBILE HOME PARK:** Any lot, parcel, or premises, subdivided, designed, maintained, intended, 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 for 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:** Housing manufactured off - site, often mass - produced, and designed so that sections are interchangeable. For purposes of this ordinance, this definition shall not include mobile homes.

**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/m<sup>2</sup>). 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.

**NOBODY:** Not anybody, or no human being, or any combination thereof, in the form of a partnership, corporation, joint venture, unincorporated association, or otherwise.

**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.

**NURSERY SCHOOL:** Any building used for the daytime care or education of preschool age children with or without compensation, and including all accessory buildings and play areas.

**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.



**PARKING AREA, OFF-STREET:** An open, surfaced area, other than the right - of - way of a street, alley, or place, used for temporary parking of motor vehicles.

**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.

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

**PDS:** Planning and Development Services of Kenton County.

**PEEP BOOTH:** Any room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or described specified sexual activities or specified anatomical areas.

**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.

**PERMANENT FOUNDATION:** A system of supports that is: (1) capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; (2) constructed of concrete; and (3) placed at a depth below grade adequate to prevent frost damage.

**PET HOTEL:** A business wherein domestic animals are provided one or more of the following for a fee: Boarding, Daycare, Training, or Grooming. The business does not have outside runs or kennels. Animals, when outside of the building, shall be accompanied by an employee of the business.

**PRINTING ESTABLISHMENT, SMALL:** Business facilities that are involved in the preparation and/or reproduction of material in a printed form. Such facilities are intended to be limited to activities serving the general public and not intended to include industrial type of printing establishments.

**PRIVATE ROOM:** A room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

**PROFESSIONAL OFFICE:** For the purpose of this ordinance, the following are uses defined as professional office: accounting office, architect office, attorney office, data

processing office, dentist office, engineer office, human care medical office, and real estate closing office.

**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.

**QUALIFIED MANUFACTURED HOME:** A manufactured home that meets all of the following criteria:

- A. Is manufactured on or after July 15, 2002;
- B. Is affixed to a permanent foundation as is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- C. Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- D. Has a minimum total living area of nine hundred (900) square feet;
- E. Is not located in a manufactured home land-lease community; and
- F. Is compatible, in terms of assessed value, with existing housing located immediately adjacent to: (1) either side of the proposed site within the same block front; (2) adjacent to the rear; or (3) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.

**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.

**REST HOME:** Any building, institution, residence, or home used 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, BUSINESS:** An institution or place for instruction of 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, PAROCHIAL:** An institution or a place for instruction or education belonging to and maintained by a religious organization.

**SCHOOLS, PRIVATE:** An institution or place for instruction or education belonging to and maintained by a private organization.

**SCHOOLS, PUBLIC:** An institution or place for instruction or education belonging to and maintained under public authority and open to the public for their attendance.

**SCHOOLS, TRADE:** An institution or place for instruction of 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 of buildings and/or structures, and to be planted and landscaped to reduce friction between incompatible land uses and improve aesthetic and functional quality of new development.

**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. Service stations, in conjunction with the dispensing of automobile fuels, may also dispense, sell, or offer for sale, at retail, automobile oils, or accessories, and in connection with which is performed general automotive servicing other than body work.

**SEXUAL ENCOUNTER ESTABLISHMENT:** A business or commercial establishment, which as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

**SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
3. The addition of any sexually oriented business to any other existing sexually oriented business.

4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of this ordinance.

**SEXUALLY ORIENTED BUSINESS LICENSE:** A license required by the City of Erlanger, pursuant to the police power thereof, for the purpose of the regulation of sexually oriented businesses within the City, in a manner which will protect the property values, neighborhoods and residents from the potential adverse secondary effects of sexually oriented businesses, while providing an opportunity to patronize sexually oriented businesses for those who are desirous thereof.

**SEXUALLY ORIENTED BUSINESS LICENSE FEE:** A fee required by the City of Erlanger, pursuant to the police power thereof, for each sexually oriented business license, to provide the money necessary to pay the expenses of supervising and regulating the sexually oriented business activities and operations within the City of Erlanger, including, without limitation, the expense of issuing licenses therefore.

**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, 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.

**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."

**SOCIAL SERVICE CENTER:** Establishments primarily engaged in the organized activity for the benefit of the disadvantaged and the overall betterment of society. Such establishments may provide one or more of a wide variety of individual or family social, counseling, welfare, or referral services.

**SPECIFIED ANATOMICAL AREAS:** Defined as follows:

1. Less than completely and opaquely covered; human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Acts, simulated acts, exhibitions, representations, depictions or descriptions of:

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
5. Flagellation, mutilation or torture for purpose of sexual arousal, gratification or abuse.

**STAGE:** A raised floor or platform at least three feet (3') above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty six (36) square feet in area.

**STORAGE YARD:** An accessory use in which materials, equipment and/or vehicles used for construction, excavating or building activities are stored, kept and/or maintained.

**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 not 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, PRIVATE:** A paved private roadway which affords access to abutting property for private users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

**STREET, PUBLIC:** A public roadway, 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.

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

**STREET, COLLECTOR:** Public thoroughfares which serve to collect and distribute traffic, primarily from local to arterial streets.

**STREET, EXPRESSWAY:** A divided arterial highway for through traffic with full or partial control of access, and generally 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, FRONTAGE ROAD (SERVICE OR ACCESS ROAD):** A street adjacent to a freeway, expressway, or arterial, street separated therefrom by a dividing strip and providing access to abutting properties.

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

**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 permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings, mobile homes, signs, and fences, but not including earthworks, ditches, canals, dams, reservoirs, pipe lines, telephones 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.

**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 twenty-four (24) 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.
- b. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.
- 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 a fee.

**TAVERN:** Any establishment selling alcoholic and nonalcoholic beverages by the drink for consumption on the premises.

**TENANT SPACE:** An area owned or rented/leased within a building, completely separated from another area by a permanent wall, and having individual entrance/exit to the outside or to a common corridor.

**TRAILER:** A closed vehicle designed to be pulled by an automobile and equipped as a place to live in temporarily.

**USE, PERMITTED:** A use which may be lawfully established, if permitted, in a particular zone provided it conforms with all requirements of such zone.

**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 (VUA):** All outside paved areas within the perimeter of the site that serves as vehicular parking and circulation areas, loading and/or unloading areas, outside storage and outside display areas, and ingress/egress lanes. Vehicular use areas are used to determine certain landscaping requirements as specified in Section 9.17.

**YARD DEPTH, FRONT:** An area 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 area 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 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 to administer and enforce the provisions of this ordinance.