ARTICLE 15

DEFINITIONS

SECTION 15.0 WORDS AND PHRASES: For the purposes of this Ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

- A. Words used in the future tense include the present;
- B. Words used in the present tense include the future;
- C. Words used in the singular include the plural;
- D. Words used in the plural include the singular;
- E. Words used in the masculine include the feminine:
- F. Words used in the feminine include the masculine:
- G. The word "shall" is mandatory;
- H. 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; 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.

ACCESS POINT: An access point is:

- A. A driveway, a local street, or a collector street intersecting an arterial street;
- B. A driveway or a local street intersecting a collector street; or
- C. A driveway or a local street intersecting a second local street.

AGRICULTURE: means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public

AIR RIGHTS: The ownership or control of 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: Public rights-of-way which normally affords a secondary means of access to abutting property.

BASEMENT: 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 less than the vertical distance from the average level of the adjoining grade to the ceiling.

BILLBOARD: A sign which directs attention to a business, community service, entertainment or other purpose not exclusively related to the premises where such sign is located.

BOARD OF ADJUSTMENTS: Board of Adjustments of Pendleton County.

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, when so appointed, appointed by a legislative body to administer and enforce the Kentucky building codes.

BUILDING PERMIT: A permit issued by the building inspector, when so appointed, 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 SITE: One contiguous piece of land that meets all of the provisions of the ordinances, regulations, and codes for building on said site.

CANOPY: A roof-like structure open on three (3) sides serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building.

CHANGE OF USE: A significant or substantial change in the manner in which the property or structure is used or operated, as in a change in the business conducted from one industry to another, not including minor changes not affecting the impact of the use on the community or adjoining properties.

CHILD DAY CARE CENTER: See NURSERY SCHOOL.

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.

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Pendleton County Joint Planning Commission, Pendleton County, Commonwealth of Kentucky.

COMPREHENSIVE PLAN: A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Where applicable, it is defined as the most recent such Comprehensive Plan as adopted by the Pendleton County Joint Planning Commission.

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.

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.

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. Whenever not specified, the term shall refer to a Stage I Development Plan, unless otherwise indicated.

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

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 hotelmotel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

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.

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.

FENCE: A structure made of wire, wood, metal, masonry, or other material, including hedges.

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.

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

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.

FRONTAGE: All the property abutting on 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 for frontage.

GARAGE, PRIVATE: A building or portion of a principal building, designed, intended, and used for the storage of motor driven vehicles. This definition shall not include a public garage. A private garage is clearly accessory to the principal use permitted, and may contain additional rooms for storage, without plumbing facilities for the preparation of food, i.e., a kitchen.

HOME OCCUPATION: An accessory use customarily conducted entirely within a dwelling, as permitted herein and further meeting all requirements of this Ordinance.

KENNEL: Any area specifically used for the raising, boarding, or harboring of ten (10) or more small domestic animals.

LANDFILL: A permitted facility for the disposal of any type of solid waste which facility complies with the "environmental performance standards" specified in 401 KAR 47:030.

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

LEGISLATIVE BODY: Refers to the Pendleton Fiscal Court. The term may also refer to the city council or city commission of either Falmouth and/or Butler if these regulations are adopted by them.

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.

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 or river.

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 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

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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 Pendleton County Clerk Office, state of Kentucky.

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

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 sufficient distance as specified in this Ordinance, to provide, at the minimum, the required 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 front lot line, as defined herein, and the front lot line.

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.

MINING: Mining includes the development, drilling, blasting, extraction, severing, milling, crushing, screening, conveying, sizing, washing, and processing of minerals, limestone, sand, gravel, coal, and other materials; operation maintenance and repair of mining and processing equipment and facilities; transportation of materials within, to and from the mine property; processing, manufacturing, and production of products, byproducts, waste and other materials, including lime, lime products, and stone products; dredging; filling; grading; paving; research, development, and analysis;

purchase and sale of materials; and storage and disposal, on the surface and underground, of products, byproducts, waste, and other materials generated at the mine property or generated by any source at any other location.

MINING, UNDERGROUND: Underground mining is mining where all of the mining activity is conducted three hundred (300) feet or more below the natural contour of the surface of the property except for ventilation shafts, utilities, and related structures to ventilation shafts and utilities, including fences, on or leading to the surface.

MOBILE HOME: A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal National Manufactured Housing Construction in Safety Standards 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 four hundred (400) 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.

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.

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 or the Three Rivers Health District.

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.

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

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

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.

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.

PCJPC: Pendleton County Joint Planning Commission.

PLANNING COMMISSION: The Pendleton County Joint Planning Commission, Pendleton County, Kentucky.

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.

SALVAGE YARDS: An open area where waste materials are bought, sold, exchanged, stored, shredded, baled, packed, or disassembled, including, but not limited to, scrap metals, paper, rags, tires, bottles, and motor vehicles.

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.

SETBACK: An area of land bounded by a property boundary line and a defined line parallel thereto, which area is generally prohibited from construction or development.

SIGN: Any combination of letters, pictures, characters, or other display used to identify or direct attention to some activity or direction.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered only elsewhere than upon the premises where such sign is located or to which it is affixed.

SIGN, ANIMATED: Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.

SIGN, BUSINESS: A sign which directs attention to a business, profession, industry, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered upon said premises and located upon the premises where such sign is displayed.

SIGN, FLASHING: Any sign having a conspicuous and intermittent variation in the illumination of the sign.

SIGN, FLAT: Any sign which is attached directly, in rigid manner, and parallel to the building wall.

SIGN, GROSS AREA OF: The entire area within a single continuous perimeter enclosing the limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SIGN, GROUND: Any sign erected, constructed, or maintained directly upon the ground or upon uprights or braces placed in the ground, with a maximum permitted ground clearance of three (3) feet.

SIGN IDENTIFICATION: A sign used to identify: the name of the individual, family, organization, or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

SIGN, INDIVIDUAL LETTER: Letters and/or numbers individually fashioned from metal, glass, plastic or other materials and attached directly to the wall of a building, but not including a sign painted on a wall or other surface.

SIGN, POLE: Any sign affixed to a freestanding supporting pole or poles, embedded in, and extending upward from the ground with a ground clearance exceeding three (3) feet.

SIGN, PROJECTING: Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or to posts, poles, or angle irons attached directly to the building.

SIGN, TEMPORARY: A sign, excluding political signs and real estate signs, that is not permanently affixed, and which include banners, pennants, flags, searchlights, sandwich-type and balloons, which are permitted for thirty (30) days or less.

SIGN, WINDOW: Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window.

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.

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. U.S. Highway 27 and KY 9 are arterial streets.

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

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.

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 such as: buildings, mobile homes, signs, fences, etc.

SUBDIVISION: Means the division of a parcel of land into three (3) 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; provided that a division of land for agricultural use 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; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;

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, 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.

TRAILER: See CAMPING/VACATION MOBILE UNIT: The definition of trailer shall also include any non-powered vehicle, designed to be attached to a motor vehicle, for the purpose of transporting persons, property, or animals.

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 100.251.

WEEDS: The existence of thistles, burdock, Jimson weed, ragweed, milkweeds, poison ivy, poison oak, iron weeds, and all other noxious weeds and rank vegetation of whatsoever kind of nature, on improved or unimproved real estate, occupied lots or vacant lots, to accumulate in piles, bundles, or heaps, or to grow or stand to a height in excess of ten (10) inches.

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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 in the county or city for which the provisions of this Ordinance are applicable. (Synonymous with the word "DISTRICT".)

ZONING ADMINISTRATOR: The official or officials appointed by the legislative bodies to administer and enforce the provisions of this Ordinance.