

ZONING ORDINANCE

ARTICLE 6

ESTABLISHMENT OF DISTRICTS

600 GENERAL REGULATION

No land shall be used or occupied and no structure shall be erected, altered, used or occupied except for the principal uses permitted for each of the six (6) zoning districts created by this Ordinance together with lawfully permitted conditional uses and/or accessory uses as listed in the following Sections of this Ordinance.

610 OFFICIAL ZONING MAP

The official City Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bear the seal of the City under the following words: "This is to certify that this is the City Zoning Map referred to in Section 620 of the City Zoning Ordinance adopted by the West Liberty City Council on (date) as part of Ordinance No. ___ of the City of West Liberty."

No charges shall be made in the City Zoning Map except in conformity with the procedures set forth in this Ordinance.

If the City Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the City Council may, by resolution, adopt a new City Zoning Map. The new map may correct original drafting errors or other errors or omissions but the corrections shall not be in effect amendments of the original map including amendments thereto. A replacement map shall also contain the following additional words: "this map supersedes and replaces the City Zoning Map adopted (date of adoption of the map being replaced)."

620 INTERPRETATION OF DISTRICT BOUNDARIES

Boundaries of districts established under provisions of this ordinance are shown on the City Zoning Map file in the Office of the City Clerk, West Liberty, Kentucky.

Boundaries of districts shown on the City Zoning Map shall be interpreted as follows:

- A) Boundaries indicated as approximately following the center lines of streets, highways, alleys, shall be construed to follow such lines.
- B) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C) Boundaries indicated as approximately following the city corporation limits shall be construed as following corporation line.
- D) Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be so construed. Distances shall be determined by the scale of the City Zoning Map unless specifically shown on the map.
- E) Boundaries indicated as parallel to or extensions of features indicated in 620 (a) through 620 (d) above, shall be so construed. Distances shall be determined by the scale of the City Zoning Map unless specifically shown on the Map.
- F) All questions not covered by 620 (a) through 620 (e) concerning the exact location of any district boundary line or portion thereof, shall be determined by the Board of Adjustment.

Where a district boundary line on the City Zoning Map divides a lot of single ownership which was recorded at the time of enactment of this Ordinance, the land owner may permit the extension of the regulations for either portion or both portions of the lot.

Where the legal limit of the City as portrayed on the City Zoning Map divides a lot of single ownership which was recorded at the time of this ordinance, the land owner may permit the extension of the regulations for either portion or both portions of the lot. If the owner extends the regulations into the portion that lies outside the City limits, then regulations must be extended into that portion lying within City limits.

630 ANNEXATION

In every case when land becomes a part of the City through annexation, such annexed land shall be automatically assigned to the A-1 Zoning District. This zoning district shall remain in effect unless or until the City Council, upon the recommendation of the Planning Commission,

enacts a zoning map amendment using the procedures described in this ordinance.

640 DISTRICTS ESTABLISHED

The following zoning district classifications are established for the City of West Liberty, Kentucky:

A-1 AGRICULTURAL AND FOREST

R-1 RESIDENTIAL-SINGLE FAMILY

R-2 RESIDENTIAL- MULTI FAMILY

B-1 BUSINESS- GENERAL

B-2 BUSINESS- DOWNTOWN (CENTRAL) BUSINESS DISTRICT

I-1 GENERAL INDUSTRIAL

641 EXPRESSLY PROHIBITED USES IN ALL DISTRICTS

- 1) Permanent storage of hazardous waste, hazardous material production, incineration, landfills, storage and/or handling of any type of the aforementioned uses are expressly prohibited in all zones in West Liberty.
- 2) Duty of Maintenance of Private Property: No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such persons are located. Nuisances shall consist of but shall not be limited to abandoned buildings, abandoned buildings, abandoned mobile homes garbage dumps, etc.
- 3) For purposes of this Ordinance, an abandoned building is defined as any structure that remains unoccupied (in the case of residential use) or nonoperational (in the case of commercial, industrial, or public uses) for a period exceeding one year. The Duty of Private Property Maintenance includes regular trimming of vegetation on a schedule which approximates the maintenance of the majority of lots in the

neighborhood in which the lot is located and the regular upkeep of any structure so that appearance does not degrade through time.

650 AGRICULTURAL AND FOREST DISTRICT

The intent of the Agricultural and Forest District is to preserve, promote, and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the water courses, and to minimize erosion of soil, siltation and pollution of streams and lakes.

651 AGRICULTURAL DISTRICT (A-1)

The purpose of A-1 districts is to preserve agricultural endeavors and open space in West Liberty.

1. Permitted Uses

- a) Land used exclusively for commercial livestock raising.
- b) Horticultural services and row crops
- c) Wildlife refuge, forestry and silviculture
- d) Single-family detached dwellings
- e) Churches & cemeteries
- f) Woodlots

2. Conditional Uses

- a) Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes, schools
- b) Sewage disposal plants and water treatment plants
- c) State approved sanitary landfills. The Board of Adjustment may attach special conditions necessary to protect neighboring premises from undesirable effects of such operation.
- d) Veterinarian clinic
- e) Agricultural home occupations
- f) Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes, and private clubs
- g) Manufactured home subdivisions and parks

3. Permitted Accessory Uses

- a) Accessory uses in connection with agriculture, farming, dairying, stock raising, forestry or similar uses, such as tenant homes, agriculture structures, stables, and parking areas
- b) Roadside stands offering for sale only agricultural products grown on the premises
- c) Keeping of roomers or boarders by a resident family
- d) Swimming pools and tennis courts for private use
- e) Horse training track

4. *Special Uses in A-1 District*

For the purpose of this Ordinance, all lots 5 acres or greater meet the definition of agricultural use necessary to qualify for the special exemptions noted in Article 7.

660 RESIDENTIAL DISTRICTS

The purpose of residential districts is to establish and preserve single and multi-family home neighborhoods as desired by large numbers of people free from other uses except those which are both compatible with and convenient to the residents of such a district.

661 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

The low density residential classification is the most restrictive residential district. The principal land use in this district is for single-family dwellings and for associated religious, recreational, educational and public facilities necessary to provide for a balanced and attractive low density residential area. Lands in this district are intended to be protected from encroachment of uses detrimental to and not performing a function appropriate to the residential environment. Property values are stabilized and orderly growth promoted by providing adequate light, air and open space and through consideration of proper functional relationships of each permitted use.

1. *Permitted Uses*

- a) Detached singles-family dwellings

2. *Conditional Uses*

The following uses are special exceptions and require written approval of the Board of Adjustment. The Board may attach certain conditions to

its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

- a) Churches, parish houses and other places of worship.
- b) Public libraries and public schools.
- c) Public parks, noncommercial recreational areas and other public facilities of a noncommercial nature.
- d) Funeral homes and cemeteries
- e) Hospitals and clinics for human care, nursing and convalescent homes
- f) Philanthropic institutions and clubs, except a club which is customarily carried on as a commercial activity.
- g) Noncommercial kennel on the premises of a residence occupied by the owner or tenant as a dwelling house.
- h) Bed and breakfast operations
- i) Type I manufactured homes

3. *Accessory Uses*

Accessory uses and buildings may be permitted only as customarily incidental to any of the Permitted and Conditional Uses listed above. These include detached garages and storage sheds that do not exceed 300 square feet of floor space.

4. *Development Standards*

Min. lot area	10,000 sq.ft.
Min. lot width at the building line	80 feet
Minimum front yard	25 feet
Minimum side yard (each side)	18 feet
Minimum rear yard	20 feet
Maximum building height	30 feet or 2 stories
Signs	See Article 11
Parking	See Article 10

662 MULTI-FAMILY RESIDENTIAL DISTRICT (R-2)

This residential district provides for medium and high population density. The principal use of land may include two family residential units and multi-family

dwellings. Uses area also permitted on a conditional accessory basis that complement the more intense residential use that is intended in an R-2 district.

1. *Permitted Uses*

- a. Detached single family dwellings
- b. Detached two family dwellings (duplexes)
- c. Multi-family dwellings including town houses, condominiums, rooming and boarding houses

2. *Conditional Uses*

- a. Any use conditionally permitted in an R-1 residential district and subject to the requirements thereof as provided in Section 611(2)
- b. Private nursery, day school, kindergarten and child care center.
- c. Home occupations including professional offices, studios, and/or customary home occupations such as: crafts, dressmaking, laundering
- d. Type 2 and 3 Manufactured Homes and Certified Mobile Homes
- e. Any multifamily residential development of more than 30 units

3. *Accessory Uses*

Accessory uses and buildings may be permitted as customarily incidental to any of the permitted and Conditional Uses listed above.

4. *Developmental Standards*

Minimum lot Area	6,000 sq. ft. for single family
	8,000 sq. ft. for two-family
	7,000 sq. ft. for first unit
	+ 3,000 sq. ft. for each additional unit
	For multi-family unit
Min. lot width at bldg. line	60 feet for one family
	80 feet for two family
	100 feet for multi-family dwellings

Minimum front yard	20 feet
Minimum side yard (each side)	8 feet
Minimum rear yard	15 feet
Maximum Building Height	36 feet or 3 stories
Signs	See Article 11
Parking	See Article 10

5. Clustering

Any multifamily development exceeding 30 dwelling units in West Liberty will be treated as a conditional land use.

670 BUSINESS DISTRICTS

Accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of business operations, to encourage the development of new business at appropriate locations and to preserve and protect existing and future development of non-business uses of access points, service roads, parking and loading areas, screening, and other regulations.

671 GENERAL BUSINESS DISTRICTS (B-1)

The purpose of the General Business District is to provide retail stores and personal service outlets to meet the need of the people in adjacent or nearby residential areas for convenient services. These districts are closely related to residential districts but they are also commercial areas that generate activities that can be disruptive in residential areas unless they are properly regulated. The intent of these regulations is to make the B-1 districts as compatible as possible with associated residential districts while permitting commercial activity. This district also includes highway oriented commercial development.

1. Permitted Uses

Any convenience and vehicular oriented type of retail business or service establishment such as follows:

Groceries, drug stores, shoe repair shops, hardware store, barber and beauty shops, clothing shops, garages for motor vehicle repair within an enclosed building, restaurants, self-service laundries, filling stations, places of amusement and assembly, car washes and antique shops. Any other retail business or service establishment which is determined by the Board of Adjustment to be of the same general character as the above mentioned uses. Single, double, and multi-family dwelling units are permitted. Manufactured units must comply with Article 9.

2. Conditional Uses

Churches and other places of worship; parish houses; public libraries; schools offering general education courses, public parks, and non-commercial public and recreational facilities; public utilities; funeral homes; cemeteries; nursing homes, hospitals and clinics for human care, philanthropic institutions and clubs, including a club of which the chief activity is customarily carried on as a business, government offices.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted, including dwelling units occupying the same building as the principal commercial use and being for use by the owner and/or operator of the permitted commercial use or for lease by owner/operator.

4. Required Conditions

A) Screening: Where a side lot line is shared with an adjoining residential lot, a well maintained compact hedge, a solid fence or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.

B) Access to Highways and Streets: In all commercial zones, points of access to highways and streets shall be controlled by the Planning Commission and by Article 8, Section 820 of this Ordinance. Before any building permit for any structure in a B-1 district may be issued the prospective builder or operator of the proposed B-1 activity shall submit a sketch of the layout and design of the proposed structure and/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission may require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street. When more than four consumer commercial establishments adjoin along any highway or a road parallel to the highway or street may be built, at the expense of all adjoining consumer commercial establishments, to provide service to all consumer commercial establishments on the side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments. The provisions of Article 8 of this ordinance shall also apply in a B-1 district. Parking and off-street loading requirements are provided in Article 10 of this Ordinance.

5. *Development Standards*

Minimum Lot area-----None

Minimum Lot Frontage-----100 feet

Minimum Front Yard-----25 feet or one half of the street
right of way (whichever is greater)

Minimum Side Yard-----If adjacent to residential district,
Must comply with that district's
Requirements.

Minimum Rear Yard-----Same as side yard

Maximum Building Height-----36 feet or 3 stories

Signs-----See Article 11

Parking-----See Article 10

672 Central Business District (B-2)

The Central Business District is intended for the conduct of retail business and for personal and business service for the city and its trade area. It is the most intensely developed district and contains stores and services for all areas of the city, requiring a high degree of internal interaction that demands close proximity and freedom of movement by pedestrians within the District.

1. Permitted Uses

Any consumer and personal service establishment such as follows:

Shoe repair shops, drug stores, hardware stores, barber and beauty shops, clothing stores, banks and other financial institutions, hotels, office buildings, walk-in restaurants, poolrooms, gift shops and variety stores, printing shops, jewelry stores, mail-order houses, radio and television studios, and television studios, and health center.

Dry cleaning establishments are permitted, provided that establishments meet all fire code requirements; have installed venting which assures dispersion of all obnoxious fumes and odors at least twenty-five (25) feet above the street level or five (5) feet above the roof level of the highest adjoining building, whichever is the higher; use only nonflammable solvents as specified by the Underwriters' Laboratory Incorporated, receive and disburse merchandise for processing on the premises; and provide at least two (2) off-street parking spaces for customers.

2. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment:

Churches and other places of worship; parish houses; public libraries; passive recreation and/or public parks, service stations, municipal county, state and federal buildings, public utilities; funeral homes;

hospitals and clinics for human care, philanthropic institutions and clubs including a club of which the chief activity is customarily carried on as a business; use of upper floors as residential dwellings by the owner of the business on the lower floors, the owner of the building, or as rental property.

The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted uses is permitted.

4. Required Conditions

All permitted and Conditional uses within the Central Business District shall be conducted wholly within an enclosed building except for off-street parking and loading facilities provided for under Article 10 of this Ordinance. Any storage outside of enclosed building must be screened from visibility.

5. Development Standards

Minimum Lot Area-----None

Minimum Yard Requirements-----None

Maximum Building Height-----36 Feet or 3 Stories

Signs-----See Article 11

Parking-----See Article 10

681 GENERAL INDUSTRIAL DISTRICT (I-1)

The General Industrial District is primarily intended for production and assembly plants and industrial operations or services that are conducted in such a manner that noise, odor, dust, glare and vibration produced is essentially contained within the premises.

1. Permitted Uses

Any use permitted in the Central Business District:

Wholesale, storage; warehouse; animal hospital; bakery; bottling works; building material yard; cabinet making; carpenter's shop; clothing manufacture; dairy; dyeing and dry-cleaning works; fruit canning or packing; ice plants; laundry; milk distribution station; optical goods; paper boxes; pencils; printing; publication or engraving; and trucking terminals.

Other industrial uses not listed above shall be considered conditional uses and will require written approval of the Board of Adjustment.

2. Conditional Uses

The following uses are special exceptions and require written approval of the Board of Adjustment:

Any industrial, manufacturing, fabrication, processing or industrial service use which the Board of Adjustment determines would not emit obnoxious noise, odor, smoke, dust or vibration beyond the confines of its property may be conditionally permitted.

The Board may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use could locate.

3. Accessory Uses

Any accessory use or building customarily incidental to the above permitted and conditional uses.

4. Required Conditions

- a) Yards: on lots adjacent to a residential district, all industrial buildings shall be located so as to provide a minimum yard (on the industrial property) of fifty (35) feet.
- b) Loading Docks: No loading dock shall be constructed fronting on any public street or roadway.
- c) Storage Facilities: No materials or supplies shall be stored or permitted to remain on any part of the property outside the

buildings constructed thereon without proper screening and adequate distances from adjoining properties,

- d) Waste Disposal: No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

5. Development Standards

Minimum Lot Area----- None

Minimum Lot Frontage-----100 Feet

Minimum Front Yard----- 40 Feet or one half of the street right of way (whichever is greater)

Minimum Side Yard-----25 Feet minimum; 50 feet minimum if adjacent to residential district

Minimum Rear Yard----- 25 Feet

Maximum Building Height----- 36 Feet or 3 Stories

Signs----- See Article 11

Parking-----See Article 10