

CITY OF WEST LIBERTY ZONING ORDINANCE

ARTICLE 2

TERMS AND DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. The words which are defined are those having special or limited meanings in the Ordinance. Words with self-evident meaning are not defined here. Words used in the present tense include the future; words used in the singular include the plural and the plural include the singular; the word “shall” is mandatory; the word “may” is permissive; the word “should” is preferred; the word “building” includes the word “structure”; the “lot” includes the words “plot” and “parcel”; the word “person” include a firm or corporation as well as an individual; and the word “submission” indicates a complete filing as called for by the ordinance. Any words or phrases not defined in this ordinance shall be given to definition provided in KRS Chapter 100 or KRS Chapter 219. Words neither defined in this Ordinance nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

- 1) ACCESSORY USE OR STRUCTURE:** Any use or structure subordinate to the principal use or structure located on the same lot serving a purpose customarily incidental to the use of the principal structure or the land use.
- 2) ADMINISTRATIVE/ENFORCEMENT OFFICER:** The Administrative/Enforcement Officer is an individual who shall be appointed by the Mayor of West Liberty upon recommendation of the Planning Commission, and approved by the West Liberty City Council, to administer this Ordinance. This Officer, Zoning Administrator or various other titles descriptive of the work performed. The duties and titles may be split between one (1) or more persons as required.
- 3) ALLEY:** Any public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
- 4) ALTERATION:** Any change or addition to the supporting members of foundation of a building o other structure.

- 5) APARTMENT:** A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities.
- 6) AGRICULTURAL USE:** The use of a tract of at least five (5) contiguous acres or 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 above agricultural use on the tract, but not including residential building for sale or lease to the public.
- 7) APPROVING AUTHORITY:** The West Liberty Planning Commission unless a different agency is specifically designated by ordinance.
- 8) AUTOMOTIVE REPAIR, MAJOR:** Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle stream cleaning.
- 9) AUTOMOTIVE REPAIR, MINOR:** Incidental minor repairs, upholstering, replacement parts and motor service passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity but not including any operation named under "Automotive Repair, Major", or any other similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.
- 10) AUTOMOTIVE WRECKING:** The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.
- 11) BASEMENT:** A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.
- 11a) BED AND BREAKFAST:** A residential unit where 4 or fewer sleeping rooms are provided for transient persons for compensation, and in which meals may be served to overnight guests.

- 12) **BILLBOARD:** A sign, or structure, which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon which the sign is located.
- 13) **BOARD:** The Board of Adjustment for West Liberty, Kentucky.
- 14) **BOARDING OR LODGING HOUSE:** A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons (not transients) for compensation by previous arrangement.
- 15) **BUILDING:** Any structure having enclosed space and a roof, used or intended to be used for the shelter of persons, animals or property.
- 16) **BUILDING, HEIGHT OF:** The vertical distance from the average contact ground level as the front wall of the building the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for the gable, hip or gambrel roofs.
- 17) **BUILDING LINES:** Line beyond which no building or part thereof shall project, except as otherwise provided by this ordinance.
- 18) **BUILDABLE LOT AREA:** The part of a lot not included within the open areas required by this ordinance.
- 19) **BUILDING PERMIT:** A permit issued by the Administration/Enforcement Officer authorizing the construction or alteration of a specific building on a specific lot.
- 20) **CERTIFICATE OF OCCUPANCY:** A certificate issued by the Administration/Enforcement Officer, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.
- 21) **CLINIC:** A place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.
- 22) **COMMERCIAL FLOOR AREA:** Building floor area devoted to the display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

- 23) COMMON OPEN SPACE:** An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.
- 24) COMMISSION:** Planning Commission of West Liberty, Kentucky.
- 25) COMPREHENSIVE PLAN:** A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area.
- 26) CONDITIONAL USE:** A use which is essential to or would promote the public health, safety and/or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in addition to those set forth by the zoning regulations.
- 27) CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the Board of Zoning Adjustment, consisting of two parts:
- a)** A statement of the factual determination of the Board of Zoning Adjustment, 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.
- 28) CONSOLIDATION:** The joining together of two or more contiguous lots for the purpose of sale, lease or building development.
- 29) CONVALESCENT OR NURSING HOME:** An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or by marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care or the acutely ill or surgical or surgical or obstetrical services shall be provided in such a home.

Hospital or sanitarium shall not be construed to be included in this definition.

- 30) **COURT:** An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or a group of buildings.
- 31) **CONSUMER SERVICES:** Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.
- 32) **CITY COUNCIL:** Legislative body for the City of West Liberty, Kentucky.
- 33) **COVERAGE:** The percentage of the lot area covered by the building including all overhanging roofs.
- 34) **DEVELOPMENT PLAN:** A presentation in the form of sketches, maps, and drawings of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan).
- 35) **DEVELOPER:** The legal or beneficial owner or owners of all land proposed to be included in a development including the holder of options or contracts to purchase or other such persons having a proprietary interest in such land.
- 36) **DISTRICT:** An area or zone of the municipality for which regulations governing the use of premises and structures or the height and area of buildings are uniform.
- 37) **DWELLING:** A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, boarding or rooming house, motel, or mobile home.
- 38) **DWELLING GROUP:** A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- 39) **DWELLING, MULTI-FAMILY:** A building or portion thereof designed or used exclusively for or occupied by three (3) or more families living independently of each other.
- 40) **DWELLING, SINGLE- FAMILY:** A building or occupied exclusively for residential purposes by one (1) family.
- 41) **DWELLING, TWO-FAMILY (DUPLEX):** A building designed to be occupied by two families living independently of each other.

- 42) DWELLING UNIT:** One or more rooms designed for or used by one (1) family for living or sleeping purposes and having one (1) kitchen or kitchenette.
- 43) EASEMENT:** A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
- 44) FAMILY:** A person living alone or two or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons living together in a dwelling unit, for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.
- 45) FILING:** Filing with the City Clerk of West Liberty unless a different county official is designated by ordinance.
- 46) FINAL APPROVAL:** The official action of the Planning Commission taken on a final plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion.
- 47) FLOR AREA, TOTAL:** The area of all floors of a building including finished attics, finished basements, and covered porches.
- 48) GARAGE, PRIVATE:** A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal shelter.
- 49) GARAGE, PUBLIC:** A building or structure used for the parking of vehicles on an intended profit basis.
- 50) GOVERNING BODY:** The chief legislative body of the City of West Liberty.
- 51) HEIGHT OF STRUCTURE:** The vertical distance measured from the average finished grade at the front building line to the highest point of a structure.
- 52a) HOME OCCUPATION:** An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes.

52b) HOME OCCUPATION, AGRICULTURAL: Any occupation as defined in “Home Occupation” which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in any agricultural zone, provided that:

- a.) No more than three (3) persons other than members of the family residing on the premises be engaged in such occupation.
- b.) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation; and
- c.) That the use is clearly incidental and subordinate to the land’s principal agricultural use.

53) HOSPITAL OR SANITARIUM: An establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis and care of two (2) or more individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services. Convalescent homes and nursing homes are not included.

54) INDUSTRY, HEAVY: Those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes or glare, odor, noise or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.

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56) JUNK YARD: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including auto wrecking yards, house wrecking for storage of salvaged house wrecking and structural steel materials and equipment-, but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops , and establishments for the sale, purchase or storage of used filmi Ture and household equipment,

used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

57a) KENNEL, COMMERCIAL: A compound where three or more dogs over four months of age are kept and where the owner is actively engaged in buying dogs for resale, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

57b) KENNEL, NONCOMMERCIAL: A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character of residential property.

58) Land Use Plan: Proposals for the most appropriate economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of the manner in which the community should use its public and private land.

58a) LIMITED FOOD SERVICE: The preparation and service of food carried on within a residential unit by the occupant thereof for compensation, provided that such food service shall not be available to the general public, but shall be provided to private groups on a prearranged basis.

59) LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley or other appropriate means access.

60) LOT: A piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory building, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by the ordinances and having frontage on a public street. Agricultural tracts are not included.

61) LOT AREA: The computed area contained within the lot lines.

62) LOT, CORNER: A lot abutting and situated at the intersection of two streets.

63) LOT DEPTH: The mean horizontal distance between the front and rear lot lines.

64) LOT, INTERIOR: A lot other than a corner lot.

65) LOT LINES: The property lines bounding a lot.

a. Lot Line, Front: The property line separating the lot front and the street.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

c. Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

66) LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets.

67) LOT WIDTH: The mean width of the lot measured at right angles to its depth.

68) LOT OF RECORD: Recorded lot on file in the County Clerk's Office.

69) MANUFACTURED HOME: See article 9 for definitions of types of manufactured homes.

70) MAP: A map of the jurisdiction indicating district boundaries according to this ordinance.

71) MOBILE HOME OR TRAILER: See definitions relating to the types of manufactured homes, certified mobile homes, and mobile homes, trailers in Article 9.

72) MOBILE HOME PARK OR TRAILER PARK: An area of land upon which two or more occupied mobile homes are placed, either free of charge or for

revenue purposes, and which is constructed in compliance with the standards of this ordinance as specified in Article 9.

73) MOTEL: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

74) MUNICIPALITY: City of West Liberty, Kentucky.

75) MUNICIPAL AUTHORITY: The City Council of West Liberty, Kentucky.

76) NONCONFORMING USE OR STRUCTURE: An activity or a building, sign, structure or a portion, thereof which lawfully existed before the adoption or amendment of the Zoning Ordinance, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

77) OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

78) PARKING SPACE: A space with a minimum rectangular dimension of not less than nine (9) feet in width and nineteen (19) feet in length for ninety degree parking.

79) PLAN: The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

80) PLANNED UNIT DEVELOPMENT: An area with a specified minimum contiguous acreage of 10 acres to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning.

81) PLANNED UNIT RESIDENTIAL DEVELOPMENT: An area with specified minimum contiguous acreage of five (5) acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses primarily for the benefit of the residential development.

82) PLANNING COMMISSION: The West Liberty Planning Commission was established pursuant to Chapter 100 of the Kentucky Revised Statutes.

83) PLAT: A map or maps of a subdivision showing lot lines therein.

84) PRINCIPAL USE OF STRUCTURE: The primary use of the land or the main structure on a lot which determines the primary activity that takes place on the land or in the structure.

85) PRELIMINARY APPROVAL: The conferral of certain rights to this act prior to final approval after specific elements of a subdivision plan have been agreed upon by the planning commission.

86) PREMISES: A lot or other tract of land under one ownership and all the structures on it.

87) PUBLIC OPEN SPACE: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

89) RESIDENTIAL UNIT: Any unit designated for use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family, or multi-story structure.

90) SETBACK LINE: The distance between a given lot line, easement, or right-of-way line and any structure—front, rear, or side as specified.

91) SITE PLAN: A development plan of one or more lots on which is shown (1) the existing and proposed topography of the lots, (2) the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed decision.

92) STORY: That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

93) STREET: A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

94) SUBDIVISION: The division of a parcel of land into three 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 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 re-subdivision and when appropriate to the context, shall relate to the process of subdivision or the land subdivided.

95) SUBDIVISION REGULATIONS: The regulations governing the subdivision of land within the City of West Liberty as adopted by the West Liberty Planning Commission.

96) VARIANCE, DIMENSIONAL: A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departures will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography and not as a result of actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

97) YARD: An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

a) Yard, Front: that portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.

b) Yard, Rear: that portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.

c) Yard, Side: Those portions of the yard extending from the nearest part of the principal building to the side lot line.