

Section 20 – Purpose

The purpose of this Article is to define certain words and phrases commonly used in zoning regulations. The words and terms expressed in the present tense include the future tense. Singular words and phrases include the plural. The word “may” is permissive, while “shall” and “will” are mandatory. The following definitions shall apply, unless the context clearly indicates or requires a different meaning.

Section 21 – Definitions

Accessory building and use. A subordinate building or uses located on the same lot with the principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of the land. Where part of the wall of an accessory building is part of the wall of the principal building in a substantial manner, as by a roof, such accessory building shall be counted as part of the principal building. *Accessory living quarters.* Living quarters within an accessory building, and not rented or otherwise used as a separate dwelling.

Administrative Official. An administrative official, or officials, shall be designated by the County Judge Executive or County Administrator to administer the zoning regulation, and if delegated, housing and building regulations. The administrative official may be designated to issue building permits or certificates of occupancy, or both, in accordance with the literal terms of the regulation, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of the zoning regulation.

Agriculture. An area for the income producing, production and wholesaling of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, orchards, 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 development for sale or lease to the public. Agriculture uses including production and wholesaling of agricultural or horticultural crops, including but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, orchards, fruits, vegetables, flowers, or ornamental plants, small wineries licensed under KRS 243.155, 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 development for sale or lease to the public.

Agricultural Farm Building. Buildings other than dwellings, to be located on agricultural lands that are: a) incidental to the operation of a farm; b) the building is not used for business of a retail trade; c) the building is not used as a regular place of work for 10 or more people; d) not used for the storage of timber, or the processing of timber products.

Alley. A permanent public service way providing a secondary means of access to abutting lands.

Assisted Care Home. A residential dwelling that offers services the as a combining of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a nursing home. This definition includes congregant living.

Automobile Service Station. An establishment with the primary business function of the retail sale of gasoline for passenger car use, and the minor service and repair work incidental to the operation of passenger automobiles.

Block Frontage. All the property fronting on one side of a street between intersecting streets, or between a street, and a right-of-way of a dead-end street or County boundary, measured along the street line.

Board. The McCracken County Board of Adjustment.

Building. Any structure having an enclosed space and a roof for the housing or enclosure of persons, animals or chattels. The word “building” includes the word “structure”.

Building Area. The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height or architectural appurtenances projecting not more than two feet.

Building, detached. A building having no party wall in common or structural connection with another building.

Building, front line of. The line of the face of the building nearest the front lot line.

Building, height of. The vertical distance from the average contact ground level at the front wall of a building to 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 ridges for gable and hip or gambrel roofs.

Building, government. A building owned, occupied, or leased by any unit of federal, state, or local government which is used for the purpose of conducting any useful or necessary governmental function.

Building Line. The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front line.

Building, nonconforming. A legally existing building, which fails to comply with the McCracken County Zoning Regulations, that are applicable to the zone in which this building is located.

Building, principal. A building which has conducted the main or principal use of the lot on which the said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building will be counted as a part of the principal building.

Building, semidetached. A building having one party wall in common with an adjacent building.

Campground. Any area or tract of land used to temporarily accommodate two or more camping parties, including cabins, tents, house trailers, or other camping outfits.

Carport. A structure consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels; said structure shall be considered a building.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Clinic or medical health center. An establishment where patients are admitted for special study and treatment by one or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

Commercial. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or service, the maintenance or operation of offices, recreational and amusement enterprises.

Commission. The McCracken County Planning Commission.

Conditional Use. A use which would not impair 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 in the zoning regulations.

Conditional use permit. Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment consisting of two parts:

1. A statement of the factual determination by the Board of Adjustment, which justifies the issuance of the permit.
2. A statement of the specific conditions, which must be met in order for the use to be permitted.

Convalescent or Nursing Home. Establishments, which provide full-time convalescent or chronic care, or both, for four or more individuals who are not related by blood or marriage to the operator, and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home. A hospital or sanitarium shall not be construed to be included in this definition.

County. The County of McCracken, Kentucky, and its designated officials, administrators and enforcement personnel.

Density. Number of dwelling units divided by the number of acres on a lot, PUD, subdivision, or development the dwelling units of which are attributable.

Developmental Plan. Written and graphic material for the provision of a developmental plan, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streetsways,

parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to be the applicant.

Dwelling. A building, or portion thereof, used primarily for residential occupancy, including one-family and multiple dwellings, but not including hotels, motels, or tourist homes.

Dwelling, multiple. A building, or portion thereof, used for occupancy by three or more families living independently of each other.

Dwelling, two--family. A building, or portion thereof, used for occupancy by two families living independently of each other. Also known as a duplex.

Dwelling unit. A dwelling, or portion of a dwelling, used by one family for cooking, living and sleeping purposes.

Educational Institution. A preprimary, primary, or grammar, public, parochial, or private school; a high school, preparatory school or academy, public, parochial, or private school; a high school, preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; a private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to colleges or universities which award BA or BS degrees; a junior college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or a private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business schools as defined in this section.

Enforcement Officer. The County Judge Executive or the County Administrator shall designate an official(s), to enforce the provisions of this chapter. The Judge Executive may authorize the issuance of citations for violations of the chapter, which the officer has observed, but they shall not have power of peace officers to make arrest or carry deadly weapons. The defendant of citations shall appear within a designated time pursuant to the citation.

Family. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include servants.

Fence. A man-made structure consisting of wood, metal, wire, mesh, masonry or other man-made material. Fences shall include any type of fence, wall trellis or similar structure.

Floor area ratio. The floor area of the building divided by the area of the lot.

Garage, private. A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles and chattel of the family to which the garage is accessory, and not more than one-half of the total number of vehicles stored in such garage shall be rented for vehicles and chattel of other than occupants of the building to which garage is accessory.

Garage, public. Any building or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Ground Floor Area. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways and secondary stairways.

Home Based Business. In a dwelling house for one family, or one housekeeping unit only, on one lot; provided, however, that nothing herein contained shall prevent the use of a minor part of the dwelling house, or accessory building, for an office or studio by person or persons residing in the dwelling house or the display on the premises of one five square foot announcement sign showing the name or names of the person or persons using such office or studio, and the profession or business conducted in connection therewith, and where there are no more than one non-resident employees, and where customers or clients do not regularly visit the site, and there is no outside storage of equipment or materials.

Home Occupation. Any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof; in connection with which there is no sign larger than 5 square feet, minimal stock in trade, or outside storage of equipment or materials, and not more than two persons other than the residents are to engage in such occupation. The use shall not generate noise, vibrations, smoke, odors or electrical interference beyond the property line. A minimum of two (2) off street parking spaces shall be provided on the premises.

The following are included as home occupations:

1. Artist
2. Computer programming
3. Child Care
4. Professional Consultants
5. Insurance Agents
6. Minister and Pastoral Care
7. Personal Care
8. Real Estate Broker
9. Sales Representatives (no trade stock on site)
10. Telecommuters
11. Similar uses as approved by the Planning Commission

Hospital. Includes sanitarium, preventorium and clinic, provided such institution is operated by or treatment given under the direct supervision of a physician licensed to practice by the State of Kentucky.

Hotel or Motel. A building, or portion thereof, or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a lodging house.

Industrial, 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.

Industrial, light. Those industries whose processing of products results in none of the conditions described for heavy industry.

Junkyard. Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including, but not limited to, use of salvaged vehicles, base metal or metals, their compounds or combinations, used or salvaged vehicles, appliances, rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property which are used, owned or possessed for the purpose of wrecking or salvaging parts there from.

Kennel, commercial. Any lot or premises on which dogs or small animals are kept for commercial boarding, breeding or sale purposes.

Kennel, private. Any lot or premises on which dogs or small animals are in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder (i.e., hunting, tracking or exhibiting), or guarding/protecting the householder's property and is permitted in all zones as an accessory use provided that such dogs or small animals do not constitute a nuisance to the neighborhood.

Lot. A piece, parcel, plot, tract or area of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, and including the open spaces required under this chapter; having its principal frontage on a street. The word "lot" includes the "plot" or "parcel".

Lot, corner. A lot at a junction of, and fronting on, two or more intersecting streets.

Lot coverage. The percentage of the lot area covered by the building area.

Lot, interior. A lot other than a corner or through lot.

Lot line, front. In the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, the line designated in deed or subdivision requirements, or if no such requirements are provided, the line designated by the property owner at the time he seeks a building permit on the lot.

Lot line, rear. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side. Any lot boundary lines not a front lot line or a rear lot line.

Lot, through. A lot having frontage on two parallel or approximately parallel streets.

Lot width. The dimension of a lot, measured between side lot lines at the building setback line.

Manufactured home. A single-family dwelling unit constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 15, 1976, which is designed to be transported across streets and highways to a point of use, is equipped with the necessary service connections, and included the plumbing, heating, air conditioning and electrical systems contained therein; made so as to be readily movable as a unit or units. For the purpose of this ordinance, the term “manufactured home” is a synonymous with “modular home”, “mobile home”, and “house trailer”, but not “campers”.

Minimum Building Setback Line. The minimum required distance between a lot line and a building line.

Mobile Home Park. Means a parcel of land under the control of any person, available to the public in which three (3) or more mobile home lots are occupied or intended for occupancy by mobile homes and includes any service building, structure, enclosure, or other facility, used as part of the park.

Occupied. As applied to any land or building, shall be construed to include the words “intended, arranged or designed to be used or occupied.”

Parking area, public. An open area, other than a street or alley designed for use or used for the temporary parking of four or more motor vehicles when available for visitor or employee use.

Parking area, vehicle display. An open area for display of the lease, rental, or sale of motor vehicles.

Parking space, off-street. An off-street space accessible from a street or road with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.

Perimeter screens. A six (6) foot high fence that is 90% visually solid or four (4) feet tall shrubs and/or evergreen trees that will attain six (6) feet in height within three (3) years and also be 90% visually solid year round. Other plans for screening may be submitted for approval to the Zoning Administrator. Perimeter screens as used in the ordinance do not require 100% blocked view from adjacent properties of structure.

Person. Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Personal and convenience services. Businesses offering services such as barbershops, beauty shops, Laundromats, laundry and dry cleaning pickup/delivery stations (but excluding actual laundry operations), and similar uses.

Place. An open, unoccupied, officially designated space (other than a street or alley), permanently reserved for use as the principal means of access to abutting property.

Planned unit development (PUD). A self-contained development, which may be developed under single ownership or control, often with a mixture of housing types and densities, in which the subdivision and zoning controls are applied to the project

as a whole rather than to individual lots, as in most subdivisions. Therefore, densities are calculated for the entire development, usually permitting a trade-off between clustering of housing and provision of common open space.

Professional office. Offices of members of recognized professions such as physicians, surgeons, lawyers, engineers, dentists and architects.

Public facility. Any use of land, whether publicly or privately owned, for transportation, utilities, communications, or any use which is necessary for the health and safety of the general public, including but not limited to, libraries, streets, schools, fire or police stations, ambulance services, county buildings, municipal buildings, recreational centers (including parks) and cemeteries.

Sign. Any board, device or structure, or part thereof, used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing street names or traffic directions or regulations for other governmental purposes shall not be included therein.

Street. A right-of-way (other than an alley), dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

Structure. Anything constructed or made, 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 and signs.

Structural alteration. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls of the roof.

Subdivision. The division of land into two (2) or more lots or parcels for the purpose, whether immediate or future sale, lease of building or land development, or if a new street is involved, any division of a parcel of land, providing that a division of land for agricultural use and not involving a new street shall not be deemed to be a subdivision. The term "subdivision" includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision.

Tourist home. A building in which more than one, but not more than five, guest rooms are used to provide or offer overnight accommodations for transient guests for compensation. A bed and breakfast inn is included in this definition.

Town home. A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent building and/or buildings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs; all of which dwellings may be located on individual and separate lots if individually owned, or upon a single lot if under common ownership. Each town house unit shall be capable of separate ownership. The construction of a town house structure across an existing lot line shall not be deemed to abrogate that line.

Trade or business school. A secretarial school or college, business school or college, when not public and not owned or conducted by or under the sponsorship of a

religious or charitable organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, martial arts, or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include an educational institution as defined in this section.

Use. The employment or occupation of a building, structure, or land for a person's service, benefit or enjoyment.

Use, nonconforming. An existing use of land or building which was legal prior to the effective date hereof, but which fails to comply with the requirements set forth in this chapter applicable to the zone in which such use is located.

Used. As applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".

Variance, dimensional. Departure from the terms of the zoning regulations pertaining only to height or width and location of structures, size of yards and open spaces, and other dimensional features of the ordinance, where such departure 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 the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

Wall, retaining. A physical barrier necessary to prevent the erosion and/or deterioration of an established elevation.

Yard. A space on the same lot with principal and accessory buildings, open and unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, and unobstructed by structures, except as otherwise provided in this chapter.

Yard, front. A yard extending across the full width of the lot, between two side lot lines, the depth of which is the least distance between the street right-of way and the building line.

Yard, rear. A yard extending across the full width of the lot between the two side lot lines and between the rear line and a parallel line tangent to the rear of the principal building, the depth of which is the least distance between the rear lot line and the parallel line.

Yard, side. A yard bounded by the rear yard, the front yard, the side lot line and the principal and accessory building.

Zoning map or map. The zoning map of the County.