

ARTICLE II

USE GROUPS AND DEFINITIONS

SECTION 2.0 WORDS AND PHRASES: For the purposes of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

Words used in the future tense include the present;
Words used in the present tense include the future;
Words used in the singular include the plural;
Words used in the plural include the singular;
Words used in the masculine include the feminine;
Words used in the feminine include the masculine;
The word "shall" is mandatory;
The word "may" shall be deemed as permissive.

SECTION 2.1 MEANINGS: Words and terms defined in this article have the specific meaning assigned, unless the context expressly indicates another meaning. Words and terms that are not defined in this article have the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary.

SECTION 2.2 USE GROUPS AND CATEGORIES:

- A. Use Groups: This zoning ordinance classifies land uses into 5 major groupings, which are referred to as "use groups". The use groups are:
1. Residential
 2. Public and Civic
 3. Commercial
 4. Industrial; and
 5. Other
- B. Use Categories: Each use group is further divided into "Use Categories," which divide the use groups into classes of land uses, based on similarity of functional characteristics, such as "Office," "Retail" or "Vehicle Sales and Service."
- C. Specific Use Types: Some use categories include specific use types. A use that fits within the definition of a specific use type is subject to the regulations for that specific use type, not the regulations that apply to the general use category.
- D. Determination of Appropriate Use Category: When a specific use type cannot be readily classified into a defined-use category or specific-use type definition or appears to fit into 2 or more use categories or types, the Zoning Administrator is authorized to determine the most appropriate similar use category or type, or to determine that the most appropriate similar use category or type, or to determine that the specific use type does not fit within any of the defined use categories or types. If a similar use determination cannot be made, the use will be deemed to be prohibited.

SECTION 2.3 RESIDENTIAL USE GROUP: The residential use group includes uses that provide living accommodations to one or more persons. The residential use group includes 2 use categories: Group Living and Household Living.

A. Group Living

Residential occupancy of a dwelling by other than a “Household,” typically providing communal kitchen/dining facilities.

1. Addiction Treatment Facility

Any building, structure, or space whose principal or primary function is the reception, housing, and/or care of chemically dependent adults and/or their minor children, and by which distribution of synthetic narcotics or any other method attempts to control, suppress, and/or eliminate a person’s mental or physical dependence on any illegal or harmful substance. Any permitted or accessory uses allowed in any zone will not be interpreted to include addiction treatment facilities unless such use is specifically stated to include addiction treatment facilities. No general use descriptions set out elsewhere may be deemed or construed to include such use.

2. Residential Care Facility

Definitions per KRS 100.982 to 100.984. (1) “Person with a disability” means a person with a physical, emotional, or mental disability but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanors on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. “Person with a disability” does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 218A; (2) “Residential care facility” means a residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities; (3) “Services” means, but is not limited to, supervision, shelter, protection, rehabilitation, personal development and attendant care.

3. Youth Shelter

A building, facility, or residence used for the reception and temporary care of persons under the age of 18 years who, by some circumstances, are without safe and proper shelter. “Temporary care” means a maximum of 30 days’ residence. Such use may include a dwelling unit for a resident manager.

B. Household Living Category

Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis.

1. Manufactured Home (For Flood Plain Regulations, See General Terminology)

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.

2. Mobile Home

A structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one or more sections that is 8 feet or more in width and 40 feet or more in length in the traveling mode, or when erected on site, 400 or more square feet in floor area, and is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems.

3. Mobile Home Park

Any lot, parcel, or premises, subdivided, designed, maintained, intended, or used to accommodate 10 or more mobile homes, and meets the requirements as specified in this zoning ordinance. For the purpose of this zoning ordinance, any lot or premises used for the wholesale or retail sale of the mobile homes will not be included in this definition. Double width mobile structures that are fabricated on individual chassis with wheels and are designed to be joined will be considered a mobile home for purposes of this zoning ordinance.

4. Modular Home

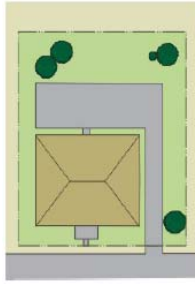
An industrialized building system which is designed to be used as a residence which is not a manufactured or mobile home.

5. Mixed-Use Building

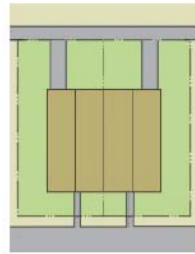
A building containing both residential dwelling units and nonresidential uses.

6. Multi-Family Residential Dwelling

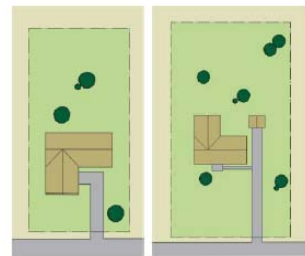
A building that contains 3 or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure may or may not be divided into separate lots. Multi-unit buildings include structures commonly referred to as “apartments” and “condominiums.”



7. **Single-Family Residential Dwelling (Attached)**
 A single dwelling unit located on its own lot that shares one or more common or adjacent walls with one or more dwelling units. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a “townhouse” or a “rowhouse.”



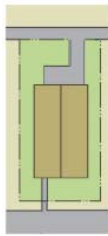
8. **Single-Family Residential Dwelling (Detached)**
 A detached house is a building containing a single dwelling unit (other than a mobile home or manufactured housing unit) that is located on its own lot and that is not attached to any other dwelling unit. Detached houses are surrounded on all sides by open yards and setback areas.



9. **Single-Family Residential Dwelling (Lot-Line)**
 A building containing a single dwelling unit (other than a mobile home or manufactured housing unit) that is located on its own lot and that is not attached to any other dwelling unit. Lot line houses are shifted to one side of lot on which they are located, in accordance with the standards of Sec. 2.03.02.



10. **Two-Family Residential Dwelling**
A single building that contains 2 dwelling units located on a single lot. The units may share common walls or common floor/ceilings.



11. **Qualified Manufactured Housing Unit**
A manufactured housing unit that meets all of the following criteria:
- a. was manufactured on or after July 15, 2002;
 - b. is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
 - c. has a width of at least 20 feet or is at least 2 stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
 - d. has at least 900 square feet of total living area;
 - e. is not located in a manufactured housing land-lease community;
 - f. complies with the compatibility standards of Section 6.21.

SECTION 2.4 PUBLIC AND CIVIC USE GROUP: The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

- A. **Colleges and Universities**
Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories, and seminaries.
- B. **Convention Center / Training Facility**

A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

C. Cultural Exhibits and Libraries

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

D. Day Care or Day Care Center

Licensed uses providing care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are types of Day Care uses:

1. Babysitting Service

A day-care facility within a residential dwelling unit that provides care to up to 3 children, in addition to any children related to the day-care provider.

2. Day Care, Type 1

A facility that is licensed by the state to care for 13 or more children or adults.

3. Day Care, Type 2

A facility that is licensed by the state to care for 7 to 12 children or adults.

4. Family Day-Care Home

A day-care facility within a residential dwelling unit that is certified by the state to provide care for 4 to 6 children or adults, in addition to any children related to the day care provider.

E. Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

F. Lodge or Private Club

An association of persons for some common objective usually jointly supported and meeting periodically.

G. Recreation and Open Space

Recreational, social, or multi-purpose uses typically associated with parks, open spaces, play fields, golf courses, country clubs, or community recreation areas.

1. High-Intensity

Areas used or designed for participant-oriented, group sports, and recreation activities, including spectator areas associated with such facilities. Typical uses include:

- a. golf courses and country clubs;
 - b. athletic fields, play grounds, and children's play apparatus areas, court games with outdoor lighting;
 - c. public and community recreation buildings, including enclosed and semi-enclosed buildings providing public assembly and activity areas, such as gymnasiums, meeting rooms, game rooms, arts and crafts, dancing and dining.
 - d. band shells and outdoor theaters; and
 - e. facilities incidental to the operation of public recreational uses, such as refreshment stands and small concessionaire shops dispensing sporting goods.
2. Low-Intensity
Areas used or designed for individual sports and recreation uses of a passive or low-intensity nature. Typical uses include:
- a. athletic fields, play grounds, and children's play apparatus areas, court games without outdoor lighting;
 - b. hiking, bicycle, and equestrian trails; greens and commons;
 - c. sitting areas;
 - d. picnic areas;
 - e. botanical gardens;
 - f. arboretums;
 - g. conservatories; and
 - h. natural wildlife or plant habitat areas.
- H. Postal Service
Consumer-oriented service facilities (e.g., mail pick-up and drop-off) operated by the U.S. Postal Service.
- I. Religious Assembly
Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.
- J. Safety Services
Public safety services that provide fire, police, or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and public and private ambulance services.
- K. Schools
Public and private schools at the primary, elementary, junior-high, or high-school level that provide state-mandated basic education.
- L. Social Service Agency
A facility operated by an organization which provides assistance to persons with limited ability for self-care, but for whom medical care is not a major element. Services may

include training, counseling, health services or the distribution of food or clothing. This term does not include a rescue mission or homeless shelter.

M. Utilities

1. Essential Services

The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

2. Major

Services and utilities that have the potential for substantial land impacts on surrounding areas. Typical uses include but are not limited to water and waste water treatment facilities, major water storage facilities, and transit stations.

SECTION 2.5 COMMERCIAL USE GROUP

A. Animal Services

1. Kennels and Shelters

Animal shelters and kennel services for dogs, cats, and small animals. Typical uses include boarding kennels, dog training centers, and animal rescue shelters.

2. Sales and Grooming

Sales and grooming of dogs, cats, and similar small animals. Typical uses include pet stores, dog bathing and clipping salons, and pet grooming shops.

3. Veterinary Hospitals

Pet clinics, dog and cat hospitals, and animal hospitals.

B. Body-Art Services

Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Commonwealth of Kentucky, which may not be performed in a body-art services establishment.

C. Building Maintenance Services

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance, and window-cleaning services. Also includes exterminator services for residential, commercial, or industrial applications.

D. Business Equipment Sales and Service

Sale, rental, or repair of office, professional, and service equipment and supplies to the firms themselves rather than to individuals. Excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, and hotel and restaurant equipment and supply firms.

E. Business Support Services

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include employment agencies, secretarial services, telephone answering services, limousine services and blueprint services. Also includes business or trade schools that do not involve any outdoor storage or manufacturing processes. Business or trades schools that do involve outdoor storage or manufacturing processes are classified as “Manufacturing and Production, General”

F. Communication Service Establishments

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as “Major Utilities and Services” and “Minor Utilities.” Typical uses include recording studios, television and radio studios, and telecommunication service centers.

G. Construction Sales and Services

Construction activities and incidental storage on lots other than construction sites. Also includes the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as “Vehicle Sales and Service” use types. Typical uses include building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

H. Eating/Drinking Establishment

Sale of prepared food and beverages for on- and off-premises consumption. Typical uses include microbreweries, restaurants and taverns.

1. Microbrewery

Establishments engaged in on-site brewing of beer and sales of beer by the glass for on-premise consumption.

2. Restaurant

Establishments primarily engaged in the retail sale of prepared food for consumption on or off the premises. Establishments that serve beer, ale, wine, or liquor in addition to prepared food will be classified as “restaurants” only if the kitchen is equipped with a range hood and exhaust with a fire suppression system meeting the minimum requirements of the Kentucky Building Code; otherwise, such establishments will be classified as “taverns.” Restaurants shall include the following:

- a. Carry-out - A restaurant primarily designed for consumption of food off the premises. Incidental indoor seating for consumption of food on the premises may be provided.
 - b. Drive-in - A restaurant where consumption of food is encouraged in a vehicle on the premises, where food is provided by "car-hop" or self-service, with or without incidental sit-down and carry-out facilities.
 - c. Sit-Down - A restaurant which provides indoor seating arrangements designed primarily for consumption of food on the premises, with or without incidental carry-out service.
 - d. Combination - A restaurant which provides any combination of sit-down, carry-out, drive-in, or drive-thru services.
 - e. Dining Room/Cafeteria and/or Supper Club - A restaurant which provides indoor sit-down seating arrangements as the principal use of the establishment.
3. Tavern
Establishments primarily engaged in the retail sale of alcoholic drinks such as beer, ale, wine, and liquor for consumption on the premises. Such establishments may or may not sell or serve food.
- I. Entertainment
Provision of cultural, entertainment, athletic, and other events to spectators. The following are spectator sports and entertainment use types:
1. Small
Entertainment and spectator sports establishments conducted within an enclosed building with a capacity of no more than 149 persons. Typical uses include theaters and meeting or banquet halls.
 2. Medium
Entertainment and spectator sports establishments conducted within an enclosed building with a capacity of more than 149 and fewer than 1,000 persons. Typical uses include theaters and meeting or banquet halls.
 3. Large
Entertainment and spectator sports establishments with a capacity of 1,000 persons or more. Typical uses include theaters, arenas, stadiums, and meeting or banquet halls.
 4. Bingo Hall
A facility used exclusively or primarily for conducting bingo and other similar games that are open to the public.
- J. Financial Services
Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, and the following specific-use types:

1. **Currency Exchange (Check Cashing Facility)**
A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. “Check cashing facility” does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. “Check cashing facility” also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for minimum flat fee not exceeding 2 dollars as a service that is incidental to its main purpose or business. The term “currency exchange” expressly includes businesses known as “check cashing” facilities.
 2. **Pawn Shop**
An establishment or person (pawnbroker) engaged in the business of receiving property in pledge or as security for money or other things advanced to the pawner or pledger.
 3. **Payday Loan**
An establishment that engages in the business of offering payday loans. A “payday loan” is a loan transaction where a post-dated check or other check that the parties agree will be held for a period of time before presentment for payment or deposit is accepted as collateral for the loan.
 4. **Tax Preparation Service**
An establishment that provides income tax preparation assistance as the exclusive or primary function of business.
- K. **Food and Beverage Sales, Retail**
Retail sale of food and beverages for home preparation and consumption. Typical uses include groceries, liquor stores, and wine stores.
- L. **Fortune Telling Service**
An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person’s character or future from the lines on the palms of hands).
- M. **Funeral and Internment Services**
Provision of services involving the care, preparation, or disposition of human dead. The following are funeral and interment services use types:
1. **Cemetery/Mausoleum/Columbarium**
Land or facilities used for burial of the dead.
 2. **Cremating**
Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

3. Undertaking
Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.
- N. Gasoline Stations
Retail sales to the public of fuels, oils, and accessories for motor vehicles, where repair service and automobile washing is incidental, where no storage or parking space is offered for rent, and where no motor vehicles or boats are offered for sale or rent.
- O. Greenhouse/Nursery
An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.
- P. Lodging
Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging use types:
1. Bed and Breakfast
A detached house in which the owner offers overnight accommodations and meal service to guests for compensation.
 2. Boarding House
A residential building, other than a hotel, motel, or tourist cabin where lodging and meals for persons are served for compensation, and by prearrangement for definite periods.
 3. Hotel/Motel
An establishment, other than a detached house, in which shortterm lodging is offered for compensation and which may or may not include the service of one or more meals to guests. Typical uses include hotels, motels, and transient boarding houses.
- Q. Medical Service
Personal health services, including prevention, diagnosis, and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations, and health centers. Excludes use types more specifically classified, such as hospitals.
- R. Office
Professional, governmental, executive, management, research or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices, technology businesses, research facilities and architectural firms.

- S. **Personal Improvement Service**
Informational, instructional, personal improvement, and similar services of a nonprofessional nature. Typical uses include barber shops, beauty shops, health clubs, yoga or dance studios, driving schools, and martial arts studios. A massage establishment operated by a licensed massage therapist is also included within the “personal improvement service” use category.
- T. **Residential Storage Warehouse**
Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange, and maintain stored materials.
- U. **Retail Sales and Service**
Businesses involved in the sale, lease, or rent of new or used products or merchandise to the general public. Typical uses include drug stores, grocery stores, department stores, and apparel stores.
1. **Antique Shop**
Any premises used for the sale or trading of articles of which 80 percent or more are more than 50 years old or have collectible value. “Antique shop” does not include “secondhand store.”
 2. **Flea Market**
An occasional or periodic market usually held in an open area, but which may be held indoors, where individual stalls or spaces are provided on a short-term basis for vendors to display, buy, sell, exchange, or deal in new or used goods. Typically, no long-term leases are held between the sellers and flea market operators.
 3. **Furniture Rental, Consumer**
Rental of household furniture to consumers. Typical uses include rent-to-own stores. Office furniture rental to businesses is classified as a “business support service.”
 4. **Secondhand Store**
Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, and sports/recreational equipment. The term secondhand store expressly includes businesses otherwise known as “thrift shops” and “consignment stores.” “Secondhand store” does not include “antique shop.”
- V. **Vehicle Sales and Service**
Sales of motor vehicles or services related to motor vehicles.

1. **Auto Supply/Accessory Sales**
Businesses involved in the sale, lease, or rental of new or used automobile supplies or accessories to the general public. Typical uses include auto parts stores.
2. **Car Wash**
A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam-cleaning device, or other mechanical device—or it may provide space, water, and equipment for hand washing, cleaning, or detailing of automobiles, whether by the customer or the operator.
3. **New Vehicle/Equipment Sales, Light**
Sales of new autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motorhomes, and boats, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies, and recreational vehicle sales and rental agencies. Car rental agencies are included in this category as are vehicle dealerships that include the sale of used vehicles as an accessory use to the sale of new vehicles. Facilities that exclusively deal in the sales of previously owned or used vehicles are classified in the “used vehicle/light equipment sales, light” category.
4. **Used Vehicle/Equipment Sales, Light**
Sales of previously owned or used autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motorhomes, and boats, together with incidental maintenance.
5. **Vehicle/Equipment Sales, Heavy**
Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers, farm equipment and tractor trailer sales.
6. **Vehicle Repair**
An establishment primarily engaged in maintenance, repair, servicing, or painting of motor vehicles.
 - a. **Minor Vehicle Servicing**
A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services.
 - b. **Minor Vehicle Repair**
A vehicle repair establishment that provides replacement of any passenger vehicle part or repair of any passenger vehicle part that does not involve

body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

c. Major Vehicle Repair

Any vehicle repair activity other than “minor vehicle servicing” or “minor vehicle repair.” Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

SECTION 2.6 INDUSTRIAL USE GROUP

A. Junk/Salvage Yard

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk or salvage yard” includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. A “junk yard” does not include “recycling facilities.”

B. Manufacturing, Production, and Industrial Service

1. General

- a. Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- b. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as “Consumer Repair Services.”

2. Intensive

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic, and synthetic resins and radioactive materials. This group also includes smelting, animal slaughtering, and oil refining.

3. Limited

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

C. Mining/Excavation

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel, or other aggregate materials; mining; and oil and gas drilling.

D. Recycling Facilities

Any building or portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused, or reconstituted products.

1. Recycling Facility, Class I

A recycling facility where recyclable materials are temporarily stored or collected or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans, and glass items are considered an accessory use and may be allowed in any zone.)

2. Recycling Facility, Class II

A recycling facility that in addition to any activity permitted in a Class I Recycling Facility, engages in processing of recyclable materials such as cleaning, bundling, compacting, or packing of recyclable materials.

3. Recycling Facility, Class III

A recycling facility that, in addition to any activity permitted in a Class II Recycling Facility, performs composting.

E. Warehouse and Freight Movement

Storage and distribution of materials and equipment. Typical uses include storage warehouses and moving and storage firms

F. Waste-Related Service

Includes all of the following:

1. Reprocessable Construction/Demolition Material Facility

A site used for purposes of receiving, storing, reprocessing, and transport of Reprocessable construction/demolition material. Such facility may not include any operation used for hot mixed asphalt processing.

2. Resource Recovery Facilities

A facility that uses non-hazardous solid waste as fuel in a process specifically designed for the purpose of waste disposal or volume reduction and that produces thermal energy or electricity as a by-product.

3. Sanitary Landfills

A facility that uses planned methods of disposing of solid waste by utilizing principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

4. Transfer Stations

A facility for the transfer and packing of solid waste from smaller collecting vehicles to larger transport vehicles.

SECTION 2.7 OTHER USE GROUP

A. Marine-Related Use

Uses, facilities, and activities that can only be conducted in or abutting water. Examples include temporary passenger watercraft loading, boat-docking facilities and barge-docking and -loading facilities.

B. Parking, Non-accessory

Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Non-accessory Parking use.

C. Agriculture

Pursuant to KRS 100.111 "agriculture" means:

1. 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.
2. Regardless of the size of the tract of land used, this use also includes small wineries licensed under KRS 243.155 and farm wineries licensed under the provisions of KRS 243.156.
3. A tract of at least five contiguous acres used for the following activities involving horses:
 - a. riding lessons;

- b. rides;
 - c. training;
 - d. projects for educational purposes;
 - e. boarding and related care; or
 - f. shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or fewer participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants is subject to local zoning regulations.
4. Any tract of land used for the following activities involving horses, provided that this paragraph only applies to acreage that was being used for these activities before July 13, 2004:
- a. riding lessons;
 - b. rides;
 - c. training;
 - d. projects for educational purposes;
 - e. boarding and related care; or
 - f. shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving 70 or fewer participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than 70 participants is subject to applicable zoning regulations.

SECTION 2.8 GENERAL TERMINOLOGY

ABANDONMENT: To stop the use of property intentionally. When the use of a property has ceased and the property has been vacant for more than 12 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use.

ACCESS POINT: The point at which the centerline of an alley, driveway, street or other vehicular connection intersects another street system.

ACCESSORY STRUCTURE OR USE, CUSTOMARY: A customary accessory structure or use is one which:

1. is subordinate to and serves the principal structure or principal use;
2. is subordinate in area, extent, or purpose to the principal structure or principal use served;
3. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and

4. is located on the same lot as the principal structure 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 structure or use served.

ACRE, GROSS: The acreage within the perimeter of a lot or building site, plus one-half the right-of-way of all adjoining streets and alleys.

ACRE, NET: The total area of a lot or building site, exclusive of streets, expressed in acres.

ACTIVE ADULT COMMUNITY: A community or living facility designed specifically for the interests of persons age fifty-five (55) years of age and older, which typically contains recreational amenities and support services for older adults who are healthy, active, and capable of completely independent living.

ADDICTION TREATMENT FACILITY: See Section 2.3., A., 1.

ADDITION: any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load - bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load - bearing walls is new construction.

AGRICULTURE: See Section 2.7., D.

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 afford a secondary means of access to abutting property.

ANIMAL SERVICES, KENNELS AND SHELTERS: See Section 2.5., A., 1.

ANIMAL SERVICES, SALES AND GROOMING: See Section 2.5., A., 2

ANIMAL SERVICES, VETERINARY HOSPITALS: See Section 2.5., A., 3.

ANTIQUÉ SHOP: See Section 2.5., U., 1

AREA OF SHALLOW FLOODING: A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

ART: Work, objects, or thought that displays form, beauty or unusual perception, including painting, drawing, sculpture, pottery, jewelry, literature, music, drama or dance.

AUTO SUPPLY/ACCESSORY SALES: See Section 2.5., W., 1.

AUTOMOBILE, MANUFACTURED HOME, TRUCK, AND TRAILER SALES AREAS: Any area used for the display, sale, or rental of new or used automobiles, manufactured homes, trucks, or trailers, and where only minor incidental repair of such automobiles or trailers may take place.

BABYSITTING SERVICE: See Section 2.4., D., 1.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeding in any given year.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BATHHOUSE: A freestanding structure which is primarily designed, intended, and used as a dressing room in conjunction with the use of a private swimming pool.

BED AND BREAKFAST: See Section 2.5., P., 1.

BEST MANAGEMENT PRACTICES: Conservation practices or management measures which control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment and runoff.

BILLBOARD: a sign, having an area greater than twenty-five (25) square feet, and which meets any one or more of the following criteria:

1. a permanent structure sign which is used for the display of offsite commercial messages;
2. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
3. an outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration.

BLOCK: An area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries.

BLOCK FACE: All lots fronting on one side of a street between the nearest two intersecting streets.

BOARDING HOUSE: See Section 2.5., P., 2.

BOARD OF ADJUSTMENT: Board of Adjustment of the legislative body, pursuant to KRS Chapter 100.

BODY ART SERVICES: See Section 2.5., B.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUFFER AREA: A landscaped area of land intended to separate two (2) or more uses or structures which are incompatible with each other, due to design, function, use, or operation.

BUILDING: Any structure built for support, shelter, or enclosure for any occupancy or storage.

BUILDING, ALTERATION OF: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building, any movement of a building from one location to another, or any change of occupancy of a building.

BUILDING AREA: That portion of a lot or building site that can be legally occupied by the ground floor of the principal structure or use and all permitted accessory structures or 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 as a principal structure.

BUILDING, ELEVATED: A non - basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts or piers), shear walls, or breakaway walls.

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 surface of a flat roof; to the deck line of a mansard roof; or to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING INSPECTOR: The official or officials appointed by the legislative body to administer and enforce the applicable building codes.

BUILDING MAINTENANCE SERVICES: See Section 2.5., C.

BUILDING PERMIT: An official document issued by the authority having jurisdiction, which authorizes performance of a specified activity.

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

BUILDING SITE: One contiguous piece of land that meets all of the provisions of the legislative body's ordinances, regulations, and codes for construction of a building on said site.

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

BUSINESS EQUIPMENT SALES AND SERVICE: See Section 2.5., D.

BUSINESS SUPPORT SERVICES: See Section 2.5., E.

BY-RIGHT: A use permitted or allowed in the district involved, with no public hearing required, and complies with the provisions of the zoning regulations and other applicable ordinances and regulations.

CALIPER: Diameter of a tree at breast height as determined by a wooden or metal device consisting of an arm and two prongs, one of which is free to slide along a graduated scale on the arm. The prongs are placed against opposite sides of a tree to read its diameter on the scale.

CAMPING/VACATION MOBILE UNIT: Any coach, cabin, house trailer, house car or other vehicle or structure intended for, designed for, and used for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle.

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

CARPORT: See GARAGE, PRIVATE.

CAR WASH: See Section 2.5., W., 2.

CERTIFICATE OF OCCUPANCY: A certificate which shall be obtained prior to occupancy of any premises.

CHANGEABLE COPY SIGN, AUTOMATIC: “Automatic changeable copy sign” means a type of sign on which the copy changes automatically through the use of electronic or electro-mechanical technology. All changeable copy shall be included within the allotted face of sign square footage.

CHANGEABLE COPY SIGN, MANUAL: “Manual changeable copy sign” means any sign on which copy for all or a portion of the sign can be changed by a human being removing or

rearranging letters, symbols or numerals. All changeable copy shall be included within the allotted face of sign square footage.

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.

CLUB: A building, or portion thereof, used by an association of persons for some common objective, usually jointly supported and meeting periodically.

COLLEGES AND UNIVERSITIES: See Section 2.4., A.

CONSERVATION SUBDIVISION: A development in which attached and/or detached single-family residential dwellings are clustered together in order to preserve open space, natural resources, or other natural characteristics of the site. Conservation subdivisions are subject to the regulations contained within Section 11.3 of this ordinance.

COMMERCIAL MESSAGE: Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

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

COMMUNICATION SERVICE ESTABLISHMENTS: See Section 2.5., F.

COMMUNITY SPACE: A gathering space with outdoor amenities or landscaped areas around transit stops.

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

COMPLEX (COMMERCIAL): Multiple sites that do not meet the definition of "Center, integrated) but that meet all of the following criteria: the sites are cumulatively contiguous; the sites form a defined geographic area, typically extending to public streets, highways, waterways or other natural or human-built geographic boundaries; the owners or agents for the owners of the sites have common interests in promoting business and other activity in the defined geographic area.

COMPREHENSIVE PLAN: A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. It shall contain, as a minimum, the following elements:

1. A statement of goals and objectives, principles, policies, and standards;
2. A land use plan element;
3. A transportation plan element;

4. A community facilities plan element;
5. May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, regional impact, historic preservation, and others.

CONCEALED LIGHTING: An artificial light source intended to illuminate the face of a sign, shielded from public view and surrounding properties.

CONVENTION CENTER/TRAINING FACILITY: See Section 2.4., B.

CULTURAL EXHIBITS AND LIBRARIES: See Section 2.4., C.

CURB CUT: Any interruption, or break in the line of a street curb intended 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.

CURRENCY EXCHANGE (Check Cashing Facility): See Section 2.5., J. 1.

DAY CARE OR DAY CARE CENTER: See Section 2.5., D.

DAY CARE, TYPE 1: See Section 2.4., D., 2.

DAY CARE, TYPE 2: See Section 2.4., D., 3.

DECIBEL: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DENSITY: The number of dwelling units per net acre of land.

DEVELOPMENT: Any man - made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

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, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

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

DOMESTIC ANIMALS: Animals that are customarily kept for personal use or enjoyment within a residence. Domestic animals shall include, but not be limited to, dogs, cats, birds, fish, and similar animals.

DORMITORY: A building, or portion thereof, providing residence for individuals or groups as an associated use to a college, university, boarding school, orphanage, convent, or other similar use.

DRIVE-IN FACILITY: A facility which, by its design (e.g., window, counter, microphone/speaker, etc.), allows people to receive goods and/or services while remaining in or on their vehicle, for consumption/use on the premises.

DRIVE-THRU FACILITY: A facility which, by its design (e.g., window, counter, microphone/speaker, etc.) allows people to receive goods and/or services while remaining in their automobile, for consumption/use elsewhere than on the premises.

DRIVEWAY: A privately owned vehicular way which affords access to no more than four lots or individually owned dwelling units.

DWELLING: A building, or portion thereof, which is intended for, designed for, and used for residential purposes, but for the purposes of this ordinance, shall not include a hotel, motel, nursing home, tourist cabins, dormitories, or military barracks.

DWELLING, ATTACHED, SINGLE-FAMILY: See Section 2.3., B., 6.

DWELLING, DETACHED, SINGLE-FAMILY: See Section 2.3., B., 7.

DWELLING, LOT-LINE, SINGLE FAMILY: See Section 2.3., B. 8.

DWELLING, MULTI-FAMILY: See Section 2.3., B., 5.

DWELLING, TRAILER: See MANUFACTURED HOME.

DWELLING, TWO-FAMILY: See Section 2.3., B., 9.

DWELLING UNIT: A building, or portion thereof, providing complete independent living facilities, such as permanent provisions for living, eating, sleeping, cooking, and sanitation exclusively for one (1) person or one (1) family.

DWELLING UNIT, ACCESSORY: An accessory dwelling unit is a residential dwelling unit, but not a mobile home, established in conjunction with and clearly subordinate to a principal dwelling unit. An accessory dwelling is a detached dwelling unit on the same lot as a principal dwelling unit, and shall have a separate entrance and contain full independent living facilities, including provisions for cooking, eating, sanitation, and sleeping.

EASEMENT: An interest in real property, distinct from the fee ownership of the land, granting the legal right to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the fee ownership of the land, to reserve and hold an area for drainage or access purposes.

EATING/DRINKING ESTABLISHMENT: See Section 2.5., H.

ELDERLY: Persons age 62 and older, as defined in federal regulations.

ENTERTAINMENT: See Section 2.5., I.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service for the public health, safety, or general welfare.

EXISTING CONSTRUCTION: Is any structure for which the 'start of construction' commenced before the effective date of the first flood protection development control ordinance.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Flood Protection Development Controls adopted by the legislative body.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACADE: Any exterior wall of a building which is exposed to public view or any wall which is viewed by persons not within the building.

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

FAMILY DAY CARE HOME: See Section 2.4., H., 3.

FARMER'S MARKET: The seasonal selling, or offering for sale, home-grown fresh vegetables, fruit, or produce, annuals, perennials, bedding plants, or honey, at an open air market, where the vendors are generally individuals who have grown the vegetables, fruits or produce.

FENCE: A structure made of wire, wood, metal, masonry, or other material, erected to enclose or screen areas of land.

FILLING STATION: See SERVICE STATION.

FINANCIAL SERVICES: See Section 2.5., J.

FLEA MARKET: See Section 2.5., U., 2.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waterways;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been identified as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

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

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

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

FLOOR: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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.

FLOOR AREA RATIO: Determined by dividing the gross floor area of all buildings on a lot by the gross area of that lot.

FOOD AND BEVERAGE SALES, RETAIL: See Section 2.5., K.

FORTUNE TELLING SERVICE: See Section 2.5., L.

FRATERNITY OR SORORITY: A club or social activity officially associated with and recognized and/or supervised by an institution for higher education whose membership is limited exclusively to students of the said institution.

FRATERNITY/SORORITY HOUSE: A building, or portion thereof, used by a fraternity or sorority to provide living quarters for some or all members, as well as to provide study, meeting, recreational and other facilities.

FRONTAGE: All the property abutting one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable frontage. For purposes of this definition, frontage for a building wall shall be measured for the wall that is most nearly parallel to that street. In no case shall the same building wall be considered to have more than one frontage.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long - term storage, manufacture, sales, or service facilities.

FUNERAL AND INTERNMENT SERVICES: See Section 2.5., M.

FURNITURE RENTAL, CONSUMER: See Section 2.5., U., 3.

GARAGE, ATTACHED: A portion of a building, used as a private garage, that is attached by one or more common walls, to the principal use of the lot. Such structure shall be completely enclosed and have a complete roof.

GARAGE, PRIVATE: A building used for the storage of motor vehicles and clearly accessory to the principal permitted use. Said accessory private garage may contain additional rooms for family recreational purposes, or storage, without facilities for the preparation of food (i.e., kitchen). This definition shall not include a public garage.

GASOLINE PUMP: A single gasoline dispensing unit designed and intended to serve no more than two motor vehicles simultaneously.

GASOLINE STATIONS: See Section 2.5., N.

GREENHOUSE/NURSERY: See Section 2.5., O.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

HOLIDAY DECORATIONS: Decorative elements of a temporary nature intended for the acknowledgement of a holiday or holiday season, exclusive of decorations, which contain business, product sales, or service advertising content. Holiday decorations shall not be considered “signs.”

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

HOMELIKE: For purposes of this ordinance, and in application of KRS 100.982 to KRS 100.984, this term shall consist of a living arrangement shared by members of a family.

HOSPITAL: See Section 2.4., E.

HOSPITAL (ANIMAL): See VETERINARY HOSPITALS.

HOTEL/MOTEL: See Section 2.5., P., 3.

HOUSING, SENIOR: A building, or portion thereof, containing dwelling units which are restricted to persons fifty-five (55) years or older. This use does not include developments which contain convalescent or nursing facilities.

IMPERVIOUS SURFACE: Any material that substantially reduces or prevents the infiltration of stormwater. Impervious surface includes compacted surfaces, streets, roofs, sidewalks, parking areas, and other similar structures.

IMPERVIOUS SURFACE RATIO: The amount of impervious surface, identified in square feet, divided by the lot area, identified in square feet, expressed as a percent.

INDEPENDENT LIVING FACILITIES: Housing that groups seniors for the purpose of social interaction and mutual support in a common interest community. Group facilities may be provided on premises for recreation and social interaction, but only limited support services are typically provided.

JUNK/SALVAGE YARD: See Section 2.6., A.

KENNELS AND SHELTERS: See Section 2.5., A., 1.

LABORATORY, MEDICAL OR DENTAL: A building, or a portion thereof, used for providing bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists.

LARGE RETAIL ESTABLISHMENT: An establishment whose principal building's square footage is equal to or greater than 60,000 as a single retail establishment.

LAUNDROMAT: A building, or portion thereof, used by a business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEASABLE AREA, GROSS: The total floor area of a building designed and intended for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

LEGIBLE: A sign or message is "Legible" when it can be understood by a person with an eighth-grade education (or more). Where this Article requires a determination of "visibility" or "legibility," the standard shall be based on the eyesight of an adult eligible to receive a Kentucky driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.

LEGISLATIVE BODY: The (City/County) of (insert city/county name).

LIVESTOCK: 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.

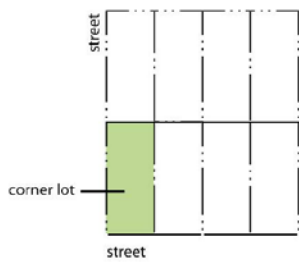
LODGE OR PRIVATE CLUB: See Section 2.4., F.

LODGING: See Section 2.5., P.

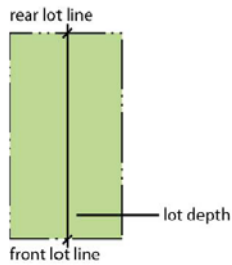
LOT: A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or group of buildings, as permitted herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this ordinance.

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.

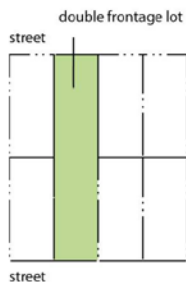
LOT, CORNER: A lot situated at the intersection of two (2) streets or on a curved street in which the interior angle of such intersection or curved streets does not exceed one hundred thirty-five (135) degrees.



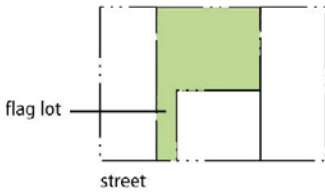
LOT, DEPTH OF: The distance measured in the mean direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot line.



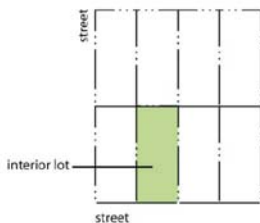
LOT, DOUBLE FRONTAGE: A lot, other than a corner lot, that has frontage on more than one (1) street.



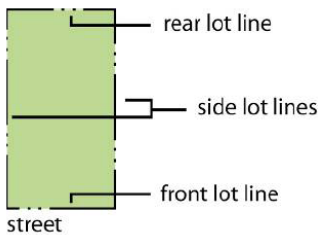
LOT, FLAG: Any lot which does not contain the minimum lot width at the front yard setback line.



LOT, INTERIOR: A lot, other than a corner lot, with only one (1) frontage on a deeded 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 that street right-of-way line toward which the principal or usual entrance to the principal building faces. In the case of a flag lot, the interior line most parallel to and nearest the street right-of-way line.

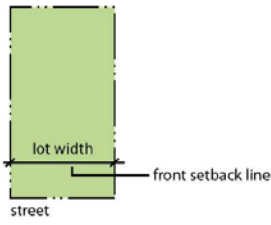


LOT LINE, REAR: The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of a triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary line of a lot, other than a front lot line or rear lot line.

LOT OF RECORD: A designated fractional part or subdivision of a block, according to a specific recorded plat or survey, the map of which has been officially accepted and recorded in the office of the appropriate county clerk, Commonwealth of Kentucky.

LOT WIDTH: The horizontal distance of a lot, as measured between the side lot lines along the building front setback line.



LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section of the ordinance.

MANUFACTURED HOME: See Section 2.3., B., 1.

MANUFACTURED HOME (FLOOD PLAIN REGULATIONS): A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING, PRODUCTION AND INDUSTRIAL SERVICE: See Section 2.6., B.

MARINE-RELATED SERVICE: See Section 2.7., A.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purpose of this section of the ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

MEDICAL SERVICE: See Section 2.5., Q.

MICROBREWERY: See Section 2.5., H., 1.

MINING/EXCAVATION: See Section 2.6., C.

MIXED USE BUILDING: See Section 2.3., B., 4.

MOBILE HOME: See Section 2.3., B. 2.

MOBILE HOME PARK: See Section 2.3., B., 3.

MODULAR HOUSING: Housing which is manufactured off-site, often mass-produced, and designed so that sections are interchangeable. For purposes of this ordinance, this definition shall not include manufactured homes.

MOTOR VEHICLE: See VEHICLE.

N/A: Where used in the sign regulations, the particular requirement is “not applicable.”

NATIONAL GEODETIC VERTICAL DATUM (NGVD) AS CORRECTED IN 1929: A vertical control used as a reference for establishing varying elevations within the floodplain.

NEIGHBORHOOD: A geographical area containing residences or a combination of residences and businesses, which geographical area meets all of the following criteria:

1. The area shall consist of at least 20 acres that are geographically contiguous;
2. The area shall have direct access from local streets to one or more collector and/or arterial streets;
3. The area shall not be part of another designated neighborhood for which permits for which permanent entrance signs have been issued; and
4. The area shall either have been developed as one planned complex, subdivision or center, or it shall have established its identity as a neighborhood through activities of a community association, neighborhood festivals or other continuing activities separate from the desire for an entrance sign.

NEIGHBORHOOD CONCEPT PLAN: Written and graphic materials providing guidelines for development or redevelopment of a defined area that would provide for the further detailing and implementation of the Adopted Comprehensive Plan. Such plan may include approximate delineation of such features as public ways (vehicular and pedestrian traffic flow), parking facilities, utilities, density of development, and generalized land use.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the Flood Protection Development Controls adopted by the legislative body and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Flood Protection Development Controls adopted by the legislative body.

NEW VEHICLE/EQUIPMENT SALES, LIGHT: See Section 2.5., W., 3.

NIT: A measure of luminance. One nit is equal to one candela per square meter (1cd/m²). Ten thousand nits are equal to one stilb. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is

the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an ordinary wax candle generates approximately one candela.

NKAPC: Northern Kentucky Area Planning Commission, organized pursuant to KRS Chapter 147.

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 structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the regulations contained in this ordinance, or amendments thereto, which pertain to the zone in which it is located.

NOXIOUS MATTER OR MATERIALS: Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

NURSERY: Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers.

NURSERY SCHOOL: See DAY CARE OR DAY CARE CENTER.

OCTAVE BAND: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

ODOROUS MATTER: Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

OFFICE: See Section 2.5., R.

OFFICE PARK: A development on a tract of land that contains more than one building, or other improvement dedicated to permitted, accessory or conditional uses and open space, designed, planned and constructed in a manner that permits, encourages, or necessitates interaction of the various users of the development for support.

OUTDOOR AMENITIES: Private or public improvements that encourage outdoor activities and public interaction. Outdoor amenities may include outdoor dining areas, water features, public gardens, plazas, civic greens, parklets and landscaped areas around transit stops.

PARAPET: A low protective wall along the edge of a raised structure such as a roof or balcony.

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

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

PARKING, NON-ACCESSORY: See Section 2.7., B.

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

PAWN SHOP: See Section 2.5., J. 2.

PAYDAY LOAN: See Section 2.5., J. 3.

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.

PERSONAL IMPROVEMENT SERVICE: See Section 2.5., S.

PLANNED UNIT DEVELOPMENT (PUD): A unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces, through flexible regulations which encourage creative design to preserve the natural features and foliage of the site. PUDs are subject to the regulations contained within Section 9.1 of this ordinance.

POSTAL SERVICE: See Section 2.4., H.

QUALIFIED MANUFACTURED HOME: See Section 2.3., B., 10.

RAILROAD RIGHT-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.

RECREATION AND OPEN SPACE: See Section 2.4., G.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLING FACILITIES: See Section 2.6., D.

RELIGIOUS ASSEMBLY: See Section 2.4., I.

REPROCESSABLE CONSTRUCTION/DEMOLITION MATERIAL FACILITY: See Section 2.6., F., 1.

RESEARCH AND DEVELOPMENT FACILITY: A use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software.

RESIDENTIAL CARE FACILITY: See Section 2.3., A., 2.

RESIDENTIAL STORAGE WAREHOUSE: See Section 2.5., T.

RESOURCE RECOVERY FACILITY: See Section 2.6., F., 2.

RETAIL SALES AND SERVICE: See Section 2.5., I., 2

RETAIL ESTABLISHMENT, LARGE: These establishments are defined as those whose principal building's square footage is equal to or greater than 60,000 as a single retail establishment.

RETIREMENT COMMUNITY: A residential neighborhood designed specifically for active adults age fifty-five (55) years and older and elderly persons living independently designed specifically for their needs and equipped with the appropriate amenities and located within reasonable proximity to public transportation services. Retirement communities are subject to the regulations contained within Section 11.2 of this ordinance.

RIPARIAN BUFFER: A vegetated area that includes trees, shrubs and herbaceous vegetation and exists or is established to protect a stream system.

ROOFTOP PARAPET: A low protective wall along the edge of a raised structure such as a roof or balcony. [Insert graphic]

SAFETY SERVICES: See Section 2.4., J.

SALES AND GROOMING (ANIMAL): See Section 2.5., A., 2.

SANITARY LANDFILLS: See Section 2.6., F., 3.

SCHOOLS: See Section 2.4., K.

SECONDHAND STORE: See Section 2.5., U., 4.

SENIOR: Persons age fifty-five (55) and older.

SENIOR HOUSING: A variety of housing types designed specifically to meet the varied needs of persons age fifty-five (55) and older. Such housing may include, active adult facilities and independent living facilities.

SEPARATE (LIGHTING OR ILLUMINATION): A prohibition on separate illumination for a sign does not prohibit indirect, incidental illumination that spills over from a light serving another lawful purpose.

SERVICE FACILITIES, PUBLIC UTILITIES: 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, garage space and warehouse space when such place is incidental to a service facility.

SERVICE STATION: See GASOLINE STATIONS

SEWER, ON SITE: A septic tank or similar installation on an individual lot that uses an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage. Subject to the approval of the Northern Kentucky Independent Health District.

SIGN: Any device, fixture, placard or structure, including its component parts, which by display of a visual image draws attention to an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any public street, road, highway, right-of-way or parking area.

SIGN, ANIMATED: a sign which uses movement or change of lighting to simulate action or motion.

SIGN, AWNING, CANOPY, OR MARQUEE: Any sign which is painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

SIGN, DETACHED: Any sign erected on a freestanding frame, foundation, mast or pole and not attached in any way to any building. Every face of a freestanding sign shall be considered as a separate sign for purposes of computing the sign area.

SIGN, DIRECTORY: Any sign providing way-finding information by identifying occupants of specific buildings or units within a building and, where necessary, providing directions for finding such building or unit

SIGN, PORTABLE: Any sign that is not permanently affixed to a building, other unmovable structure, or the ground.

SIGN, PRINCIPAL: The main freestanding sign on a site. The term is used to distinguish such a sign from other freestanding signs that may be allowed on multi-tenant or large sites.

SIGN, TEMPORARY: A sign which is not permanently affixed. This definition is intended to include all devices such as banners, pennants, flags, searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

SIGN, WINDOW: A sign affixed to or installed inside a window and clearly legible to persons outside the building. Note that signs that are installed behind windows but that are legible from other private property or from driving lanes of adjacent streets will be subject to limitations on window signs but will also be regulated as wall signs.

SITE: One or more lots or parcels of land that, for purposes of the Zoning Ordinance, are used as a single unit. As an example, but not by way of limitation, a site may include more than one "lot" as shown on a subdivision plat, but, for zoning purposes, the permissible use, setbacks and yard requirements are determined for the larger "site" and not for the individual "lots."

SOCIAL SERVICE AGENCY: See Section 2.4., L.

SOUND LEVEL METER: An instrument standardized by the American Standards Association for measurement of intensity of sound.

SPOT ZONING: A change in district boundaries, variances, and other amendments to the zoning code and use and area maps that violate sound principles of zoning and are characterized by the following: (a) individuals seek to have property rezoned for their private use; (b) usually the amount of land involved is small and limited to one or two ownerships. (c) The proposed rezoning would give privileges not generally extended to property similarly located in the area. (d) Applications usually show little or no evidence of, or interest in, consideration of the general welfare of the public, the effect on surrounding property (including adequate buffers, whether all uses permitted in the classification sought are appropriate in the locations proposed, or conformity to the comprehensive plan or to comprehensive planning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic).

STABLE: A building in which horses are sheltered, may be accessory to a residential or other use or a freestanding principal use.

START OF CONSTRUCTION (FOR OTHER THAN NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS UNDER THE COASTAL BARRIER RESOURCES ACT (P. L. 97-348): Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond

the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall not be counted as a story.

STORY, HALF: A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

STREAM, INTERMITTENT: A body of water flowing in a natural or man-made channel that contains water only part of the year, depicted as a dotted blue line on a USGS topographic map.

STREAM, PERENNIAL: A body of water flowing in a natural or man-made channel year-round except during periods of drought, depicted as a solid blue line on a USGS topographic map.

STREET, PRIVATE: A paved private thoroughfare which affords access to abutting property for 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 thoroughfare, constructed, or intended to be 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, which includes sidewalks.

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

STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute traffic, primarily from local to arterial streets, as identified in the adopted comprehensive plan.

STREET, EXPRESSWAY: A divided arterial street with full or partial control of access, and generally with grade separations at major intersections.

STREET, FREEWAY: A divided multi-lane street for through traffic with all crossroads separated in grades and with full control of access.

STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD): A street adjacent to a freeway, expressway, or arterial, separated therefrom by a dividing strip and providing access to abutting properties.

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

STRUCTURAL ALTERATION (SIGNS): As it applies to signs, any change in supporting members of a building or structure, such as foundation, bearing walls, columns, beams or girders. For a sign, any change in or replacement of supporting members of a sign structure, such as foundation, columns, beams or girders shall be considered a structural alteration.

STRUCTURE: Anything constructed or 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.

STRUCTURE (FLOOD PLAIN): A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

STRUCTURE, PRINCIPAL: The structure on a lot used to accommodate the primary use to which the premise is devoted.

SUBDIVISION: The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural 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 ordinance.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Where the repair, reconstruction, rehabilitation or improvement of streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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; any depression or excavation in any natural or constructed material; any dike or berm of any material or type of construction; including all appurtenance 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.

Swimming pools shall be deemed to consist of the following classes:

1. **Commercial:** a swimming pool operated for profit, open to the public upon payment of a fee.
2. **Private:** when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.
3. **Public:** a swimming pool operated by a unit of government for the general public.
4. **Semi-public:** when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.

TAVERN: See Section 2.5., H., 3.

TAX PREPARATION SERVICE: See Section 2.5., J., 4.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND): Drawn from planning and design movements such as Smart Growth and New Urbanism which are intended to support and promote development at a human scale with livable streets, neighborhoods and communities. Characteristics of TND include the following:

1. Compact urban form with integrated land uses (i.e. employment, shopping, and residential).
2. Building entries that front directly onto the street without parking between entries and the public right-of-way.

3. Architectural and urban design detail of buildings and landscapes with size and design appreciated by persons who are traveling slowly and observing from the street level.
4. Interconnected networks of streets and blocks designed to encourage walking, reduce the number and length of automobile trips, and conserve energy.
5. Thoroughfares and other public spaces that contribute to “placemaking” – the creation of unique locations that are compact, mixed-use and pedestrian and transit oriented and have a strong civic character with lasting economic value.
6. Public gathering places that reinforce community identity.
7. Preservation and renewal of historic buildings, districts, and landscapes affirm the continuity and evolution of urban society.

TRANSFER STATIONS: See Section 2.6., F., 4.

TREE CANOPY: The proportion of area on the ground or water covered by the spread of the outermost perimeter of foliage and commonly expressed as a percentage of the total ground area of the site

TREE PROTECTION THRESHOLD: The percentage of the total area of a development which must remain as tree canopy.

USE: An interest in real estate which is circumscribed in this ordinance.

USE, CONDITIONAL: 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.

USE, CONFORMING: Any lawful use of a building, structure, lot, sign, or fence, which complies with the provisions of this ordinance.

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

USE PERMIT, CONDITIONAL: Legal authorization to undertake a conditional use, issued by the zoning administrator, pursuant to authorization by the board of adjustments, consisting of two parts:

1. A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
2. A statement of the specific conditions which must be met in order for the use to be permitted.

USED VEHICLE/EQUIPMENT SALES, LIGHT: See Section 2.5., W., 4.

UTILITIES: See Section 2.4., M.

VARIANCE: A departure from dimensional terms of this ordinance pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

VEHICLE: Any device meeting the definition of “motor vehicle” under KRS 186.010.

VEHICLE/EQUIPMENT SALES, HEAVY: See Section 2.5., W., 5.

VEHICLE, SALES AND SERVICE: See Section 2.5., W.

VEHICLE REPAIR: See Section 2.5., W., 6.

VEHICLE WEIGHT, GROSS: The actual weight of any vehicle and the heaviest load that the vehicles is designed and intended to carry.

VEHICULAR USE AREA: Any area of the lot not located within an enclosed or partially enclosed structure and that is devoted to a use by or for motor vehicles, including parking (accessory or non-accessory); storage of automobiles, trucks, or other vehicles; gasoline stations; car washes; motor vehicle repair shops; loading areas; service areas and drives; and access drives and driveways.

VETERINARY HOSPITALS: See Section 2.5., A., 3.

WALL LINE OF HOUSE: The main structural exterior wall excluding functional or decorative protrusions, such as unenclosed porches, chimneys, steps, bay windows, condensing units, etc.

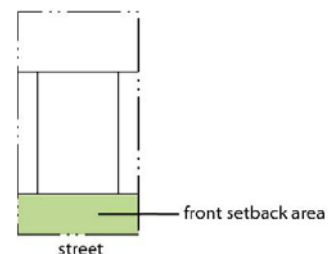
WAREHOUSE AND FREIGHT MOVEMENT: See Section 2.6., E.

WASTE RELATED SERVICE: See Section 2.6., F.

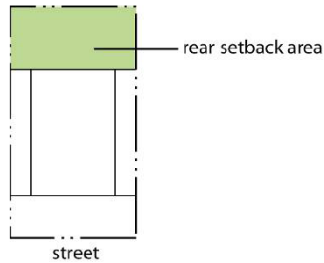
WEEDS: The existence of thistles, burdock, Jimson weed, ragweeds, milkweeds, poison ivy, iron weeds, and all other noxious weeds and rank vegetation of whatsoever kind of nature, on improved or unimproved real estate, occupied lots or vacant lots, to accumulate in piles, bundles, or heaps, or to grow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

YARD AREA, MINIMUM:

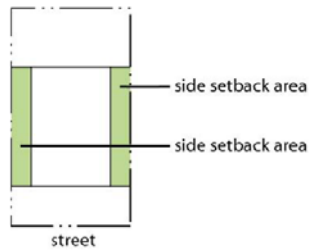
1. **Front:** An area extending the full width of the lot and measured between a line parallel to the street right-of-way line intersecting the foremost point of any building excluding steps and unenclosed porches and the front lot line, as defined herein.



2. **Rear:** An area extending 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.



3. **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.



YOUTH SHELTER: See Section 2.3., A., 3.

ZONE: An established area within the legislative body for which the provisions of this ordinance are applicable. (Synonymous with the word "DISTRICT".)

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