

ARTICLE VII

DEFINITIONS

SECTION 7.0 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.

ACCESS POINT: An access point is:

- a. A driveway, a local street, or collector street intersecting an arterial street;
- b. A driveway or local street intersecting a collector street; or
- c. A driveway or a local street intersecting a local street.

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

- a. is subordinate to and serves the principal structure or principal use;
- b. is subordinate in area, extent, or purpose to the principal structure or principal use served;
- c. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
- d. is located on the same zoning 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, NET: The total area of a lot or building site, exclusive of streets, expressed in acres.

AGRICULTURAL USE: 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 above agricultural use

on the tract, but not including residential building development for sale or lease to the public.

AIR RIGHTS: The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question) which is reasonably necessary or legally required for the full and free use of the ground surface.

ALLEY: Public rights-of-way which normally afford a secondary means of access to abutting property.

AMERICAN ASSOCIATION OF NURSEYMEN, INC. (STANDARDS): The Association's Horticultural Standards Committee maintains and revises horticultural standards (see American Standards for Nursery Stock) to comply with the standards procedures of the American National Standards Institute.

AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1 - 1990): An American National Standard implies a consensus of those substantially concerned with its scope and provisions. An American National Standard is intended as a guide to aid the manufacturer, the consumer, and the general public.

APARTMENT: A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

APARTMENT HOUSE: See DWELLINGS, MULTIPLE.

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 no repair work is done except for minor incidental repair may take place.

AUTOMOTIVE PARTS AND ACCESSORIES STORE: A building, or portion thereof, used by an establishment engaged in the retail sale of automobile parts, accessories, or fluids. Such use shall not include the installation, removal, or replacement of such parts, accessories, or fluids which are sold by the establishment.

BASAL AREA: The total cross sectional area of a tree trunk measured at Diameter at Breast Height (DBH).

BASEMENT: That portion of a building between floor and ceiling, which is so located that the vertical distance from the average level of the adjoining grade to the floor below is greater than the vertical distance from the average level of the adjoining grade to the ceiling.

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

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: A structure, enclosed within exterior walls or firewalls for the shelter, housing, support, or enclosure of persons, animals, or property of any kind.

BUILDING, ALTERATION OF: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, 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, 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 city to administer and enforce the applicable building code.

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 PERMIT: A permit issued by the city's building inspector authorizing the construction or alteration of a specific building, structure, sign, or fence.

BUILDING, PRINCIPAL: The building on a lot used to accommodate the primary use to which the premises are devoted.

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

CALIPER: The measurement of the tree trunk taken six (6) inches above the ground up to and including four (4) inch caliper size, or twelve (12) inches above the ground for larger trees.

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.

CANOPY COVER: The area that a tree or trees' canopy covers which generally corresponds to a percentage of ground surface area.

CAR WASH: A building, or portion thereof, containing facilities for washing more than two (2) motor vehicles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self-service basis shall be construed to be the same.

CARPORT: See GARAGE, PRIVATE.

CHILD CARE CENTER: A building, or portion thereof, where care, protection, and/or supervision are provided on a regular schedule, at least twice a week, to preschool age children.

CITIZEN MEMBER: Any member of the Planning Commission or Board of Adjustment who is not an elected or appointed official or employee of the city.

CITY: The city of Cold Spring, Commonwealth of Kentucky.

CLINIC, ANIMAL: A building, or portion thereof, used by veterinarian persons for the diagnosis and treatment of animals that does not include overnight care facilities or animal runs.

CLINIC, HUMAN CARE: A building, or portion thereof, used by medical persons for the diagnosis and treatment of human patients that does not include overnight care facilities.

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

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Cold Spring Planning and Zoning Commission.

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.

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:

- a. A statement of goals and objectives, principles, policies, and standards;
- b. A land use plan element;
- c. A transportation plan element;
- d. A community facilities plan element;
- e. 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.

CONDITIONAL USE: A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed within this ordinance.

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

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

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

CONGREGATE HOUSING: A facility for four (4) or more persons who are at least fifty-five (55) years of age, within which are provided living and sleeping facilities, shared meal preparation services, common dining areas, laundry services, and/or common recreational or social facilities. This use may include convalescent and nursing facilities.

CONSTRUCTION LIMITS: The area affected by the grade changes only.

CONVENIENT STORE: A building, or portion thereof, used by a retail establishment which sells convenient merchandise items. The dispensing, sale, or offering for sale, at retail, of any motor vehicle fuels or oils may be included as part of this facility.

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.

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".

DECIDUOUS TREE: Not persistent; annual shedding of leaves.

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 man made and natural conditions, and all other conditions agreed to by the applicant.

DIAMETER AT BREAST HEIGHT (DBH): The diameter, in inches, of a tree trunk, measured four and one-half (4-1/2) feet above the existing grade.

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

DISTURBED LIMITS: The site area affected by grading changes plus an additional twenty (20) foot area on the perimeter

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 which is exclusively associated with an institution for higher education.

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 or on their vehicle, for consumption/use elsewhere than on the premises.

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 cabin, dormitories, or military barracks.

DWELLING, ATTACHED, SINGLE-FAMILY: A building containing two (2) or more dwelling units, each of which has independent access to the outside of the building to ground level and which are attached to each other by party walls without openings.

DWELLING, DETACHED, SINGLE-FAMILY: A dwelling, standing by itself, and containing only one (1) dwelling unit, but shall not include manufactured homes.

DWELLING, MULTI-FAMILY: A building designed, arranged, or used for three (3) or more dwelling units.

DWELLING, TRAILER: See MANUFACTURED HOME.

DWELLING, TWO-FAMILY: A building designed, arranged, or used for two (2) dwelling units.

DWELLING UNIT: A building, or portion thereof, providing housekeeping facilities exclusively for one (1) person or one (1) family.

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.

EASEMENT, LANDSCAPING OR PLANTING: The area in which planting must be installed and the setback for buffering between land uses, zones, vehicular use areas, and public or private streets.

EATING ESTABLISHMENTS -- RESTAURANTS: An establishment selling food items, ordered from a menu and prepared on the premises, for immediate consumption, with or without drive-thru facilities. Eating Establishments -- Restaurants shall include the following:

- a. Carry-out -- A restaurant primarily designed for consumption of food off the premises. Incidental 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 facilities.
- d. Combination -- A restaurant which provides any combination of sit-down, carry-out, drive-in, or drive-thru services.

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.

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.

FARMER'S MARKET: The seasonal selling, or offering for sale, home grown fresh vegetables, fruits, 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.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters; (b) the unusual and rapid accumulation of runoff of surface waters from any source; and (c) mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

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

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 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

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

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 center line 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 center lines 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.

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 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, or to provide study, meeting, recreational and other facilities.

FREQUENCY: The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

FRONTAGE: All the property abutting on one (1) side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable for frontage.

GARAGE, PRIVATE: A building used for the storage of motor vehicles and clearly accessory to the principal permitted use.

GASOLINE PUMP: A single dispensing unit designed and intended to serve no more than two (2) motor vehicles simultaneously.

HOME IMPROVEMENT CENTER: Any building(s) or structure(s) in which items used in the repair, replacement, remodeling, or construction of buildings, homes and their component parts are warehoused and sold primarily to wholesale buyers, such as, but not limited to, electrical and plumbing fixtures; pipe, wire and their related fittings, general hardware items, tools and building supplies.

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

HOSPITAL, ANIMAL: A building, or portion thereof, used by medical persons for the diagnosis and treatment of animals generally on an inpatient basis and may have outside runs.

HOSPITAL, HUMAN CARE: A building, or portion thereof, used by medical persons for the diagnosis and treatment of human patients generally on an inpatient basis.

HOTEL: A building, or portion thereof, which is used for the temporary residence for travelers and transient guests, where entrances to the separate sleeping accommodations are from a common interior area.

HOUSE TRAILER: See MANUFACTURED HOME.

HOUSING FOR THE ELDERLY: 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.

INTERIOR LANDSCAPING: All landscaping surrounded by the perimeter landscaping, including all vehicular use landscaping.

JUNK YARD: An open area where waste materials are bought, sold, exchanged, stored, shredded, baled, packed, disassembled, etc., including, but not limited to, scrap metals, paper, rags, rubber tires, bottles, inoperative motor vehicles, etc.

KENNEL, COMMERCIAL: A structure or premises used for boarding, breeding, grooming, or training of dogs and/or cats for financial or other compensation.

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

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 center line of joint partitions and from outside wall faces.

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.

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, and shall be in one (1) zone only.

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 street 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 line 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: A lot which abuts a public street, via a narrow strip of land, at least twenty-five (25) feet in width.

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.

MANUFACTURED HOME: A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein and installed in accordance with KRS 227.570 by a Kentucky certified installer.

MASSAGE THERAPISTS: A person who has undergone at least five hundred (500) hours of professional training or study in massage therapy accredited by the American Massage Therapy Association (AMTA) or an equivalent nationally recognized accreditation body and who also meets the following additional criteria:

- a. Is eligible for or has obtained national certification in massage therapy by the NCBTMA (National Certification Board for Therapeutic Massage and Bodywork) or an equivalent nationally recognized certification body or;
- b. Has achieved a state license in Massage Therapy from any state that regulates massage therapy by a means of a written examination.

MASSAGE THERAPY CLINIC: A building, or portion thereof, occupied by an establishment owned and/or operated by a Massage Therapist.

MINIMUM FRONT YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the front lot line, as defined herein, and the front lot line.

MINIMUM REAR YARD DEPTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the rear lot line, as defined herein, and the rear lot line.

MINIMUM SIDE YARD WIDTH: The minimum distance required by this ordinance to be maintained within the lot between a line parallel to the side lot line, as defined herein, and the side lot line.

MOBILE HOME: A structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act, which is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Mobile homes must be installed in accordance with KRS 227.570 by a Kentucky certified installer.

MODULAR HOUSING: Housing 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.

MOTEL: A building, or portion thereof, which is used for the temporary abiding place for travelers and transient guests, where there is a separate exterior entrance to each sleeping accommodation.

MOTOR VEHICLE: See VEHICLE.

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: A building, or portion thereof, used for the education of preschool age children, with or without compensation.

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.

OWNER - OCCUPANT: The property owner who will occupy the residence.

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.

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

PERFORMANCE STANDARDS: Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

PERIMETER LANDSCAPING: The landscape application surrounding a land use or a vehicular use area.

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.

PHOTOCOPY ESTABLISHMENT: A building, or portion thereof, used by business facilities that are involved in the preparation and/or reproduction of material in a printed form. Such facilities are primarily intended to be limited to activities serving the general public and not intended to include industrial type printing establishments.

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.

QUALIFIED MANUFACTURED HOME: A manufactured home that meets all of the following criteria:

- A. Is manufactured on or after July 15, 2002;
- B. Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- C. Has a width of at least twenty feet (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- D. Has a minimum total living area of nine hundred (900) square feet;
- E. Is not located in a manufactured home land-lease community; and
- F. Is compatible, in terms of assessed value, with existing housing located immediately adjacent to (1) either side of the proposed site within the same block front; (2) adjacent to the rear, or (3) within a one-eighth (1/8) mile radius or less from the proposed location of the qualified manufactured home.

RAILROAD 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.

REPLACEMENT TREE: Any tree planted to meet the requirements of this ordinance, either for landscaping or tree density purposes.

RESIDENTIAL CLUSTER DEVELOPMENT (RCD): A unified land development which permits a clustering of attached and detached single-family residential dwellings, with common recreation/open spaces, through flexible regulations which encourage creative design to preserve the natural features, foliage, and other characteristics of the site.

SCHOOLS, BUSINESS: An institution or place for instruction or education, specifically in courses of bookkeeping, business administration, operation of business machines, shorthand and typing, and related courses, operated for an intended profit. For the purpose of this ordinance, business colleges shall be included in this definition.

SCHOOLS, PAROCHIAL: A facility, belonging to and maintained by a religious organization, providing a curriculum of elementary and/or secondary academic instruction.

SCHOOLS, PRIVATE: A facility, belonging to and maintained by a private organization, providing a curriculum of elementary and/or secondary academic instruction.

SCHOOLS, PUBLIC: A facility, belonging to and maintained under public authority and open to the public for their attendance, providing a curriculum of elementary and/or secondary academic instruction.

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 and warehouse space when such place is incidental to a service facility.

SERVICE STATION: Any building, or portion thereof, structure, or land, used for the dispensing, sale, or offering for sale, at retail, of any motor vehicle fuels. Service stations, in conjunction with the dispensing of motor vehicle fuels, may also dispense, sell, or offer for sale, at retail, motor vehicle oil, or accessories and in connection with which is performed general motor vehicle servicing, other than body work.

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

SIGN, ADVERTISING: Any sign which directs attention to a business, commodity, service, or entertainment facility which is conducted, sold, or offered:

- a. Elsewhere than upon the premises where such sign is located or to which it is affixed; or
- b. As a minor and incidental activity upon the premises where the sign is located.

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

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

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

SIGN, FLASHING: Any sign having an intermittent variation in the illumination of the sign.

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

SIGN, GROSS AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. Where a double faced sign is permitted herein, the maximum gross sign area shall be permitted for each sign face.

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

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

SIGN, INDIVIDUAL LETTER: Letters and/or numbers individually fashioned from metal, glass, plastic, or other materials and attached directly to the facade of a building.

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

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

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

SIGN, READER BOARD: Any sign which is permanently attached to a permitted sign structure and is designed to provide for changeable information. Such sign shall include individual changeable letters and electronically changeable message boards which have scrolling or running messages.

SIGN, WINDOW: Any sign which is placed in a window of any building, but shall not extend past the limits of said window. For the purpose of Article XIV, SIGN REGULATIONS, the word "window" shall be construed to mean any glass which comprises part of the surface of the wall regardless of its movability.

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

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 is 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.

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 general 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 leading into the collector street system.

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.

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

SUBDIVISION: The division of a parcel of land into two (2) 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.

SWIMMING POOL: 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:

- a. 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.
- b. 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.
- c. Public: a swimming pool operated by a unit of government for the general public.
- d. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

TAVERN: A building, or portion thereof, used for the primary business of selling alcoholic beverages by the drink for consumption on the premises.

TRAILER: See CAMPING/VACATION MOBILE UNIT.

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

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

UTILITIES: Any facilities for the transmission or distribution of gas, electricity, water, cable television signals, and telephone signals.

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: An automobile, truck, motor home, motorcycle, motor scooter, or similar type of equipment.

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

VEHICULAR USE AREA (VUA): Any area containing more than one thousand five hundred (1,500) square feet and/or used by two (2) or more motor vehicles for parking, loading and/or unloading, sales and/or service, or driveways.

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

YARD DEPTH, REAR: An area extending the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rearmost point of any building excluding steps and unenclosed porches and the rear lot line.

YARD WIDTH, SIDE: An area between any building and the side lot line, as defined herein, extending from the front to the rear yard, or on through lots or building sites, from one front lot line to the other front lot line.

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

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