

Article 16. Definitions

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Section 16.01 Meanings

16.01.01 Words and terms defined in this article have the specific meaning assigned, unless the context expressly indicates another meaning.

16.01.02 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 16.02 Use Groups and Categories

16.02.01 General

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 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.

16.02.02 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

As defined in KRS 100.982.

3. Youth Shelter

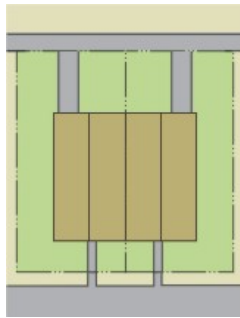
A building, facility, or residence used for the reception and temporary care of persons under the age of 18 years who, by some circumstances, are without safe and proper shelter. “Temporary care” means a maximum of 30 days’ residence. Such use may include a dwelling unit for a resident manager.

B. Household Living Category

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

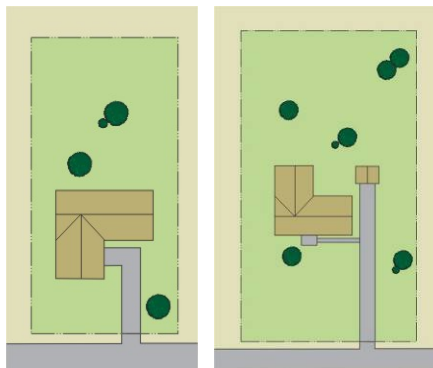
1. Attached (Single-Family) House

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.”



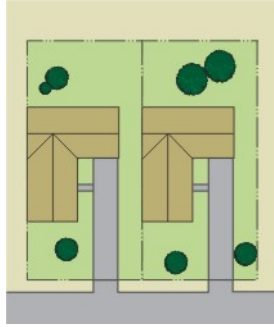
2. Detached (Single-Family) House

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.



3. Lot-Line (Single-Family) House

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 Section 2.03.02.

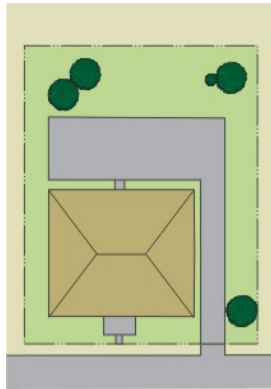


4. Mixed-Use Building

A building containing both residential dwelling units and nonresidential uses.

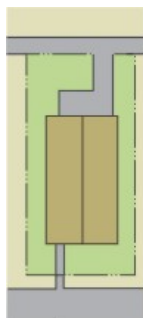
5. Multi-Unit (Multi-Family) Building

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.”



6. Two-Unit (Two-Family) Building

A single building that contains 2 dwelling units located on a single lot. The units may share common walls or common floor/ceilings.



16.02.03 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.

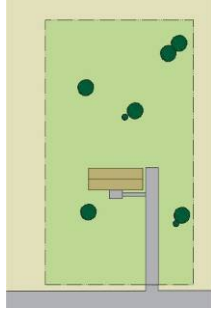
16.02.04 Mobile Home Park

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.

1. 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 6.22.



16.02.05 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. 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.

C. Day Care or Day Care Center

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. 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.

3. Day Care, Type 2

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

4. Day Care, Type 1

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

D. Hospital

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

E. Lodge or Private Club

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

F. 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.
- (i) plazas, courtyards, and pocket parks

G. Postal Service

Consumer-oriented service facilities (e.g., mail pick-up and drop-off) operated by the U.S. Postal Service.

H. Religious Assembly

Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques, and churches.

I. 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.

J. Schools

Public and private schools at the primary, elementary, junior-high, or high-school level that provide state-mandated basic education.

K. 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.

16.02.06 Commercial Use Group

A. Animal Services

1. 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.

2. Veterinary Hospitals

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

3. 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.

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, 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. Repair or Laundry Service, Consumer

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes “Automotive and Equipment” use types. Typical uses include laundry/dry cleaning drop-off stations, hand

laundries, appliance repair shops, locksmiths, shoe and apparel repair, and musical instrument repair.

I. 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. These establishments are primarily used for the production of beer and ale and may include retail and food service as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

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.”

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.

4. Brewpub

Establishments primarily engaged in the retail sale of prepared food for consumption, which includes the brewing of beer as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

5. Micro-distillery

Establishments primarily engaged in on-site distillation of spirits and may include retail and food

service as an accessory use. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.

J. 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.

K. 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. 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.

3. 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 pawnor or pledger.

4. Tax Preparation Service

An establishment that provides income tax preparation assistance as the exclusive or primary function of business.

L. 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.

M. 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).

N. 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.

O. 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.

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. Hotel/Motel

An establishment, other than a detached house, in which short-term 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. Neighborhood Retail Sales and Service

A retail sales and service use is one that can primarily draw its customer base from the surrounding neighborhood. Typical uses include, but are not limited to, corner stores, butcher shops, coffee or ice cream shops (but not to include full-service restaurants), shoe repair shops, dry cleaning establishments, personal improvement services, and specialty retail shops (uses not specifically listed in Section 3.03.05).

S. Office

Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices, technology businesses, and architectural firms.

T. 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.

U. 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.

V. 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” Or “vintage clothing store.”
5. **Vintage Clothing Store**
Any premises used for the sale or trading of vintage collectible or haute couture clothing or jewelry, which means finely constructed clothing or jewelry with high and generally agreed standards of aesthetic quality.

W. Sexually Oriented Business

An inclusive use category used to collectively describe the following businesses and use types: sexually oriented cabaret or theater; sexually oriented entertainment; sexually oriented motion picture theater; sexually oriented motion picture arcade; sexually oriented encounter center; sexually oriented media store; sexually oriented escort bureau; bathhouse; massage parlor; sex shop; sexually oriented modeling studio; or any other such business establishment whose primary purpose is to offer sexually oriented entertainment or materials.

1. Cabaret or Theater, Sexually Oriented

A building or portion of a building that provides or allows the provision of sexually oriented entertainment to its customers or that holds itself out to the public as an establishment where sexually oriented entertainment is available. Signs, advertisements, or an establishment name including verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult entertainment,” “strippers,” “showgirls,” “exotic dancers,” “gentleman’s club,” “XXX” or similar terms, will be considered evidence that an establishment holds itself out to the public as an establishment where sexually oriented entertainment is available.

2. Encounter Center, Sexually Oriented

A business or enterprise that, as one of its principal purposes, offers physical contact between 2 or more persons when one or more of the persons is in a state of nudity or semi-nudity.

3. Entertainer, Sexually Oriented

Any person paid as an employee, contractor, subcontractor, or agent of the operator of a cabaret who frequently appears in a state of semi-nudity at any establishment regulated by this chapter.

4. Entertainment, Sexually Oriented

Any of the following activities, when performed by a sexually oriented entertainer at a sexually oriented business that is required to be licensed: dancing, singing, talking, modeling (including lingerie or photographic), gymnastics, acting, other forms of performing, or individual conversations with customers for which some type of remuneration is received.

5. Escort, Service Oriented

An escort that:

- (a) operates from an open office;
- (b) does not advertise that sexual conduct will be provided to the patron or work for an escort bureau that so advertises; and
- (c) does not offer to provide sexual conduct.

6. Escort Bureau, Service Oriented

An escort bureau that:

- (a) maintains an open office at an established place of business;
- (b) otherwise operates in full accordance with the licensing regulations in Section 111.600, et seq., of the Covington Code of Ordinances, or if this ordinance is repealed, then with the countywide licensing ordinance, Kenton County Ordinance No. 451.9, establishing licensing requirements for sexually oriented businesses and service-oriented escort bureaus, as such ordinance may be amended from time to time.

7. Escort, Sexually Oriented

An escort who:

- (a) works for (either as an agent, employee, or independent contractor), or is referred to a patron by a sexually oriented escort bureau; or,
- (b) either advertises that sexual conduct will be provided, or works for (either as an employee, agent, or independent contractor), or is referred to a patron by an escort bureau that so advertises; or,
- (c) offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee from an escort patron or a prospective escort patron.

8. Escort Bureau, Sexually Oriented

An escort bureau that operates in any of the following manners:

- (a) engages in fraudulent, misleading, or deceptive advertising that is designed to make the prospective client believe that acts of prostitution (as defined under Kentucky law) will be provided; or,
- (b) collects money (whether paid in advance or paid after the promised proscribed act) for the promise of acts of prostitution by its escorts; or,
- (c) uses as escorts persons known to have violated the law regarding prostitution, and refuses to cease the use of such a person; or,
- (d) operates an escort bureau as a “call girl” prostitution operation; or,

- (e) advertises that sexual conduct will be provided to a patron or customer, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron or customer; or,
- (f) solicits, offers to provide, or does provide acts of sexual conduct to an escort patron or customer; or,
- (g) employs or contracts with a sexually oriented escort, or refers or provides to a patron a sexually oriented escort.

9. Message Parlor

Any business offering massages that is operated by a person who is not a state licensed “massage therapist” or that provides massages by persons who are not state licensed massage therapists.

10. Media, Sexually Oriented

Magazines, books, videotapes, movies, slides, CDs, DVDs or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

11. Media Store with Some Sexually Oriented Media

A retail book, video or other media store that has sexually explicit media that constitutes more than 10 percent but not more than 40 percent of its inventory or that occupies more than 10 percent but not more than 40 percent of its gross public floor area.

12. Media Store, Sexually Oriented

An establishment that rents and/or sells sexually oriented media, and that meets any of the following 3 tests:

- (a) More than forty percent (40%) of the gross public floor area is devoted to sexually oriented media; or
- (b) More than forty percent (40%) of the stock in trade consists of sexually oriented media; or
- (c) It advertises or holds itself out in any forum as a “XXX,” “adult” or “sex” business, or otherwise as a sexually oriented business, other than sexually oriented media outlet, sexually oriented motion picture theater, or sexually oriented cabaret.

13. Modeling Studio, Sexually Oriented

An establishment or business that provides the services of live models modeling lingerie, bathing suits, or similar wear to individuals, couples, or small groups in a space smaller than 600 feet.

14. Motel, Sexually Oriented

A hotel, motel, or similar commercial establishment that meets any of the following criteria:

- (a) Offers accommodations to the public for any form of consideration and provides patrons with sexually oriented entertainment or transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;”
- (b) Marketed as or offered as “adult,” “XXX,” “couples,” or “sexually oriented.”

15. Motion Picture Arcade, Sexually Oriented

A building or portion of a building wherein coin-operated, slug-operated, or for any other form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images of “specified sexual activities” or “specified anatomical areas.”

16. Motion Picture Arcade Booth, Sexually Oriented

Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROMs, books, DVDs, magazines or periodicals) to show images of “specified sexual activities” or “specified anatomical areas” for observation by customers therein. The term “booth,” “arcade booth,” “preview booth,” and “video arcade booth” will be deemed synonymous with the term “motion picture arcade booth.”

17. Motion Picture Theater, Sexually Oriented

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are frequently shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” or that are marketed as or offered as “adult,” “XXX,” or sexually oriented. Frequently shown films, motion pictures, videocassettes, slides or other similar photographic reproductions as characterized herein do not include sexually oriented speech and expressions that take place inside the context of some larger form of expression.

18. Nude Modeling Studio

Any place where a person who appears in a state of nudity or semi-nudity and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. “Nude model studio” does not include a proprietary school licensed by the Commonwealth of Kentucky or a college, junior college, or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

19. Sex Shop

An establishment offering goods for sale or rent and that meets any of the following tests:

- (a) It offers for sale items from any 2 of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; sexually oriented novelties; and the combination of such items constitute more than ten percent (10%) of its stock in trade or occupies more than 10 percent (10%) of its floor area;
- (b) More than five percent (5%) of its stock in trade consists of sexually-oriented toys or novelties; or

- (c) More than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

X. 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 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.

Y. Vendor Retail

1. Mobile Food Vending Services

A temporary establishment engaged in the retail sale of prepared food for consumption, on site or off site, from a movable vehicle, portable structure, or pushcart

2. Temporary Vendor

Any person or persons who operates or sells goods from a mobile cart, cart, pedal cart, trailer, van or similar chassis with or without an engine, tent or table

16.02.07 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. 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.

2. 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.”

3. 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.

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.

16.02.08 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. Signs, Advertising

A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered:

1. only elsewhere than on the premises where such sign is located or to which it is affixed; or
2. as a minor and incidental activity on the premises where the sign is located.

D. 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.

E. Community Gardens

A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off-site sale of items grown on the site. Community gardens may include common areas maintained and used by group members.

F. Market Gardens

A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or sale of items grown on the site.

Section 16.03 General Terminology

16.03.01 Access Point

A. A driveway, a local street, or a connector street intersecting an arterial street;

- B. A driveway or local street intersecting a connector street; or
- C. A driveway or local street intersecting a local street.

16.03.02 Accessory Building or Use, Customary

A customary accessory building or use is one that: (1) Is subordinate to and serves the principal building or principal use; (2) Is subordinate in area, extent, or purpose to the principal building or principal use served; (3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and (4) Is located on the same lot as the principal building 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 building or use served.

16.03.03 Addiction Treatment facility

See Sec. 16.02.02, A., 1.

16.03.04 Agriculture

See Sec. 16.02.08, D.

16.03.05 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 must be at a height above the existing or proposed development (depending on the individual property in question) that is reasonably necessary or legally required for the full and free use of the ground surface.

16.03.06 Alley

Public rights-of-way that normally affords a secondary means of access to abutting property.

16.03.07 Animal Services

See Sec. 16.02.06, A.

16.03.08 Antique Shop

See Sec. 16.02.06, V., 1.

16.03.09 Art

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

16.03.10 Attached (Single-Family) House

See Sec. 16.02.02, B., 1.

16.03.11 Auto Supply/Accessory Sales

See Sec. 16.02.06, X., 1.

16.03.12 Automobile and Trailer Sales Areas

Any area used for the display, sale, or rental of new or used automobiles or trailers and where only minor incidental repair of such automobiles or trailers may take place.

16.03.13 Babysitting Service

See Sec. 16.02.05, C., 1.

16.03.14 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.

16.03.15 Bed and Breakfast

See Sec. 16.02.06, P., 1.

16.03.16 Billboard

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

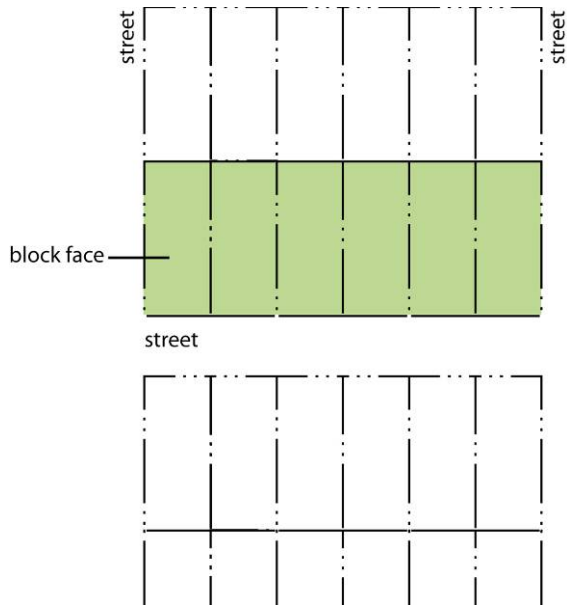
- A. a permanent structure sign which is used for the display of offsite commercial messages;
- B. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- C. an outdoor sign used as advertising for 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.

16.03.17 Bingo Hall

See Sec. 16.02.06, J., 4.

16.03.18 Block Face

All lots fronting on one side of a street between the nearest 2 intersecting streets.



16.03.19 Board of Adjustment

The Board of Adjustment of the City Commission.

16.03.20 Body-Art Services

See Sec. 16.02.06, B.

16.03.21 Buffer Area

Areas so planned or zoned that act as a buffering or separation area between 2 or more areas or structures not compatible due to design, function, use, or, operation.

16.03.22 Building

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

16.03.23 Building, Alteration of

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

16.03.24 Building Area or Lot Coverage by Building

That portion of a lot or building site that may be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

16.03.25 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.

16.03.26 Building, Detached

A building surrounded by open space on the same lot or tract of land.

16.03.27 Building, Height of

See Sec. 9.08.10, A.

16.03.28 Building Inspector

The official or officials appointed to administer and enforce the state building codes.

16.03.29 Building Maintenance Services

See Sec. 16.02.06, C.

16.03.30 Building Permit

A permit issued by the Building Inspector authorizing the construction or alteration of a specific building, structure, sign, or fence.

16.03.31 Building, Principal

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

16.03.32 Building Site

One contiguous piece of land that complies with all applicable city ordinances, codes and regulations for building on the subject site.

16.03.33 Business Equipment Sales and Service

See Sec. 16.02.06, D.

16.03.34 Business Support Services

See Sec. 16.02.06, E.

16.03.35 Cabaret or Theater, Sexually Oriented

See Sec. 16.02.06, W., 1.

16.03.36 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 on wheels or supports, or supported or

capable of being moved by its own power or transported by another vehicle.

16.03.37 Canopy or Marquee

A roof-like structure open on 3 sides serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building.

16.03.38 Car Wash

See Sec. 16.02.06, X., 2.

16.03.39 Carport

See Garage, Private.

16.03.40 Cemetery/Mausoleum/Columbarium

See Sec. 16.02.06, N., 1.

16.03.41 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.

16.03.42 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.

16.03.43 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 Commission.

16.03.44 City Commission

The duly elected legislative body of the City of Covington, including the Mayor and the other members of the Covington Board of City Commissioners.

16.03.45 Cluster Development

A development in which attached and/or detached single-family residential dwellings are clustered together to preserve open space, natural resources, or other natural characteristics of the site. Cluster developments are subject to Section 2.05.

16.03.46 Colleges and Universities

See Sec. 16.02.05, A.

16.03.47 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.

16.03.48 Commercial Use Group

See Sec. 16.02.06.

16.03.49 Communication Service Establishments

See Sec. 16.02.06, F.

16.03.50 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.

16.03.51 Comprehensive (Master) Plan

A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationship. It must 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 other elements.

16.03.52 Concealed Lighting

An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

16.03.53 Conditional Use

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

16.03.54 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 2 parts: (1) A statement of the factual determination by the Board of Adjustment that justifies the issuance of the permit; and (2) A statement of the specific conditions that must be met for the use to be permitted.

16.03.55 Conforming Use

Any lawful use of a building, structure, lot, sign, or fence that complies with the provisions of this zoning ordinance.

16.03.56 Construction Sales and Services

See Sec. 16.02.06, G.

16.03.57 Cremating

See Sec. 16.02.06, N., 2.

16.03.58 Cultural Exhibits and Libraries

See Sec. 16.02.05, B.

16.03.59 Curb Cut

Any interruption or break in the line of a street curb to provide vehicular access to a street. In the case of streets without curbs, curb cuts will represent construction of any vehicular access that connects to the street.

16.03.60 Currency Exchange (Check Cashing Facility)

See Sec. 16.02.06, K., 1.

16.03.61 Customer

For the purpose of interpreting and administering the provisions of section 6.26, 16.02.06, W. “customer” means any person who:

- A. Is allowed to enter a business in return for the payment of an admission fee or any other form of consideration or gratuity; or
- B. Enters a business and purchases, rents, or otherwise partakes of any material, merchandise, goods, entertainment, or other services offered therein; or
- C. Enters a business other than as an employee, vendor, service person, or delivery person.

16.03.62 Day care or Day Care Center

See Sec. 16.02.05, C.

16.03.63 Day Care, Type 1

See Sec. 16.02.05, C., 4.

16.03.64 Day Care, Type 2

See Sec. 16.02.05, C., 3.

16.03.65 Decibel

A unit of measurement of the intensity (loudness) of sound. Sound-level meters that are employed to measure the intensity of sound are calibrated in decibel.

16.03.66 Detached (Single-Family) House

See Sec. 16.02.02, B., 2.

16.03.67 Development

Development means demolition, construction, physical expansion, or outside remodeling of building or premises, including accessory uses or appurtenances to the principal use. It does not mean normal maintenance (such as cleaning and painting) nor demolition required by the Department of Housing and Code Enforcement for the purposes of maintaining the health, safety, and welfare of the neighborhood.

16.03.68 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, and all other conditions agreed to by the applicant.

16.03.69 Display Publicly

For the purpose of interpreting and administering the provisions in Section 6.26, “display publicly” means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others or from any portion of the premises where items and material other than sexually oriented media are offered for sale or rent to the public.

16.03.70 Dwelling

Any building that is completely intended for, designed for, and used for residential purposes, but for the purposes of this zoning ordinance, does

not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

16.03.71 Dwelling, Trailer

See Mobile Home.

16.03.72 Dwelling Unit

A building or portion thereof providing complete housekeeping facilities for a single household.

16.03.73 Easement

A right, distinct from the ownership of the land, to use property, including crossing property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or to reserve and hold an area for drainage or access purposes.

16.03.74 Eating / Drinking Establishment

See Sec. 16.02.06, I.

16.03.75 Encounter Center, Sexually Oriented

See Sec. 16.02.06, W., 2.

16.03.76 Entertainer, Sexually Oriented

See Sec. 16.02.06, W., 3.

16.03.77 Entertainment

See Sec. 16.02.06, J.

16.03.78 Entertainment, Sexually Oriented

See Sec. 16.02.06, W., 4.

16.03.79 Escort

For the purpose of interpreting and administering the provisions of Section 6.26, “escort” means a person who is held out to the public to be available for hire for monetary consideration in the form of a fee, commission, or salary, and who for said consideration consorts with or accompanies or offers to consort with or accompany, another or others to or about social affairs, entertainments, or places of amusement or within any place of public resort or within any private quarters, and includes a “service oriented escort;” for purposes of this ordinance, the term “escort” does not include any person who would be understood by a reasonably prudent person as providing “babysitting” services or working as an assisted living companion to the elderly, infirm, disabled, or handicapped, and further does not include licensed health professionals.

16.03.80 Escort, Service Oriented

See Sec. 16.02.06, W., 5.

16.03.81 Escort, Sexually Oriented

See Sec. 16.02.06, W., 7.

16.03.82 Escort Bureau, Service Oriented

See Sec. 16.02.06, W., 6.

16.03.83 Escort Bureau, Sexually Oriented

See Sec. 16.02.06, W., 8.

16.03.84 Establishment

For the purpose of interpreting and administering the provisions of Section 6.26, “establishment” means any business regulated by Section 6.25.

16.03.85 Explicit Sexual Material

For the purpose of interpreting and administering the provisions of Section 6.26, “explicit sexual material” means any pictorial or three dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation of unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post-pubertal human genitals; provided, however, that works of art or material of anthropological significance will not be deemed to fall within the foregoing definition.

16.03.86 Family

See “Household”

16.03.87 Family Day-Care Home

See Sec. 16.02.05, C., 2.

16.03.88 Fence

A structure made of wire, wood, metal, masonry, or other material, including hedges, erected for the purpose of assuring privacy or protection.

16.03.89 Final Action

For purposes of this ordinance, final action will be deemed to have occurred on the calendar date when a vote is taken to approve or disapprove a matter pending before a legislative or adjudicating body.

16.03.90 Financial Services

See Sec. 16.02.06, K.

16.03.91 Flea Market

See Sec. 16.02.06, V., 2.

16.03.92 Floor Area, Gross

- A. 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.
- B. For uses other than residential, the gross floor area must be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and must include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.
- C. The gross floor area may not include floors used for parking space when such parking pertains to a residential, commercial, or office uses in the same structure.

16.03.93 Floor Area, Gross Public

For the purpose of interpreting and administering the provisions of Section 6.26, “gross floor area” means the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

16.03.94 Floor Area Ratio

The ratio of building floor area to lot area, according to the requirements of Section 9.08.04.

16.03.95 Food and Beverage Sales, Retail

See Sec. 16.02.06, L.

16.03.96 Fortune Telling Service

See Sec. 16.02.06, M.

16.03.97 Frequently

For the purpose of interpreting and administering the provisions of Section 6.26, “frequently” means two or more times per month.

16.03.98 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.

16.03.99 Funeral and Internment Services

See Sec. 0.

16.03.100 Furniture Rental, Consumer

See Sec. 16.02.06, V., 3.

16.03.101 Home For Adjustment

A building where an organization or organizations provide a program or programs of therapy, counseling, or training to assist clients to develop skills necessary to adjust to life, including dormitory facilities, offices, classrooms, medical facilities, and other amenities for everyday life. The purpose of the facility is not to provide care to persons who need specific treatment for the following conditions: handicaps or physical disabilities, emotional or mental disorders, or mental retardation; recuperation from the effects of drugs or alcohol; criminal supervision or to adjust to society while housed under any type of criminal justice supervision.

16.03.102 Garage, Private

A building used for the storage of vehicles and clearly accessory to the principal use permitted.

16.03.103 Gasoline Stations

See Sec. 16.02.06, O.

16.03.104 Group Living

See Sec. 16.02.02, A.

16.03.105 Historic Commercial Structure

As used in the nonconforming-use regulations, a building at least 50 years old, located in a residentially zoned area and originally designed and constructed for a neighborhood commercial activity. Such buildings are often characterized by a horizontal sign band, ornamental beam, or surface molding that separates the first floor from the upper facade, pilasters that define the edges of the storefront, and storefront window areas with bulkheads below.

16.03.106 Historic Area

An HP Overlay zone adopted pursuant to Section 5.03 and Section 12.04, or an individual structure or site so designated pursuant to Section 12.13.

16.03.107 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.”

16.03.108 Home Occupation

Accessory use of a dwelling unit, by occupants of the subject dwelling unit, for nonresidential purposes. Home occupations are subject to the standards of Section 6.02.04.

16.03.109 Hospital

See Sec. 16.02.05, D.

16.03.110 Hotel/Motel

See Sec. 16.02.06, P., 2.

16.03.111 Household

An individual or 2 or more persons related by blood or marriage, or a group of not more than 3 persons (excluding servants and foster children) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or sorority house.

16.03.112 House Trailer

See Mobile Home.

16.03.113 Household Living

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

16.03.114 Household Living Category

See Sec. 16.02.02, B.

16.03.115 Industrial Use Group

See Sec. 16.02.07.

16.03.116 Junk/Salvage Yard

See Sec. 16.02.07, A.

16.03.117 Kennels and Shelters

See Sec. 16.02.06, A., 3.

16.03.118 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.

16.03.119 Leasable Area, Gross

The floor area occupied exclusively by occupants, including finished basement and mezzanine areas and excluding common areas, such as elevators, stairways, corridors, and lobbies, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

16.03.120 Livestock

Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

16.03.121 Loading or Unloading Space

A space used for the temporary standing, loading, or unloading of vehicles.

16.03.122 Lodge or Private Club

See Sec. 16.02.05, E.

16.03.123 Lodging

See Sec. 16.02.06, P.

16.03.124 Lot

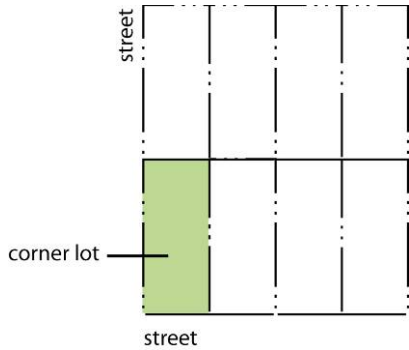
A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted in this ordinance, together with their accessory buildings or uses and such access, yards, and open spaces required under this zoning ordinance.

16.03.125 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, the waters of any lake or river, and must be in one zone only.

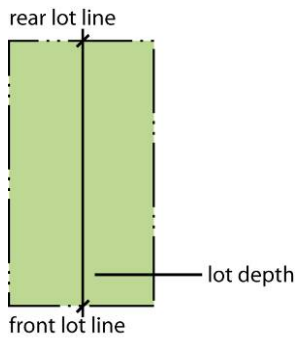
16.03.126 Lot, Corner

A lot situated at the intersection of 2 streets or on a curved street on which the interior angle of such intersection or curved street does not exceed 135 degrees.



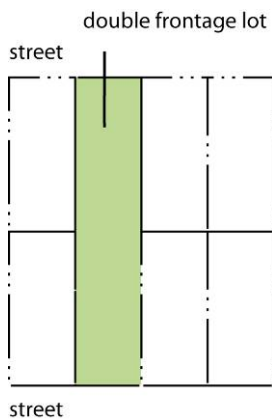
16.03.127 Lot Depth

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 lines.



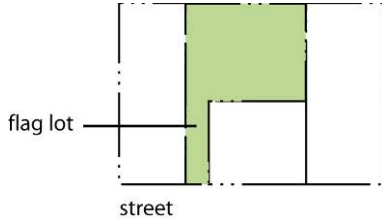
16.03.128 Lot, Double Frontage

A lot other than a corner lot that has frontage on more than one street.



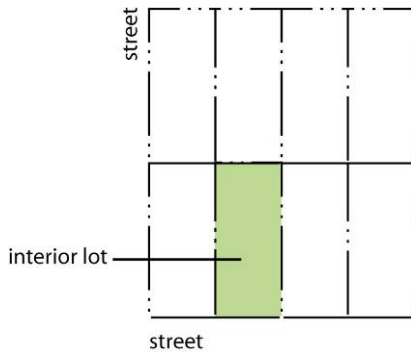
16.03.129 Lot, Flag

A lot that abuts a public street via a narrow strip of land at least 20 feet in width, except as provided by this ordinance.



16.03.130 Lot, Interior

A lot other than a corner lot with only one frontage on a deeded and occupied public right-of-way.



16.03.131 Lot Line, Front

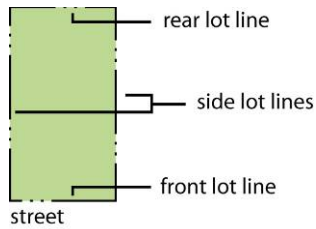
The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and street right-of-way line toward the principal or usual entrance to the principal building faces.

16.03.132 Lot Line, Rear

The boundary line of a lot that 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 feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all setback standards are met.

16.03.133 Lot Line, Side

Any boundary line of a lot, other than a front lot line or rear lot line.



16.03.134 Lot-Line (Single-Family) House

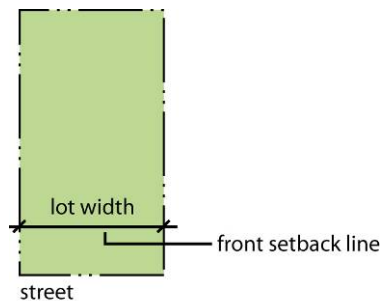
See Sec. 16.02.02, B., 3.

16.03.135 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 Kenton County Clerk.

16.03.136 Lot Width

The width of the lot as measured along the building front setback line.



16.03.137 Manufacturing, Production, and Industrial Service

See Sec. 16.02.07, B.

16.03.138 Marine-Related Use

See Sec. 16.02.08, A.

16.03.139 Massage

For the purpose of interpreting and administering the provisions of Section 6.26, “massage” means touching, stroking, kneading, stretching, friction, percussion, and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment)

16.03.140 Massage Parlor

See Sec. 16.02.06, W., 9.

16.03.141 Massage Therapy

For the purpose of interpreting and administering the provisions of Section 6.26, “massage therapy” means the profession in which a certified massage therapist applies massage techniques with the intent of positively affecting the health and well being of the client.

16.03.142 Massage Therapist

For the purpose of interpreting and administering the provisions of section 6.26, “massage therapist” means a person licensed as a massage therapist in accordance with the provisions of Kentucky Rev. Statues §309.350 et seq.

16.03.143 Media

For the purpose of interpreting and administering the provisions of Section 6.26, “media” is anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but is not necessarily limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMS, DVDs, other magnetic media, and undeveloped pictures.

16.03.144 Media, Sexually Oriented

See Sec. 16.02.06, W., 10.

16.03.145 Media Store with Some Sexually Oriented Media

See Sec. 16.02.06, W., 11.

16.03.146 Media Store, Sexually Oriented

See Sec. 16.02.06, W., 12.

16.03.147 Medical Service

See Sec. 16.02.06, Q.

16.03.148 Microbrewery

See Sec. 16.02.06, I., 1.

16.03.149 Mining/Excavation

See Sec. 16.02.07, C.

16.03.150 Mixed-Use Building

See Sec. 16.02.02, B., 4.

16.03.151 Mobile Home

See Sec. 16.02.03.

16.03.152 Mobile Home Park

See Sec. 16.02.04.

16.03.153 Modeling Studio, Sexually Oriented

See Sec. 16.02.06, W., 13.

16.03.154 Motel, Sexually Oriented

See Sec. 16.02.06, W., 14.

16.03.155 Motion Picture Arcade, Sexually Oriented

See Sec. 16.02.06, W., 15.

16.03.156 Motion Picture Arcade Booth, Sexually Oriented

See Sec. 16.02.06, W., 16.

16.03.157 Motion Picture Theater, Sexually Oriented

See Sec. 16.02.06, W., 17.

16.03.158 Multi-Unit (Multi-Family) Building

See Sec. 16.02.02, B., 5.

16.03.159 N/A

Where used in the sign regulations, the particular requirement is “not applicable.”

16.03.160 Neighborhood

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

16.03.161 Neighborhood Retail Sales and Service

See Sec. 16.02.06, R.

16.03.162 New Vehicle/Light Equipment Sales, Light

See Sec. 16.02.06, X., 3.

16.03.163 NITA

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.

16.03.164 PDS

Planning and Development Services of Kenton County.

16.03.165 Nonconforming Lot

A lot that was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

16.03.166 Nonconforming Use or Nonconforming Structure

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

16.03.167 Nude Modeling Studio

See Sec. 16.02.06, W., 18.

16.03.168 Nudity or State of Nudity

For the purpose of interpreting and administering the provisions of Section 6.26, “nudity or state of nudity” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola or nipple, or the showing of the covered male genitals in a discernibly turgid state. See, also, Semi-nude.

16.03.169 Odorous Matter

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

16.03.170 Office

See Sec. 16.02.06, S.

16.03.171 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.

16.03.172 Operator

For the purpose of interpreting and administering the provisions of Section 6.26, “operator” means any person operating, conducting, or maintaining a business regulated under this Chapter.

16.03.173 Other Use Group

See Sec. 16.02.08.

16.03.174 Owner

For the purpose of interpreting and administering the provisions of section 6.26, “owner” means the individual owner of an establishment, or if the legal owner is a corporation, partnership, or limited liability company, the term includes all general partners, any limited partner with a financial interest of ten percent (10%) or more, all corporate officers and directors, and any shareholder or member with a financial interest of ten percent (10%) or more. “Owner” includes the spouse(s) of any of the above individuals.

16.03.175 Parking Area, Off-Street

An open, surfaced area other than the rights-of-way of a street, alley, or place, used for temporary parking of motor vehicles.

16.03.176 Parking Building or Parking 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 or operated.

16.03.177 Parking, Non-Accessory

See Sec. 16.02.08, B.

16.03.178 Particulate Matter

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

16.03.179 Payday Loan

See Sec. 16.02.06, K., 2.

16.03.180 Pawn Shop

See Sec. 16.02.06, K., 3.

16.03.181 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.

16.03.182 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.

16.03.183 Person

For the purpose of interpreting and administering the provisions of Section 6.26, “person” means an individual, firm, partnership, joint-venture, association, independent contractor, corporation (domestic or foreign), limited liability company, trust, estate, assignee, receiver or any other group or combination acting as a unit.

16.03.184 Personal Improvement Service

See Sec. 16.02.06, T.

16.03.185 Planned Unit Development (PUD)

A large scale, unified land development that permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces through flexible regulations that encourage creative design to preserve the natural features and foliage of the site.

16.03.186 Planning Commission

The Kenton County Planning Commission.

16.03.187 Postal Service

See Sec. 16.02.05, G.

16.03.188 Premises

For the purpose of interpreting and administering the provisions of Section 6.26, “premises” means the physical location at which a business operates; as used in this Chapter, the term includes all parts of that physical location, both interior and exterior, which are under the control of the subject business, through ownership, lease or other arrangement.

16.03.189 Primary Entertainment

For the purpose of interpreting and administering the provisions of Section 6.26, “primary entertainment” means entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

16.03.190 Protected Land Use

For the purpose of interpreting and administering the provisions of Section 6.26, “protected land use” means residential zoning district, school,

religious institution, park, library, public recreation area, or day care center.

16.03.191 Public and Civic Use Group

See Sec. 16.02.05.

16.03.192 Public Area

For the purpose of interpreting and administering the provisions of Section 6.26, “public area” means a portion of a sexually oriented business, excluding sexually oriented motels, that is accessible to the customer, excluding restrooms, while the business is open for business.

16.03.193 Qualified Manufactured Housing Unit

See Sec. 16.02.041.

16.03.194 Railroad Rights-Of-Way

A strip of land on 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.

16.03.195 Recreation and Open Space

See Sec. 16.02.05, F.

16.03.196 Recycling Facilities

See Sec. 16.02.07, D.

16.03.197 Religious Assembly

See Sec. 16.02.05, H.

16.03.198 Repair or Laundry Service, Consumer

See Sec. 16.02.06, H.

16.03.199 Reprocessable Construction/Demolition Material Facility

See Sec. 16.02.07, F., 1.

16.03.200 Residential Care Facility

See Sec. 16.02.02, A., 2.

16.03.201 Residential Storage Warehouse

See Sec. 16.02.06, U.

16.03.202 Residential Use Group

See Sec. 16.02.02.

16.03.203 Resource Recovery Facilities

See Sec. 16.02.07, F., 2.

16.03.204 Restaurant

See Sec. 16.02.06, I., 2.

16.03.205 Retail Sales and Service

See Sec. 16.02.06, V.

16.03.206 Sadomasochistic Practices

For the purpose of interpreting and administering the provisions of Section 6.26, “sadomasochistic practices” means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

16.03.207 Safety Services

See Sec. 16.02.05, I.

16.03.208 Sales and Grooming

See Sec. 16.02.06, A., 1.

16.03.209 Sanitary Landfills

See Sec. 16.02.07, F., 3.

16.03.210 Satellite Dish Antenna

A device commonly parabolic in shape, mounted at a fixed point for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna. These devices are defined in this ordinance as an accessory structure.

16.03.211 Schools

See Sec. 16.02.05, J.

16.03.212 Secondhand Store

See Sec. 16.02.06, V., 4.

16.03.213 Semi-Nude or in a Semi-Nude Condition

For the purpose of interpreting and administering the provisions of Section 6.26, “semi-nude or in a semi-nude condition” means the showing of the female breast below a horizontal line across the top of the areola at its highest point. This definition includes the entire lower portion of the human female breast, but does not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard,

bathing suit, or other apparel, provided the areola is not exposed in whole or in part.

16.03.214 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.

16.03.215 Service Facilities, Public Utilities

Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, 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 space is incidental to a service facility.

16.03.216 Setback Line

A. Front

A line parallel to the front lot line and set back from the lot line a distance to provide the required minimum setback area, as specified in this ordinance.

B. Rear

A line parallel to the rear lot line and set back from the lot line a distance to provide the required minimum setback area, as specified in this ordinance.

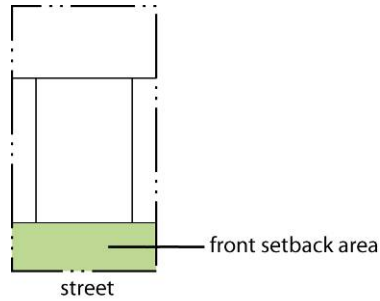
C. Side

A line parallel to the side lot line and set back from the lot line a distance to provide the required minimum setback area, as specified in this ordinance.

16.03.217 Setback Area

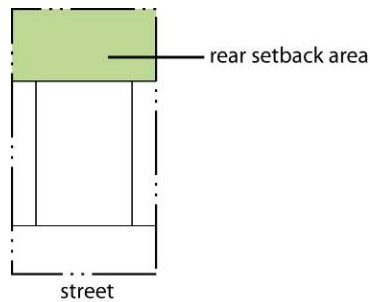
A. Front

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.



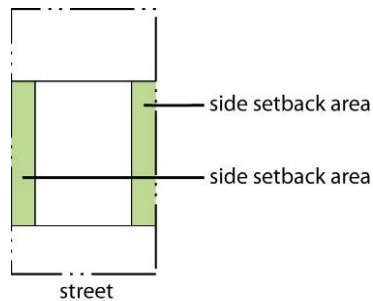
B. Rear

An area extending across the full width of the lot and measured between a line parallel to the rear lot line, which intersects the rearmost point of any building, excluding steps and unenclosed porches and the rear lot line.



C. Side

An area between any building and the side lot line, 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.



16.03.218 Sex Shop

See Sec. 16.02.06, W., 19.

16.03.219 Sexually Oriented Business

See Sec. 16.02.06, W.

16.03.220 Sexually Oriented Business License

For the purpose of interpreting and administering the provisions of Section 6.26, “sexually oriented business license” means any license applied for under the countywide licensing ordinance, Kenton County Ordinance No. 451.9 as amended, establishing licensing requirements for sexually oriented businesses and service oriented escort bureaus, adopted in 2004.

16.03.221 Sexually Oriented Toys or Novelties

For the purpose of interpreting and administering the provisions of Section 6.26, “sexually oriented toys or novelties” means instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs.

16.03.222 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.

16.03.223 Sign, Animated

A sign which uses movement or change of lighting to simulate action or motion.

16.03.224 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.

16.03.225 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

16.03.226 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.

16.03.227 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.

16.03.228 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.

16.03.229 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."

16.03.230 Sound Level Meter

An instrument standardized by the American Standards Association for measurement of intensity of sound.

16.03.231 Specified Anatomical Areas

For the purpose of interpreting and administering the provisions of Section 6.26, "specified anatomical areas" means:

- A. Less than completely and opaquely covered human genitals, pubic region, or the areola or nipple of the female breast; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
- C. Areas of the human anatomy included in the definitions of "nude" or "nudity."

16.03.232 Specified Sexual Activities

For the purpose of interpreting and administering the provisions of Section 6.26, "specified sexual activities" means acts of human masturbation, sexual intercourse, or sodomy. These activities include, but are not limited to the following: bestiality, erotic or sexual stimulation with objects or mechanical devices, acts of human analingus, cunnilingus, fellatio, flagellation, masturbation, sadism, sadomasochism, sexual

intercourse, sodomy, or any excretory functions as part of or in connection with any of the activities set forth above with any person on the premises. This definition includes apparent sexual stimulation of another person's genitals whether clothed or unclothed.

16.03.233 Story

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

16.03.234 Story, Half

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

16.03.235 Street

A. Arterial

Public thoroughfares that serve the major movements of traffic in and through the community as identified in the adopted comprehensive plan.

B. Collector

Public thoroughfares that serve to collect and distribute traffic primarily from local to arterial streets.

C. Expressway

A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

D. Freeway

A divided multi-lane highway for through traffic with all crossroads separated in grades and with full control of access.

E. Frontage Road, Service Road, or Access Road

A street adjacent to a freeway, expressway, or arterial street separated from such street by a dividing strip and providing access to abutting properties.

F. Local

Roadways that are designed to be used primarily for direct access to abutting properties and feeding into the collector street system.

G. Private

A paved private roadway that affords access to abutting property for private users of such property. For the purposes of density calculations, a private street will constitute the areas of its paved surface and sidewalk or the private right-of-way if designated on the recorded plat.

H. Public

A public roadway constructed in the boundaries of an officially deeded and accepted public right-of-way that affords principal means of access to abutting property. For purposes of density calculations, a public street will constitute all of the area in the public right-of-way.

16.03.236 Structural Alteration (Sign)

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.

16.03.237 Structure

Anything constructed or erected, the use for which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including anything such as buildings, mobile homes, signs, or fences.

16.03.238 Subdivision

The division of a parcel of land into 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; provided that a division of land for agricultural use and not involving a new street will not be deemed a subdivision. The term includes resubdivision, and when appropriate to the context, will relate to the process of subdivision or to the land subdivided. Any division or redivision of land into parcels of less than one acre occurring within 12 months following a division of the same land will be deemed a subdivision within the meaning of this definition.

16.03.239 Swimming Pool, Outdoor

- A. 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, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction, including all appurtenances 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, water retention of a depth greater than 18 inches at any point. Any such structure or device will be deemed to be included in the meaning of the term “structure” as used in this zoning ordinance.

- B. Outdoor swimming pools will be deemed to consist of the following classes:
 - 1. **Commercial**
A swimming pool operated for profit, open to the public on 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, religious assembly, school, or club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.

16.03.240 Tavern

See Sec. 16.02.06, I., 3.

16.03.241 Tax Preparation Service

See Sec. 16.02.06, K., 4.

16.03.242 Trailer

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 on wheels or supports, or supported or capable of being moved by its own power or transported by another vehicle. This also includes any nonpowered vehicle, designed to be attached to a motor vehicle, for the purpose of transporting persons, property, or animals.

16.03.243 Transfer Stations

See Sec. 16.02.07, F., 4.

16.03.244 Two-Unit (Two-Family) Building

See Sec. 16.02.02, B., 6.

16.03.245 Undertaking

See Sec. 16.02.06, N., 3.

16.03.246 Use, Permitted

A use that may be lawfully established, if permitted, in a particular zone, provided it conforms with all requirements of such zone.

16.03.247 Use, Principal

The main use of land or buildings, as distinguished from a subordinate or accessory use.

16.03.248 Used Vehicle/Light Equipment Sales, Light

See Sec. 16.02.06, X., 4.

16.03.249 Utilities

See Sec. 16.02.05, K.

16.03.250 Variance

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

16.03.251 Vehicle

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

16.03.252 Vehicle/Equipment Sales, Heavy

See Sec. 16.02.06, X., 5.

16.03.253 Vehicle Repair

See Sec. 16.02.06, X., 6.

16.03.254 Vehicle Sales and Service

See Sec. 16.02.06, X.

16.03.255 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.

16.03.256 Veterinary Hospitals

See Sec. 16.02.06, A., 2.

16.03.257 Warehouse and Freight Movement

See Sec. 16.02.07, E.

16.03.258 Waste-Related Service

See Sec. 16.02.07, F.

16.03.259 Youth Shelter

See Sec. 16.02.02, A., 3.

16.03.260 Zone

An established area within the jurisdiction of the City of Covington delineated on the official zoning map of the City of Covington to which a set of regulations governing permitted land use, density, and intensity of development applies.