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## ARTICLE VII

### DEFINITIONS

**SECTION 7.0 WORDS AND PHRASES:** For the purposes of this Ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows: Words used in the future tense include the present; Words used in the present tense include the future; Words used in the singular include the plural; Words used in the plural include the singular; Words used in the masculine include the feminine; Words used in the feminine include the masculine; The word “shall” is mandatory and not directory; The word “may” shall be deemed as permissive.

**ACCESSORY BUILDING OR USE CUSTOMARY:** A “customary accessory building or use” is one which:

- A. is subordinate to and serves the principal building or principal use; and
- B. is subordinate in area, extent, or purpose to the principal building or principal use served; and
- C. contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
- D. 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 zoning lot with the building or use served; and
- E. is of a size such that the projected area in any vertical plane is greater than 15 square feet or have a total surface area of greater than 36 square feet.

**AGRICULTURE:** The use of land for agricultural purposes including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or sorting the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

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

**ALLEY:** All public rights–of–way at the rear of the lot which normally affords a secondary means of access to abutting property.

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

**APARTMENT HOUSE:** See DWELLINGS, MULTIPLE.

**AUTOMOBILE LAUNDRY:** A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with chain conveyer, blower, steam cleaning device, or other mechanical devices. Thus use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For this purpose of this Ordinance, coin operated devices, of the above nature, which are operated on a self service basis shall be constructed to be the same.

**AUTOMOBILE AND TRAILER SALES AREAS:** An open, partially open, or enclosed area other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented from the premises.

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

**BOARD OF ADJUSTMENT OR BOARD:** Board of Adjustment, city of Highland Heights, Commonwealth of Kentucky.

**BOARDING HOUSE:** A residential building other than a hotel, motel, or tourist cabin where lodging and meals for four (4) or more persons are served for compensation, and by prearrangement for definite periods.

**BORROW PIT:** Any place or premises where dirt, soil, sand, gravel, or other compensation, material is removed by excavation or otherwise, below the grade of the surrounding land, for any purpose other than mining operations such as gold, silver, coal, etc., and that necessary and incidental to grading or to building construction on the premises.

**BUFFER AREA:** Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use, or operation.

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

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

**BUILDING AREA OR LOT COVERAGE BY BUILDING:** That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all

permitted accessory uses excluding those portions of the lot or building site, which shall be reserved for minimum required yard spaces.

**BUILDING, COMPLETELY ENCLOSED:** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot or tract of land.

**BUILDING, HEIGHT OF:** The vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING INSPECTOR:** The official or officials appointed by the city of Highland Heights for carrying out the building codes.

**BUILDING LINE:** A line defining the minimum front, side and rear yard requirements.

**BUILDING, MAIN:** *See* BUILDING, PRINCIPAL.

**BUILDING PERMIT:** A permit issued by the city of Highland Heights' Building Inspector authorizing the construction or alteration of a specific building, structure, sign or fence on a specific tract.

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

**BUILDING SITE:** One continuous piece of land that meets all of the provisions of the city of Highland Heights' Ordinances, regulations, and codes for building on said site. For the purpose of this Ordinance, the entire amount of ground being called a building site shall be in one (1) specific zone category and this shall not be constructed to mean merely a residential, commercial, industrial, etc., but specifically Residential R-1A, R-1B, R-2, CBD-1, CBD-2, etc.

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

**CANOPY (MARQUEE):** A roof-like structure serving the purpose of protecting pedestrians from rain, snow, sun, or hail which structure projects from a building. Such structure shall be open on three (3) sides and, if ground supported, supports shall be confined in number and cross section area to the minimum necessary for actual support of the canopy.

CARPORT: *See* GARAGE, PRIVATE.

CELLAR: The portion of a building between floor and ceiling which is wholly or partly below the average level of the adjoining grade and so located that the vertical distance from the average level of the adjoining grade to the floor below is equal to or greater than the vertical distance from the average level of the adjoining grade to the ceiling.

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

CITY: The City of Highland Heights, Kentucky.

CLINIC, ANIMAL: A building used by a group of professional medical persons for the healing arts or treatment of small animals on an out-patient/in-patient, but or nonboarding basis only, without runs.

CLINIC, PERSONS: A building used by a group of professional medical persons for the healing arts or treatment of persons on an out-patient or nonboarding basis.

CLUB: A building owned or rented by a nonprofit association made up of bona fide members paying dues, the use of which is restricted to said members and their guests.

COMMISSION (PLANNING COMMISSION): The Highland Heights Planning Commission, Campbell County, Kentucky.

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 relationships. It shall contain, as a minimum, the following elements:

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;
- C. A transportation plan element;
- D. A community facilities plan element;
- E. May include any additional elements, such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and others.

COMPUTER STORE – RETAIL: Business in which computers, computer components, and software are available for retail sales. Service and upgrades are secondary to the retail aspect of the operation.

COMPUTER STORE – SERVICE: Business in which computer repair, service, and/or consulting is offered as the primary function of the business with the sale of components and other repair items being a part of that service. Software is secondary to the service aspect of the business.

**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.

**CONDITIONAL USE:** A use which may be suitable as determined by the Board of Adjustments in zones herein defined, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on locations, size, extent, and character of performance are imposed.

**CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the Zoning Administrator pursuant to authorization by the Board of Adjustment, consisting of two parts;

- A. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit; and
- B. A statement of the specific conditions which must be met in order for the use to be permitted.

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

**COUNCILMEN:** Members of the City Council, city of Highland Heights, Commonwealth of Kentucky.

**COURT:** An open, unoccupied space other than a yard, on the same lot with a building and which is bounded on two (2) or more sides by the building.

**CURB CUT:** Any interruption, or break in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting properties.

**CURB LEVEL:** The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb level or its equivalent for the purpose of the Ordinance.

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

**DEEDED AND ACCEPTED RIGHT-OF-WAY:** An appropriation of land to some public uses, made by the owner of the fee and accepted for such use by and in behalf of the public.

**DISH:** That part of a satellite signal receiving station characteristically shaped like a saucer or dish.

**DISH-TYPE SATELLITE SIGNAL RECEIVING STATION:** A signal receiving device (antenna, dish antenna, or dish-type antenna) the purpose of which is to receive communications or other signals from satellites in each orbit or other extraterrestrial sources. The device usually

has a low-noise amplifier (LNA) which is situated at the focal point of the receiving component, and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

**DECOMPOSE BY DETONATION:** Refers to the detonation of explosives as part of blasting and to those uses that utilize blasting during processing, manufacturing, compounding, packing or assembling.

**DISTRICT:** For purpose of this Ordinance, Synonymous with “Zone”.

**DORMITORY:** A building used to provide residences for a group or persons (including students, faculty, or staff) of whom all are exclusively associated with an institution of higher education.

**DRIVE-IN, EATING OR DRINKING PLACE:** *See* EATING ESTABLISHMENTS—RESTURANTS.

**DWELLING:** Any building which is completely intended for, designed for and used for residential purposes, but for the purposes of this Ordinance, shall not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college or university dormitories, or military barracks.

**DWELLING, ATTACHED SINGLE-FAMILY:** A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no more than two (2) exterior walls fully exposed and not in common with the exterior walls of any other unit.

**DWELLING, DETACHED SINGLE-FAMILY:** A dwelling standing by itself and containing only one (1) dwelling unit, separate from other dwellings by open space, but shall not include mobile homes.

**DEWLLING, DOUBLES:** *See* DWELLING, TWO FAMILY.

**DWELLING, DUPLEXES:** *See* DWELLING, TWO FAMILY.

**DEWLLING, GROUP HOUSE:** A building that has not less than three (3) one-family housekeeping units erected in a row as a single building on one lot or one adjoining lot, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being completely separated from any other building by space on all sides and such space shall be at least the required minimum yard setbacks as so specified in this Ordinance.

**DWELLING, MULTI-FAMILY:** A residential building used and/or arranged for rental occupancy, owner occupancy, or cooperatively owned by occupants, have three (3) or more dwelling units, as separate housekeeping units. This type of dwelling shall be inclusive of apartment buildings and group house dwellings.

DWELLING, TRAILER: *See* MOBILE HOME.

DWELLING, TWO-FAMILY: A residential building designed, arranged, or used exclusively by two (2) families, living independently of each other.

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

EARTH STATION: *See* Dish-Type Satellite Receiving Station.

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

EATING ESTABLISHMENTS — RESTAURANTS:

- A. Fast Service Restaurants - Those restaurants which have limited variety of menu and use limited food preparation techniques to serve food quickly. The food is often dispensed in disposable material, there is less need for storage (food or china) and less elaborate scullery area (Dishwashing machinery) is needed.
1. Carry-out: A fast service of “call in and order” restaurant which does not have sit down eating arrangements and consumptions of food on the premises is prohibited (or discouraged).
  2. Drive-in: A restaurant which encourages the consumption of food on the premises (in car, no seating facilities) serving the food by “car-hop” or self-service.
- B. Sit Down Restaurants – Those restaurants which provide waiter service, seating arrangements, whether interior or exterior. This category would also include cafeteria type self-service, sit down restaurants (the variety of food and preparation is still elaborate). The menu will have a variety or preparation techniques; scullery areas, china storage, and larger food storage facilities will be necessary.
1. Combination – A restaurant which provides any combination of sit down service plus the capability of providing carry-out, drive-on, or both services.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service for the public health, safety, or general welfare. This definition is not mean to include buildings.

**FAMILY:** An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) 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.

**FENCE:** A structure made of wire, wood, metal, masonry, or other material, including hedges, which is constructed or erected in a more or less permanent location in or on the ground and which constitutes an enclosure or barrier around or along a field, year, etc.

**FILLING STATION:** *See* SERVICE STATION

**FLOOD AREA, GROSS:** The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies and garages measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units. For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses. The gross floor area shall not include floors used for parking space when such parking appertains to a residential commercial, or office use in the same structure.

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

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

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

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

**GARAGE, PRIVATE:** An accessory building or portion of a principal building not exceeding eight hundred (800) square feet in area, per dwelling unit, designed, intended and used for the storage of not more than four (4) motor driven vehicles, per dwelling unit, owned, used and registered in the name of the occupants of the dwelling unit for which said private garage is intended. Not more than one (1) of the vehicles shall be a commercial vehicle and this vehicle shall not be more than two (2) ton capacity. This definition shall not include a public garage.



**GARAGE, PUBLIC:** A building or portion thereof designed, intended and used exclusively for the car, repair or equipment or self-propelled motor vehicles or other vehicles. This definition shall not include private garages.

**GROUP HOUSING:** *See* DWELLING, GROUP HOUSE.

**HOME OCCUPATION:** An accessory use customarily conducted entirely within a dwelling, as permitted; herein, and carried on solely by the inhabitants thereof, and further meeting the requirements specified in Section 9.11.

**HOSPITAL, PERSONS:** A building used by a group of professional medical persons for the healing arts or treatment of persons on an, generally, in-patient or boarding basis.

**HOSPITAL, ANIMAL:** A building used by a group of professional medical persons for the healing arts or treatment of animals on an, generally, in-patient or boarding basis and shall not have outside runs.

**HOTEL:** A building occupied as the more or less temporary abiding place for travelers and transient guests who are lodged with or without meals and in which there are sleeping rooms usually occupied singly and with no provisions made for cooking in any individual room or a group of rooms occupied by a person or persons and with no provision made for cooking in any of the rooms as specified.

**HOUSE TRAILER:** *See* MOBILE HOME.

**JUNK YARD:** An open area where any waste, used or second hand 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 Yard" includes an auto wrecking yard or other storage or keeping of one (1) or more inoperative motor vehicles unless where otherwise specifically permitted but does not include uses established entirely within enclosed buildings.

**KENNEL:** Any building or a portion of a building or open space devoted in its entirety or in part to the raising, boarding or harboring of four (4) or more dogs, at least four (4) months of age.

**LABORATORY:** A building or portion of a building devoted to the experimental study in science, or the testing and analysis of chemicals, drugs, explosives, minerals, etc.

**LABORATORY, MEDICAL OR DENTAL:** A building or portion of a building devoted in use of providing bacteriological, biological, medical, X-Ray, pathological and similar analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises, except the custom fabrication of dentures.

**LAUNDROMAT:** A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

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

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

**LOADING AND/OR UNLOADING SPACE:** A surfaced space within the main building or on the same lot providing for the temporary standing, loading and/or unloading of trucks; said space having a minimum dimension of forty-eight (48) feet in length, twelve (12) feet in width and fourteen (14) feet in height, except as herein provided; and connected with an accepted deeded public right-of-way which affords ingress and egress for vehicles.

**LODGING HOUSE:** A building, other than an apartment, hotel-motel, hotel, motel, or tourist court where lodging for five (5) or more persons is provided for compensation.

**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 herein, together with their accessory buildings or uses and such access, yards, and open spaces required under this Ordinance.

**LOT AREA:** The total area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by rights-of-way, flood plains, the water of any lake, river, creek or major drainage ditch, and shall be in one (1) zone only. For the purposes of this Ordinance all of the area of a given lot shall be in the same specific zoning category.

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

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

**LOT, INTERIOR:** A lot other than a corner lot with only one (1) frontage on a deeded and occupied public right-of-way.

**LOT LINE FRONT:** The common boundary line of an interior lot (other than a double frontage lot) and a street right-of-way line or the common boundary line of a corner lot (other than a double frontage lot) and that street right-of-way line toward which the principal or usual entrance to the main building situated on such lot most nearly faces, or the common boundary line of a through lot and any adjacent road or street right-of-way line.

**LOT LINE, REAR:** The boundary line of a lot which is most nearly opposite the front line of such lot. In the case of a triangular or wedge shaped lot, for the measurement purposes only, a

line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. 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 requirements for the yard space can be complied with.

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

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

**LOT WIDTH:** The width of a lot as measured along the minimum building front set back line.

**LOT, ZONING:** A “zoning lot or lots” is a single tract of land located within a single block, which (at a time of filing for a building permit) is designated by its owner or developers as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a “zoning lot or lots” may or may not coincide with a lot of record.

**MASSAGE THERAPIST:** One who has received a diploma or other recognized credentials, issued by a recognized school of massage which has been approved by the American Massage and Therapy Association of like institution.

**MEZZANINE:** An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground floor and extending over only part of the main floor.

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

**MINIMUM FRONT YARD DEPTH:** The minimum distance required by this Ordinance to be maintained within the lot between a line parallel to the street right-of-way line and the front lot line as defined herein.

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

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

**MOBILE HOME:** Any coach, cabin, mobile home or other mobile structure in a single unit which is intended for, designed for, and used for the fixed residence of a person, a family, or a

household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this Ordinance, the removal of wheels and/or the permanent or semi-permanent attachment of a foundation to said mobile structure shall not change its classification.

**MOBILE HOME PARK:** An lot, parcel or premises, subdivided, designed, maintained, intended or used for the purpose of supplying a location or accommodation for mobile homes; or any lot parcel or premises on which is parked, standing or located two (2) or more mobile homes for a longer period then twenty-four (24) hours; or one (1) or more mobile homes connected to either electrical lines, or water or sewer pipes; or any mobile home being utilized on the premises on which it is located. For the purpose of this Ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included with this definition.

**MODULAR:** Housing manufactured off-site, often mass produced, and designed so that sections are interchangeable. This is a production technique which can be applied to low or high density type construction.

**MOTELS:** A group of attached or detached buildings but not house trailers containing individual sleeping or living units for travelers and transient guests, with garage attached or parking facilities conveniently located to each unit. The term includes tourist court when related to the context specified herein.

**NONCONFORMING LOT:** A lot which was lawfully created but which does not conform to the minimum lot requirements specified for the zone in which it is located.

**NONCONFORMING USE OR STRUCTURE:** An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this Ordinance, but which does not conform to all of the regulations contained in this Ordinance or amendments thereto which pertain to the zone in which it is located.

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

**NURSERY:** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

**NURSERY SCHOOL:** Any building used for the daytime care or education or pre-school age children and including all accessory buildings and play areas, and shall, for the purpose of this Ordinance, be considered group activity.

**NURSERY HOME:** A health establishment which provides nursing care under the direction of a Kentucky licensed physician to patients who for reason of illness or physical infirmities are unable to care for themselves properly.

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

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

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

**PARKING AREA, OFF-STREET:** An open surfaced area other than the rights-of-way of a street, road, highway, alley, or place, used for temporary parking of self-propelled motor vehicles and available for public use either free, for compensation or as an accommodation for clients or customers.

**PARKING BUILDING OR GARAGE:** A building or portion thereof designed, intended and used exclusively for the temporary parking of self-propelled motor vehicles and may be publicly or privately owned and/or operated and may be remuneration, free or privately utilized.

**SCHOOLS, PUBLIC:** An institution or place for instruction of education belonging to the public and established and conducted under public authority in the various districts, counties or cities and maintained at the public expense by taxation, and open with or without charge to the public for their attendance. This does not include schools owned and/or conducted by private parties though said schools may be open to the public generally and though tuition may be free. Schools in the aforementioned category of public schools shall include all public cottage or kindergarten, elementary, junior high, high school, junior colleges, college and universities, but no others.

**SCREENING AREA:** An area set aside to remain vacant of buildings and to be planted and landscaped to reduce the blighting effect of certain land uses on adjacent property.

**SERVICE FACILITIES, PUBLIC UTILITIES:** Service facilities include all facilities of public utilities operating under the jurisdiction of the Public Service Commission, or the Department of Motor Transportation, or Federal Power Commission, and common carriers by rail, other than office space, garage and warehouse space and include office space, garage space and warehouse space when such space is incidental to a service facility.

**SERVICE STATION:** Any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any motor vehicle fuels, oils, or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.

**SIGN:** Any work, lettering, figures, numbers, phrases, sentences, emblems, devices (including loud speakers), designs, pictures, trade names or trademarks, by which is affixed to, or represented directly or indirectly upon a building, structure, vehicle (including portable type

vehicles) or piece of land and which directs attention to an object, place, activity, person, firm, corporation, institution, business, service, commodity or a product, which are visible from the rights-of-way of any street, road, highway, or pedestrian area, and designed to attract attention. The term "sign" shall not include the flag, pennant or insignia of any nation, state, county, city, or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, monument, event or any type of traffic or warning sign or signal or the usual house or building number or a sign posted on a service or delivery type vehicle.

**SIGN, ANIMATED:** Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.

**SIGN, BUSINESS:** A sign which directs attention to a business, profession or industry located upon the premises where such sign is displayed or to which it is affixed to type of products sold, manufactured or assembled and/or to service or entertainment offered upon said premises, but not pertaining to an advertising sign if such activity is only minor and incidental to the principal use of the premises.

**SIGN, CANOPY:** Any sign affixed directly to any canopy.

**SIGN, FLASHING:** Any sign having a conspicuous and intermittent variation in the illumination of the sign.

**SIGN FLAT:** Any sign which is attached directly, in a rigid manner and parallel to the building wall and shall not extend outward from the building wall more than twelve (12) inches, except, however, if the sign is illuminated, the reflectors shall project not more than four (4) feet beyond the face of the sign. Such sign or signs shall not extend beyond the top or ends of the wall surface on which they are placed.

**SIGN, GROSS AREA OF:** The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

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

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

**SIGN, INDIVIDUAL LETTER:** Letters and/or numbers individually fashioned from metal, glass, plastic, or other materials and attached directly to the wall of a building, but not including a sign painted on a wall or other surface.

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

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

**SIGN, WINDOW:** Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of Article XIV, SIGN REGULATIONS, the word window shall be construed to mean any glass which comprises part of the surface of the wall regardless of its moveability.

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

**STABLE, PRIVATE:** A separate accessory building with a capacity for not more than one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises and not kept for compensation, hire or sale.

**STABLE, PUBLIC:** A main building with a capacity for not more than one (1) horse or one (1) pony for each six thousand (6,000) square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises and not kept for compensation, hire or sale.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, abasement shall be counted as a story.

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

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

**STREET, COLLECTOR:** Public thoroughfares which serve to collect and distribute traffic primarily from local residential streets to arterial streets.

**STREET, EXPRESSWAY:** A divided arterial highway for through traffic with full or partial control of access in general with grade separations at major intersections.

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

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

**STREET, PRIVATE:** A paved private thoroughfare which affords access to abutting property for private users, of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks.

**STREET, PUBLIC:** A public thoroughfare, constructed within the boundaries or an officially deeded and accepted public right-of-way, which affords principle means of access to abutting property. For purposes of density calculations, a public street shall constitute all of the area within the public right-of-way.

**STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings, mobile homes, signs, and fences, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, driveways or curbs.

**SUBDIVISION:** The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved any division of a parcel of land; providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

**SWIMMING POOL:** Any structure or device of any kind that is intended for swimming purposes, including but not limited to any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material or type of berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection there-with; which structure or device is intended to cause, or would cause if completely filled, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term "structure" as used in this ordinance. Outdoor swimming pools shall be deemed to consist of the following classes: private, semi-private, public and commercial, as follows:

- A. Private: when consisting of an accessory structure appurtenant to a one family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged or received for such use.
- B. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school or private club, or country club, and used only as such by persons who reside or are housed on the same lot or who are regular members of such church, club, country club or regular attendants at such school and by individual



guests (as distinguished from groups of any kind) of the foregoing with no payment of any kind or in any form being charged or being received for such use.

- C. Public: a swimming pool operated by a unit of government for the general public.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment (of an hourly, a daily, weekly, monthly, annual, or other fee).

**TAVERN:** Any establishment selling, by the drink, fermented malt beverages or malt, vinous or spirituous liquors.

**TENT:** Any structure or enclosure, the roof of which and/or one-half (1/2) or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar light material.

**TOURIST COURT:** *See* MOTELS.

**TOURIST HOME:** A building designed for or used by a single family or two-family dwelling in which sleeping rooms are provided or offered to transient guests for compensation, but not more than four (4) transient guests.

**TRAILER:** *See* CAMPING/VACATION MOBILE UNIT.

**USE, PERMITTED:** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such district(s).

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

**YARD:** An open space of the same lot or building site with a main building unoccupied and unobstructed from the ground upward, except by trees, Plants, shrubberies, ornaments, utility poles and wires, dog houses, outdoor furniture, gas pumps, pump islands, and except as otherwise permitted in Section 9.10 (G) "Permitted Obstructions in Minimum Required Yards".

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

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

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

**ZONE:** An established area within the city for which the provisions of this ordinance are applicable. (Synonymous with the word “District”).

**ZONING ADMINISTRATOR:** The official or officials appointed by the city for carrying out the provisions and enforcement of this ordinance.