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## ARTICLE VII

### DEFINITIONS

**SECTION 7.0 WORDS AND PHRASES:** For the purpose of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

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

**ACCESS POINT:** An access point is:

- A. A driveway, a local street, or a collector street intersecting an arterial street;
- B. A driveway or a local street intersecting a collector street; or
- C. A driveway or a local street intersecting a local street.

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

- A. Is subordinate to and serves the principal structure or principal use;
- B. Is subordinate in area, extent, or purpose, to the principal structure or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
- D. Is located on the same lot as the principal structure or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the structure or use served.

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

**AGRICULTURAL USE:** The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use

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

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

**ALLEY:** Public rights-of-way 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, MULTI-FAMILY

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

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

**AUTOMOTIVE AND TRUCK SERVICE AND REPAIRS (Major):** A building, or portion thereof, used by an establishment primarily engaged in major automotive and truck repairs including, but not limited to, body restoration and engine overhauls. This use also includes establishments engaged in painting and refinishing of automobiles and trucks.

**AUTOMOTIVE SERVICE AND REPAIRS (Minor):** A building, or portion thereof, used by an establishment primarily engaged in routine general automotive service and repairs.

**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.

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

**BEAUTY PARLOR:** A building, or portion thereof, used by an establishment for giving beautifying treatments to the face, hair, or body, and shall not include massage parlors.

**BED AND BREAKFAST ESTABLISHMENT:** A residential dwelling unit wherein the owner/occupant offers overnight accommodations to guests for compensation.

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

**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.

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

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

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

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

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

**BUILDING, DETACHED:** A building surrounded by open space on the same lot as a principal structure.

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

**BUILDING INSPECTOR:** The official or officials appointed by this City to administer and enforce the applicable Building Codes.

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

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

**BUILDING SITE:** One continuous piece of land that meets all of the provisions of the City's ordinances, regulations, and codes for building on said site.

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

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

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

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

**CARPORT:** See GARAGE, PRIVATE.

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

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

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

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

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

**COMMISSION (PLANNING COMMISSION):** The Planning and Zoning Commission of the City of Wilder, Commonwealth of Kentucky.

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

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

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

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

**CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the zoning administrator pursuant to authorization by the Board of Adjustment, consisting of two parts.

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

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

**CONGREGATE HOUSING:** A facility for four (4) or more persons who are at least fifty-five (55) years of age, within which are provided living and sleeping facilities, shared

meal preparation services, common dining areas, laundry services, and/or common recreation or social facilities. This use may include convalescent and nursing facilities.

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

**CURB CUT:** Any interruption, or break in the line of a street curb intended to provide vehicular access to a street. In the case of streets without curbs, curb cuts shall represent construction of any vehicular access which connects to said street.

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

**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.

**DEVELOPMENT PLAN:** Written and graphic material for the provision of a development, including any and all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.

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

**DOMESTIC ANIMALS:** Animals that are customarily kept for personal use or enjoyment within a residence. Domestic animals shall include, but no be limited to, dogs, cats, birds, fish, and similar animals.

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

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

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

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

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

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

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

**DWELLING, TRAILER:** See MANUFACTURED HOME.

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

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

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

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

- A. Carry-out – A restaurant primarily designed for consumption of food off the premises. Incidental indoor seating for consumption of food on the premises may be provided.
- B. Drive-in – A restaurant where consumption of food is encouraged in a vehicle on the premises, where food is provided by "car-hop" or self-service, with or without incidental sit-down and carry-out facilities.
- C. Sit Down – A restaurant which provides indoor seating arrangements designed primarily for consumption of food on the premises, with or without incidental carry-out service
- D. Combination – A restaurant which provides any combination of sit-down, carry-out, drive-in, or drive-thru services.
- E. Dining Room/Cafeteria and/or Supper Club -- A restaurant which provides indoor sit-down seating arrangements as the principal use of the establishment.

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

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

**FAMILY:** Shall consist of any number of persons living together in the same household, whether or not related by blood or marriage, who share in common the same eating and living facilities and who are self sufficient or is attended to primarily by other members of the same household

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

**FILLING STATION:** See SERVICE STATION

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

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

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

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

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

**FLOOR AREA GROSS;:** The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies, and garages, measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units.



For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar area devoted to such uses.

The gross floor area shall not include floors used for parking space when such parking pertains to a residential, commercial, or office used in the same structure.

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

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

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

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

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

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

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

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

**HOSPITAL (HUMAN CARE):** A building, or portion thereof, used by medical persons for the diagnosis and treatment of human patients, generally on an in-patient basis.

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

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

**HOUSE TRAILER:** See MANUFACTURED HOME.

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

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

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

**JUNK YARD:** An open area where waste, 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, inoperative motor vehicles, and bottles.

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

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

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

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

**LEGISLATIVE BODY:** The City of Wilder.

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

**LOADING AND/OR UNLOADING SPACE:** A space used for the temporary standing, loading and/or unloading of vehicles.

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

LOT AREA: The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, and shall be in one (1) zone only.

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

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

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

LOT, FLAG: A lot which abuts a public street, via a narrow strip of land.

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

LOT LINE, FRONT: The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the principal building faces. In the case of a flag lot, the interior line most parallel to and nearest the street right-of-way line.

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

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

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

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

**MANUFACTURED HOME:** Any coach, cabin, or other structure which is intended, designed, and used for the fixed residence of a person, family, or a household, built on a permanent chassis, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. For the purpose of this ordinance, the removal of wheels and/or the attachment of a foundation to said structure shall not change its classification. For purposes of this ordinance, double width structures which are fabricated on individual chassis with wheels, and are designed to be joined, shall be considered a manufactured home.

**MANUFACTURED HOME PARK:** Any lot or parcel of land which is subdivided, designed, maintained, intended, and/or used to accommodate more than one (1) manufactured home. For the purpose of this ordinance, any lot or parcel of land used for the wholesale or retail sale of manufactured homes shall not be included within this definition.

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

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

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

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

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

**MOTOR VEHICLE:** See VEHICLE.

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

**NONCONFORMING USE OR STRUCTURE:** An activity or a structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but

which does not conform to all of the regulations contained in this ordinance, or amendments thereto, which pertain to the zone in which it is located.

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

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

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

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

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

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

**OFFICE PARK:** A development on a tract of land that contains more than one (1) building, or other improvement dedicated to permitted, accessory, or conditional uses and open space, designed, planned, and constructed in a manner that permits, encourages, or necessitates interaction of the various users of the development for support.

**OUTDOOR BILLBOARD ADVERTISING:** Means a sign or graphic image affixed to the ground or structure, visible from any street, highway or other public way, displaying a message or promoting goods, products, services, events, activities, ideas, opinions, and candidates for public office, except:

- A: Signs primarily intended to promote the sale of goods, products or services on the same premises as the sign.
- B: Signs primarily intended to promote events or activities taking place on the same premises as the sign.
- C: Directional or traffic control signs posted by a public authority.
- D: Signs advertising the sale or lease of the property on which they are located.

General Requirements:

Every Outdoor Sign shall:

- A: Be securely affixed to a substantial structure, and in the case of wall signs, securely affixed to a building. No sign shall be erected on a roof or above the roof line.
- B: Be maintained, clean and in good repair, and the painted portions of such signs shall be periodically repainted and kept in good condition.
- C: Be constructed in accordance with local building codes.
- D: Be no larger than 300 square feet.
- E: Meet all zoning codes for setback and height for permitted uses within the zone in which Outdoor Advertising is permitted.
- F: Signs may be double faced, side by side or placed on top of one another provided the overall area meet zoning requirements for the zone.
- G: Be spaced a minimum of 1000 lineal feet from any other outdoor advertising sign, located on the same side of the street right-of-way and facing the same traffic flow as measured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street.

Prohibited Advertising:

A person may not display on an outdoor advertising sign:

- A: An advertisement for an alcoholic beverage if the outdoor sign is located within 500 feet of a school or church.
- B: Advertising for tobacco products.
- C: Advertisement of Sexually Oriented Businesses or products as defined in this ordinance.

Lighting Requirements for Outdoor Advertising Signs:

Lighting shall not be used in any way in connection with any outdoor advertising sign unless it is so effectively shielded as to prevent beams or rays of light from being directly cast on any portion of the street or highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle. Illuminated off-premise signs shall not produce more than one foot candle of illumination four feet from the sign, when measured from the base of the sign.

Permit required:

A building and zoning permit as regulated by this ordinance shall be obtained before construction or location of any Outdoor Advertising Sign is located in the City of Wilder.

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

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

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

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

**PHOTOCOPY ESTABLISHMENT:** A building, or portion thereof, used by business facilities that are involved in the preparation and/or reproduction of material in printed form. Such facilities are primarily intended to serve walk in trade and be limited to activities serving the general public. Such facilities are not intended to include typesetting, photo-engraving, electrotyping, and stereotyping of industrial type printing establishments.

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

**RAILROAD RIGHT-OF-WAY:** A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**RECYCLING PLANT:** A facility in which recoverable resources, such as paper products, glass products, metal products, plastic products, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**RESIDENTIAL CARE FACILITY:** A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

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

**SCHOOLS, GYMNASIUM:** A building, or portion thereof, used for instruction or education in physical fitness and gymnastic skills.

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

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

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

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

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

**Sexually Oriented Businesses (SOB's):** Defined as an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motion picture theater, escort agency or nude model studio business.

1. Adult Arcade means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
2. Adult Bookstore, Adult Novelty Store or Adult Video Store means a commercial establishment which has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, or any one or more of the following:
  - a. Books, magazines periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, diskettes, compact discs, or other visual representation which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.



- b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genitals organs or for sadomasochistic used or abuse of themselves or others.
  - c. An establishment may have other principal business purposes that do not involve the offering for sale rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomic areas or specified sexual activities.
3. Adult Cabaret means a bar, restaurant “bottle club”, or similar commercial establishment, whether or not alcoholic beverages are served, which includes: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, slides, or other photographic reproduction which are categorized by the depiction of description of specified sexual activities or specified anatomical areas.
4. Adult Motel means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are categorized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines pamphlets or leaflets, radio or television; or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
5. Adult Motion Picture Theater means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are categorized by the depiction or description or specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
6. Adult Theater means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons, who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
7. Escort means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

8. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
9. Nude Model Studio means any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
10. Specified Sexual Activities includes any of the following:
  - a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
  - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  - c. Masturbation actual or simulated; or
  - d. Human genitals in a state of sexual stimulation, arousal or tumescence;
  - e. Excretory functions as part of or in connection with any of the activities set forth in items a-d.
11. Specified Anatomical Areas includes any of the following:
  - a. Less than completely and opaquely covered human genitals, pubic region buttocks, anus or female breasts below a point immediately above the top of the areolae; or
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Studio – A facility used for the production of arts and crafts or a type of dwelling unit.

Video Store – A business in which video tapes are sold or rented to the public. A video store is not considered a sexually oriented business nor an adult video store.

**SIGN:** Any combination of letters, pictures, characters, or other display used to identify or direct attention to some activity or direction. This definition is not intended to include public art work in public spaces, as may be approved by the legislative body, or public art work located on private property not containing, or intended as, commercial advertising.

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

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

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

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

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

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

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

**SIGN, GROSS AREA OF:** The entire area within a single continuous perimeter enclosing the limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

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

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

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

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

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

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

**SIGN, WINDOW:** Any sign 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 movability.

**SOCIAL SERVICE CENTER:** A building, or portion thereof, used by establishments primarily engaged in the organized activity for the benefit of the disadvantaged and the overall betterment of society. Such establishments may provide one or more of a wide variety of individual or family social, counseling, welfare, or referral services.

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

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this ordinance, a basement shall 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, PRIVATE:** A paved thoroughfare which affords access to abutting property for users of such property. For the purposes of density calculations, a private street shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

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

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

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

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

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

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

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

**STRUCTURE:** Anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including: buildings and fences.

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

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

**SUPPORT CLUB:** A building, or portion thereof, used by a non-profit, charitable club whose primary purpose is the giving of support through fellowship, counseling, and education to individuals facing and/or overcoming a problem or disability. Such club may not permit the use of alcohol or drugs on its premises. Such club may not use the premises as a residence for any individual or permit any individual to sleep there overnight.

**SWIMMING POOL:** Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction; any depression or excavation in any natural or constructed material; any dike or berm of any material or type of construction; including all 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, the retaining of water to a greater depth than eighteen (18) inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term "structure" as used in this ordinance.

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

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

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

**TENANT SPACE:** An area owned or rented/leased within a building, completely separated from another area by a permanent wall, and having an individual entrance/exit to the outside or to a common corridor.

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

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

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

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

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

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

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

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

**WASTE USE, INTERMEDIATE:** an activity or place where waste material, other than hazardous or infectious waste, is received and processed for transportation to another location for recycling, re-use, incineration, or final disposal.

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

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

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

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

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