
ARTICLE

40

DEFINITIONS

SECTION 4000

Interpretation of Terms or Words

For the purpose of this order, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

AASHTO

American Association of State Highway and Transportation Officials.

Abandonment

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

Abutting or Adjoining

Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

Acceleration Lane

A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

Access

Driveway or other point of access such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway will be the access.

Accessory Dwelling Unit

An additional dwelling unit within a single family residence, or within a structure accessory to a single family residence, that does not occupy more than thirty five (35) percent of the total floor area of the principle structure. Such a unit is created by partitioning or finishing space within a principle residential structure or structure accessory to the principle residential structure. The principle dwelling unit and accessory dwelling unit together shall not exceed the maximum permitted density for the zone in question. Also refer to the definition of "family" in this article.

Accessory Use or Structure

A use or structure on the same lot as the principal use or structure and is subordinate and secondary in area, extent and purpose to the principal use or structure in which it serves. An accessory use or structure contributes to the comfort, convenience, and/or necessity for the occupants of the principal use or structure.

Agricultural Use

Per KRS 100.111.(2), "agricultural use" means the use of:

- (a) A tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
- (b) Regardless of the size of the tract of land used, small farm wineries licensed under KRS 243.155;
- (c) A tract of at least five (5) contiguous acres used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- (d) A tract of land used for the following activities involving horses:
 1. Riding lessons;
 2. Rides;
 3. Training;
 4. Projects for educational purposes;
 5. Boarding and related care; or
 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations.

This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004;

Airport

A defined public or private land area designed and set aside for the landing and taking-off of aircraft. An airport includes all necessary runways, taxiways passenger terminals, parking areas, aircraft maintenance and storage buildings, and open spaces.

Alley
(See Street)

Alterations, Structural

A change or rearrangement in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amusement Park

A permanent facility open to the public on a seasonal or year round basis that includes a combination of recreational and/or entertainment attractions. Attractions at an amusement park consist primarily of mechanized or non-mechanized rides and exhibits for viewing, but may also include attractions such as arcades, vendors offering food or games of chance, and/or live music, theater, or multi-media events.

Apartment Dwelling Unit

A residential structure used for occupancy by three or more families living independently of each other and which contains three or more dwelling units, but not including townhouse dwelling units. Also refer to the definition of "family" in this article.

Approach

The portion of an intersection leg which is used by traffic approaching the intersection.

Arcade

A recreational facility composed of video games. An arcade does not include a sexually oriented business.

Art, Music & Dancing Schools

A facility in which the components of art, music, dancing and theater are taught and displayed. Such a facility is not considered a sexually oriented business nor an adult theater or nude model studio.

Auto Parts and Accessories Store

A retail establishment that sells parts, components and accessories for motor vehicles but that does not conduct automotive repair activities, pursuant to the definition of "automotive repair facility," and that does not conduct wholesaling or warehousing and distribution activities.

Automotive Repair Facility

A business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on a individual vehicle basis; changing of oil, other fluids, and filters; emissions testing and vehicles inspections.

Automotive Sales

The sale or leasing of new and used motor vehicles, displayed, stored, and sold or leased on site excluding repair work except incidental repair.

Automotive Wrecking

The dismantling or wrecking of used motor vehicles, mobile homes, or trailers; or the storage, sale, or dumping of dismantled, wrecked vehicles or their parts. The presence of two or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to a junk yard.

Average Daily Traffic (ADT)

The total bidirectional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period.

Band Width

The time in seconds or the percent of cycle between a pair of parallel lines which delineate progressive movement on a time-space diagram. It is a quantitative measurement of through traffic capacity provided by

signal progression.

Basement

A story underground having at least one-half of its height below the average level of the adjoining grade.

Bed and Breakfast Inn

A owner operated residential structure(s) where short term lodging rooms and meals are provided for compensation on a small scale, typically in a agricultural or small community setting. The owner-operator must reside on the premises. A bed and breakfast inn shall be limited to a maximum of eight guest rooms or suites on the premises.

Bicycle Lane (Bike Lane)

A portion of a roadway, or a lane adjacent to a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Route (Bike Route)

A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

Bikeway

Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Board of Adjustment and Zoning Appeals

An appointed board responsible for hearing appeals of determinations made by the zoning administrator and considers requests for variances and conditional use permits as outlined in the zoning regulations.

Body-Art Services

Provision of tattooing and body piercing, as defined in KRS 211.760. This definition does not include practices that are considered medical procedures by the Commonwealth of Kentucky which may not be performed in a body-art services establishment. **(Applies to the City of Florence Only)**

Bookstore

A business in which books, magazines and newspapers are sold to the public. A bookstore is not considered a sexually oriented business nor an adult bookstore.

Buffer Yard

(See Landscaped Screening)

Building

A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Accessory

A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building Height

The vertical distance measured from the average elevation of the proposed finished grade at the front of building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Setback Line

A horizontal distance line which is generally parallel to the related front, rear, or side lot line. The building setback line cannot encroach upon the required minimum yard dimensions for principally permitted and accessory uses or structures as specified in this order.

Business Association

An organization or company formed to represent business interests, which are permitted in the community.

Capacity

The maximum number of vehicles that have a reasonable expectation of passing over a given roadway or section or roadway in one direction during a given time period under prevailing roadway and traffic conditions.

Cellular Antenna Tower:

A Cellular Antenna Tower is a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services. Such towers are considered Cellular Telecommunication Facilities (see Article 31). They are designed as any communication pole, spire, structure or combination thereof, greater than 35 feet in height from the base at grade to the top of the structure, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one (1) or more antennas or dishes, including self-supporting lattice towers, guyed towers or monopole or stealth towers.

Cemetery

A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for inurement, burial ground consisting of one (1) or more marked or unmarked graves, and a burial mound or other burial facility.

Church

A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, child care, senior services, and educational programs. For the purposes of this order, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition. A facility which is generally used for purposes other than religious worship services may be classified as a church if religious services are conducted within it in at a frequency and/or intensity greater than other, non-religious assemblies that are permitted in the same district as accessory uses.

Channel

A natural or artificial water course, with bed and banks that transport continuous or intermittent water flow.

Clinic

A facility that offers care, diagnosis and treatment of sick, or injured persons. A clinic may provide out patient surgical attention but does not include accommodations.

Club - A facility owned or operated by persons for a social, literary, political, educational or recreational purpose for the exclusive use of members and their guests. A club does not include a sexually oriented business.

Commercial Recreation

A privately owned and operated facility that offers activities related to fitness or recreation. It does not include a sexually oriented business.

Commercial Solid Waste

Solid waste generated by and/or resulting from but not limited to the operation of any commercial, industrial, institutional or agricultural establishment.

Comprehensive Plan

A plan, or any portion thereof, adopted by the Planning Commission in accordance with Chapter 100 of the Kentucky Revised Statutes which establishes policies for public and private actions and decisions to safeguard the development of public and private property in the most appropriate manner. A comprehensive plan shall contain, as a minimum, a statement of goals and objectives, principles, policies, and standards; a land use plan element; a transportation plan element; a community facilities plan element; and any additional elements.

Concentrated Animal Feeding Operation

An industrial facility used for the concentrated production of livestock including birthing, raising, housing,

feeding, and/or slaughtering, where livestock production is conducted in an intensive, factory style environment versus a farm or pasture environment. A concentrated animal feeding operation is an industrial use per OAG 97-31 and not an agricultural use pursuant to KRS 100.111.

Concept Development Plan

A plan that generally illustrates, depicts, and/or describes a development proposal, in accordance with the requirements stated in Article 3. A Concept Development Plan is reviewed in conjunction with Zoning Map Amendment requests and other public hearing requests as specified in this order. A Concept Development Plan approval shall be binding upon the future development of the real property in question.

Conditional Use

A defined use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Adjustment and Zoning Appeals. A conditional use has some special characteristic inherent to its operation and is subject to special requirements to mitigate negative land use impacts.

Conditional Use Permit

A permit granted by the Board of Adjustment and Zoning Appeals permitting a defined use, other than a principally permitted use to be established within the zoning district and subject to the special requirements established by the Board.

Condominium

A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association. Also refer to the definitions of "single family dwelling unit" and "family" in this article.

Convenience Store

A small retail store that sells grocery and deli items, and other day-to-day goods, and stocks such goods on the premises, all on a limited basis. A convenience store may offer the retail sale of motor fuels as an accessory use if permitted in the particular zone, or if the particular zone allows gasoline filling stations as a principally permitted use.

Corner Lot

(See Lot Types)

Crematorium

A building used for the cremation of deceased persons and animals. Crematoriums are principally permitted in the Industrial One (I-1) and Industrial Two (I-2) zones, and must be accessory to a funeral home for other zones where they are listed as a permitted use.

Critical Volume

A volume (or combination of volumes) for a given street which produces the greatest utilization of capacity for that street in terms of passenger cars or mixed vehicles per hour.

Cul-De-Sac

(See Street)

Cycle Time

The time period in seconds required for one complete sequence of signal indications.

Day Care Center

Any facility or home that cares for more than six unrelated (unrelated to the operator) children or adults on a regular basis for the purpose of child care or adult care. Day care centers do not include overnight accommodations.

Dead-end Street

(See Street)

Deceleration Lane

A speed change land, including tapered areas, for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to safe turning speed after it has left the main stream of faster moving traffic.

Delay

Stopped time per approach vehicle, in second per vehicle.

Demolition and Construction Waste

Waste materials from the construction or destruction of residential, industrial, or commercial structures.

Density

Defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres, square footage, or number of dwelling units in relation to a site or portion thereof. For commercial and employment uses, density is typically expressed in this order as a ratio of square footage of building area per acre of land area. For residential uses, density is typically expressed in this order in terms of the number of dwelling units per acre of land. For signage, density is expressed in this order in terms of the number of a certain type of sign per wall, building, lot, or overall development or subdivision. The term "density" may be used interchangeably with the term "intensity" in this order.

Design Hour Volume

Hourly traffic volume used for street design and capacity analysis, usually one or more peak hours during a 24 hour period.

Design Speed

Five to ten miles per hour above the proposed or desired speed limit of the facility under design.

Design Vehicle

Developments intended for public use must be designed for the following types of vehicles:

Residential (excluding single family or duplex)	SU30
Commercial Uses	WB40
Industrial Uses	WB50

For public street, the following design vehicles must be used:

Commercial/Multi-family Locals and Minor Collectors	SU30
Major Collectors	WB40
Arterials	WB50

Definitions for the above vehicle types are found in AASHTO Geometric Highway Design Standards.

DHV

Design Hour Volume

Diameter At Breast Height (dbh)

The diameter of a tree trunk as measured at the height of the chest of the individual making the measurement. For the purposes of this order and the landscaping requirements contained herein, dbh is 4.5 feet from grade. (See Article 36).

Divided Highway

A highway with separate roadways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, other physical separations, or by standard pavement markings and other traffic control devices.

Drive-In Facility

A portion of a parking area or a structure such as a canopy where patrons order, are served, and can consume prepared food within their vehicles on the premises. A drive-in facility must be accessory to a permitted eating and drinking establishment.

Drive-Through Facility

A facility, used in conjunction with a permitted use, that is designed or intended to be used to provide for sales or service to patrons who remain in their vehicles (See Section 3155).

Drop-off centers

A trailer or temporary structure used as a collection point for donated items for a specific non-profit organization.

Duplex Dwelling Unit

A single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling. Also refer to the definition of "family" in this article.

Dwelling

A building or structure, which is completely or partly used for residential purposes but does not include commercial hotels, motels or tourist cabins.

Dwelling Unit

An area within a dwelling, comprising of one housekeeping unit for occupancy by a family and household employees. A dwelling unit includes facilities such as bathrooms, a kitchen and bedrooms. Also refer to the definition of "family" in this article.

Easement

A legally authorized use for a defined area by a property owner to the public, a corporation, another person, or an entity for a specified purpose.

Eating and Drinking Establishments

A restaurant serving food and/or alcoholic beverages, along with music. Eating and drinking establishments do not include an adult cabaret or any other type of sexually oriented business.

Elderly Housing Facility

A residential building or complex with multiple units, suites, or rooms for senior citizens. A elderly housing facility shall primarily consist of independent living units and/or assisted living units, and may secondarily include congregate care, skilled or nursing care, Alzheimer's units, hospice, and/or comparable arrangements. It may include customary accessory services for residents such as dining, recreation and entertainment, beauty and barber services, laundry, chapel, convenience shopping, and routine day-to-day medical care. This definition does not include standard attached or multi-family residential structures, hospitals, nursing homes, or any type of clinic.

Equipment (Light)

Equipment, implements, and machinery used for commercial, industrial, construction, small scale excavation, landscaping, and other purposes, which are equal to or smaller in size than a Bobcat style implement such as Bobcat style loaders and mini-excavators, fork lifts, scissor lifts, generators, compressors, power washers, and jack hammers.

Equipment (Heavy)

Equipment, implements, and machinery used for commercial, industrial, construction, excavation, landscaping, mining and other purposes which are larger than a Bobcat style implement such as bulldozers, excavators, backhoes, crushers, compactors, cranes, and cherry pickers.

Essential Services

The erection, construction, alteration, or maintenance, by public utility, or governmental agency of underground gas, electrical, steam, water or other distribution systems, collection, communication, supply disposal, or other transmission system. Includes, but is not limited to poles, wires, main drains, sewers, pipes, traffic signals, hydrants, or other similar equipment for the public's health, safety and general welfare.

Family

1. Any number of persons all of whom are related by blood, legal adoption, or marriage, occupying a common premises and living as one housekeeping unit using one kitchen; **or**

2. Five or fewer persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, lodging house, fraternity or sorority, club, hotel or a residence for social rehabilitation, or that admission to residency in or occupancy of the premises is not limited to or intended for persons in the custody of the criminal justice system or the juvenile justice system and persons engaged in the care, custody, nurturance, or supervision of such persons; **or**
3. More than five persons occupying a common premises and living as one housekeeping unit using one kitchen, provided that the premises is not a boarding house, home for the infirmed and aged, nursing home, lodging house, fraternity or sorority house, club, hotel, or other exceptional residential use, or a residence for social rehabilitation.

Housekeeping unit arrangements under any of the three tiers of “family” as defined above shall not be temporary or seasonal in nature and must have a minimum duration of at least thirty (30) consecutive days.

Family Day Care

A home that regularly cares for six or less unrelated (unrelated to the operator) children or adults for the purpose of child care or adult care on a non-residential basis. A family day care facility must be accessory to a residential use.

Farm Implement and Machinery Sales

The sale or leasing of new and used farm implements and machinery displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Farmers Mart

An area or facility, which can be either open air, covered with a roof structure that is open at the sides, and/or partially enclosed, at which vendors gather to sell:

1. Fresh produce;
2. Meat and fish items;
3. Seasonal plants such as Christmas trees, flowers, and seeds;
4. Bakery goods, dairy products, delicatessen and grocery items; and
5. Related or complementary goods, such as condiments, seasonings, honey, wines, and other beverages, as determined by the Zoning Administrator.

Other goods, such as household and personal items, furniture and furnishings, clothing, crafts, auto parts and accessories, electronics, fireworks, media, novelties, collectibles, and landscape supply including items such as trees, shrubs, fertilizer, and mulch, and other similar items, shall not be offered for sale at a farmers mart. Sales and display for a farmers mart shall occur in designated areas only and shall not occur in parking spaces, any vehicular areas, or landscape areas. (This definition applies to unincorporated Boone County only).

Fence

A structure, other than a building, which is a barrier and used as a boundary, or means of security, confinement, or separation.

Ferry Boat Landing

A landing or port used for the docking of marine craft that are used exclusively to transport people and/or individually owned, personal motor vehicles across the Ohio River. A ferry boat landing shall include parking facilities.

Fireworks Retail Sales

The sale of consumer or common fireworks classified as Division 1.4G (formerly Class C) explosives by the United States Department of Transportation to the general public in a non-seasonal retail environment in accordance with KRS 227. Customary accessory uses including the storage of inventory for on-site sales are permitted at a non-seasonal fireworks retail sales establishment. Storage, warehousing, or distribution of inventory for multiple store locations, the manufacturing or wholesaling of fireworks, or the sale of display

fireworks classified as Division 1.3G (Class B) explosives by the United States Department of Transportation, are not permitted within a fireworks retail sales establishment. Facilities used for fireworks retail sales must be approved by the Boone County Building Department and applicable fire officials. (Ancillary sales under KRS 227.715(2) are not affected by this definition.)

Fire Trucks

Must be considered as a WB40 truck with a minimum of 45 ft. radius for design purposes.

Flag Lot

(See Lot Types and refer to the Boone County Subdivision Regulations for requirements)

Flight track

Ground projections of the path an aircraft follows as it arrives or departs from an airport.

Flood Plain

A land area susceptible to being inundated by water from any source. Control Regulations in accordance with The Federal Emergency Management Agency defines the land area subject to a base flood as the 100-year flood plain.

Floor Area of a Building

The sum of the gross horizontal area of all enclosed floor levels of a building, including basement floor areas but excluding the area of open roofed structures such as porches, terraces, canopies, and awnings. Also referred as "gross floor area."

Flowline

The transition point between the gutter and the face of the curb. For a cross or valley pan, it is the center of the pan. Where no curb exists, the flowline will be considered the edge of the outside traveled lane.

Franchise Style Fast Food Establishment

A restaurant that sells ready made food or readily prepared made to order food (hot or cold), from a typically limited menu, that is typically served in disposable containers or wrappers. A franchise style fast food establishment may include drive-in or drive-through service, although orders are generally not taken at the customer's table. A franchise style fast food establishment is typically characterized by the use of corporate trademarks in the design of on-site signage and by standardized corporate architecture in the design of the building.

Garages, Private

A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.

1. Not more than one space is rented for parking to persons not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tones capacity.

Garage, Public

A facility designed and used for the temporary storage of operational automobiles which is open to the public at large and/or which allows vehicle parking for a fee.

Gasoline Filling Station

A facility that primarily offers the retail sale of gasoline and similar fuels . A gasoline filling station may offer automotive wash services if permitted in the particular zone as a principally permitted, accessory, or conditional use. Gasoline filling stations include the following activities that are accessory and incidental to the principle operation:

1. Sale of cold drinks, packaged food, and similar convenience goods.
2. Sale of road maps, other travel information material and provision of restroom facilities.

General Merchandise

A type of retail operation involving a variety of items sold on-premise. It is also referred to as a department store. Such items do not include a sexually oriented business.

Handicapped Person

A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Handicapped person" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under K.R.S. Chapter 218A.

Health Resort or Spa

A vacation or recreation facility which is available to the general public for medical or therapeutic purposes. Such a facility does not include a sexually oriented business.

Home Occupation

A home business that is clearly a incidental and secondary use of the principal dwelling unit and that is conducted in conformance with the home occupation requirements of this order. Examples of acceptable home occupations commonly include personal or consulting services, professional offices, or studios that do not necessitate clients coming to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.

Homeowners Association

A private, nonprofit corporation of homeowners and/or residents of a defined area for the purpose of owning, operating, and maintaining various common properties.

Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

A tract of at least five (5) contiguous acres used for the following activities involving horses:

1. Riding lessons; 2. Rides; 3. Training; 4. Projects for educational purposes; 5. Boarding and related care; or 6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations;

Hospital Complex

One or more buildings, one of which must be a hospital (defined as an institution to provide medical, surgical, or psychiatric care to the sick or injured, including operating room facilities and beds for overnight stay). A hospital complex may also include a chapel, cafeteria or restaurant, medically related heliports, garage and maintenance facilities, physical therapy and employee exercise facilities, employee accommodations, patient/patient family housing, and shops for medical equipment, pharmacy supplies, gifts, books, magazines, toiletries, flowers, candy, or similar items, provided such uses are primarily for the benefit of patients, staff, and visitors, and are located so as not to normally attract other retail customers. A hospital complex may also include, in the same building as the hospital or in other separate buildings, other health care and health care related services, which may include but are not limited to daycare centers, medical, dental, or optical outpatient clinics, related office buildings, and medical research and development facilities.

Hotel or Motel and Apartment Hotel

A facility that offers transient lodging accommodations on a daily, weekly or monthly rate to the general public and provides additional services such as restaurants, conference rooms and recreational facilities. Such a facility does not allow a sexually oriented business.

Hourly Volume

The number of (mixed) vehicles that pass over a given section of a lane of roadway during a time period of one hour.

Household

One or more individuals occupying a single dwelling unit.

Household Electronics Sales

The retail sale of consumer electronic goods such as computers and related equipment and devices, televisions, audio and video equipment, digital media players, game consoles, cellular telephones, two way radios, navigation systems, household appliances, cameras and photographic equipment, music supplies, cellular and/or satellite service plans, and media such as computer software, electronic games, compact discs, and digital video discs. It may also include accessory repair services for the types of goods sold on the premises. A household electronic sales establishment is not considered a sexually oriented business nor an adult video store.

Household Pets

Animals customarily kept within a home or upon the premises for the resident's personal use and enjoyment. They are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

Impervious Surface

An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

Industrial Park

A defined geographic area planned and coordinated for the development of various industrial uses and associated activities. An industrial park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking, utilities, stormwater management, building design, signage, and landscaping.

Industry, Heavy

A use engaged in the basic processing and manufacture of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light

A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and warehousing and distribution of such products, but excluding basic industrial processing.

Infrastructure

The total composition of public, semipublic and private utilities, facilities and service which make urban areas possible. The infrastructure includes roads, rail, transit, sewage, water, storm drainage, education, fire, police, recreation, general public health general public administration and revenue.

Institution

A facility designed and used to aid individuals in need of mental, therapeutic, rehabilitation counseling, or other correctional services.

Intensity

Refer to the definition of "density."

Junk Yards

The storage, salvaging, and sale of secondhand materials or old dilapidated machinery. Materials include

motor vehicles, mobile homes, trailers, machinery, appliances, furniture, rags, rubber, building materials, and scrap iron. The presence of two or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered as a junkyard.

Kennel

A lot or a facility in which four (4) or more domesticated animals greater than four (4) months of age are maintained for commercial purposes. Commercial purposes include the grooming, breeding, boarding, animal day care, training, raising, and selling of domesticated animals.

LDN

(Level of noise day and night.)

The average noise level created by aircraft over a twenty four (24) hour period. Noise level measured in decibels (DBA) logarithmically averaged over a twenty four (24) hour period. (See Article 14)

Landfill

A facility designed and used for the disposal of solid wastes in an appropriate manner that minimizes potential environmental degradation. Hazardous, toxic, or radioactive waste disposal is not permitted in a landfill.

Landominimum

A single family attached or detached dwelling unit separately owned and valued for property tax purposes which includes land under the unit along with common areas under group ownership and paid by a homeowners association. Also refer to the definitions of "single family dwelling unit" and "family" in this article.

Landscape Island

An area that contains plantings or other landscape material and that is surrounded on all sides by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc. (See Article 36).

Landscape Peninsulas

An area that contains plantings or other landscape material and that is surrounded on two sides if in a corner of a paved area, or three sides in other instances, by paved areas such as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, ingress/egress lanes, etc. (See Article 36).

Landscape Screen or Buffer Yard

A defined area composed of vegetation and/or structures located between different and/or conflicting types or intensities of land uses or activities. A landscape screen or buffer yard may include a combination of trees, shrubs, earthen berms, landscaping fences, and/or open space qualities. The purpose of a landscape screen or buffer yard is to minimize the potential negative impacts of noise, light, dust, dirt, pollution, and differing visual effects of one use or activity upon another. (See Article 36 for requirements).

Landscaping

The preservation, addition, and maintenance of trees, bushes, plants, and/or other natural features for an area to produce an aesthetic appearance for socio-environmental reasons. (See Article 36 for requirements).

Level of Service (LOS)

A measure of the mobility characteristics of an intersection as determined by vehicle delay and secondary factor, the volume/capacity ratio.

Loading Space, Off-Street

Parking lot area designed and exclusively designated for the purpose of bulk pickups and deliveries. A loading area must be appropriately scaled to delivery vehicles expected to be used and accessible to vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map
(See Vicinity Map)

Lot

A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records.

Lot Coverage

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Measurements

A lot shall be measured as follows:

1. Area: The geometric, horizontal area contained within a lot of record exclusive of any portion of the right-of-way of any public or private street or alley.
2. Frontage: The distance between the side property lines as measured across the required minimum front yard setback line. Any portion of a lot which adjoins a freeway shall not be construed as lot frontage for the purposes of the requirements of Table 31.1.

Lot of Record

A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded in the office of the County Clerk.

Lot Types

Refer to the Boone County Subdivision Regulations.

Manufactured Housing

A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and transported to a building site. See Mobile Home and Modular Home.

Marina

A facility designed and used for storing, fueling, berthing, and launching of private pleasure watercraft.

Massage Parlor or Clinic

A facility in which the practice of massage by any licensed massage therapist, hospital, physician, surgeon, chiropractor or osteopath, nurse or technician working under the supervision of the above or by trainers for athletic or medical purposes. It does not include sexually oriented businesses.

Medical, Dental or Optical Clinics

A facility operated by one or more physicians, dentists, optometrists, physical therapists, medical message therapists, chiropractors, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical, dental, or optical clinics may also include laboratories to test patient samples or make medical appliances for patients that are treated on site.

Mental Health Facility, Inpatient

A facility where psychiatrists and other medical staff diagnose, treat, counsel and care for people of any age with psychiatric conditions and meals, lodging, and overnight stays occur.

Mobile Home

A dwelling unit composed of one or more components substantially assembled in a manufacturing plant and designed to be transported to a building site on its own chassis for placement on a supporting structure. A mobile home is constructed in accordance with the standards established in the U.S. Department of Housing and Urban Development's building code for manufactured housing. A mobile home is not constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes.

The removal of a mobile home's wheels and/or the attachment to a permanent foundation shall not change its classification. Mobile homes do not include modular homes, dwelling units with automotive capabilities, or recreational vehicles. Mobile homes may be located in the Agriculture (A-1) or Mobile Homes Park (MHP) zoning districts.

Mobile Home or Travel Trailer Sales

The sale or leasing of new and used mobile homes and travel trailers displayed, stored, and sold or leased on site excluding repair work except minor incidental repair.

Mobile Home Park

An area designed and used for the placement of two or more residential mobile homes.

Model Home

A residential structure or series of structures built with the purpose of displaying the craftsmanship of the builder/developer of that unit. The unit primarily serves as a marketing tool to sell future, similar units on other lots.

Modular Home

A dwelling unit composed of two or more components substantially assembled in a manufacturing plant and transported to a building site by truck for final assemble on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes. For the purposes of this order, a modular home is considered to be a single family dwelling unit.

Motel

A facility that offers overnight sleeping accommodations primarily for automobile travelers.

Motion Picture Theaters

An indoor facility for the public to view films. Such a facility is not considered a sexually oriented business nor an adult motion picture theater.

Multi-Family Dwelling Unit

A residential building designed arranged, and occupied exclusively by three (3) or more families living independent of each other.

Multi-Modal Transportation

Facilities, or a system of facilities, that accommodates more than one mode of transportation such as motor vehicles, bicycles, pedestrians, buses, light rail, etc. Such facilities may include but are not limited to, car pooling lots, bus stops, transit stations, bike ways or lanes, bike racks, pedestrian paths, etc.

Municipal Solid Waste

Residential solid waste and commercial solid waste.

M.U.T.C.D.

Manual on Uniform Traffic Control Devices

Noise Exposure Map

A map that presents existing and projected aircraft noise contours and identifies the incompatible land uses affected by the noise contours.

Nonconforming Use or Structure

A structure which lawfully existed at the time of adoption or amendment of the zoning regulations, which does not conform to the regulations of the zoning district in which it is situated.

Nursing Home

A facility providing bed care and inpatient services for the elderly or infirm that require regular medical attention. This definition does not include facilities providing surgical or emergency medical services, substance abuse facilities, or mental health facilities.

Office Park

A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

Open Space

A land area designated for recreation, resource protection, and/or buffering purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, trails, playgrounds, fountains, swimming pools, woods, natural drainage features, and any other passive or active recreational facilities that the Planning Commission deems appropriate. Open space is not defined as existing or future road right-of-ways, streets, driveways, parking areas, or buildings.

Owner

The person, persons, or other entity having legal title to particular real estate, or such other person, persons, or entity acting on behalf of and with the written permission and authority of the legal title holder, such as a holder of an option or contract to purchase the real estate, or a lessee. In the context of this order, "owner" means the person, persons, or entity bearing responsibility for a development review application or proposal, and the term "owner" may be used interchangeably with terms such as applicant, developer, owner by option, etc.

Parking Space, Off-Street

Parking lot area designed and exclusively designated for the purpose of automobile parking. Must be adequate for parking an automobile with room for opening doors on both sides, properly related access to a public street or alley and maneuvering room. All off-street parking spaces shall be located totally outside of any street or alley right-of-way.

Patio Home

A detached single family dwelling unit, situated on a typically reduced width lot, with a reduced or no side yard setback on one side of the lot to facilitate better overall use of the lot, and to incorporate some aspects of cluster style developments within Conventional Subdivisions (See Section 3159).

Pawn Shop

A business establishment that provides loans, usually short-term, using personal property as collateral and that retains the personal property, or legal title thereof, until the loan is repaid; if the loan is not repaid, such personal property provided as collateral is offered for sale to the public, primarily in an on-premise retail environment. A business establishment that primarily buys personal property for resale to the general public in a retail environment, without the provision of a loan, is also considered to be a pawn shop pursuant to this definition unless it is of a consignment nature. A pawn shop differs from a bank, savings and loan, credit union, or similar establishment in that a pawn shop does not offer routine banking services such as checking, savings, escrow, or similar accounts, nor the sale of certificate of deposits or similar investment instruments, nor credit services other than loans where personal property is used for collateral in accordance with the pawn provisions of the Kentucky Revised Statutes.

Planned Development

A defined land area to be planned and developed as a single development or an ordered series of developments. A planned development may include a variety of land use types and densities that are characterized by imaginative designs. A planned development's imaginative design shall creatively address

architectural design, location of structures, integration of differing land uses, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, and the preservation of natural topography, drainage, and vegetation. (See Articles 15 and 16)

Planning Commission

Public agency in the county empowered to prepare a comprehensive plan, zoning regulations, subdivision regulations, special regulations, and corridor or special area studies. The planning commission is responsible for evaluating proposed land use changes and their conformance with any applicable plans or regulations.

Planning Commission's Staff

Individuals employed by the Planning Commission or related Boards under direct employment or by a contractual agreement.

Postal Services

A business establishment that offers private post office boxes for rent, and/or that offers drop-off, pick-up, or packing and crating services for the delivery of letters or packages, and that may include the sale of stamps, packaging materials, or other items necessary for the delivery of letters or packages, provided that the use is of a retail nature and not of a distribution, storage, or transfer nature that is more appropriate in a industrial district unless otherwise qualified by the text of a specific zoning district to allow such distribution, storage, or transfer activities.

Post Office, U.S.

A facility operated and occupied by the United States Postal Service for the purpose of delivering, storing, and/or transferring mail, and for carrying out related governmental functions.

Preapplication Meeting

Informal discussions between a developer or individual and the planning staff occurring prior to the submission of an application for action by the Planning Commission. The preapplication meeting allows the planning staff to acquaint the applicant with the applicable procedures and regulations, suggest improvements to a proposed design, encourage the applicant to contact appropriate authorities on the provision of public utility service, and provide the applicant with any pertinent information relating to the proposed application.

Principal Use or Structure

The principal use or structure located on a lot as distinguished from an accessory use. The principal use or structure is the predominant purpose for which a lot is occupied or used.

Project Review Committee

The Committee responsible for the technical evaluation of site plan applications required under this order. Membership may include, but is not limited to, a representative(s) from the Planning Commission, applicable public works department, applicable water and/or sewer district, applicable county or city engineer, applicable fire district or the Fire Chief's Association, and the Boone County Building Department. A different project review committee may be formed for any of the legislative bodies served by the Planning Commission.

Public Assembly Spaces

A facility open to the public for the purpose of meetings or public events. Examples include, but are not limited to, auditoriums, exhibition halls, churches, schools and convention centers.

Public Way

A publicly dedicated area in which a public entity or the general public have the legal right-of-passage irregardless of improvements to the dedicated area. Publicways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path.

Recreation Center

An indoor facility designed for recreation uses as allowed in these regulations. Such a facility does not include a sexually oriented business.

Recreational Vehicle

A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles pursuant to this definition include motor homes,

camper trailers, boats, as well as dune buggies, stock cars, and motorcycles that are not street legal. Such wheeled vehicle may also be considered to be a trailer pursuant to the definition in this article.

Recycling Center

A completely enclosed facility that collects, sorts, and processes for shipment to a recycling plant inert recoverable resources such as newspapers, cardboard, glass, plastics, and metals.

Recycling Collection Container

A dumpster style container used for the collection of inert recyclable materials such as newspapers, cardboard, glass, plastics, or metals, or reuseable materials such as clothing and small household goods, in accordance with Section 3157.

Recycling Plant

A facility that is not a junkyard and in which recoverable resources are recycled, reprocessed, and treated in order to return such materials to a condition in which they may be used in the production of additional goods.

Research and Development Facilities

An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or laboratories conducting educational or medical research or testing.

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 Care Facility For Handicapped Persons

Any sponsoring private or governmental agency shall be permitted to operate a residential care facility in any residential district, zone or subdivision subject only to compliance with the same limitations upon area, height, yard, screening, parking, number of dwelling units, and number of occupants per dwelling unit as apply to other residences in the district, zone or subdivision. For purposes of determining the number of occupants in a residential care facility, or in any of the dwelling units which comprise the facility, employees of the sponsoring agency providing services to persons with disabilities shall be counted only if their permanent residence is maintained at the facility. No conditional use permit not otherwise required for other residences within a zone or land use category shall be required for the operation of a residential care facility.

Residential Solid Waste

Solid waste generated by and/or resulting from but not limited to the maintenance and operation of dwelling units.

Restaurant - A facility in which food is prepared and served to the public.

Retail

A use engaged in the sale of merchandise, and services incidental and directly related to such sales of merchandise, directly to the end purchaser or end user, and where sales to the general public are not restricted or prohibited as may occur in a wholesaling use. A retail use is generally not conducted in conjunction with warehousing or distribution functions, with the exception of factory outlet stores where the retail use is accessory to the warehousing or distribution use.

Right-of-Way

An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roadside Stand

A temporary structure designed or used for the display or sale of agricultural and related products.

Satellite Dish

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition includes but is not

limited to what are commonly referred as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Sexually Oriented Business

A Sexually Oriented Business is defined as an adult bookstore or adult video store, adult cabaret, adult motion picture theater, semi-nude model studio or a sex paraphernalia store. Below are additional definitions:

1. *Adult Bookstore or Adult Video Store* is a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (a) At least 35% of the establishment's displayed merchandise which consists of said items, or
 - (b) At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
 - (c) At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
 - (d) The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items), or
 - (e) The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items), or
 - (f) The establishment regularly offers for sale or rental at least two thousand (2,000) of said items, or
 - (g) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or specified "anatomical areas."
2. *Adult Cabaret* is a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.
 3. *Adult Motion Picture Theater* is a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or specified anatomical areas" are regularly shown to more than 5 persons for any form of consideration.
 4. *Characterized by* means describing the essential character or quality of an item. As applied in this set of zoning regulations, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC – 17 or R by the Motion Picture Association of America.

5. *Feature* means to give special prominence to.
6. *Floor Space* means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.
7. *Nudity* is defined as the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
8. *Regional Shopping Mall (Enclosed)* means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large "anchor" stores, such as department stores. The common walkway or "mall" is enclosed, climate-controlled and lighted, usually with an inward orientation of the stores facing the walkway.
9. *Regularly* means the consistent and repeated doing of an act on an ongoing basis.
10. *Semi-Nude or Semi-Nudity* is defined as the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
11. *Semi-Nude Model Studio* is a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:
 - (a) By a college, junior college, or university supported entirely or partly by taxation;
 - (b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (c) In a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - (2) Where, in order to participate in a class a student must enroll at least 3 days in advance of the class.
12. *Sexual Device* is any 3 dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
13. *Sex Paraphernalia Store* is a commercial establishment that regularly features sexual devices. This definition shall not be construed to include any:
 - (a) pharmacy, drug store, medical clinic, or any establishment or entity primarily dedicated to providing medical or health care products or services, or
 - (b) any establishment located within an enclosed regional shopping mall.
14. *Specified Anatomical Areas* means and includes: (a) less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
15. *Specified Sexual Activity(ies)* means any of the following: (a) intercourse, oral copulation, masturbation or sodomy; or (b) excretory functions as a part of or in connection with any of the activities described in (a) above.

Sewers, Central or Group

A central sewage treatment facility for a single development, community, or region with an accompanying a collection network. Must be designed to properly provide for the safe treatment and disposal of the generated raw sewage. Subject to the approval by the appropriate health and sanitation officials.

Sewers, On-Site

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage. Must be designed to properly provide for the safe disposal of the generated raw sewage. Subject to approval by the appropriate health and sanitation officials.

Shopping Center

A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property.

Sidewalk

A portion of the road right-of-way outside the roadway, or a pathway on private property , which is improved for pedestrian traffic.

Sidewalk Sale

An outdoor sale of items by a retail establishment on a sidewalk adjoining the building, not including public sidewalks within public rights-of-way. Such sales can only be conducted by an establishment which regularly conducts business on the same premises where the articles or goods are displayed for sale. The merchandise permitted to be displayed in a sidewalk sale is limited to items which can be carried away by one person without assistance, and such displays shall not impede or hinder pedestrian circulation (refer to Section 3550).

Sight Distance

The length of roadway ahead visible to the driver. The minimum sight distance available should sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

Sign

A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

The following represents terminology associated with signs:

Sign, Architectural Freestanding: A freestanding sign which does not have a bare, exposed, and unadorned pole structure(s), but rather uses: a cover or skirting around the pole structure(s), or; a structure constructed of materials, colors, and design details which match or correlate to the principal building on the site, or; the pole structure(s) is designed to have sculptural or artistic characteristics. A monument style sign may be substituted as the permitted freestanding sign on parcels where a architectural freestanding sign is permitted.

Sign, Directional: A low-rise sign of an incidental nature that is located near an exit or entrance to an office park or commercial shopping center, or within vehicular circulation areas, to convey directional information to motorists.

Sign, Entrance Monument: A monument sign that is located near an entrance of a shopping center, mixed use commercial development, planned development, or residential or commercial subdivision which identifies an overall development.

Sign, Free-Standing: A sign which is attached to a self-supporting structure that is placed on, or anchored in, the ground and that is independent of any building.

Sign, Illuminated: A sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

Sign, Lighting Device: A light, string of lights, or groups of lights located or arranged so as to case illumination on a sign.

Sign, Monument Style: A freestanding sign that is composed of a solid structure between finished grade and

the top of the sign.

Sign, Off-Premises: A sign advertising an attraction, facility, or product and the location of said attraction, facility, or product. The sign may or may not be located on the same property as the advertised item.

Sign, On-Premises: A sign related to a business or professional conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Sign, Portable: Any sign not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, including such signs originally designed to be transported by means of wheels but have had the wheels removed (regardless of whether they are mounted to a pole, building, or other permanent or temporary structure), and signs attached to or painted on parked vehicles that are visible from the public right-of-way, unless said vehicles is used in the normal day-to-day operations of the business.

Sign, Projecting: A sign which projects from the exterior of a building, having a display area which is other than parallel to the face of the building.

Sign, Wall: A sign which is attached to an exterior wall of a building having a display area which is parallel to that wall.

Signal Progression

Progressive movement of traffic at a planned rate of speed through adjacent signalized locations within a traffic control system without stopping.

Single Family Dwelling Unit

A residential building or structure designed, constructed and occupied by persons living as one housekeeping unit using one kitchen facility. A single family dwelling unit does include a residential care facility for handicapped persons as previously defined and stated in K.R.S. 100.92 and K.R.S. 100.984. Also refer to the definition of "family" in this article.

Site Plan

A plan prepared to scale showing accurately and with complete dimensioning, the location of all proposed uses and all site development features for a specific site. A site plan addresses physical design, location of structures, access management, interior vehicular and pedestrian access, stormwater management, landscaping, signage, provision of all required improvements, and the interrelationship of the various site plan components (See Article 30).

Small Cellular Pole:

A Small Cellular Pole is considered to be a Cellular Telecommunication Facility (see Article 31). It consists of a single or multiple communication antenna(s) located on a utility pole or other approved structure 35 feet or less in height measured from the base at grade to the top of the pole. It is used to support existing cellular communication networks intended for receiving and transmitting wireless electronic communication including but not limited to wireless data transmission. An antenna or similar type structure six feet or less in height can be installed on a pole and it does not need to meet the 35 feet pole height requirement. Unlike a Cellular Antenna Tower, a Small Cellular Pole transmits a wireless signal to and from a defined area. It uses lower power and provides coverage to a significantly smaller area. A new Small Cellular Pole is constructed for the sole purpose of expanding wireless communication capacity and co-locations on existing utility or city/county owned poles are both subject to the requirements in these regulations.

Solid Waste

Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material generated by and/or resulting from, but not limited to, Industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operation, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

Solid Waste Transfer Station

A building where municipal solid waste and/or demolition and construction waste is received, unloaded, potentially compacted, and loaded into vehicles for transport to another site for processing or final disposal. A solid waste transfer station shall not accept, handle, or transfer hazardous waste. A solid waste transfer station shall be open for use by both industry customers and the general public.

Specialized Amusement Facility

An establishment that offers one or more separate, single purpose, recreational attractions such as skateboard parks; bungee, bicycle, or ski jumping; hang gliding; etc, but that does not include live entertainment such as live music performances, theater, or multi-media events.

Speed Change Lane

A separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase (acceleration lane) or decrease (deceleration lane) its speed to a rate at which it can more safely merge or diverge with through traffic.

Stopping Sight Distance

The distance traveled by the vehicle from the instant the driver of a vehicle sights an object necessitating a stop, to the instant the brakes are applied, and the distance required to stop the vehicle from the instant brake application begins.

Storage Lane

Additional land footage added to a deceleration lane to store the maximum number of vehicles likely to accumulate during a critical period without interfering with the through lanes.

Story

The portion of a building between the surface of a floor and the ceiling immediately above.

Structure

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, satellite dishes and billboards.

Street

The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows: A public or private thoroughfare used, or intended to be used, for vehicular traffic.

Street Types

Refer to the Boone County Subdivision Regulations and Article 32 of this order.

Studio

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

Subdivision

Refer to the Boone County Subdivision Regulations.

Substance Abuse Treatment Facility, Inpatient

A facility used for the treatment of alcohol or other drug abuse where one or more patients are provided with meals, and lodging for overnight stays and care.

Substance Abuse Treatment Facility, Outpatient

A facility used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided and overnight stays do not occur.

Swimming Pool

A pool, pond, lake, or open tank containing a depth of at least 1.5 feet of water at any point and maintained by the owner or manager:

1. Private or Resident: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.
2. Community: Operated with a charge for admission; a primary use.

Temporary Storage Trailer

A portable, weather-resistant receptacle designed and used for the storage or shipment of merchandise, and which is delivered and/or removed by truck or trailer. The length of the trailer shall not exceed 53 feet.

Townhouse Dwelling Unit

A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units are so combined (attached). Also refer to the definitions of "single family dwelling unit" and "family" in this article.

Trailer

Any wheeled vehicle designed to be hauled, pulled, or towed by automobile, truck, tractor, or other vehicle, including but not limited to campers, utility wagons, construction and farm implements. Such wheeled vehicle may also be considered to be a recreational vehicle pursuant to the definition in this article.

Transitional Housing Facility

A community based residential facility that provides room, board, and counseling or other rehabilitative services for persons with medical and/or social disorders or problems, such as physical or mental disabilities, homelessness, income disparities, drug or alcohol abuse, or behavioral disorders. The purpose of a transitional housing facility is to integrate or transition the residents into mainstream society.

Trips

Generate trips referred to in this ordinance are one-way trip ends and not two-way round trips.

Truck Stop

A facility designed to provide services to the trucking industry including but not limited to dispensing of fuel, restaurants, showers, and associated retail sales. The permitted uses do not include truck repair, washes, or the sale of vehicles unless such activities are expressly listed as a permitted use for the zone in question, and a conditional use permit must be obtained for any activity to be conducted at a truck stop that is listed as a conditional use for the zone in question.

Use

The specific purposes for which land and/or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Utility Pole:

A structure originally constructed for the support of electrical, telephone, cable television, broadband or other video services, street lighting, or other similar cable and is located within the public right of way or a utility easement. A pole originally installed for the primary purpose of supporting wireless telecommunication

equipment, regardless of the timeframe between pole installation and transmission equipment operation, is considered a Small Cellular Pole.

Variance

A variance is an exception granted from the literal enforcement of the zoning regulations where, by reasons of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building or size of yards, but not intensity) of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Vehicular Use Area (VUA)

All outside paved areas within the perimeter of the site that serve as vehicular parking and circulation areas, loading/unloading areas, outside storage and outside display areas, and ingress/egress lanes. VUAs are used to determine certain landscaping requirements as specified in Article 36.

Veterinary Animal Hospital or Clinic

A facility that offers care, diagnosis, and treatment of sick, or injured animals. May include overnight accommodations on site for the treatment, observation and/or recuperation of animals. May include boarding facilities that are incidental and subordinate to the principal activity.

Vicinity Map

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and service within the general area in order to better locate and orient the area in question.

Video Store

A business which primarily rents and/or sells video media such as digital video discs and electronic games to the public, and which may secondarily sell and/or rent related equipment such as DVD players and game consoles. A video store is not considered a sexually oriented business nor an adult video store.

Warehousing and Distribution

A use engaged in storage, wholesale, transfer, and/or distribution of manufactured products, bulk materials, food and drink, supplies, and/or equipment.

Welfare and Charitable Services

An office use with a social service orientation that may also provide client services such as rehabilitation, personal development, counseling, outreach programs, or distribution of material goods for daily living needs. For the purposes of this order, welfare and charitable services does not include residential based or in-patient programs.

Wholesaling

A use engaged in volume or on-going sales of manufactured goods, bulk materials, food and drink, supplies, and/or equipment to a retailer or other middle man, but not to the end purchaser or end user, and where sales to the general public is commonly restricted or prohibited. Wholesaling is typically conducted in, and considered a part of, a warehousing and distribution environment in contrast to a retail or commercial environment.

Wireless Communications

Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that

currently exist or that may be developed in the future.

The following represents terminology associated with Wireless Communications:

Antennas or related equipment: Transmitting, receiving or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

Cellular Communication Services: Personal Wireless Service accessed by mean of cellular equipment and services, which uses radio signals transmitted through cell sites and mobile switching stations.

Co-Location: Locating two (2) or more transmission antennas or related equipment on the same wireless antenna tower.

Equipment Facility: Any structure used to contain ancillary equipment for a wireless antenna tower which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

Height: The distance measured from ground level to the highest point on the antenna tower including the Antenna Array.

Lattice Tower: A tower consisting of a webbed network of support structures.

Monopole: A tower consisting of one solid support structure from base to antenna.

Personal Communication Service: As defined in 47 U.S.C. section 332(c).

Stealth Tower: A tower that is built to resemble a flag pole, tree, church spire, etc. while blending in with the surroundings.

Support Structure: A structure designed and constructed specifically to support an antenna and may include a monopole, self supporting (lattice), guy-wire-support tower and other similar structures.

Telecommunication Facility: The lot, tract, or parcel of land that contains the telecommunications antenna, its support structure, any accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications transmission.

Uniform Application: An application to construct an antenna tower submitted to a Planning Commission in conformity with Sections 3 and 5 of HB 270.

Utility: As defined in KRS 278.010(3)

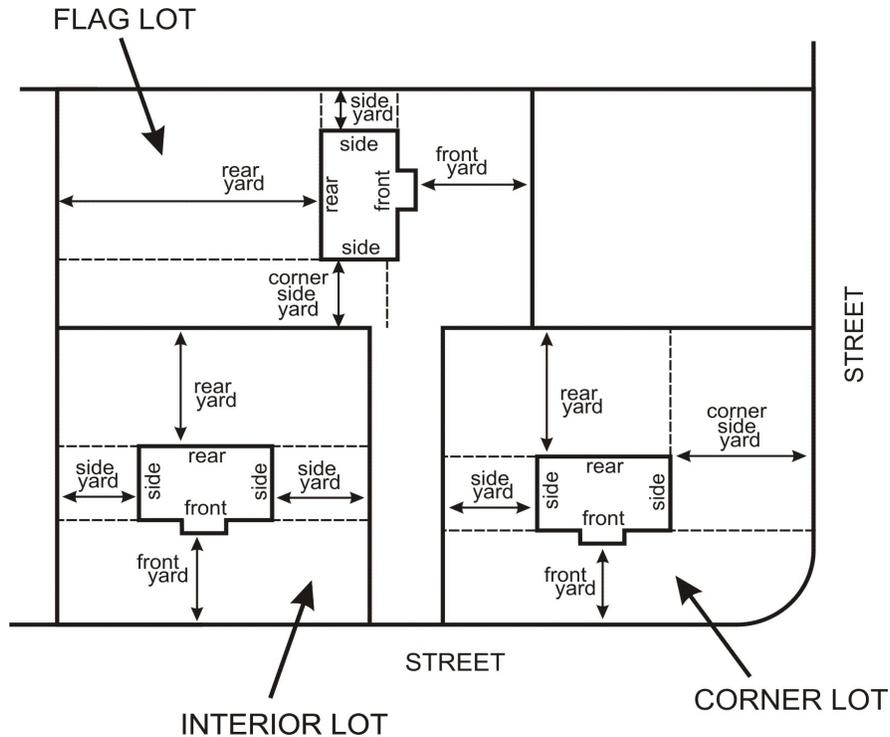
Wireless Communications Antenna Tower (Cell Tower): Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 20 feet constructed on top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

Wireless Communication Facility or Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television of AM or FM radio stations or for citizens' band or amateur radio use. Examples of cellular telecommunications or personal communications services include, but are not limited to, cellular telephone, paging, public safety, data transmission. Specialized Mobile Radio, Enhanced Specialized Mobile Radio, and other commercial private radio services.

Wireless Telecommunication Services: A retail telecommunications service that uses radio signals transmitted through wireless sites and mobile switching stations

Yard

A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture



may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines cross the front of a lot and from the front lot line, or edge of the road easement for lots along private roads within easements, to the front of the principal building. For flag lots, the front yard is the yard area between the front of the structure and the property line of the neighboring lot, however, the area between the rear lot line of the adjoining lot that is between the flag lot in question and the street shall meet the minimum corner side yard setback if this area is a side yard based on the building orientation.
2. Yard, Rear: A yard extending between side lot lines, or between a side lot line and corner side yard if applicable, across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards. A "corner side yard" is a side yard which adjoins a street or road and which extends between the side of the principal building to the right-of-way line at the side of the lot, and between the front building line and rear property line.

Zoning Administrator

The individual appointed by the county and city legislative bodies to administer, interpret, and enforce the provisions of the zoning regulations, pursuant to the provisions of this order and Chapter 100 of the Kentucky Revised Statutes.

Zoning District

A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity or density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in this order.

Zoning Map Amendment

A change to the existing zoning district boundaries pursuant to Article 3 of this order and Chapter 100 of the

Kentucky Revised Statutes. Commonly known as a zone change.

Zoning Map, Official

The map officially adopted by the appropriate legislative body or Fiscal Court pursuant to Article 3 of this order and Chapter 100 of the Kentucky Revised Statutes that delineates the boundaries of all officially adopted zoning districts. The official zoning map may include geographic information, such as the location of streets, railroads, water courses or bodies, and/or public facilities, that is provided for benchmark or orientation purposes.

Zoning Permit

A permit issued by the Planning Commission in accordance with Article 4 of this order authorizing the permitted use of lot and/or a structure and its accompanying characteristics.

Zoning Regulations

The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare, pursuant to Article 3 of this order and Chapter 100 of the Kentucky Revised Statutes. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.