

1.2.1 Interpretations Generally

For the purpose of Chapters 1 through 11, certain words, terms and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

Tense: Number -Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter, and vice versa; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

Shall; Should; May; Includes -The word "shall" is mandatory; the word "should" is directive but not necessarily mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Measurement of Distances -Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Scholar's Margin Text, Figures and Illustrations -Any chart or graphic presentation in Chapters 1 through 10 which is specifically designated as a "Figure" shall be deemed to be a part of the text of the Chapters and controlling on all development. Wherever illustrations are not specifically so designated, they are provided only as aids to the user of the Chapters and shall not be deemed a part of its text. Text and illustrations located in the "scholar's margin" are also provided only as aids to the user of the Chapters and shall not be deemed a part of its text.

Conflicts -The particular shall control the general. In case of any difference of meaning or implication between the text of these zoning regulations and any caption, figure, illustration, summary table, or illustrative table, the text shall control.

Interpretation of Undefined Terms -Terms not otherwise defined herein shall be interpreted first by reference to the adopted Comprehensive Plan, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other and otherwise according to common usage, unless the context clearly indicates otherwise.

1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

ADT (Average Daily Traffic) -The average number of vehicles per day that pass over a given point.

Abandoned Vehicle - Any automobile or other machine used for transport or part or parts thereof which is left upon public property and which is towed at public expense and thereafter unclaimed for a period of thirty (30) days, or which is left upon private property under circumstances which indicate an intent of the owner to discard it.

Abandonment - The cessation of the use of real property under circumstances which do not manifest an intent to continue said use or to resume said use within a reasonable time. The cessation of a use of real property for less than one year shall be rebuttably presumed to not constitute abandonment and the cessation of a use of real property for a year or more shall be rebuttably presumed to be unreasonable and an abandonment of use.

Abutting (Real Property) - Touching at a point or along a border; contiguous. However, these terms shall not be deemed to include parcels which are across the street or alley from each other.

Access -A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Access Class -A set of minimum connection, median, and signal spacing standards associated with the function of a particular road, which has the purpose of regulating and determining safe and adequate access to and from the roadway system.

Access Management Standards - Local public safety or public works regulations that control vehicular movement between streets and abutting private land uses, including curb cut size, location and spacing standards, raised medians and raised traffic islands; regulations prohibiting left and/ or right turns into or out of driveways and/ or streets; curb parking restrictions; grade separations; and circumstances requiring the construction of frontage roads.

Accessory Apartment -A secondary residence located on the same parcel as a single family dwelling. The accessory apartment may be located in the same structure as the principal residence, or in a separate building. There shall be no more than two adults residing in the accessory apartment. The accessory apartment shall not constitute a dwelling unit for purposes of calculating permissible density, but shall be considered in calculating the permissible floor area.

Accessory Service Use -A use which is subordinate in purpose, area and extent to the principal use served; contributes primarily to the comfort and convenience of the owners, occupants, employees, customers, or visitors of the principal use; is located within the building housing the principal use served; and is otherwise allowed by the provisions of Chapters 1 through 11.

Accessory Structure/ Use Area - In the context of the Traditional Neighborhood Form, the Accessory Structure/ Use Area lies between the Private Yard Area and the alley or rear property boundary. Most commonly used for off-street parking, accessory structures such as carriage houses and garages and as access for the property from the alley or secondary street.

Accessory Use or Structure -A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use.

This term shall be deemed to include accessory service uses, accessory private garages, home occupations, accessory tennis courts, accessory parking facilities, ground-mounted satellite dish antennas and solar energy systems which have the purpose of providing energy for heating and cooling of the principal use. Under no circumstances will uses appropriate only in the M-3 zone be allowed in the M-1 and M-2 zones as accessory uses.

Acre -A measure of land area containing 43,560 square feet.

Adjacent (also "Adjoining" and "Adjoin") - Abutting properties (those touching at a point or along a border) as well as those separated bystreets or alleys.

Adult Entertainment Activity - Any one or more of the activities defined as Adult Entertainment Activity or Activities or Adult Entertainment Establishment in Chapter 111 of the Louisville Metro Code of Ordinances, as it may be amended from time to time.

Agricultural Dwellings -Dwellings only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/ or for watchmen and their families.

Agricultural Land -A tract of land on which an agricultural use is conducted.

Agricultural Use (KRS 100.111):

- (a) A tract of at least five (5) continuous 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 wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156;
- (c) A tract of at least five (5) contiguous acres used for the following activities involving horse:
 - 1. Riding lessons;
 - 2. Rides;

KRS 100.203 allows for the regulation of uses listed under paragraph c, agricultural use as a conditional use. See Section 4.2.25 of the LDC for the conditional use requirement for riding academies and stables.

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 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 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.

Aircraft -This term includes balloons, airplanes, helicopters, gliders and every other vehicle used for navigation through the air.

Alley -A way, other than a street, that is open to common use; and affords a secondary means of vehicular access to adjoining or adjacent property

Alternative Cellular Antenna Tower: means man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, or conceal the presence of cellular antennas or cellular antenna towers and that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure.

Ambient Air Quality Standards - Standards pertaining to the maximum permitted concentration of identified chemicals or other substances in the air. "Ambient" air quality standards refer to the presence of such chemicals or substances in the air surrounding or in the vicinity of a presumed source of emission of such chemicals or substances.

Ambient Noise Level - The background noise level determined to be associated with a given environment arising from noise from all sources excluding the particular noise source which is to be assessed in the context of a proposed or existing land use or development.

Animating Feature – A feature either on the façade, incorporated into the façade or adjacent to the façade that provide visual interest. Examples of animating features are; windows, columns, pilasters, piers, variation of material and/or color, entrances, storefront windows, and other features as approved by the Planning Director or designee.

Antenna - The transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. (See also "Cellular antenna tower")

Apartment (or Apartment House) -see "Dwelling, Multifamily."

Apartment Hotel - A building designed for or containing both apartments and hotel accommodations.

Arcade - An arcade shall mean a continuous roofed area not used for vehicular circulation or parking, with a range of openings or arches carried on piers or columns and open on one or more sides, unobstructed to a height of not less than ten feet and accessible to persons using the site. Such area shall be no smaller than 500 square feet, including portions occupied by building columns, and shall have a minimum horizontal dimension of ten feet.

Assisted Living Residence – A residential development providing assistance to residents not including health services associated with "Health Facilities" as defined in KRS 216B.015.

Attached Dwelling -see "Dwelling, Attached."

Automobile - see "Vehicle, Passenger."

Automobile Repair Garage - A commercial establishment conducting repair and maintenance of automobiles including tune-ups, oil changes, tire replacement and puncture repair, brake repair, brake drum turning, muffler repair and similar operations, body work, auto painting, major overhauling, tire re-treading, or the heavy grinding or milling of auto parts Retail sale of fuel, motor oil or accessories is also permitted.

Automobile Service Station - A commercial establishment supplying motor fuel or lubricating oil; or conducting minor repair and routine maintenance of automobiles including tune-ups, oil changes, tire replacement and puncture repair, brake repair, brake drum turning provided that no more than two brake lathes are present on site, muffler repair and similar operations, but not including body work, auto painting, major overhauling, tire re-treading, or the heavy grinding or milling of auto parts (e. g. head grinding, block re-boring, or similar activities which typically take place within a machine shop.) For the purpose of this definition a "Major Overhaul" is considered one in which the engine, transmission, or other major component of the vehicle's mechanical system is removed entirely from the automobile.

Average Daily Traffic (ADT) -The average number of vehicles per day that pass over a given point.

Awning -see Chapter 8.

Backlit Awning -(Reserved)

Bakeries -Establishments primarily engaged in the retail sale of bakery products. The products may be purchased from others or made on the premises.

Bank -Business establishment that provides financial services, including uses known as a savings and loan, credit union, loan company or investment company.

Barber Shops and Beauty Salons - Establishments for either men or women or both men and women primarily engaged in furnishing beauty, grooming or hairdressing services.

Basement -An area below the first floor, having its floor subgrade below ground level on all sides but no more than one-half of its height abovegrade, used for storage space by occupants of the building, janitor or watchman quarters, or other utilities common to the rest of the building. A basement used for the above purposes shall not be counted as a story.

Basement (Finished) - A basement (or a portion of a basement) in or for which the distance between the floor and the ceiling is at least seven feet, the floor is covered by wood, tile, brick or carpeting, electrical wiring is provided and hidden from view such as by placement behind walls or above ceiling tiles, and from which furnaces and water heaters are screened from view.

Bed and Breakfast Inn - The use of a residential structure as a small inn which provides no more than nine (9) quest rooms_for hire to short term guests in which the only meal served to quests is breakfast, unless the bed and breakfast inn has an additional food service license which allows other meals to be served. The innkeeper resides on the premises or property immediately adjacent to it during periods of occupancy, and the facility has a permit form the Kentucky Cabinet for Health Services to operate as a Bed and Breakfast Inn.

Berm (or Earth Mound) - Earth contoured so as to form a mound above the general elevation of the adjacent ground or surface.

Bicycle Lane - A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

Bicycle Path - A bikeway physically separated from motorized vehicular traffic by an open space or barrier. located either within the highway right of way or within an independent right of way. *See also "Shared Use Path"*

Billboard - Billboard – (See off-premises sign definition.)

Block - One or more lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers.

Block Face - The frontage on a public street located between intersecting public streets.

Blood/Plasma Collection Center – The collection of blood/plasma as a principal use on a property. Accessory blood/plasma collection associated with

an emergency relief charity (such as the Red Cross), medical office, medical laboratory, medical clinic, hospital, government agency, nursing home or other medical facility shall not be considered a Blood/Plasma Collection Center.

Blue Line Stream, Solid - A stream defined and designated as such on 7 1/2 minute quadrangle topographic maps published by the U. S. Geologic Survey.

Blue Line Stream, Intermittent - A stream defined and designated as such on 7 1/2 minute quadrangle topographic maps published by the U. S. Geologic Survey.

Board of Adjustment -The Louisville or Jefferson County Board of Zoning Adjustment, or successor body.

Boarding and Lodging House - A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotel, motel, extended stay lodging facilities, nursing home rooms, or assisted living units.

Brownfield - Potential development site that has existing public water and sewers but has some level of environmental impediment to re-development.

Buffer (or Buffering) - Man-made or natural materials or open space having the effect of ameliorating the adverse effects of a land use upon adjoining or nearby land uses and enhancing the compatibility of the use with such adjoining or nearby land uses.

Buffer yard - A unit of land, together with a specified type and amount of planting and any structures thereon, which may be required between land uses to eliminate or minimize conflicts between land uses.

Build-To-Line - The line at which construction of a building façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (or more or less even) building façade line on the street.

Buildable Area - The portion of a lot not included within the required setback lines or other required open space areas.

Buildable Width -The width of that part of a lot between the required side yard lines.

Building - Any permanent structures designed or built for the support, shelter or protection of persons, animals, chattel or property of any kind. This term includes mobile homes, but does not include awnings, canopies, or similar structures. In these regulations reference to buildings includes structures.

Building Envelope -The specific area(s) of a lot, lots, or development site within which the proposed development (including buildings, accessory structures, and driveways) may be constructed and within which all development activity shall be contained.

Building Footprint - The outline of the total area covered by a building's perimeter at the ground level.

Building Height -The vertical distance from the ground level to the highest point of a structure. (Refer to section 5.1.7 K for height measurement procedures.)

Building Limit Line - A line delineating the buildable area of the lot, that may correspond with or be more restrictive than the required yards of the applicable form district.

Building Official -The Chief Building Official of Jefferson County, City of Louisville or other municipality with authority to issue building permits.

Building Permit - Any building or construction permit required under the Building Code in effect for the applicable jurisdiction.

Building Plane - An exterior flat or level surface of a building, such as a building wall.

Building Restriction Line - A line following the rear of any required yard setback, establishing the minimum allowable distance between the nearest portion of any building and the lot line when measured perpendicularly thereto. When a proposed right-of-way line or street centerline setback is shown in the Major Thoroughfare Plan, the Building Restriction Line is determined by combining all applicable right-of-way line requirements and specific yard requirements.

Building Site - Any group of one or more lot(s) or parcel(s) occupied or intended for development as a unit, whether or not as part of a larger Development Site.

Business and Career Schools - A post-secondary educational institution for office-type careers that utilizes only such equipment as is customary to such office use.

Cabaret - An establishment which features one of its principal uses entertainers and/ or waiters and/ or bartenders, male or female impersonators and/ or persons, either male or female, who expose at any time to public view of the patrons of said establishment the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, and/ or human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

Caliper -The diameter of a tree trunk, measured 6 inches above the ground for newly installed trees and at 4 feet-6 inches above the ground (breast height) for existing trees.

Camping Areas - Establishments primarily engaged in providing overnight or short-term sites for recreational vehicles, trailers, campers or tents.

Canopy, Building - A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points.

Cardinal Point - One of the four principal compass points - North, South, East or West.

Carpool - A vehicle that is used primarily to convey a group of two or more employees between home and work.

Carport - A permanent roofed structure with not more than three enclosed sides used or intended to be used for automobile parking.

Car Wash - An establishment for the washing, cleaning, waxing and polishing of the exterior surface of passenger vehicles; and for the incidental cleaning and vacuuming of the interior passenger sections.

Cave Dripline - The beginning of a cave defined as a line on the ground at a cave entrance formed by drips from the rock above at the outermost point of the entrance's overhang.

Cellular Antenna Tower - means 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.

Cellular Telecommunications Service - means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

Certificate of Appropriateness - A certificate issued by the approving authority upon approval of the exterior architectural features of any new building construction or alterations to an existing building located within a designated historic district.

Channelization - The alteration of a watercourse involving a significant change in the channel cross-section or channel materials.

Chemicals - Including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuff, exterminating agents and poisons, hydrogen and oxygen, plastic materials and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, solvent-extracting.

Child Care Center - See "Day Care Center."

Church Building - Any building and the grounds of a building used by an association of persons for religious worship and associated buildings and grounds used for instruction regarding the tradition and tenets of a religious faith or for offices of persons engaged in the faith based activities of the religion or for social and recreational purposes or child care centers, or as a meeting hall. Such buildings and grounds may not also be used for retail sales or other merchandising purposes, except that such buildings and grounds may be used for church bazaars and suppers. No such building or portion of a building may be used primarily as a commercial theater, except that occasional plays or pageants for which a price of admission is charged may be held. Synagogues, temples and mosques are considered church buildings for purposes of this Land Development Code.

Civic Building - A building that houses a civic use.

Civic Use - Buildings and facilities owned, operated or reserved by a corporation or association of persons for civic, social, fraternal or recreational purposes and not operated or maintained primarily for profit.

Clinic - A facility which provides treatment which requires observation and recovery normally lasting 1 to 5 hours, for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care and outpatient services, but do not provide overnight care. This term includes drug clinics.

Closed Depression - A karst geologic feature, a distinct bowl-shaped depression in the land surface; size and amplitude are variable; drainage is internal. Naturally occurring closed surface depressions found within karst landscapes are called sinkholes (see below).

Clubhouse - A private facility that restricts access to club members and/ or charges dues to members

Clubs - See "Private Non-Profit Club" and "Private Proprietary Club."

Cluster Development - An approach to land development whereby the spacing between buildings is reduced and provision is made for common open space, recreational land use or for the non-development of environmentally constrained portion of the land under development, resulting in smaller lot sizes per building but in little or no net change in the number of buildings per acre for the development as a whole.

Co-Location - means locating two or more transmission antennas or related equipment on the same cellular antenna tower.

Commercial Greenhouses/Plant Nurseries - One or more enclosed structures or outdoor areas, or combination thereof, used to grow and display landscape, indoor or aquatic plants for retail or wholesale sale; sale and display of landscape related materials are permitted only as an accessory use.

Commercial Lake - A lake or pond located on private property where a fee is charged for fishing, boating, swimming, and where fishing supplies, equipment, bait and food or drink may be sold as an accessory use, for the convenience of persons using the lake.

Commercial Use - A nonresidential use classification that permits the buying and selling of commodities and services.

Commission -The Louisville and Jefferson County Planning Commission or its successor.

Common Area - Any part of a development owned, designed and intended to be used in common by the owners, residents or tenants of the development. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, or tenants.

Common Improvements - See "Common Facility."

Common Facility - Any facility or facilities owned in common by owners of lots in a development, including but not limited to private roads, signature walls and entrances, fences, clubhouses, tennis courts, drainage facilities, landscaped areas, and other common structures and areas.

Common Open Space - see "Open Space, Common."

Community Facility - A building , structure or land area owned or leased and operated by a governmental agency to provide a governmental or utility service to the public.

Community Center - A facility that is available for public use as a meeting place or for recreation that does not limit access only to members and does not charge membership dues

Community Residence - A residence licensed by the Commonwealth of Kentucky Department for Human Resources, operated and maintained to provide a homelike setting for developmentally disabled individuals (see definition), having only one kitchen and only one dining area (both of which must be common to the residence), not adjacent to or part of an institutional campus, operated by a sponsoring agency or individual for individuals who shall participate in community activities and use community resources, where there are not more than eight persons who are not related to any other resident by blood, legal adoption or marriage.

Community Service Facility - Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. They provide the service on-site and have employees at the site on a regular basis. The service is ongoing, not just for special events. These facilities may provide accessory uses such as counseling, education, or training. These facilities are not considered schools (e.g. training schools, business schools, etc.) and do not include a residential occupancy component.

Compensatory Storage - An artificially excavated holding basin to provide for stormwater during a peak storm period and which is required in the regulatory floodplain to compensate for anticipated additional runoff caused by filling and/ or construction.

Concept Plan - A preliminary presentation and attendant documentation of a proposed subdivision or development plan of sufficient accuracy to be used for the purpose of discussion and classification.

Conditional Use - A use specifically named in the Land Development Code which may be limited to specific locations and/ or by the requirement that certain conditions be met. Such conditions may be set forth generally in the zoning regulations and/ or may be specifically established on a case-by-case basis by the Commission or board of adjustment. Such conditions may include limitations on the hours of operation and other time limitations, and other requirements of a continuing nature as well as requirements which are made a condition precedent to the construction of a building or the commencement of a use.

Conditional Use Permit - Legal authorization to undertake a conditional use, issued by the Planning Official pursuant to authorization by the Board of Zoning Adjustment or Planning Commission. The authorization consists of two (2) parts: (a) A statement of the factual determination by the Board of Zoning Adjustment or Planning Commission 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.

Condominium - A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Connection (Vehicular) - A driveway, street, turnout, or other means of providing for property access to or from controlled access facilities. For the purpose of access, two one-way connections to a property may constitute a single connection.

Connection Spacing, Minimum -The minimum allowable distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of the second connection along the right-of-way line. Where the right-of-way or connection is skewed or offset, this distance can be measured along the traveled way.

Conservation Easement - A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving historical, architectural, archaeological, or cultural aspects of real property.

NOTE: Definition is from KRS 382.810 to 382.860, Refer to state and federal statutes concerning requirements and incentives relating to conservation easements.

Conservation Use - Uses within land and water areas designated for the purpose of conserving or protecting natural resources or environmental quality such as open space, nature study, passive recreation, wildlife habitat, nature preserve, wetlands protection and mitigation areas and other similar uses. In order to accomplish this objective, the following uses shall be permitted:

- A. Public passive parks;
- B. Public lands designated for open space or conservation;
- C. Open Space buffers between incompatible uses;
- D. Private recreational or open space lands which have had development rights conveyed to the public, or for which a covenant is executed insuring that only open space or passive park uses shall be permitted;
- E. Water conservation areas, potable water well fields, retention/ detention ponds and other stormwater control structures, and public improvements that may be approved by the affected Public Works Official as long as the Conservation Area is not detrimentally impacted; and
- F. Single-family dwellings and customary accessory buildings.

Construction Cost, Total -The sum of direct and indirect costs of building a development. Direct costs shall include the cost of land preparation, structure (including fixtures), tenant improvements, parking and vehicular use areas,

landscaping, and irrigation. Direct costs do not include the cost of land, demolition of existing structures, furniture, or equipment. Indirect costs include non-construction expenses such as architectural, engineering, surveying, appraisal, and legal fees, construction interest, permit fees, impact fees, and sales and marketing expenses.

Construction Easement - A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

Construction Limits Line - A line delineating that portion of a site that will be impacted during construction.

Construction Plans -The maps or drawings prepared for a subdivision plat or development plan and showing the specific location and design of improvements to be installed for the subdivision or development plan in accordance with the requirements of this Code.

Contiguous - See "Abutting."

Convenience Store - Any retail establishment offering for sale prepackaged food products, beverages, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Also includes the term Convenience Grocery when the maximum floor area is equal to or less than 3,200 square feet.

Conveyance Zone - see "Local Regulatory Conveyance Zone."

Country Club - A privately managed recreational facility located on not less than 75 acres of land, and having such features as a golf course, tennis courts, swimming pools, bridle trails, and the like.

Court - An open space which may or may not have direct street access, and around which is arranged a single building or a group of related buildings.

Court, Inner -That portion of a lot unoccupied by any part of a building, surrounded on all sides by walls, or by walls and a lot line.

Court, Outer -That portion of a lot unoccupied by any part of a building, opening onto a street, alley, or yard.

Corner Lot - A lot fronting on two streets at their point of intersection.

Critical Facility - Any facility which, if unusable or unreachable because of flooding would seriously and adversely affect the health and safety of the public, to include (but without limiting effect hospitals, nursing homes, and housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; police stations, fire stations, emergency vehicle and emergency equipment storage facilities, and emergency operations centers likely to be called upon before, during and after a flood; public and private utility facilities important to maintaining or restoring normal services before, during and after a flood; and those structures or facilities which produce, use or store highly volatile, flammable, explosive, toxic, and/ or water reactive materials.

Curb -The stone or concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

Curvilinear - Formed or characterized by curved patterns; when used with reference to street pattern, the term is used to refer to a typical suburban street layout in contrast to the geometric grid layout of streets and alleys which often characterize urban neighborhoods.

Curvilinear Street System -A pattern of streets that is curved.

Day Care Center - Any facility whatsoever which cares for more than eight clients not related to the operator by blood, marriage, adoption or foster care responsibility and usually under 18 years old, away from the client's own home, for periods of less than twenty-four hours per day per client. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit. This term includes Adult Day Care Center, Child Care Centers, Nursery Schools and Kindergartens, when not accessory to an elementary school; but does not include Group Care Facilities, Residential Social Service Facilities, any center under the jurisdiction of the State Board of Education, any private school except those solely below first-grade level or any center operated by a religious institution on the same lot as the religious assembly structure.

Deceleration Lane - An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

Dedicate -To set aside property for use by the public, usually for a particular purpose such as a right-of-way of a park.

Density -The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the area of the Development Site. If the development site includes more than one parcel the owner/developer shall ensure through deed restrictions and/or conservation easements that the overall development site density shall remain at or below the maximum density level required by the applicable zoning district.

Department Store - Retail stores generally carrying a general line of apparel, such as suits, coats, dresses, and furnishings; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major household appliances; and housewares, such as table and kitchen appliances, dishes and utensils.

Detailed Development Plan - see "Development Plan, Detailed."

Developer - Any person or legal entity which undertakes development pursuant to Chapter 1 through 11.

Development - Except where the context otherwise requires, "development" shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the permanent storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two or more parcels; and any construction of improvements or clearing or

the alteration of land from a natural state to facilitate a residential, commercial, business, industrial, or public use.

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

Development Plan, Detailed - Development plan that depicts specific location and type of proposed improvements, in adequate detail to determine compliance with specific standards of the LDC as required. According to characteristics of the site, proposed development and form district in which it is located, the plan will define property lines and required setbacks; zoning and form district classification, existing uses and improvements situated on adjacent properties; tree canopy and required screening, buffering and landscaping; limits of disturbance; location of curb cuts, parking and pedestrian circulation; building footprint, number of stories and use; façade design and building materials; and other features required by the Land Development Code or binding elements.

Development Plan, General (Phased Development Plan) - A plan which has been submitted to the Planning Commission for review as part of a change in zoning request for a phased development. A general plan shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than a detailed development plan. Prior to the development of any portion of a general development plan, a detailed development plan must be approved by the Planning Commission and/or legislative body for the applicable portion of the general development plan.

Development Site -The property under consideration for a development, which may contain one or more Building Sites.

Developmentally Disabled Individual - An individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism (or dyslexia resulting from these), or to any other conditions closely related to mental retardation in terms of intellectual and adaptive problems.

Dimensional Variance - An act of the Planning Commission or Board of Zoning Adjustment granting departure from the terms of the form district regulations pertaining to height or width of structures and size of yards and open spaces, where such departure meets the requirements of KRS 100.

Direct Light - light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Director of Housing -The Director of Housing and Urban Development in the City of Louisville, if the proposed development is in the City of Louisville; or the Director of Human Services if it is located elsewhere in Jefferson County, or any successor agencies.

Director of Works - Director of Department of Public Works of the City of Louisville or Jefferson County Public Works and Transportation Department, or of the Consolidated Local Government as the case may apply; or the director of the successor department, as designated by the Metro Mayor. This

term shall also include staff persons to whom the Director delegates authority to act on the Director's behalf.

Display Window - A window that is in the transparent area of storefronts used to display goods, merchandise, announcements, and other information relevant to the function of the establishment using the space related to display window. The display window is typically the area between the bulkhead and the transom of the building's first floor facade.

Diversity Units - Four price levels of housing unit qualify as housing diversity units. Level 1 units shall mean residential dwellings that shall be sold for a total price no greater than 2.5 times the current low-moderate income limit for a given household size; Level 2 units shall mean residential dwelling units that shall be sold for a total price no greater than 2.75 times the current low-moderate income limit; level 3 units shall mean a residential dwelling that shall be sold for a total price no greater than 3.0 times the current low-moderate income limit for a given household size; Level 4 units shall mean a residential dwelling units that shall be sold for a total price no greater than 3.25 times the current low-moderate income limit for a given household size. (See definition for a given household size.) Sales price restrictions are applicable to sale to initial occupant only. Household sizes shall be translated into house sizes as follows: one and two person households: 1 bedroom; three persons: 2 bedrooms; four persons: 3 bedrooms; five or more persons: 4 bedrooms.

Dredge and Fill - A process that creates land by dredging material from the bottom of a body of water and depositing this material on land usually adjacent to the water.

Dripline -The area circumscribed on the ground by a vertical line extended from the outermost extremities of a tree's branches to the ground.

Drive-In Facility - Any use which by design, physical facilities, service or procedure encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. This term includes "drive-thru" and "drive-up" facilities.

Driveway - A private roadway providing access to a street or highway.

Driveway Approach -That portion of the driveway within the street right-of-way between the curb and the property line, including the sidewalk section.

Drop Lens - see "Sag Lens"

Duplex -see "Dwelling, Two Family"

Dwelling - A building or portion thereof designed and used exclusively for residential occupancy. This term does not include hotels or motels.

Dwelling, Attached - A dwelling which has at least its own front yard and is attached to abutting dwellings by approved masonry party or partition walls, thus creating distinct and non-communicating one and two family dwellings. This term includes such terms as townhouse, rowhouse, maisonette, etc. Within single-family zoning districts each unit shall be on its own lot.

Dwelling, Model - A residential structure used for demonstration or sales purposes within a residential development under active development, open to the public for sales purposes, and not occupied as a dwelling unit.

Dwelling, Multi-family - Any group of three or more dwelling units occupying a single lot, whether composed of one or more than one principal building. However, this term shall not include attached dwellings. This term shall include the following:

A. Efficiency Apartment - A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities.

B. Studio Apartment - A dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities, but having a partial separation within the room for the sleeping area.

Dwelling, Semi-Detached - Two dwellings with a single party wall common to both.

Dwelling, Single Family (or One Family) - A dwelling designed for and occupied exclusively by one family. This term includes Conventional, Average-Lot, Clustered and Zero-Lot-Line one family dwellings.

Dwelling, Two Family (or Duplex) - Any group of two dwelling units occupying a single lot or building site, whether composed of one or more than one principal building. This term includes Conventional, Average-Lot, Clustered and Zero-Lot-Line two family dwellings.

Dwelling Unit - Either a single room or two or more connected rooms used exclusively as a single unit and intended for occupancy for no less than thirty (30) consecutive days or more by one family, and providing complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently). This term does not include hotel or motel rooms, extended stay lodging facilities, boarding and lodging rooms, nursing home rooms, or assisted living units.

Easement - An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

Easement, Drainage - The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Educational Institution - A college or university giving general academic instruction equivalent to the standards prescribed by the laws of the Commonwealth of Kentucky.

Elevated Building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Encroachment - Any structure or vehicle occupying, projecting into or obstructing any portion of a designated public right-of-way, yard, floodplain or floodway, buffer yard, landscaped area or any other designated area in which the structure which is not permitted by Chapters 1 through 9, including but not

limited to: building or other materials, all or portions of permanent or temporary buildings or other structures, fences and ornamental structures, and where appropriate to the context, vehicles; but excluding federally approved mailboxes where permitted and approved driveways as permitted under Chapter 6.

Encroachment, Vehicular -The projection of a motor vehicle into a landscaped area and where appropriate to the context right-of-way.

Engineer - A person currently registered and licensed to practice civil engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Entertainment Activity – an activity not considered accessory to the primary use that includes but is not limited to dancing, karaoke, DJ related activities, live performances, games (video, mechanical, etc.), and other similar activities.

Ephemeral Lake - a body of standing water occurring in a sinkhole of a karst region that is usually visible after sufficient precipitation has occurred. They may form from slow permeability of soils, rises in the water table or the development of a natural liner of slow permeable clays or soils.

Erect -To build, construct, reconstruct, alter, relocate, raise, assemble, attach, hand, place, suspend or affix and shall also include the painting of wall signs.

Establishment - A business entity or endeavor, fixed, mobile or traveling, including its owners, operators, directors, shareholders, partners, employees and possessions.*

Excavation - Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing (Use, Structure or Activity) - Any use, structure or activity in legal existence on or before the original effective date of a regulation or standard contained in Chapters 1 to 10. When referring to a Mobile Home Park or Mobile Home Subdivision, this term shall mean that the construction of facilities for servicing the lot on which the Mobile Home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the original effective date of the regulation or standard.

Expansion (of a Use, Structure or Activity) - Any increase in the amount of floor area or building site area for an existing use, structure or activity. When referring to Mobile Home Park or Mobile Home Subdivision, this term shall include the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Expressway - A highway for through traffic, with full control of access and grade separations at intersections; includes routes known as "freeway."

Extended Stay Lodging - Accommodations for persons away from their permanent place of residence, which are available on a daily or weekly basis and may include kitchen facilities.

Exterior Features - Includes the architectural style, general design and general arrangement of the exterior of a building or other structure, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other features of the building site such as trees, parking, sidewalks, etc.

Facade - Each exterior wall plane of a structure as seen from one side or view.

Family - One or more persons occupying premises and living as one housekeeping unit ~~using one kitchen~~, and distinguished from a group occupying a boarding and lodging house, fraternity or sorority house, a club, hotel, or motel.

Factory Built Housing - A building or structure designed and intended as a single family dwelling unit and fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features, if any, removed, and that meets the additional standards specified in section 4.1.3 of this Land Development Code. This term includes "manufactured homes" and "modular homes" as defined in the 2002 Kentucky Residential Code or successor.

Family Care Home (Mini-Home) - A home licensed by the Commonwealth of Kentucky operated and maintained to provide 24 hour protection and personal care services for residential accommodations for three individuals or less who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self care elect or require a protective environment but do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required.

F. E. M. A. - The U. S. Federal Emergency Management Agency or any successor agency.

Fence - Any construction of wood, metal, wire mesh, masonry, or other material, erected for the purpose of assuring privacy or protection, but excluding shrubbery and plantings.

Fill - Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

Filtered View - The establishment or maintenance of woody vegetation of sufficient density to partially screen structures and maintain a natural ridgeline silhouette against the sky. The vegetation need not be so dense as to completely obscure visibility of structures.

Final Subdivision Plat - see "Plat, Record."

Finished Elevation - The proposed elevation of the land surface of a site after completion of all site preparation work.

Fire Protection District - Any lawfully created agency established for the ostensible purpose of fire suppression and enforcement of laws and regulations related to fire prevention, protection and suppression.

Fixture - the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/ or a refractor or lens.

Flag Lot - see "Lot, Flag."

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland waters or the unusual and rapid accumulation or runoff of surface water from any source.

Flood, Local Regulatory - The flood having a one-percent (1%) likelihood of being equaled or exceeded in any given year based on a fully developed watershed.

Flood Elevation, Local Regulatory Base - Height of the local regulatory flood expressed as feet above mean sea level (National Geodetic Vertical Datum 1929). This is determined by hydraulic calculations using the runoff from a fully developed watershed using as the basis for calculation a methodology approved by the administering agency which includes storm duration estimates and using zoning maps current as of the time of the calculation, provided that in calculating runoff potential for publicly owned property dedicated to public open space, for existing cemeteries, for existing 18 hole or larger regulation golf courses and for land prohibited from development by ordinance of Jefferson County or one of the municipalities within its boundaries, the actual use rather than the designated zoning category on the zoning maps shall be used.

Flood Light - a form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.

Flood Plain Board - The Board of the Louisville and Jefferson County Metropolitan Sewer District.

Floodplain, Local Regulatory - Any stream course or normally dry land area susceptible to being partially or completely inundated by the overflow of water from sources of public water or by the unusual and rapid accumulation or runoff of public surface waters and subject to a local regulatory flood.

Floodplain Permit - The approval required by Part C of Chapter 157 of the Jefferson County Code of Ordinances.

Floodplain Storage Compensation - An artificially excavated, hydraulically equivalent volume of floodplain storage sufficient to offset a reduction in floodplain storage resulting from filling or construction within the local regulatory floodplain. Such floodplain storage compensation shall be within the same watershed and shall be provided on the same property or at an alternative site if the administering agency so approves.

Floodproof or Floodproofing - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area - Total area within a building, measured from the exterior walls of the building, and equal to the sum of the number of square feet on each of the floors of the building. The number of square feet in an attic shall be counted to the extent that the height of the attic story is equal to or greater than seven feet; and the number of square feet in a finished basement shall be included, but the number of square feet in a basement other than a finished basement shall not be included (See "Basement, Finished".) Accessory portions of a building such as non-enclosed porches, garages, carports and uncovered steps or fire escapes are not included.

Floor Area Ratio - The number of interior square feet contained in a building (See "Floor Area") divided by the number of square feet contained within the fixed boundaries of the building lot.

Footcandle - the unit of illuminance on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

Form District - An area with distinct boundaries, delineated on the Zoning District Map to which a set of regulations governing the pattern and form of development and redevelopment applies.

Front Door - The entrance into the principal building on the building site facing the street.

Front Property Line - The shortest lot line which coincides with the right-of-way of a street or square. In the case of a lot abutting upon only one street the front property line is the line parallel to and common with the edge of the right-of-way. In the case of a corner lot, that part of the building lot having the narrowest frontage on any street shall be considered the front line.

Fully Developed Watershed - A condition of a watershed which most accurately reflects the ultimate land use of the watershed and its potential to cause runoff.

Fully-Shielded Light Fixture (also known as Full-cutoff) - a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal and meets IESNA criteria for fully-shielded (or full-cutoff) fixtures. Any structural part of the light fixture controlling light emissions must be permanently affixed.

Functionally Dependent Facility - A use, structure, activity or facility which, in the judgment of the administering agency (MSD) cannot perform its essential project purpose unless it is located or carried out in close proximity to water. The term does not include long-term storage, manufacture, sales, service or residential facilities.

Funeral Home - A building used for the preparation of the deceased for burial, for the display of the deceased, and for ceremonies connected therewith before burial or cremation.

Garage, Parking or Storage - A building or portion thereof, designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and

oils may be sold, but where motor-driven vehicles are not equipped, repaired, or sold.

Garage or Yard Sale - The sale of goods from residential premises as an accessory use of property that are no longer needed or used at the site of the sale, whether advertised in local media, by signs, or otherwise as a garage sale, yard sale, household sale, moving sale, barn sale or other sale, accomplished by direct sale; or The sale, at the seller's place of residence, of all or part of the household goods or items, in conjunction with vacating the residential premises by the seller or the seller's estate, whether accomplished by direct sale or auction; or Sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization's premises.

Geologic Formation - the basic or fundamental rock stratigraphic unit in the local classification of rocks, consisting of a body of rock (usually a sedimentary stratum or strata but also igneous or metamorphic) generally characterized by some degree of internal lithologic homogeneity or distinctive lithologic features (such as chemical composition, structures, textures, gross aspect of fossils or time of deposition); typically used for mapping the geology of an area.

Geologic Member - a rock stratigraphic unit which is subordinate (a subject) of a formation; this unit is not necessarily mappable and is usually a unified subdivision of local extent that may or may not be contained in more than one formation.

General Development Plan: see "Development Plan, General."

Glare - light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grade - The average elevation of the finished ground surface; when determining height of structures, it is the average elevation at the outside of a fence or wall, or at the outside walls of a building.

Grading - Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Green - An open space, available for unstructured recreation. The green is surrounded by roadways or the fronts of buildings and, consist of grassy areas and trees.

Greenway - A linear open space at least 50 feet wide or other width as established by a legislatively adopted greenways plan, along either a natural corridor such as a riverfront, stream valley or ridge line, or along a railroad right-of-way converted to recreational use, a canal, scenic road or other route managed for public use including wildlife habitat. Greenways typically link parks, nature preserves, cultural features or historic sites with each other or with populated areas.

Grid Street Pattern - A street system that creates similar size blocks and four-way intersections. Grid street pattern is common in older neighborhoods and traditional development forms. A standard grid pattern is characterized by straight streets, 90 degree intersections and rectangular blocks. In a modified grid, a connected system of curvilinear streets may be replace the more

formal grid pattern, to insure compatibility with adjacent development and to address physical features of the site.

Gross Acreage - The total land area of a building or development site, including property that may be dedicated for right-of-way or other public improvements during the development process.

Gross Floor Area - see "Floor Area."

Gross Leasable Area - The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. Gross leasable area does not include public or common areas, such as utility rooms, stairwells and shared corridors.

Ground Cover - Plants, other than turfgrass, normally reaching an average maximum height of twenty four inches (24") at maturity.

Groundwater - The supply of freshwater under the ground surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

Groundwater Drainage Basin - An area of the landscape that drains through the subsurface to a spring or other component of a karst drainage system such as a cave stream or karst window. This term is analogous to "catchment" for surface drainage systems, in which case it denotes an area of the landscape that drains to a river confluence or other point in a surface drainage system. In contrast to surface catchments, karst groundwater drainage basins generally cannot be determined by topographic maps, and thus must be delineated by other methods, primarily dye tracing.

Hedge - A series of shrubs planted in a manner so as to form a continuous visual screen.

Height (of a Building or Structure) - see "Building Height."

Height (of an Antenna Tower) - The distance from the anchored base of the tower, whether on the top of another building or at grade, to the highest point of the structure, including any attachments to the structure such as an antenna.

Height of Luminaire - The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Historic District - An area designated by a local government or Historic Commission or Board which includes or encompasses such historic sites, landmarks, buildings, signs appurtenances, structures, or objects as may be determined to be appropriate for historic preservation.

Historic Landmark - Any site, building, or structure of particular historic or aesthetic significance to a city, county, state or the nation. Landmarks include sites, buildings or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a

representation of a period, style, or method of construction, or a notable work of construction, or a notable work by a master designer or architect.

Holder - Either:

1. A governmental body empowered to hold an interest in real property under the laws of this state or the United States; or
2. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

Home for the Infirm and Aged - Any institution, however named, maintained for the care or treatment of individuals unrelated to the owner or operator, who by reason of their age, infirmity, acute or chronic illness, or by reason of physical or mental handicap require more care than does a normal person.

Home Occupation - An occupation, trade, business or profession conducted within a dwelling unit or a structure accessory to a dwelling unit by an individual or group of individuals who are residents of the dwelling unit. This use shall be clearly incidental and secondary to the primary use as a residence. (see Chapter 4, Part 4)

Homeless Shelter - Any facility the primary purpose of which is to provide temporary shelter for the homeless. The facility provides overnight sleeping accommodations with or without charge; may provide meals and ancillary social, educational or health services. The facility is staffed.

Hospital - A facility licensed and regulated by the Commonwealth of Kentucky, which provides diagnosis, acute and post-acute care and treatment of illness, injury, abnormality or pregnancy. Such facilities usually include clinical laboratory services, X-ray services, surgery, obstetric care, etc. This term includes the following types of facilities: mental institutions and sanitariums; mental health receiving centers; and detoxification centers.

Hotel - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk.

Human scale - The proportional relationship of a particular building, structure, or streetscape element to the human form and function.

Impervious Surface - Any material that substantially reduces or prevents the infiltration of storm water into the soil. Impervious surface shall include graveled driveways and parking areas.

Impervious Surface Area - The area of ground covered by any part of a building, street, vehicular use area, or any other structure, improvement, facility or material which prevents or severely restricts natural percolation of moisture. This includes all asphalt and brick surfaces, and areas devoted to any outdoor storage and/ or display of materials and merchandise, but does not include residential accessory swimming pools. Gravel surfaces shall be considered impervious when used for a vehicular use area, and porous otherwise. Unpaved vehicular use areas shall also be considered impervious,

except those designated and approved for occasional vehicular use only. Wooden patios under Chapter 8 shall be considered pervious.

Impervious Surface Ratio - The ratio of land area covered by an impervious surface to total land area.

Industrial Use – A nonresidential use classification that includes use(s) which involve the manufacture, fabrication, processing, or reduction of any article, substance, or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, businesses serving primarily industry, and similar enterprises.

Infill Development - Development that occurs on vacant or underutilized land in an area within which a majority of the land is developed or in use. (Refer to form district regulations for specific definitions and criteria relating to infill.)

Improvements (or Site Improvements) - Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (PRM's), permanent control points (PCP's), or any other improvement required by Chapters 1 through 10.

Indirect Light - direct light that has been reflected or has scattered off of other surfaces.

Infrastructure - Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

Institutional Use - Public, semipublic, and private elementary schools, middle schools, high schools, civic buildings, community buildings and uses including substations, governmental buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals, and similar uses, any of which may have additional requirements to use set forth within. For the purposes of this code all institutional uses shall be considered as non-residential uses.

Interior Landscaping Area (ILA) - An interior landscaping area (ILA) is a peninsular or island-shaped planting area, located within a vehicle use area, with the express purpose of mitigating the environmental and visual effects of a VUA.

Irrigation System -An artificial watering system designed to transport and distribute water to plants.

Junk Yard - Any property, premises or place of business, including, but not limited to, auto salvage and auto crushing enterprises, maintained, operated, or used for storing, keeping, buying or selling of five (5) or more junked, wrecked, or non-operative automobiles, vehicles, machines, appliances and other similar scrap or salvage materials, scrap copper, brass, rope, rags, batteries, rubber debris, iron, steel or other scrap or ferrous or non-ferrous material. This term shall include used car parts dealers. However, this term

shall not include a scrap metal processing facility or any facility regulated by Chapter 51 of the Jefferson County Code of Ordinances [solid waste].

Karst - A terrain, generally underlain by limestone or dolomite, in which the topography is chiefly formed by the dissolving of rock and which may be characterized by sinkholes, sinking streams, subterranean drainage, and caves.

Karst Feature Buffer - a buffer area around a sinkhole collapse feature, the extent of which is established in the field by a licensed geotechnical engineer. The purpose of the buffer is to minimize the exposure of impervious surfaces such as structures to sinkhole subsidence.

Karst Geologic Features - Geologic features that develop on karst terrain. Examples of karst geologic features are sinkholes, caves, sinking streams, and karst springs.

Karst Spring - The discharge points for underground streams.

Karst Survey - A survey of property located with karst prone areas of Jefferson County as depicted on the karst prone areas map. The survey of a property within this area is required prior to development review.

Kennel, Commercial - Any lot, structure, premises, or establishment where one or more dogs or cats are kept for commercial purposes such as where dogs and/ or puppies or cats and/ or kittens are kept for the primary purpose of breeding, buying, selling, boarding, grooming, or training of such animals.

Kennel, Non-Commercial - Any facilities at, in or adjoining a private residence where dogs or cats are kept strictly as family pets or are kept for the hobby of the householder in using them for hunting or practice tracking or for exhibiting them in dog shows or field or obedience trials or for guarding or protecting the householder's property. The raising of three or fewer litters at the facility in a twelve month period and the sale of three or fewer litters of pups and/ or kittens in a twelve month period by the keeper of a non-commercial kennel does not change the character of the facilities so as to make them a commercial kennel.

Ldn - Day/ night average sound level, which is the twenty-four hour average sound level in decibels obtained after the addition of ten decibels to the night-time sound level measured from 10: 00 P. M. to 7: 00 A. M.

LG& E - Louisville Gas and Electric Company, or its successor.

Lamp - the component of a luminaire that produces the actual light.

Land Clearing - Removal of all trees and/ or vegetation from the land surface to mineral soil.

Land Disturbance - Any activities that change or disturb the natural surface of the land such as clearing, removal of tree canopy, grading, excavating, filling, and storing or stockpiling of material.

Land Disturbing Activity - All construction, demolition, reconstruction modification, extension, or expansion of structures or parking areas, placement of fill, dumping, storage of earthen materials, excavation, land clearing, clear-cutting, tree and vegetation removal, grading, grubbing or any

similar activity or combination thereof that changes the natural cover or topography creating the potential for erosion and contribution to sediment.

Land Use - A description of how land is occupied or utilized. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

Landfill - A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

Landing Area - The area of an airport used for the landing, taking off and taxiing of aircraft.

Land Surveyor - A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Landscape Buffer Area (LBA) - Area that must be set aside, free from development, to accommodate required landscape and buffering materials. No buildings or structures except fences, walls, or those structures attendant to public utility service shall be allowed within the required LBA.

Landscaping - Treatment of land comprising a building site or easement which consists of, but is not limited to, the use of grass, ground covers, shrubs, vines, hedges, trees, berms and architectural landscape features and material, for the visual and functional purposes of the site.

Landscaping Lighting - type of outdoor lighting used to illuminate landscaping areas (flower beds, trees, vegetation) and other aesthetic features on a parcel (flag poles, etc.).

Laundry, Self-Service - A business that provides self-service dry cleaning, washing, drying, or ironing machines for hire, to be used by customers on the premises.

Light Trespass - the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Live/ Work Unit - A mixed use structure held in single ownership and containing: (a) commercial or office use not to exceed more than 50 percent of the floor area of the building; and (b) residential use which shall include the balance of the remaining building floor area. Residential use may utilize up to 100 percent of the building floor area.

LOJIC (Louisville and Jefferson County Information Consortium) - The cooperative technological effort formally implemented by the City of Louisville, Jefferson County, Metropolitan Sewer District and the Property Valuation Administrator that is designed to coordinate all the agencies' traditional mapping efforts, from streets and streams and utility lines to land use zones.

Loading Area/ Space (or Berth) - Designated areas where trucks may load and unload cargo. Said areas shall be at least 10 feet by 50 feet with a minimum height clearance of 14 feet and shall have appropriate means of access. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Local Regulatory Conveyance Zone -The channel of a river or solid blue line stream and the land adjacent to that river or stream which if unobstructed will discharge a local regulatory flood without cumulatively increasing the water surface elevation more than one tenth of one foot. The conveyance zone is determined by an equal loss of conveyance (at higher elevation) occurring on each side of the channel.

Local Regulatory Floodplain - see "Floodplain, Local Regulatory."

Lot - The smallest subdivision of land having fixed and described boundaries for purposes of conveyance of title, and (when part of a subdivision) having an assigned number or other designation through which it is identified.

Lot Area -The total land area within the fixed boundaries of a lot.

Lot, Corner - A lot whose lines are adjacent to two or more streets from their point of intersection.

Lot Depth, Mean - The mean distance from the front street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot.

Lot, Flag - A lot or building site which has a minimum frontage (at least 25 feet of frontage per Chapter 7 of this code) on a public or private street, the buildable area of which is reached via a private drive or lane, and whose width some distance back from the street boundary line meets all ordinance requirements.

Lot Frontage -The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

Lot, Interior -A lot other than a corner lot.

Lot Line (or Property Line) -Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

Lot, Dual Frontage or Through -An interior lot having frontage on two parallel or approximately parallel streets.

Lot Width, Mean -The mean distance from a side line of the lot to its opposite side line, measured in the mean general direction of the front and rear lines of the lot.

Low-moderate Income -Annual gross income that is less than or equal to 80% of the median income for households of the same size in Jefferson County, as published annually by the US Department of Housing and Urban Development.

Lowest Adjacent Grade -The lowest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Lumen -A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

Note: Low-moderate income levels for the Louisville MSA are updated annually. This information is available from the US Dept. of Housing and Urban Development website. Refer to Section 8 income limits as posted at www.huduser.org/Datasets

Luminaire -a complete lighting system, and includes a lamp or lamps and a fixture (See *Appendix 4A for examples of acceptable luminaires*).

Major Thoroughfare Plan - Includes a plan depicting all collectors, arterials, and limited access roads but does not include local roads.

Major Transit Corridor -Corridors that are served by public transit service seven days a week and with no more than 30 minute daytime headways on weekdays.

Manufacturing -The processing and converting of raw, unfinished, or finished materials or products, or any of these, into an article or substance of different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

Map Amendment - A change in the boundaries of a form district, zoning district or other special district.

Marina -A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests.

Marina and Boat Rental - A facility which allows the docking or temporary storage of boats, minor servicing and repair of boats while in the water, and retail sales not occupying more than 500 square feet.

Marina and Boat Rental, Commercial - A facility which allows the storage or docking of boats, minor servicing and repair of boats while in the water, the sale of fuel and supplies, lodging, food sales, and restaurant facilities.

Marquee -A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Massing -The width, volume and proportions of a building and its parts.

Master Plan – A plan that may be approved in conjunction with a rezoning to a Planned Development District, in the alternative to a PD-Concept Plan. Required contents of the Master Plan are set forth in Chapter 2, Part 8.

Materials – When used in the context of any Adult Entertainment Activity or Establishment, means any book, magazine, newspaper, or other printed or written matter, or any picture, drawing, photograph, motion picture, video cassette film or other pictorial representation or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials.*

Meadow - An open space available for unstructured recreation. Its landscape is naturalistic consisting of native, herbaceous plants and requiring minimal maintenance.

Median, Non-Restrictive -A median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes roadways with continuous center turn lanes and undivided roads.

Median, Restrictive -The portion of a divided roadway or divided driveway separating vehicular traffic traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/ or island, and a grassed or swaled median.

Median Opening, Directional -An opening in a restrictive median which provides for only U-turn and/ or left-turn movements.

Median Opening, Full -An opening in a restrictive median designed to allow all turning movements to take place from both the roadway and the adjacent connection.

Median Opening Spacing, Minimum -The minimum allowable spacing between openings in a restrictive median which allows space to cross the approaching traffic lanes to access property or to cross the median to travel in the opposite direction. The minimum spacing or distance is measured from centerline to centerline of the openings along the traveled way.

Medical Laboratory -Any institution, building, place or any other facility in which operations and procedures for the micro-biological, serological, chemical, hematological, immunohematological, biophysical, cytological, pathological or other methods of examination of tissues including blood, secretions and excretions of the human body are performed to obtain information in diagnosing, preventing or treating disease, or in which the results of any examination, determination or test are used as a basis for health advice. These activities include the diagnosis and identification of disease by the examination of tissues removed by surgery and also the determination of cause of death by the examination of tissues removed at autopsy.

See figure 8.1.1 for map of the Metropolitan Area

Meeting Hall -A building designed for public assembly.

Metropolitan Area - An area within Jefferson County, Kentucky as shown on the attached map which is incorporated herein and said area being more particularly described as follows:

Beginning at a point in the centerline of Dixie Highway, said point being 2,000 feet Northeast of the centerline of the Snyder Freeway; thence with a line parallel to the centerline of the Snyder Freeway, if extended, North 64 degrees 32 minutes 19 seconds West crossing the Ohio River to the Kentucky State Line; thence Northeast with said state line to a point, said point being 2,000 feet South of the centerline of the Snyder Freeway if extended from its terminus at US Highway 42; thence with a line crossing the Ohio River and parallel to the centerline of the Snyder Freeway South 64 degrees 16 minutes 47 seconds East to a point in the east line of US 42, said point being 2,000 feet Southwest of the centerline of the Snyder Freeway; thence with a line 2,000 feet from the centerline of the Snyder Freeway, and parallel to same, southeast, south, southwest, west, southwest and west to the point of beginning.

Mini-Warehouse -A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual compartmentalized stalls or lockers with access controlled by tenant for the storage of customer's goods or wares. An operation involving a security arrangement utilizing a

warehouseman as provided for in Article 7 of KRS Chapter 355 is not a mini-warehouse.

Mobile Home -Any vehicle or similar portable structure used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designed to permit occupancy thereof as a dwelling place for one or more persons, including camper or vacation trailers; or any structure fabricated in offsite manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, title 24, Part 3280, 3282, 3283, and 42 USC 5401, et seq., and as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code, but not meeting the additional standards as required in Section 4.1.2, Factory Built Housing.

Mobile Home Space - An area within a Mobile Home Park designed for the accommodation of one mobile home for the exclusive use of occupants.

Mobile Home Pad -That part of an individual mobile home space which has been reserved for the placement of the mobile home, appurtenant structure or additions thereto, including necessary electrical, plumbing and other utility installations.

Mobile Home Park -A parcel of land under a single ownership or management which has been planned and improved for the placement of mobile homes for non-transient occupancy and consisting of mobile home spaces for rent or sale.

Model Dwelling -see "Dwelling, Model."

Monument -A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Motel -An establishment consisting of a group of attached or detached lodging units having bathrooms, used as individual sleeping units for ten or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms.

Motor Vehicle -see "Vehicle."

MSD -Louisville and Jefferson County Metropolitan Sewer District, or its successor.

Multi-Family Dwelling -see "Dwelling, Multi-Family."

National Flood Insurance Program -The Federal program authorized by 42 United States Code 4001 et seq., making available flood insurance protection to property owners in flood prone areas, which availability is conditioned on the community's adoption and enforcement of flood plain management

regulations meeting the minimum criteria set forth in the statute and the regulations.

Native Tree -Tree species indigenous to the area of Central Kentucky or more specifically, to the Jefferson County area.

Native Plant Community -An indigenous association of plants identified by one or more prominent species or a characteristic physical attribute.

Net acre -The total area of a development site excluding jurisdictional wetlands, slopes over 20%, and conveyance zones. *(This definition is only applicable in the PVD District.)*

Noise Sensitive Community Facilities -Uses generally attracting groups of people, that would be disrupted or substantially impaired by high noise levels. Noise sensitive community facilities include but are not limited to hospitals, schools and libraries.

Nonconformity (or Nonconforming) -An activity or a building, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

Non-Emergency Generator - A power generator used to provide supplemental power to a user requiring additional and/or sustainable power not normally available to the user from the local public utility. This type of generator does not include those used for emergency situations such as a loss of power due to unforeseen circumstances.

Non-Metropolitan Area - All the area within Jefferson County, Kentucky not described as a Metropolitan area.

Nonresidential Use – Uses not associated with permanent residential occupancy (permanent means for at least 30 days in duration). Nonresidential uses include the following; institutional use, office use, commercial use and industrial use.

Normal High Water Elevation -The landward edge of any natural surface water body during normal hydrological conditions.

Nursery School and/ or Kindergarten -Any place where children between the ages of two and five years come together for not less than two hours a day and not more than six hours, and wherein a supervised education is offered.

Nursing Home -Any institution, however named, maintained for the care or treatment of two or more individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses, where there are more than five persons who are not related to any other resident by blood, legal adoption or marriage.

Off-premises Sign (outdoor advertising sign or commonly known as a billboard): A sign that is considered a principal use on a lot by this Land

Development Code and is unassociated with other principal uses on the lot upon which the sign is located.

Off-Street Loading - see "Loading Area/ Space (or Berth)."

Off-Street Parking Space - see "Parking Space."

Office Use – A nonresidential use classification comprised of a room or group of rooms used for conducting the affairs of a business, profession, service industry, or government. An office use excludes the retail sale of merchandise or personal services.

One Hundred Year Flood -A flood resulting from a 100 year storm.

One Hundred Year Storm -A rainfall which, based on the period of record, may be expected to be equaled or exceeded on the average of at least once every 100 years. It does not imply that no greater flood is likely to occur, nor that such a flood will not happen more often than one every one hundred years.

Open Air Market -Any retailing use held in an open area or structure, whether periodically, occasionally or continuously, where one or more individual sellers offer goods or agricultural products for sale to the public. This term includes flea markets and fruit and vegetable stands, but does not include roadside agricultural stands.

Open Space - Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or improved or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

Open Space, Common - Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i. e. a homeowners association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development. Common open space shall be preserved by either a conservation easement or deed of restriction.

Open Space, Private - Open space that is owned by a private individual or entity but is protected or maintained under a recorded conservation easement.

Open Space, Public - Open space that is accessible to the general public.

Outdoor Lighting -the night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means. This includes luminaires used to illuminate advertising signs, landscaping, architectural features, walkways, driveways and parking areas.

Outdoor Sales and Display -The placement of any items(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. (This shall not include outdoor dining and seating areas associated with a restaurant.)

Outdoor Storage -The keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable

containers, including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

Outlot - A separate parcel, often within a larger commercial and/ or office development.

Owner -Any person, group of persons, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest to undertake development pursuant to Chapters 1 through 10.

Parapet -A low, protective wall constructed as the continuation of the exterior wall of a building and placed along the perimeter of the roof of a building.

Parcel - See "Lot."

Park – A relatively large open space available for recreation and usually located at the edge of a development, neighborhood or village. It may be surrounded by roadways, the fronts of buildings, or the side or rear of publicly or privately owned lots. It is usually partially enfronted by buildings and has a landscape which may consist of natural areas, paved paths and trails, some open lawn, trees, recreational facilities and open shelters, and requires substantial maintenance.

Parking Aisle -An area within a parking facility intended to provide ingress and egress to parking spaces.

Parking Area (or Lot)-An area of land reserved for the purpose of vehicular storage. Such areas shall include parking spaces and vehicular maneuvering areas, but shall not include outdoor display or sales areas.

Parking Module -A standard arrangement of parking spaces containing two tiers of spaces served by a single parking aisle.

Parking Space -An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile/ motor vehicle, and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles/ motor vehicles. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Parking, Joint Use - The sharing of a parking area or space for more than one establishment.

Parking, Shared -Joint use of a parking area or space for more than one establishment.

Passenger Vehicle -See "Vehicle."

Pavement Width -The width of the pavement of a street, as measured from edge to edge but excluding the curbs, if any.

PD – Concept Plan – A plan that may be approved in conjunction with a rezoning to a Planned Development District in the alternative to a Master Plan. Required contents of the PD-Concept Plan are set forth in Chapter 2, Part 8.

Pedestrian Access -An improved surface which connects the public right-of-way with private property or a building entrance.

Pedestrian and Bicycle Corridor - A linear open space at least 30feet wide, containing a pathway for pedestrians and/ or bicycles and providing linkages within, between and among developments, neighborhoods and the community as a whole.

Pedestrian Way - A right-of-way, dedicated to or set aside for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Permitted Use -A use which is specifically authorized by right in a particular zoning district.

Person - Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.

Person With a Disability - 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 pleaded guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person With a Disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 21 8A.

Personal communication service - has the meaning as defined in 47 U. S. C. sec. 332(c).

Phase -A designated portion of a larger development, which is to be constructed as a unit and which is do designed that it can stand on its own even if the other phases of the development are never constructed.

Plan Certain – The procedure associated with rezoning requests whereby the Planning Commission or legislative body may designate, at the time of approval of any development plan, elements and restrictions of the approved plan that are an integral part of the development plan and binding on the use and development of the subject property. (See Section 11.4.7).

Planning Director-The Director of the Division of Planning and Design Services or its successor, or his/ her designee.

Planting, Site Specific -The selection of plant material that is best suited to withstand the physical growing and soil conditions which are found in a particular location and microclimate.

Planting Strip -A strip or border with grass or landscaping that separates the sidewalk from the street.

Plant Nursery -Wholesale establishments primarily engaged in the production of ornamental plants and other nursery products, such as bulbs, florists greens, flowers, shrubbery, vegetable seeds, plants, and sod.

Plat (or Subdivision Plat) -A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of Chapters 7 and 9. This term includes Replats, Amended Plats and Revised Plats, as well as Minor and Major Plats.

Plat, Final (or Record) -The final map of all or a portion of the subdivision which is presented to the appropriate authority for final approval in accordance with Chapters 7 and 9 and which, if approved, shall be filed with the Clerk of the Jefferson County Court.

Plat, Major -see "Plat."

Plat, Minor -see "Plat."

Plat, Preliminary -The preliminary map indicating the proposed layout of the subdivision which is submitted for tentative approval and meeting the requirements of Chapters 7 and 9 relating to preliminary plats.

Plat, Record - see "Plat, Final."

Playground - A relatively small open space containing play equipment and areas for active recreation.

Plaza - An open space located at the intersection of streets, set aside for civic purposes and short term, incidental commercial activity such as a farmers market. It is surrounded by the fronts of buildings an/ or streets and its landscape consists of durable pavement and formally arranged trees and other landscape elements that require little maintenance.

Porch - An exterior appendage to a building, forming a covered approach to a doorway and which is not enclosed other than by porous screens.

Portable Storage Containers (in effect within Louisville Metro only) - A moving and storage service whereby the company delivers and leaves a storage container on-site for the customer to pack. The storage container is then picked up and moved to a company warehouse or the customer's destination for unpacking and subsequent removal.

Preliminary Plan - A drawing conforming to the requirements of Chapter 11 herein.

Preservation - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property, including preliminary measures to protect and stabilize the property and the ongoing maintenance and repair of historic features and sometimes including the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required upgrades necessary to make properties safe and functional.

Primary Façade - A side of a building that is visible from a public right-of-way or has the primary customer entrance. A building may have more than one primary façade when detail, materials and roof treatments are consistent with each other. Utility meters located on primary façades shall be screened from view.

Primary Street – The street with the highest functional class abutting a property. Where there is more than one street with the same functional class abutting a property, the Planning Director or designee shall determine the primary street for the site. There shall be only one primary street adjacent to a property.

Principal Structure -A structure or combination of structures of primary importance or function on a site. In general, the primary use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, and similarity of design, use of common building materials, and the orientation of the structures on a site.

Principal Structure Area -In the context of the Traditional Neighborhood Form, the area of the lot located between the Public Realm Area and the Private Yard Area and is occupied by one or more principal structures.

Principal Use -The primary or predominant use or structure of any lot, as distinguished from accessory uses and structures.

Principal Use – When used in the context of any Adult Entertainment Activity or Establishment, means a substantial or significant use, but not necessarily a majority of the business activity or stock in trade. In the context of any Adult Entertainment Activity or Establishment, Principal Use shall exist in the following circumstances:

(1) Where a business establishment dedicates, or permits the use of, at least twenty-five percent (25%) of the utilized square footage of its premises for adult entertainment activity; or

(2) Where at least twenty-five percent (25%) of the gross receipts of a business establishment, excluding food and beverage receipts, results from adult entertainment activity.

Private Non-Profit Club -Buildings and related facilities owned or operated by a corporation, association, person or persons, established for the enrichment and promotion of the social, educational, cultural or other interests of the members of an organization, which organization operates on a membership basis with pre-established formal written membership qualifications, required dues, regular meetings, and a constitution and by-laws, which buildings and facilities are not operated, used, or leased primarily for profit nor to render a service which is customarily carried on as a business.

Private Proprietary Club -Buildings and related facilities established for the recreational or other common interests of the members or users, which buildings and facilities are operated as a business, commercial activity, or for profit, but not including buildings and facilities established for activities listed in these regulations as adult entertainment activities.

Private Yard Area-In the context of the traditional form districts, the Private Yard Area is the area of the lot located between the Principal Structure Area and Accessory Structure/ Use Area. The Private Yard Area must be unenclosed and open to the sky except for permitted fences, decks, and small sheds. Sheds may not exceed 120 square feet. Unroofed pools, atriums,

gardens, garden courts, walks, patios, and other similar uses are acceptable. No other uses may be located within this area, including off-street parking.

Property -A lot, parcel, or tract of land together with the building and structures located thereon.

Protected Waterway -

- a. Any perennial stream or river (or portion thereof) that is portrayed as solid on the United States Geological Survey 7.5 minute quadrangle maps, of the most recent edition;
- b. Wetlands greater than 0.1 acre and subject to federal jurisdiction of the U. S. Environmental Protection Agency and the Army Corps of Engineers;
- c. Lakes with a permanent pool elevation greater than 3 acres in size if they constitute “waters of the Commonwealth” as defined in KRS 224; and
- d. Other water bodies that have been designated through nomination and legislative approval. A water body may be nominated as a Protected Water Body by resolution of the legislative body(ies) or by resolution of the Planning Commission. The Planning Commission shall conduct a public hearing and recommend candidates for designation to the legislative body(ies) with jurisdictional control which shall have final designation authority.

Public Art - Includes, but is not limited to, that form of sculpture, mural or painting, water element, lighting, or other form of creative expression designed by and executed under the supervision of an artist which is viewable within an open space, upon a building or within a public right-of-way, subject to the approval of the Downtown Development Review Overlay District Committee (DDRO).

Public Entrance -An entrance to a structure that is maintained accessible to the public and free of encumbrances that might interfere with its use by the public.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation.

Public Realm -In the context of the Traditional Neighborhood Form, the area of the lot occupied by the public right-of-way and the area in front of the principal structure or to the required principal structure setback/ build-to line.

Public Square -An open space, often an entire block, at the intersection of important streets, set aside for civic purposes and surrounded by the fronts of buildings, its landscape consisting of paved walks, lawns, trees and civic buildings, all formally disposed.

Public Utility -Any public or private utility, such as but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

Public Water -Water that flows from more than one property or from public lands or rights-of-way.

Qualified Acoustical Consultant -A person who, by reason of his/ her training and experience in the science and technology of acoustics and his/ her knowledge of construction methods and materials, is deemed by the Planning Official as qualified to pass judgment on acoustical designs, materials, and methods of construction for reduction of sound levels.

Qualified Buyer -The Metropolitan Housing Authority (City or County) or a person whose household income for the last two years was 100% or less of the median household income for Jefferson County as reported annually by HUD, or a corporation that has received low income housing tax credit to be applied toward the subject site.

Qualified Buyer Verification Form -A form, provided by the public agency handling Community Development and Home Funds and successor programs, that verifies that a person's household income for the past two years was 100% or less of the median household income for Jefferson County as reported annually by HUD.

Record Plat -A plat for recordation in the office of the County Clerk of Jefferson County and conforming to the requirements of Chapter 7 herein.

Recreation (Use), Outdoor -Any premises (whether public or private) where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/ or services except golf courses.

Recreational Vehicle (RV) - see "Vehicle, Recreational."

Recreational Vehicle Park (or RV Park) -A parcel of land under single ownership, where sites are offered for rent for the temporary placement of recreational vehicles being used for travel, recreation or vacation purposes.

Recycling Collection Center -A facility used solely for the collection of recyclable materials, such as aluminum cans, paper, etc. and which is conducted solely within an enclosed non-permanent structure. Such facilities shall not be deemed to be a junk yard and are considered to be a light manufacturing and processing use.

Rehabilitation Home - A building or group of buildings providing residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. This definition does not apply to residential care facilities regulated by KRS 100.982.

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 Use – Uses associated with permanent residential occupancy in the form of a dwelling unit (permanent means for at least 30 days in duration). Specific uses such as bed and breakfasts, boarding and lodging houses, hotels, motels and extended stay facilities where stays can be less than 30 days in duration shall be considered commercial uses.

Regional Center Access Road - A private access easement serving internal circulation needs of multiple structures in the regional center form district. This

type of roadway intersects with drive aisles that give access to parking spaces. It does not intersect with individual parking bays and does not give direct access to parking spaces.

Residual Tract -Any portion of five acres or more of a tract to be subdivided which portion is not required to be surveyed.

Restaurant - Commercial establishments, the main business of which is serving food, which may include the sale of alcoholic beverages.

Restoration - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and the reconstruction of missing features from the restoration period, and including the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make the property functional.

Restrictive Covenant -A provision in a deed limiting the use of property.

Resubdivision -Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way - The streets, parkways, sidewalks, pathways and other land over which the public has a right of passage or land over which a rail line passes.

Right-of-Way Line -The lot line dividing a street and a lot. For public streets the right-of-way line shall be the existing lot line; for private streets the street line shall be the edge of the curb, or the edge of the legally described street, whichever is greater. However, on any streets exhibited in the Major Thoroughfare Plan, the right-of-way line shall be the street centerline setback line in such Plan, or the existing street curb line, whichever is the greater.

Riparian Area -land areas adjacent to a stream, wetlands, or other body of water that contain vegetation, habitats, and ecosystems associated with bodies of water or dependent on the flow of water in the adjacent stream, wetlands, or other water body. A riparian area will vary in width depending on the particular stream, wetlands, or other body of water.

Riparian Vegetation - Vegetation including trees, shrubs, and ground cover that occurs naturally in Jefferson County along streams. This vegetation provides stream bank stabilization, erosion control and filters surface drainage. Native species of trees that thrive in a riparian zone include but are not limited to sycamore, silver maple, box elder, white ash, American elm, sweet gum, black gum, pin oak, cottonwood, black willow or other willow species, river birch and ironwood. Native shrubs that thrive in the riparian zone include but are not limited to spicebush, witch-hazel, shrub dogwoods and false indigo.

Riprap - Natural rock material used to stabilize embankments.

Roof Line -The juncture of the roof and the perimeter wall of the structure.

Sag Lens (or Drop Lens) -a clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Scale -The height, size and bulk of a structure compared to the height of adjacent buildings and to the height of a human and/ or the apparent height, size and bulk of the components of the facade compared to the apparent height, size and bulk of the structure.

Scenic Easement - See "Conservation Easement."

School -A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle and high schools, whether public or private; colleges, community colleges and universities; vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious or other special subjects. This term does not include child care centers if separate from elementary schools.

Screening -The use of solid fencing or dense vegetative plantings to visually block a particular use from an abutting or adjacent use. See also "Buffer."

Sediment -Solid material, mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by water.

Sedimentation -The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

Semi-pervious Paving System (or Porous Paving System) -A surfacing system composed of structural units with void areas filled with pervious materials such as sand or grass turf so that at least sixty-five percent of the surface area is permeable. A gravel base course provides storage as runoff infiltrates through the porous paving system into underlying permeable soils.

Setback – See definition of "Yard"

Setback, Front – See definition of "Yard, Front"

Setback, Rear – See definition of "Yard, Rear"

Setback, Side – See definition of "Yard, Side"

Setback, Street-Side – See definition of "Yard, Street-Side"

Sexual Activities – Partial or complete male and/or female nudity in conjunction with:

- (1) Depiction of human genitals in a state of arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

Shared Use Path -A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way. Shared use paths may also be used by pedestrians, skaters, wheel chair users, joggers, and other non-motorized users.

Shielded (also known as cutoff) Light Fixture - A lighting fixture constructed in such a manner that no more than 2.5 percent of the lamp lumens, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, are not emitted above the horizontal plane through the lowest direct-light-emitting part of the luminaire.

Shopping Center -A group of commercial uses planned, constructed and/ or managed as a total entity with unified design and customer and employee parking provided on-site.

Shopping Mall - A large enclosed building containing a group of commercial uses which share a designated enclosed walking area. Shopping malls may be planned, constructed and/ or managed as a total entity and have unified customer and employee parking provided on site.

Sign – See definition in chapter 8 of the LDC.

Sign Plan- (Definition in Chapter 8 of the LDC)

Signature Entrance -Any wall(s), fence(s), guard house, or similar structures exceeding 4 feet in height, constructed at an entrance to a major single family subdivision or to a multi-family complex of five acres or more.

Sinkhole - Any closed depression in soil or bedrock formed by the erosion and transport of earth material from below the land surface, which is circumscribed by a closed topographic contour and drains to the sub-surface. The sinkhole boundary is described as an area bounded by a projected line demarcating a change in slope from toward the center of the sinkhole to away from the sinkhole which represents a local drainage divide. Precipitation falling on the surface sloping toward the sinkhole is likely to run into the sinkhole throat, or infiltrate the soil and move through subsoil conduits to the throat. This includes areas which contribute surface water to a sinkhole via streams.

Sinkhole Collapse Feature - Sometimes called “cover collapse sinkhole”, a relatively steep-side, “throat-like” sinkhole typically within a larger sinkhole and typically with rock or soil walls, formed by the erosion and transport of earth materials into the subsurface in a manner such that the expression of this transport has propagated to the surface.

Sinkhole Watershed - An area bounded by a projected line demarcating a change in slope from toward the center of the sinkhole to away from the sinkhole which represents a local drainage divide. Precipitation falling on the surface sloping toward the sinkhole is likely to run into the sinkhole throat, or infiltrate the soil and move through subsoil conduits to the throat. This includes areas which contribute surface water to a sinkhole via streams.

Sinking Stream Sinkpoint - The location where a surface stream disappears into the subsurface karst aquifer, either at a discrete point such as a cave entrance, or gradually along the reach of a stream channel.

Site Plan - A plan or a plan revision for the lot upon which a proposed development is to be located.

Solar Collector -A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy System -A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system.) Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

Solid Waste Transfer Station -A facility, with all operations confined within an enclosed building, for the accumulation, sorting, storage and compaction of recyclable and/ or re-usable material, and for compaction and transfer of non-recyclable solid waste for ultimate disposal off the premises. Materials that may be recycled or processed are paper, cardboard, wall board, glass, plastic, insulation, dimensional lumber, metal beverage and food containers, and those materials whose manufacture, processing, treatment or storage are specifically permitted in the M-2 zone. Inoperable automobiles and trucks, automotive parts, steel barrels and drums, chemicals, toxic materials and hazardous wastes shall not be accumulated, sorted or stored at a solid waste transfer station; nor shall a solid waste transfer station be used for any part of a scrap metal or similar operation.

Sound Level -In decibels, the quantity measured by an instrument satisfying the requirements of the American Standard Specification for Type I Sound Level Meter. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighing "A" and the standardized dynamic characteristic "SLOW".

Sports Fields - An open space area specifically designed and equipped for large-scale structured recreation including but not limited to baseball, football and soccer.

Spotlight -a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

Square - An open space, often an entire block, at the intersection of important streets, set aside for civic purposes and surrounded by the fronts of buildings. Its landscape generally consists of paved walks, lawns, trees, and civic buildings, all formally arranged and requiring significant maintenance.

Stable, Private -A detached accessory building for the keeping of not more than two horses, owned by the occupant of the main building on a lot at least one acre in area provided, however, the capacity of the building may be increased if the lot whereon such building is located contains an additional twenty-five hundred (2500) square feet for each additional horse stabled.

Start of Construction -The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation

of a structure. Permanent construction does not include the installation of streets and/ or walkways; nor does it include excavation for abasement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the principal structure. For a structure (other than a mobile home) without abasement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

State -The Commonwealth of Kentucky and its authorized agents.

Step Back - An offset or reduction in the mass of a structure, typically at upper story levels.

Storefront - The first floor of the primary façade. It includes the major components of the transom, display window, main entrance, piers and bulkhead.

Stratigraphic Unit - a stratum or body of strata recognized as a unit in the classification of the rocks of the earth's crust with respect to any specific rock character, property, attribute or for purposes such as description, mapping, and correlation.

Street -Any public way or legally created private way for vehicular traffic used as a means of access to lots abutting thereon, and including the following:

(a) Major Arterial -A street primarily for through traffic, usually on a continuous route.

(b) Minor Arterial -A secondary way or highway for use primarily as a connector for major arterials, minor arterials, or between a minor arterial and a collector.

(c) Collector -A street intended to move traffic from local streets and other collectors to the arterial street system. A collector street serves a neighborhood or large subdivision and should be designed so that no single family residential properties face onto it. Collector level streets are those streets either designated as such by the Comprehensive Plan for Louisville and Jefferson County, or by the Director of Works.

(d) Local -A street used primarily for access to abutting property.

(e) Cul-de-sac -A street ending in a turn-around and designed not to be extended.

(f) Stub street -A street usually ending at a property line which is designed to be extended in the future.

*See also
"Expressway."
For purposes
of the Land
Development
Code,
expressways
are not
considered
streets.*

(g) Through street -A local street or segment of a series of local streets which provides at least two separate points of access to a collector, arterial or another through street. Certain street segments not meeting this requirement may be designated a through street if approved by the County Engineer. All arterial and collector streets are designated as through streets. (See also "Grid Street Pattern")

Street Index File - The computerized listing of all the vehicular rights-of-way and areas with a common name in Jefferson County which is a part of the Louisville/ Jefferson County Information Consortium (LOJIC) and is maintained by the Division of Planning and Design Services.

Street Tree – A tree and/or group of trees planted (typically in a linear fashion) usually within verges, medians, or along streets – to enhance visual quality of a street, to provide spatial enclosure, to provide canopy coverage (shade) over pavement, as well as other technical benefits. Coniferous trees shall not be used as street trees. Refer to appendix 10 A for preferred street trees.

Street Wall - A vertical plane at the right-of-way line created by the façade of a structure or series of structures along a given block face.

Structural Alterations -Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure -Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, and signs. In these regulations reference to buildings includes structures and vice versa.

Subdivider -Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under Chapter 11 to undertake a subdivision of land hereunder for himself/ herself or for another.

Subdivision -Division of a parcel of land into two or more lots or parcels, for the purpose, whether immediate or future, of sale, lease, or building development; or if a new street is involved, any division of a parcel of land. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. The following shall not be considered a subdivision:

(1) consolidation of existing lots, parcels or tracts by deed or other recorded instrument; or (2) creation of an easement other than an access easement (e.g. utility easement, etc.), or (3) a division of land into lots of five acres or larger for agricultural use and not involving a new street

The term "**subdivision**" is further defined as follows:

1. Major Subdivision -Any subdivision not defined as a minor subdivision.

2. Minor Subdivision – A Subdivision of land into no more than five tracts or lots, provided that such subdivision does not involve the creation of any new public street. Further division of an approved minor subdivision (exceeding the total of five lots in any 12 month period) shall require the subdivider to proceed under the provisions governing major subdivisions.

Substantial Improvement -Any combination of repairs, reconstruction, alteration, additions to or improvements to existing development, taking place during the life of the structure and begun after the affective date of the applicable regulation contained in these Chapters, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. The market value of the structure for purposes of this ordinance is (a) the appraised value of the structure determined by a certified general real property appraiser licensed and certified by the Kentucky Real Estate Appraisers Board or lacking that, the current assessment of the structure shown by the Property Valuation Administrator of Jefferson County. This term includes repairs made to structures which have incurred damage equal to or in excess of fifty percent (50%) of the pre-damage value of the structure, regardless of the cumulative cost of the actual repair work performed. The cost of alteration, additions, or improvements shall reflect the value in the marketplace of the labor and materials to be used in the improvements. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places; or (c) the cost of flood-proofing or elevating a structure or any portion thereof above the local regulatory base flood elevation plus one foot.

Suburban Form Districts – Are those form districts that follow a more suburban pattern of development, the following are Suburban Form Districts: Neighborhood Form District, Suburban Marketplace Corridor Form District, Suburban Workplace Form District, Regional Center Form District, Village Form District "Outlying" and Campus Form District.

Surface Water Body -Any lake, stream, sinkhole or other water area, whether natural or man-made, but not including any jurisdictional wetland.

Swimming Pool -Any constructed pool used for swimming or bathing, over twenty-four (24) inches in depth, or with a surface area exceeding two-hundred fifty (250) square feet.

Tavern - A commercial establishment wherein alcoholic beverages are sold for consumption on the premises; a bar, a saloon; provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of food exceed the total receipts from the sale of alcoholic beverages shall be a restaurant.

Technical Review Committee (TRC) - An advisory board that reviews development proposals within Jefferson County. The TRC identifies,

negotiates and resolves technical issues and conflicting agency requirements to enable DPDS staff to approve plans as delegated by the Planning Commission.

Telecommunications 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 an ancillary to telecommunications transmission.

Telephone Exchange Building -A building and its equipment used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers.

Temporary Outdoor Lighting -the specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 15 days, with at least 180 days passing before being used again.

Temporary Activities - Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: temporary carnivals and fairs, temporary parking lots, temporary circus, temporary rodeo, temporary "Haunted House", and temporary "Show House".

Theater -A building or part of a building where the principal use is the showing of motion pictures, or of dramatic, musical or live performances.

Top of Bank - The point on a stream bank at which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristics.

Tract -A parcel of land greater than 40,000 square feet in area, the deed of which was recorded in the office of the Clerk of the Jefferson County Court.

Traditional Form Districts - The following form districts shall be considered traditional form districts: Town Center Form District, Traditional Neighborhood Form District, Traditional Marketplace Corridor Form District, Traditional Workplace Form District and Village Form District "Center".

Traffic Calming Techniques - Street alignment, barriers, and other physical measures to reduce traffic speeds and/ or cut-through volumes, in the interest of safety, livability, and other public purposes.

Trailer, Automobile - see "Utility Trailer."

Training School – a school providing training for industrially related and/or construction related vocations.

Transit Compatible Development -A development that makes provisions for transit in the design of the site plan. The design may include provisions for bus turning radii, pavement that can support the weight of transit vehicles, limiting conflicts between pedestrians and transit vehicles and between general traffic and transit vehicles, and facilitating walking between buildings and transit stops. Other factors that may be considered include review of internal roadway and parking area, building placement, garage clearances, as

well as recommendations on bus zones, shelters, awnings lighting fixtures and other improvements.

Transitional Housing - A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help persons achieve personal independence. Staff is available as needed. Transitional housing is not a rehabilitation home. These facilities are not subject to the Uniform Residential Landlord Tenant Act (KRS 383.500 et seq.).

Transparent -A material that admits light without appreciable diffusion or distortion so that objects beyond are entirely visible. Examples include: clear glass and Plexiglas.

Tree -Any self-supporting woody plant of a species which normally grows, or is capable of growing, to an overall height of a minimum of fifteen feet in the north central region of Kentucky. This term includes canopy trees and understory trees, but does not include shrubs, ground cover or containerized trees and nursery stock trees for resale in licensed nurseries.

Tree Canopy -The area directly beneath the branches of a tree and within its dripline.

Tree Canopy Protection Area (TCPA) – An area of tree canopy preserved to meet the requirements of Chapter 10, Part 1 Tree Canopy.

Tree Encroachment -Any intentional or unintentional act which may reasonably be expected to cause a decline in the health of a tree, including:

A. damage to the root system by machinery, storage or materials or soil compaction.

B. substantially changing the natural surface grade within the dripline.

C. excessive paving or building within the dripline.

Tree Preservation Areas (TPAs) – represent those portions of the development site to be left undisturbed during development of roadways, utilities and similar infrastructure. TPAs are not permanent preservation areas; clearing, grading and/or removal of trees in TPAs is allowed at the time of individual building or home construction.

Tree Removal -Any intentional or unintentional act which may reasonably be expected to cause a tree to decline and die, including: severing the trunk; excessive pruning of the trunk or branching system; mechanical damage to the branching system; mechanical damage to the bark and cambium layer; damage to the root system by machinery, storage of materials or soil compaction; substantially changing the natural surface grade within the dripline; excessive paving or building within the dripline; substantially changing the natural drainage patterns of the building site in a manner reasonably expected to kill the tree; and direct or indirect application of toxic substances or fire to the tree or its root system.

Tree, Type A - A large tree that will reach a mature height of over fifty (50) feet. (See Preferred Plant List)

*The Preferred
Plant List is
Appendix 10A.*

Tree, Type B -A medium tree that will reach a mature height of approximately twenty-five (25) to fifty (50) feet. (See Preferred Plant List)

Tree, Type C -A small tree that will reach a mature height of approximately ten (10) to twenty-five (25) feet. (See Preferred Plant List)

Tree, Understory -Any self-supporting woody plant of a species which normally achieves an overall height at maturity of 15-35 feet and a minimum crown spread of 15 feet, and which can grow beneath larger Canopy Trees.

Tree Well - A planting area for street trees, surrounded by paving; the tree well normally is situated in the sidewalk, between the curb and the edge of right-of-way.

Truck Sales/ Repair-A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles, other than passenger automobiles and trucks and vans less than 19 feet and less than 2 tons.

Truck. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration. Trucks are divided into three (3) categories as follows:

(a) Light Truck Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

(b) Medium Truck Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

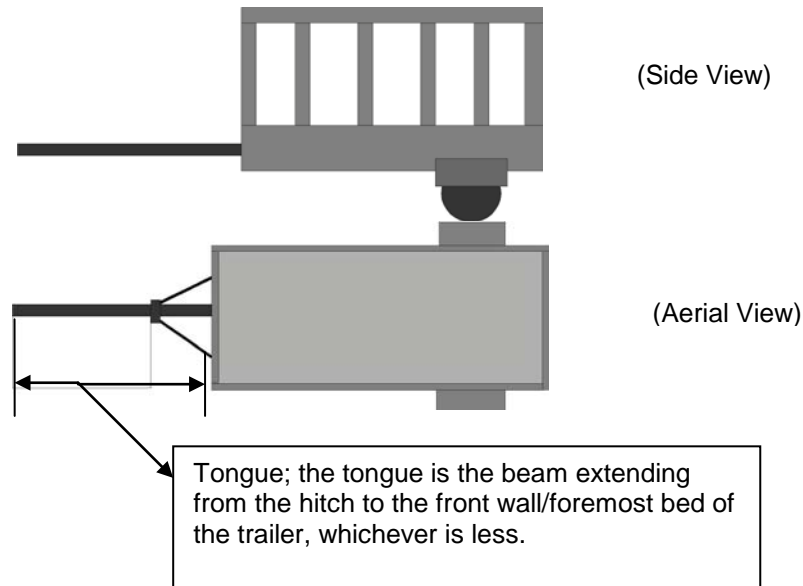
(c) Heavy Truck. Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

Turfgrass -Continuous coverage of the ground surface by a grass species maintained by mowing.

Two-Family Dwelling -see "Dwelling, Two Family."

Underground Space -The entire existing cavern resulting from the extraction of subsurface located material from underground areas in such a manner that the surface area of the property is not disturbed except in the vicinity of the entrances and easements serving the development.

Utility Trailer. A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment. Utility trailers less than or equal to sixteen (16) feet in length shall be regulated as medium trucks. Utility trailers in excess of 16 feet in length shall be considered industrial vehicles and are regulated as heavy trucks. Utility trailers shall be measured excluding the “tongue”.



Uniformity Ratio -The relationship between the average level of illumination and the lowest level of illumination for a given area. For example, if the uniformity ratio is 3: 1 and the average illumination of an area is 3.0 footcandles, then the lowest level of illumination allowed in the given area would be 1.0 footcandles.

Vadose Shaft - A vertical shaft extending from the ground surface to an underground area above the water table. A vadose shaft is found in areas with carbonate rock (limestone or dolomite) where groundwater has created a vertical cave (shaft) as it drops from one level to another.

Variance - see "Dimensional Variance."

Vehicle -Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Disabled or Inoperable -Any vehicle which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets.

Vehicle, Passenger -A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, sports utility vehicles (SUVs) and jeeps. Passenger vehicle is intended to

cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.

Vehicle, Recreational - A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

(a) **Motor Home** - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

(b) **Accessory Recreational Vehicle** - Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, recreational boats, and trailers used to haul these vehicles. Accessory recreational vehicles and the trailers used to haul them less than or equal to 25 feet in length shall be regulated as medium trucks. Accessory recreational vehicles and trailers used to haul them in excess of 25 feet in length shall be regulated as heavy trucks.

Vehicle Sales and Rental -The use of any building, land area or other premises for the display, sale and/ or rental of new or used vehicles, and including any warranty repair work or other repair service conducted as an accessory use.

Vehicular Use Area -A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 sq. ft. of area or more used by five or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and vehicle sales and service areas. Driveways may be considered to be VUAs depending on their impact on adjacent residential uses or zones.

Verge -A strip or border with grass or landscaping that separates the sidewalk from the street.

Veterinary Clinic -A service use primarily engaged in providing medical care for animals, operated by a licensed veterinarian, and not offering facilities for the overnight care of animals except in connection with medical treatment. Any use providing facilities for the overnight boarding of animals or providing outside pens shall be classified as a kennel.

Warehouse Showroom -A warehouse which includes the display of merchandise and may provide retailing incidental to and accessory to the principal warehouse use. Warehouse showroom does not include any retailing as a principal use.

Warehousing (or Storage Facility) -Any premises where the principal use is the storage of goods and materials. This term includes personal storage facilities.

Watershed -All the area within a geographic boundary from which water, sediments and other transportable materials, and dissolved materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

Watershed Master Plan -The Plan adopted by the Board of the administering agency which depicts critical hydrologic and flood management elements of a watershed such as local regulatory floodplain and local regulatory conveyance zones and is supported by maps, graphics, text, models, and capital improvements planned by the administering agency.

Wetland -Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wheel Stops or Curbs -Permanently secured, durable devices no less than four inches in height, designed to restrict vehicular encroachment.

Wooded Areas - An area of contiguous vegetation where trees are at such a density that branches and leaves form a contiguous canopy.

Woodland Protection Area (WPA) – Vegetated portions of a development site designated at the time of the approval process to be permanently protected (through the use of deed restrictions) either in a natural state or following selective removal of under story, brush and /or trees as specified at time of plan approval.

Yard - An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward.

Yard, Front -A yard extending across the front of a lot, between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots the front yard shall be considered as parallel to the street on which the lot has its least dimension.

Yard, Rear -A yard extending across the rear of a lot, between the side lot lines, and being the minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side -An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Yard, Street Side -A yard extending across the side of a corner lot between the rear line of the front yard and front line of the rear yard, and between the principal building and the street right-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof

other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the right-of-way line.

Zero-Lot-Line Development -Any residential development in which the required side or rear yards, or both, are eliminated to permit more efficient and effective siting and orientation of homes and private open spaces on the lot.

Zoning District - Any area within Jefferson County delineated on the Zoning District Map to which a set of regulations governing permitted land use, density and intensity of development applies.

Zoning District Map - The map setting forth the boundaries of the zoning and form districts of all of Jefferson County, Kentucky.