

## ARTICLE II

### DEFINITIONS

#### 200 USE OF TERMS

All words herein used in the present tense shall include the future tense; the singular shall include the plural, and the plural the singular.

The word "shall" is mandatory, not permissive or directory.

The word "used" includes arranged, designed or intended to be used.

#### 201 DEFINED TERMS

Unless otherwise provided, the following words and phrases are defined as follows.

**ACCESSORY USE (OF BUILDING):** A use customarily incidental hereto and subordinate to the principal use or building and located on the same lot with such principal use or building.

**ADMINISTRATIVE OFFICIAL:** Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulations, subdivision regulations, and if delegated, any provision of any housing or building regulations or any other land use control regulations.

**ADULT ENTERTAINMENT ESTABLISHMENT:** As defined in the City of Midway, City of Versailles and/or Woodford County Fiscal Court Code of Ordinances.

**AGRICULTURAL MARKETING CENTER:** A regulated regional development designed exclusively for the purpose of buying, selling and showing agricultural products, livestock and related farm supplies and equipment. Agricultural Marketing Centers provide a common commercial area for promoting the products produced through the sciences of aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all other forms of farm products cultivated, grown or produced by the agrarian community. Centers may include banks, restaurants, gift shops, equine and other livestock pavilions and show rings, veterinarian clinics and farm equipment sales. Other established components include commonly recognized commercial vendors whose commodities are traded through facilities known as farmer's markets; feed, seed and fertilizer sales; and livestock sales facilities, all of which are conducted, operated or managed for profit or non-profit as public markets for agricultural producers, market agencies and buyers.

**AGRICULTURAL USE (ARTICLE VII):** The growing and harvesting of crops including grass, legume, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, growing of mushrooms, nursery and forest planting stock, orcharding, forestry and the operation of greenhouses; the keeping, raising and feeding of livestock and poultry, swine, sheep, beef and dairy cattle, pony and horse productions; fur, game, fish and wildlife farm operation; farm buildings used for growing, harvesting and preparing crop products for market; roadside stands and signs pertaining to the sale or use of the premises or products produced thereon; farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock and poultry and preparing livestock and poultry products for market; farm dwellings including mobile homes occupied by farm owners, employees on the farm and members of the immediate family of the farm owner. Provided, however, that such dwellings for the farm owners, employees and members of the immediate family of the farm owner do

not exceed a density of one dwelling for each five (5) acres, and shall comply with Section 711.2 of this Ordinance as it relates to employees of the farm on which the mobile home is located, and further it is provided that such dwellings can be subdivided from the farm if it is to be continuously occupied by an immediate family member. It shall be comprised of a lot no smaller than one (1) acre in size, with access to an existing public road through an existing private driveway, to be shared with the original residence, through a platted and recorded access easement of fifteen (15) feet; or, the in-family lot can be comprised of a lot no smaller than five (5) acres in size with frontage on an existing public road or if the nearest property line of any lot is within 400 feet of the centerline of an existing public road; with a limit of no more than two (2) in-family lots fronting on an existing public road and sharing a common entrance; and meets all health and sanitation regulations in effect and contained herein, and provided further that the number of lots be limited to one lot in Woodford County per each immediate family member's lifetime and that such family member shall hold title to the tract so conveyed for at least five (5) years, and if said conveyance is made to a minor, the five (5) year restriction for holding title begins when the minor turns eighteen (18), and should the family members within five (5) years re-convey the tract to anyone other than to the person or persons from whom it was received, then such deed of re-conveyance shall be void, and provided further, that all such deeds from a farm owner to a family member shall contain a restrictive covenant stating clearly the five (5) year restriction for holding title and stating that any conveyance prior to said five (5) year restriction shall be void, and any deed from a farm owner to a family member pursuant to this section that fails to contain said restrictive covenant shall be void ad initio. Provided further, that in the case of a judicial sale the restriction on re-conveyance shall not apply. On farms where in-family conveyances are permitted all lots shall be counted against the sliding scale of "Lots to be Sold" as defined in Section 703.11(A). In no case shall any farm of 100 acres or more be permitted to have more than fifteen (15) lots.

**Mobile homes in Agricultural Districts:** It is further provided that mobile homes may be the principal residential structures on farms at least five acres in size. Any additional mobile homes that are used on the farm shall contain a minimum density of one unit for each ten (10) acres except when such is subdivided from the farm and is placed on a lot no less than five (5) acres in size and shall comply with Section 711.2 of this Ordinance as it relates to employees of the farm on which the mobile home is located. Mobile homes shall be provided the same yard requirements as for other types of dwelling units in the A-1 District. Mobile homes must obtain a conditional use permit in order to be placed on any existing lot less than five acres in size. In considering a conditional use permit the Board shall determine whether or not the mobile home will have a deleterious effect upon surrounding properties and that there is no objection from fifty percent (50%) of abutting property owners and provided that the mobile home is placed on a solid foundation and is underpinned.

**ALLEY:** Any public or private way set aside for public travel, less than twenty-five (25) feet in width.

**ANIMAL HOSPITAL AND CLINIC:** A medical facility that provides for the examination, care, and treatment of animals that does not include boarding of animals except for those requiring emergency or medical treatment, which may include the storage of medicinal supplies when accessory to the primary use.

**ASSISTED LIVING FACILITY:** A building, establishment, complex, or distinct part thereof which: (a) accepts primarily aged persons for domiciliary care, not nursing or medical care; and (b) provides on-site to its residents private lockable residential spaces; (c) provides on-site to its residents in addition to the residential unit, meal service in a community dining facility and non-medical personal care services appropriate to the resident's respective needs, (d) other than supervision of self-administered medication, medical services are not provided. The

facility may provide space for an unrelated Home Health Service or a Medical Doctor's Office for ease of access to those services by the residents, (e) provides linkages with hospital, community services and makes transportation available, (f) provides timely assistance to residents for response to urgent or emergency needs.

**ATHLETIC CLUB FACILITY:** An establishment which provides for indoor and/or outdoor commercial or non-commercial services and facilities which purport to improve the user's physical condition or appearance through participation in sports activities, fitness training, exercise, or body building. The establishment may offer access to the following: gymnasiums, swimming pools, tracks, ball courts, weightlifting equipment, exercise equipment or facilities, saunas, steam baths or whirlpools.

**AUTOMOBILE AND TRUCK REPAIR, MAJOR:** Rebuilding or reconditioning of engines or transmissions, vehicles or trailers; repair and collision service, such as body, frame, or fender straightening; painting; upholstering; auto glass work and the like.

**AUTOMOBILE AND TRUCK REPAIR, MINOR:** Minor repairs including auto inspection lanes, engine tune-ups; adjusting lights and brakes; but not including any operation specified under "Automobile and Truck Repair, Major."

**AUTOMOBILE SERVICE STATION (FILLING STATION):** A building or structure used for minor automobile and truck repair, the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication are permitted if enclosed in a building.

**AUTOMOBILE SALVAGE YARD (INCLUDES JUNK YARDS AND AUTO WRECKING YARDS):** Any place where three or more motor vehicles not in running condition, or other parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.

**BED AND BREAKFAST/INN ESTABLISHMENT:** An establishment in a dwelling or structure located on land which is occupied and operated by the owner, lessee or owner's agent, that supplies temporary accommodations to overnight guests (including vacation business rentals) for a fee.

**BILLIARDS & POOL HALLS:** Any establishment which has, as part of its operation three (3) or more pool or billiard tables on the premises.

**BOARD:** The Board of Adjustment for Versailles-Midway-Woodford County, required by KRS 100, to administer applications for variances and conditional use permits and to hear appeals.

**BOARDING OR LODGING HOUSE:** A building other than a hotel which maintains a guest register and provides sleeping rooms and meals or cooking facilities for overnight guests, primarily not transients, for compensation for three (3), but not more than twenty (20) persons. A boarding or lodging house is distinguished from any other type of facility or use in that it is designed to be occupied and used for long term residents who are registered guests for a minimum of three (3) consecutive days and provides no services for non-overnight registered

guests. Such a facility must provide off-street parking for all guests. Where kitchen facilities are included in a sleeping room, such room shall be deemed a dwelling unit.

**BUILDING:** Any structure constructed or used for a residence, business, industry or other public or private purpose, or accessory thereto.

**BUILDING CODE:** State mandated regulations that govern building, design, construction and maintenance. (Kentucky Building Code - KBC)

**BUILDING LINES:** Lines and/or utility easements and rights-of-way beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

**BUILDING LINE, WIDTH:** The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement of the zone in which the lot is located or as designated by the final record plat, whichever is greater.

**BUILDING, PRINCIPAL:** A building, including covered porches, carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

**BUSINESS COLLEGE, TECHNICAL OR TRADE SCHOOL (WOODFORD CO & MIDWAY):** An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical or related areas through residence, extension, or correspondence, for which tuition is charged. Such training shall not include any courses or instruction in which the field or occupation would not be a permitted use within the zoning category in which the institution is located.

**BUSINESS COLLEGE, TECHNICAL OR TRADE SCHOOL (VERSAILLES):** An educational institution primarily owned and operated by an individual, partnership, or corporation offering training in business, trade, technical or related areas through residence, extension, or correspondence, for which tuition is charged.

**CAMPING TRAILER:** A vehicle intended for seasonal recreational use but not for year-round living accommodations. For purpose of this regulation, no trailer of any kind over twenty-two (22) feet in length shall be considered a camping trailer.

**CAMP OR CAMPGROUND:** Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary or movable nature, such as a cabin, hunting shelter, or tent. Any permanent structures, such as cabins, must comply with the appropriate requirements for dwellings in that district.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the Building Inspector and Zoning Administrator, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.

**CHILD CARE CENTER:** Any facility which provides full or part-time care to at least four (4) children, other than family childcare, day or night, to children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator, as regulated by the Commonwealth of Kentucky. The term shall not include childcare facilities operated by religious organizations while religious services are being conducted, or kindergarten or nursery schools which have as their primary function educational instruction.

**CHILD CARE, FAMILY:** An incidental and subordinate use within a dwelling and not an accessory structure, where full or part-time care is provided by a resident of the dwelling, for a fee, to children, as regulated by the Commonwealth of Kentucky.

**CHURCHES:** A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, childcare, senior services, and educational programs. For the purposes of this ordinance, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition.

**CLINIC, MEDICAL:** A building or part thereof designed and used for the diagnosis and treatment of human patients that does not including overnight care facilities.

**CLUB, PRIVATE:** Buildings and facilities the purpose of which is to render a social, educational, or recreational service to members and their guests and not primarily to render a service customarily carried on as a business or to render a profit. Private clubs shall include country clubs.

**COMMERCIAL COMPOSTING:** The aerobic or anaerobic decomposition of solid, organic materials to produce a stabilized, humus-like material that can be recycled to the land as a soil conditioner and low-grade fertilizer and primarily for use or distribution off the production site.

**COMMERCIAL GREENHOUSES:** Establishments primarily engaged in propagating and growing plants in containers, in soil or in other growing medium for the purpose of being sold and transplanted. This definition shall include sale of the following items: Plants grown on the premises or tended in a controlled environment of the greenhouse or plant nursery; sale of fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizer, all to be used in the soil or upon the live plant to preserve the life and health of the plants sold; landscape counseling, site planning contracting services when not the primary activity and when using plants grown or tended on the premises of the greenhouse or plant nursery. Note: This definition only applies to land use as provided for in the Zoning Ordinance and Subdivision Regulations and is not intended to affect the status of any business with regard to any federal or state tax laws or similar statutes.

**COMMERCIAL RESORT:** A resort furnishing lodging, meals, and such recreational facilities as swimming, boating, shuffleboard, horseback riding, and golf. The recreational facilities shall be incidental to the furnishing of lodging and meals.

**COMMISSION:** Versailles-Midway-Woodford County Planning Commission established pursuant to Chapter 100 of the Kentucky Revised Statutes.

**COMMUNITY CENTER:** Buildings and facilities for a social, educational, or recreational purpose, operated by a non-profit organization, which are generally open to the public and which do not render a service customarily carried on as a business.

**COMPREHENSIVE PLAN:** The adopted plan for Versailles-Midway-Woodford County which serves as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. Such plan shall include all elements whether expressed in words, graphics, or other forms.

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

**CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of two (2) parts: A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit and A statement of the specific conditions which must be met in order for the use to be permitted.

**DENSITY:** Number of dwelling units per acre.

**DORMITORY:** A building containing sleeping rooms operated by a school for academic instruction, or by a business college, technical or trade school, for which admission to residency is limited exclusively to students of such an institution, school or college. Where kitchen facilities or provisions for such are provided, such rooms shall be deemed dwelling units.

**DUMP:** A lot or tract of land or part thereof used for the disposal by abandonment, dumping, burial, burning, or other means of trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind except garbage.

**DWELLING:** A permanent building used primarily for human habitation but not including mobile homes or facilities for the housing of transient residents, occupied exclusively for residential purposes.

- A. Dwelling, Single Family - A permanent building, separate and free standing, in itself providing living accommodations for one family.
- B. Dwelling, Two Family - A permanent building designed exclusively for occupancy by two families, commonly known as a duplex.
- C. Dwelling, Multiple Family - A permanent building or portion thereof providing separate living accommodations for three or more families.

**DWELLING UNIT:** A single unit, consisting of one room or rooms connected together, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, kitchen facilities and sanitation.

**FAMILY:** A group of one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five persons, as distinguished from a group occupying a boarding or lodging house or hotel.

**FAMILY MEMBER (IMMEDIATE):** One or more persons related to each other by birth, adoption or marriage. For purposes of in-family conveyances this would be parent-to-child, child-to-parent, spouse to spouse, sibling to sibling, grandparent to grandchild and grandchild to grandparent. Unrelated individuals jointly owning property are not eligible to utilize the in-family conveyance ordinance.

## **FILLING STATION (SEE AUTO SERVICE STATIONS)**

**FLOODPLAIN:** Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface more than one foot. The term refers to that area designated as floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

**FLOOR AREA:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage; without deduction for hallways, stairs, closets, thickness of walls, columns or other features; but, including finished attics, and finished basements.

**FLOOR AREA RATIO:** Floor area of buildings on a lot divided by ground area of the lot on which it is located.

**GARDEN CENTERS (OFFICE & SALES YARD):** Establishments used primarily for the sale of live plants, including greenhouses and plant nurseries. When accessory to the sale of plants, the sale of the following items shall be allowed: Cut plants, cut trees, and wreaths, bulbs and seeds which may have been transported to the premises for the purpose of resale; ground covers; fungicides, chemicals, peat moss, humus, mulches and fertilizers; lawn statuary, furniture, bird baths, bird feeders, birdhouses and pottery; pots and containers for plants; artificial flowers; home lawn and garden equipment including manual and automatic grass cutting devices, grass seeding devices, mulchers, thatchers, tillers, but not including farm tractors and machinery; garden landscape devices including railroad ties, stepping stones, fencing, edging, trellises, plastic and burlap; hand tools such as sprayers, shovels, dusters, rakes, hoes, and watering devices; firewood; landscape planning and contracting services incidental to the garden center to include contractual services for lawn and garden sprigging, maintenance, fertilizing, spraying and mowing.

**GARAGE, PRIVATE:** An accessory building (including a carport) housing not more than four (4) motor driven vehicles. The building owner may lease vehicle space but shall not provide repairing or servicing of motor vehicles for financial gain.

**GARAGE, PUBLIC:** Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.

**GARBAGE:** Any odorous, putrescible or combustible waste materials.

## **GREENHOUSES, COMMERCIAL (SEE COMMERCIAL GREENHOUSES)**

**GROUP OR ROW HOUSE:** A group or row of not more than eight (8) semi-detached single-family dwellings not more than two (2) rooms deep with access to a street as herein defined.

**HAZARDOUS MATERIALS:** Any chemical, biological or radiological compound, gas, oil, gasoline, lubricant or other petroleum products, substances, solution or mixture which because of its quality, quantity, concentration, physical or infectious characteristics, or any combination thereof, when released into the environment, presents or may present harmful or potentially harmful effects to human health or welfare or the environment.

**HEIGHT, BUILDING:** The vertical distance from the grade to the top of the highest roof beam of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

**HELIPORT:** A facility used exclusively for helicopter operations including landing, takeoff, loading, discharging, fueling, maintenance, and/or transient storage of helicopters.

**HELISTOP:** A facility used exclusively for helicopter landing, take-off, loading, discharging, and/or transient storage of helicopters but not including facilities for maintenance, fueling or long-term storage of helicopters.

**HISTORIC, STRUCTURE:** Those structures listed or eligible for listing on the National Register.

**HOME IMPROVEMENT STORE:** A facility of more than 50,000 square feet gross floor area engaged in the retail sale of various basic hardware lines such as tools, builders' hardware and materials, paint and glass, house wares and household appliances, home decorating fixtures and accessories, lawn and nursery materials and supplies and other items generally used in the maintenance, repair or construction of buildings or other structures and property.

**HOME OCCUPATION:** A gainful occupation or profession carried on in a residence such as the studio of an artist or sculptor, dressmaking and tailoring, upholstery, handicrafts, tutoring, individual musical instruction (provided no instrument is amplified) and professional services, provided such home occupation is performed under the following conditions:

- (1) The use is clearly incidental and secondary to use for dwelling purposes and occupies no more than twenty-five percent (25%) or three hundred (300) square feet of the total floor area of the dwelling, whichever is less.
- (2) The use is conducted entirely within a dwelling and not in any accessory building.
- (3) The use is carried on only by residents of the dwelling.
- (4) No mechanical equipment is installed or used except as is normally used for domestic or professional purposes.
- (5) No stock and trade are kept or commodities sold except such as are produced by the residents on the premises.
- (6) The use does not require external alteration of the dwelling.
- (7) The use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise.
- (8) No outside signage of any kind shall be displayed on the property which identifies the home occupation.
- (9) No additional blacktop, concrete or gravel parking shall be permitted beyond that normally provided in comparable neighborhood homes.

**HOME OFFICE:** An office for record keeping and administration of work. Such office shall be subject to the following conditions:

- (1) The office shall be clearly incidental and secondary to the use for dwelling purposes with no more than twenty-five percent (25%) nor more than five hundred (500) square feet in any case of the dwelling devoted to the office use.
- (2) The office shall be located in the dwelling unit and not in any accessory building.
- (3) The office shall be operated by and shall employ only residents of the dwelling unit.
- (4) No sale of merchandise shall be conducted on the property.
- (5) No commodities or merchandise shall be stored on the property and no storage, as defined herein shall be permitted.

- (6) No signs of any kind shall be displayed on the property which identifies the home office use.
- (7) No visits to the home office by customers, clients, patrons and the general public are allowable.
- (8) The residence shall maintain its residential character and shall not be altered or remodeled so as to change the residential appearance of the building.

#### **HOTEL (SEE MOTEL)**

**JUNK YARDS:** A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts there from.

**KENNEL:** Any place where house pets are kept for purposes other than those customary and incidental to a household.

**KRS 100:** Kentucky Revised Statutes that enable cities and counties to enact local planning and land use regulations and specify how planning and zoning shall be administered.

**KITCHEN FACILITIES:** Equipment arranged in a room or some other space in a structure which facilitates the preparation of food including, but not limited to, a combination of two or more of the following--a range, microwave oven, dishwasher, kitchen sink, or refrigerator.

**LANDMARK:** Any site, building, structure, or natural feature that has visual, historic, or cultural significance.

**LANDSCAPE, PLAN:** A scaled drawing, including dimensions and distances, existing and proposed buildings, vehicle use areas, driveways, and the location, size, and description of all landscape materials.

**LANDSCAPE, ARCHITECT:** A qualified person currently licensed by the State Board of Examiners and Registration of Landscape Architects of Kentucky.

**LANDSCAPE, LANDSCAPE BUFFER AREA (LBA):** A strip of land to be set aside to separate incompatible land uses on which shall be placed trees, bushes, ground covers and barriers as necessary to reduce the deleterious effects of the activities.

**LANDSCAPE, LANDSCAPING:** The use of planting material, pavements, walls, fences and earth mounds to enhance the aesthetic and safety characteristics of new and existing development.

**LANDSCAPE, EARTH MOUNDS:** Ridges of piled earth constructed with proper slopes (not to exceed 3:1) and plant material to prevent erosion.

**LANDSCAPE, FENCE:** A barrier constructed of wood, metal, stone, brick or other weatherproof material for the purpose of restricting movement, or screening conflicting activities from sight. In the case of wood fences, slats are to be a minimum 1/2" in thickness and are to be placed on the outside of the fence unless the design is two-sided (shadow-box, etc.). Chain link fencing may not be used to meet the requirements of this ordinance. The height of fences shall be governed as set forth in the Zoning Ordinance. Fences shall not be used for advertising purposes.

**LANDSCAPE, HEDGE:** A row of bushes planted at such interval as to create a continuous mass within two years after planting.

**LANDSCAPE, INCOMPATIBLE LAND USES:** Any facility or use on a property which is incompatible with the adjacent use. For example, parking areas and dumpsters would be incompatible uses, but drainage facilities most likely would not.

**LANDSCAPE, INTERIOR LANDSCAPING AREAS:** Planting areas such as islands or peninsulas within a vehicular use area as required by Section 1105.11 of this Ordinance.

**LANDSCAPE, VEHICULAR USE AREA:** Any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type vehicle or mobile home including but not limited to parking lots, loading and unloading areas, sales and services area.

**LANDSCAPE, GROUND COVER:** Planting with a mature height of twelve inches (12") or less including but not limited to grass, certain junipers, and ivy. Within LBAs next to a public right-of-way, crushed rock, tree bark or process shale may also be used.

**LANDSCAPE, LOW SHRUBS:** Low lying deciduous or evergreen ground covers.

**LANDSCAPE, SCREENING:** A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**LANDSCAPE, SHRUBS:** Planting materials with a functional mature height of two to twelve feet with foliage for its full height.

**LANDSCAPE, TREES:** Planting materials with a functional mature height of ten or more feet. When used in conjunction with interior landscaping areas, trees should have a minimum clear height of five feet from the ground to the lowest branch.

#### **LODGING HOUSE (SEE BOARDING HOUSE)**

**LOT:** A piece, parcel, tract or plot of land occupied or to be occupied by one principal building and its' accessory buildings and including the open spaces required under this regulation.

**LOT OF RECORD:** Any lot, the deed of which is on record at the office of the County Clerk of Woodford County at the time of enactment of this resolution.

**LOT AREA, GROSS:** The total area circumscribed by the boundaries of a lot, except when the boundary of the lot extends into a public street right-of-way, then the street right-of-way shall be used in computing the lot area.

**LOT COVERAGE:** The computed portion of ground area occupied by the outside walls of buildings and structures as defined by gross floor areas within a lot.

**MAIL ORDER BUSINESS:** A business engaged in the sale of manufactured products, goods, merchandise and finished products primarily through means of mail or telephone orders, including the administrative offices of such business.

**MARINA:** A dock providing secure moorings for boats that may include accessory retail facilities for boat owners, crews and their guests.

**MICRO-BREWERY/CLASS B DISTILLER:** A facility within a completely enclosed building which is intended for the production and packaging of up to 25,000 barrels per calendar year of malt beverages, or 50,000 gallons of distilled spirits per calendar year, which may be associated with a restaurant or tasting room, under the terms and conditions specified by KRS 243.157, KRS 243.150, KRS 243.120, KRS 243.0305, and other applicable laws.

**MOBILE HOME:** A structure transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to improve property.

**MOBILE HOME PARK:** An area developed as herein specified with accommodations for not less than ten (10) mobile homes.

**MOBILE HOME SUBDIVISION:** A residential subdivision designed exclusively for and occupied only by mobile homes and similar units designed for transportation in which the homes and the land are owned by the occupants.

**MOTEL OR HOTEL:** A building or group of buildings containing individual sleeping or living units (suites) designed for the temporary occupancy of transient guests and including hotels, motor lodges, motor hotels, or auto courts, but not including boarding or lodging houses. (Must provide off-street parking as specified by this Ordinance)

**MOTOR HOME:** A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle. (See more under Recreational Vehicle)

**NONCONFORMING LOT:** A lot of record existing at the effective date of the zoning ordinance (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.

**NON-CONFORMING USE OR STRUCTURE:** An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption of the zoning ordinance, but which does not conform to all of the regulations contained in the zoning ordinance which pertain to the zone in which it is located.

**NURSING HOME OR REST HOME:** A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnoses, treatment, or care of the sick or injured.

**OPEN SPACE:** Outdoor area of a lot or tract which is designated and used for outdoor living, recreation, pedestrian access or planting. Off-street parking and loading areas, driveways, and required front and side street side yard areas do not qualify as useable open space.

## **PERMITS**

- (1) Building Permit - A permit issued by the Building Inspector and Zoning Administrator authorizing the construction or alteration of a specific building on a specific lot, submitted and approved per the Kentucky Building Code (KBC) as adopted by jurisdiction.
- (2) Temporary Occupancy Permit - A temporary certificate issued by the Building Inspector for a building or structure, or part thereof, before the entire work covered by the permit has been completed, provided that such portion or portions will be occupied

safely prior to full completion of the building or structure without endangering life or public welfare.

- (3) Wrecking Permit (Demolition Permit) - A permit issued by the Building Inspector before a building or structure, or major part thereof is razed.
- (4) Grading Permit - A permit issued by the Zoning Administrator before any stripping, cutting, filling, stockpiling of earth or land.
- (5) Sign Permit - A permit issued by the Zoning Administrator before any sign is erected, moved, added to, or structurally altered.
- (6) Zoning Permit - A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this zoning ordinance.

**PERSONAL SERVICES OR PERSONAL SERVICE ESTABLISHMENTS:** Commercial business providing services to individuals such as beauty and barber shops, shoe repair, dressing making and tailoring.

**PLANT NURSERY:** An establishment engaged in the outdoor cultivation of only trees and shrubs for transplanting. A greenhouse may be an accessory structure when used to propagate and prepare the trees or plants for planting on the premises.

**PRINCIPAL PERMITTED USE:** A use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Administrator in accordance with the provisions of the Ordinance.

**PRINCIPAL STRUCTURE:** A building in which is conducted a principal or conditional use. In any residential zone, any structure containing a dwelling unit shall be deemed a principal structure on the lot on which the same is located. Where a non-conforming use is the primary use on the property, the building in which it is located shall be deemed a principal structure.

**PRINCIPAL USE OF STRUCTURE:** The primary use of the land or the main structure on a lot which determines the primary activity that takes place on the land or in the structure.

**RECREATIONAL VEHICLE:** A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable to a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REHABILITATION HOME:** A building or group of buildings providing a supervised 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 twenty-four (24) hour-a-day supervision.

**RESTAURANT:** An eating establishment where food is served and/or consumed primarily within the building and where consumption of food in motor vehicles on the premises is not encouraged. Note: A restaurant may only include drive-through facilities (where food is served to patrons while in their motor vehicle through a window or other facilities and consumption on the premises in motor vehicles is not encouraged) as permitted and regulated in the zone in which the restaurant is located.

**RESTAURANT, DRIVE-IN:** An eating establishment where food is served by employees or by self-service outside the building and consumed on the premises principally in a motor vehicle.

**RURAL RESIDENTIAL DISTRICT:** The Rural Residential District is a zoning district classification applicable to residential subdivisions of property located outside existing urban service boundaries of Woodford County and within an A-2 Agricultural district; the number of building lots on any individual property is based on a sliding scale approach which considers the total size of the parcel owned. Eighty percent (80%) of the land in this farm shall be residual farmland or open space utilized for those permitted uses within an A-2 Agricultural District other than single family dwelling units and their accessory structures, except that if there is one existing farm dwelling (as of April 1, 1999) it can remain on the residual farmland and not be subject to Section 803. In the event the residual farmland or open space is thirty acres (30) or less and one farm residence exists or is proposed on the residual, then in that event, the residual farmland or open space shall remain as one undivided parcel; if no farm residence exists or is proposed on the residual farmland, or in the event, that more than thirty (30) acres of residual farmland exists, where a farm residence exists or is proposed, then, in that event, the residual farmland or open space, or in the case when a farm residence exists or is proposed, the excess of the residual farmland over thirty (30) acres may be owned jointly or in common by the owners of the building lots, or an association of the owners of the subdivision or a person or entity who does not necessarily own a dwelling unit within the rural residential subdivision, but who makes a binding commitment to utilize the land for permitted uses other than the construction or maintenance of any dwelling units except one existing farm dwelling as noted above. If one farm dwelling exists or one is proposed on the residual farmland one "Lot to be Sold" shall be reduced from the sliding scale established in 703.11 (A), and all residual farmland acreage up to and including thirty (30) acres of the designated residual farmland shall remain as one undivided parcel.

**SCHOOLS FOR ACADEMIC INSTRUCTION:** All schools offering primarily classroom instruction with participation of teachers and students, limited to elementary, junior and middle high schools, high schools, junior colleges, colleges, theological seminaries, bible colleges, and universities; but not including business colleges, technical or trade schools.

**SIGN:** Shall mean and include any outdoor announcement, declaration, device, demonstration or insignia used for direction, information, activity, services or any interests.

- A. Banner Sign - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags or official flags of any institution or business shall not be considered banners.
- B. Business Sign - A (on-premise) sign which identifies a building or directs attention to a business, product, activity or service manufactured, sold, offered or stored upon the premises as the primary use(s) where such sign is located.
- C. Pennant or Streamer - Any lightweight fabric or similar material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- D. Political Signs - A temporary on-premise sign supporting the candidacy for office or urging action on any other matter on the ballot of a state, local or national election or referendum.
- E. Projecting Sign - A sign suspended from or supported by a building or similar structure and projecting outwards.
- F. Sign Structure - The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the display.

- G. Wall Signs - A sign which is attached directly to a building wall and which does not extend more than fifteen (15) inches therefrom nor higher than the roof line of the building, with the exposed face of the sign in place parallel to the building wall.
- H. Free Standing Sign – A permanent sign erected on a framework not attached to any building, and attached to the ground, on one or more uprights or braces in the ground, whose purpose is to identify the name of a single user located on the lot with user.
- I. Monument sign – A permanent Freestanding Sign which is completely self-supporting, has its sign face or base no more than six (6) inches above the ground.
- J. Shopping Center Complex or Industrial Park Sign – A freestanding pylon or monument sign within a commercial or industrial development whose purpose is to identify the name of the development, its tenants and its major vehicular access points.
- K. Project Entrance Sign – A freestanding monument sign within a residential, commercial, or industrial development whose purpose is to identify the name of the development (no tenants) and its major vehicular access points.
- L. On-premise Sign – Any on site sign on a permanent structure located on the premises to which sign pertains.
- M. Off-premise Sign – Any off-site sign, available for rent, on a permanent structure on which the copy is periodically changed and which is not located on the premises which such advertising copy pertains.

**STORAGE:** The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession. Storage does not include the overnight parking in residential zones of a single vehicle weighing no more than two and one-half (2½) tons gross vehicle weight which, although used primarily for business, trade or professional purposes, also provides daily transportation to and from work. (Amended December 2005)

**STORY:** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and ceiling next above it.

**STREET:** Any public or private right-of-way, twenty-five (25) feet or more in width, dedicated to vehicular and pedestrian movement, and which may also provide space for the location of under or above ground utilities. The word "street" shall include the words "road", "highway", and "thoroughfare."

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

**SUBDIVISION:** The division of a parcel of land into three (3) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or re-division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

**SUBDIVISION, MAJOR:** (See Subdivision Regulations)

**SUBDIVISION, MINOR:** (See Subdivision Regulations)

**TEMPORARY EMERGENCY, CONSTRUCTION OR REPAIR RESIDENCE:** A residence (which may be a mobile home) that is: (a) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (b) located on a nonresidential construction site and occupied by persons having construction. (Any such use must be approved by the Board of Adjustment).

**TEMPORARY USE PERMIT:** A permit issued for the temporary use of a mobile home for the purposes of a construction trailer or temporary dwelling.

**TENANT HOME:** An accessory residence located in an agricultural zone occupied by a person, other than the owner's family or the farm manager, employed in an agricultural use on the property.

**TOURIST DESTINATION:** Tourist Destinations provide for the rehabilitation and productive re-use of structures existing as of (date), in the rural areas of Woodford County, thus promoting tourism and the overall economy, while allowing for the continued use of the subject property for agricultural purposes, if any, and preservation of the landmark or historic structure. Tourist Destinations are allowed as a permitted Principal Use in designated Zoning Districts. Tourist Destination is a unique, regionally recognized existing landmark or historic structure as of January 1, 2012, that is primarily known for its existing architectural significance and/or uniqueness, which promote tourism and the overall economy, which naturally draws the general public as a destination that meets the following criteria and limitations:

- a. A use or operation must be operated by and located in an existing structure located on land which is occupied by the owner, lessee, or owner's agent.
- b. Property must be at least 30 acres in size and have road frontage on a State or Federal Highway.
- c. Overnight accommodations to guests are allowed but the number of guest rooms is limited to 10 rooms.
- d. A restaurant is allowed and may serve registered overnight guests and/or the public, with the number of seats for patrons limited to 75.
- e. Public tours of the structure(s) and grounds are allowed.
- f. Gift shops, open to the public, are allowed but must be accessory to other allowed uses.
- g. Special events, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are determined by the Agricultural Advisory Review Committee to be of the same general character as those listed herein, are allowed but the number of such events is limited to 7 per week with no more than 2 held on any one day.
- h. Special events and activities must be located at least 300 feet from an adjoining property line.
- i. All food preparation must take place in a kitchen inspected, approved, and licensed by the County Health Department.
- j. In order to not create noise or lighting conditions detrimental to the surrounding area amplified music shall be prohibited after 11:00 p.m. and outdoor lighting shall be shielded.
- k. A current guest register including names, addresses and dates of occupancy of all guests shall be kept on site at all times if overnight accommodations are provided.
- l. All business licenses and revenue collection ordinances of Woodford County, Versailles and Midway shall be complied with.
- m. The Kentucky Building Code and other applicable local/state laws shall be adhered to.
- n. Parking requirements will be as set forth herein in Article VI.
- o. All parking areas will be buffered with trees, shrubs, walls, or fences per Article XI-1105.3D.

- p. No parking will be allowed for any guest or those attending special events on public road right-of-ways.
- q. Overflow parking areas shall remain grass and buffered as provided in section O above.
- r. Access to the subject property shall be approved by the appropriate local, state, or federal agency having jurisdiction.
- s. Signs shall be limited to one externally illuminated on-premise sign on each existing contiguous public road not to exceed twenty-four (24) square feet in area.
- t. Additions to the existing structure and/or additional structures if constructed past the date specified herein shall not be used for operations specified herein but rather used as otherwise allowed.
- u. The owner, owner's agent, or lessee shall cooperate with the Woodford County Tourist Commission to display, without charge, information on other tourist destinations within Woodford County.
- v. A site plan drawn to scale as specified in Article III, Section 301.3 (B) is required for review and approval prior to establishing uses specified herein.

**TOURIST DESTINATION EXPANDED:** Tourist Destinations provide for the rehabilitation and productive re-use of structures existing as of (date), in the rural areas of Woodford County, thus promoting tourism and the overall economy, while allowing for the continued use of the subject property for agricultural purposes, if any, and preservation of the landmark or historic structure. Tourist Destinations may be allowed only as a Conditional Use in designated Zoning Districts and subject to any conditions imposed. A Tourist Destination is a unique, regionally recognized existing landmark or historic structure that is primarily known for its existing architectural significance and/or uniqueness, which promote tourism and the overall economy, which naturally draws the general public as a destination that meets the following criteria and limitations:

- a. Overnight accommodations to guests may be permitted by the Board of Adjustment, with the number of guest rooms exceeding 10 but as stipulated and approved by the Board of Adjustment.
- b. A restaurant serving registered overnight guests and/or the public, with the number of seats for patrons exceeding 75 but as stipulated and approved by the Board of Adjustment.
- c. Special events, including charitable events, receptions, parties, corporate picnics, weddings, or any other events/activities which are determined by the Agricultural Advisory Review Committee to be of the same general character as those listed herein, are allowed but the number of such events may exceed 7 per week or with more than 2 held on any one day as stipulated and approved by the Board of Adjustment.

**TOWNHOUSE:** A group or row of attached single family dwellings in which each unit has its own front, rear, or side access to the outside and each unit is separated from any other unit by one or more common fire-resistant walls and is capable of being subdivided into separate units.

**TRACT:** A lot. The term tract is used interchangeably with the term lot, particularly in the context of subdivision, where one "tract" is subdivided into several "lots." (See Lot)

**USE:** The purpose or activity for which a building, structure, or land is occupied or maintained.

**UTILITY FACILITIES:** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or an entity defined as a public utility for any purpose (by the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

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

**WOODLOT, COMMERCIAL:** Premises, or portions thereof, used for seasoning and storage of firewood and for cutting and splitting of timber to produce firewood for later resale.

**YARD:** An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this ordinance

- A. Yard, Front - The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
- B. Yard, Rear - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the building.
- C. Yard, Side - The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.