

ARTICLE VII

DEFINITIONS

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

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

ACCESSORY BUILDING OR USE, CUSTOMARY: A "customary accessory building or use" is one which:

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

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

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

ALLEY: Public rights-of-way which normally affords a secondary means of access to abutting property.

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

APARTMENT HOUSE: See DWELLINGS, MULTI-FAMILY.

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

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

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

BOARD OF ADJUSTMENTS: Board of Adjustments of the City.

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

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

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

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

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

BUILDING AREA OR LOT COVERAGE BY BUILDING: That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses excluding those portions of the lot or building site which shall be reserved for minimum required yard spaces.

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

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

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

BUILDING INSPECTOR: The official or officials hired by the city for carrying out the building codes.

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

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

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

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

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

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

CARPORT: See GARAGE, PRIVATE.

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

CHILD DAY CARE CENTER: See NURSERY SCHOOL.

CITIZEN MEMBER: Any member of the Planning Commission or Board of Adjustments who is not an elected official or employee of the city or county.

CITY: The City of Silver Grove, Commonwealth of Kentucky.

CLINIC, ANIMAL: A building used by group of professional medical persons for the treatment of small animals on an out-patient or non-boarding basis only, without animal runs.

CLINIC, HUMAN CARE: A building used by a group of professional medical persons for the healing arts or treatment of persons on an out-patient or non-boarding basis only.

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

COMMERCIAL VEHICLES: Any truck, truck tractor, trailer, or semi-trailer other than a vehicle used for recreation or residential use.

COMMISSION (PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION): The Planning Commission of the city.

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

- A. A statement of goals and objectives, principles, policies, and standards;

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

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

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

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

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

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

CONTAINER UNIT: An enclosed unit without stationary wheels or frame, with interlocking pins designed to be stacked for road, rail, or water transport.

COUNCILMEN: Members of the City Council of the City.

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

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

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the County Engineer shall

authorize and approve the establishment of such curb level or its equivalent for the purpose of this Ordinance.

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

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

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

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

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

DWELLING, SINGLE-FAMILY: A detached residential building designed, arranged or used for or occupied exclusively by one (1) family, but shall not include house trailers.

DWELLING, DOUBLES: See DWELLING, TWO-FAMILY

DWELLING-DUPLEXES: See DWELLING, TWO-FAMILY

DWELLING, TRAILER: See MOBILE HOME.

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

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

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

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

EATING ESTABLISHMENTS - RESTAURANTS:

- A. **Fast Service Restaurants** – Those restaurants which have limited variety of menu and use limited food preparation techniques to serve food quickly. The food is often dispensed in disposable material, there is less need for storage (food or china) and less elaborate scullery area (dish washing machinery) is needed.
1. **Carry-Out** – A fast service of “call in and order” restaurant which does not have sit down eating arrangements and consumption of the food on premises is prohibited (or discouraged).
 2. **Drive in** – A restaurant where consumption of food on the premises is encouraged (in car), and where food is provided by "car-hop" or self-service.
- B. **Sit-Down Restaurants** - Those restaurants which provide waiter service, seating arrangements, whether interior or exterior. This category would also include cafeteria type self-service, sit down restaurants (the variety of food and preparation is still elaborate). The menu will have a variety of preparation techniques; scullery areas, china storage, and larger food storage facilities will be necessary.
1. **Combination** -- A restaurant which provides any combination of sit down, plus the capability of carry-out, and/or drive-in, services.

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

FAMILY: An individual or two (2) or more persons related by blood or marriage, or group of not more than three (3) persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

FILLING STATION: See SERVICE STATION.

FLOOD-100 YEAR FREQUENCY: The highest level of flooding that, on the average, is likely to occur once every 100 years, (i.e., that has one (1) percent change of occurring each year).

FLOOD PLAIN OR FLOOD PRONE AREA: The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or ocean, lake or other body of standing water, which has been, or may be, covered by flood water.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on the official federal, state and local flood plain maps.

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

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

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

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

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

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

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

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

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

GROUP HOUSING: See DWELLING, GROUP HOUSE

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

HOSPITAL (Human Care): A building used by a group of professional medical persons for the healing arts or treatment of persons generally on an in-patient or boarding basis.

HOSPITAL (Animal Care): A building used by a group of professional medical persons for healing arts or treatment of animals generally on an in-patient or boarding basis and may have outside runs.

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

HOUSE TRAILER: See MOBILE HOME

JUNK: Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys, and bones, rags used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery, or any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes, or crates, (fabricated or any material), used pipe or pipe fittings, used conduit or conduit fittings, inoperative motor vehicles, used tires, and other manufactured goods that are so worn, deteriorated or obsolesces to make them unusable in their existing condition or which are subject to being dismantled.

JUNK YARD: An open area where any waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but

not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes an auto wrecking yard or the storage or keeping of one (1) or more inoperative motor vehicles unless where otherwise specifically permitted but does not include uses established entirely within enclosed buildings.

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

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

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

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

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

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

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

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

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

LOT AREA: The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake or

river, creek or major drainage ditch, and shall be in one (1) zone only. For the purposes of this Ordinance, all of the area of the given lot shall be in the same specific zoning category.

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

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

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

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

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

LOT LINE, REAR: The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of triangular or wedge shaped lot, for measurement purposes only, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

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

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

LOT WIDTH: The width of the lot as measured along the building front setback line.

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

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

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

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

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

MOBILE HOME: Any coach, cabin, mobile home or other mobile structure in a single unit which is intended, designed, and used for the fixed residence of a person, family, or a household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this ordinance, the removal of wheels and/or the attachment of a foundation to said mobile structure shall change its classification.

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

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

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

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

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

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

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

NURSERY SCHOOL: Any building used for the daytime care of education of preschool age children with or without compensation, and including all accessory buildings and play areas, and shall for the purpose of this ordinance, be considered as a group activity.

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

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

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

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

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

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

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

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

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

PUBLIC BUILDING: Any building open to the general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a City, County, State or Federal Government or by a public utility corporation or municipal district or authority.

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

RECREATION, COMMERCIAL: Recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

RECREATION, PRIVATE, NON-COMMERCIAL: Clubs or recreation facilities, operated by a non-profit organization and open only to bona fide members of such non-profit organization and their guests.

RESIDENTIAL TRAILER: See CAMPING/VACATION MOBILE UNIT

REST HOME: Any building, institution, residence, or home used as a place of abode for the reception and care of three (3) or more persons, who by reasons of age, mental, or physical infirmities, are not capable of properly caring for themselves.

SCHOOLS, PAROCHIAL: An institution or a place for instruction or education belonging to and maintained by a religious organization.

SCHOOLS, PRIVATE: An institution or a place for instruction or education belonging to and maintained by a private organization other than those types defined in this Ordinance.

SCHOOLS, PUBLIC: An institution or place for instruction or education belonging to the public and established and conducted under public authority in the various districts, counties or cities and maintained at the public expense by taxation and open with our without charge to the public for their attendance. This does not include schools owned and/or conducted by private parties though said schools may be open to the public

generally and though tuition may be free. Schools in the aforementioned category of public schools shall include all public cottage or kindergarten, elementary, junior high, high school, junior colleges, college and universities, but no others.

SCHOOLS, BUSINESS: An institution or place for instruction or education, specifically in courses of bookkeeping, business administration, operation of business machines, shorthand and typing, and related courses, operated for an intended profit. For the purpose of this Ordinance, business colleges shall be included in this definition.

SCHOOLS, TRADE: An institution or place for instruction or education, specifically in one or more of the general trades such as: welding, carpentry, electrical, etc.

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

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

SERVICE STATION: Any building, structure, or land used for the dispensing, sale or offering for sale at retail, any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing other than body work.

SIGN: Any work, lettering, figures, numbers, phrase, sentences, emblems, devices, (including loud speakers) designs, pictures, trade names or trademarks by which is affixed to, or represented directly or indirectly upon a building, structure, vehicle (including portable type vehicles), or piece of land and which directs attention to an object, place, activity, person, firm, corporation, institution, business, service, commodity or a product, which are visible from the rights-of-way of any street, road, highway, or pedestrian area, and designed to attract attention. The term "sign" shall not include the flag, pennant or insignia of any nation, state, county, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, monument, event or any type of traffic or warning sign or signal or the usual house or building number or a sign posted on a service or delivery type vehicle.

SIGN, ADVERTISING: An Advertising Sign is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered:

- A. Only elsewhere than upon the premises where such sign is located or to which it is affixed; or

B. As a minor and incidental activity upon the premises where the sign is located.

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

RECREATION: A pastime, diversion, exercise or other resource affording relaxation and enjoyment.

SEMI-TRAILER: A box vehicle, refrigerator vehicle, or flat bed with a load capacity of over 1,500 pounds, which is designed to have its front end supported and pulled by a truck or truck tractor, as defined herein.

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

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

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

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

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

SIGN, GROSS AREA OF: The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SIGN, GROUND: Any sign erected, constructed, or maintained when such sign is supported by uprights or braces placed in the ground not attached to any part of any building or when such sign is placed directly upon the ground.

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

SIGN, POLE: Any sign affixed to a freestanding supporting pole or poles, embedded in, and extending upward from the ground.

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

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

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

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

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

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

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

STREET: A public thoroughfare, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property.

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

STREET, COLLECTOR: Public thoroughfares which serve to collect and distribute the major movements of traffic within and through the community as identified in the adopted Comprehensive Plan for the City.

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

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

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

STRUCTURE: Anything constructed or erected, 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, mobile homes, signs, fences, but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone, or telegraph, or electric power lines, driveways, or curbs.

SUBDIVISION: The division of a parcel of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.

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

Outdoor swimming pools shall be deemed to consist of the following classes: private, semi-public, public and commercial, as follows:

- A. Private: when consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests (as distinguished from groups of any kind) with no payment of any kind or in any form charged or received for such use..
- B. Semi-public: when consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, etc., and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.
- C. Public: a swimming pool operated for profit, open to the public by a unit of government for the general public, whether or not an admission is charged.
- D. Commercial: a swimming pool operated for profit, open to the public upon payment of a fee.

TAVERN: Any establishment selling, by the drink, fermented malt beverage or malt, venous or spirituous liquors.

TENT: Any structure or enclosure, the roof of which and/or one-half (12) or more of the sides are constructed of silk, cotton canvas, fabric, or a similar light material.

TOURIST COURT: See MOTELS.

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

TRAILER: A box vehicle, refrigerator vehicle, or flat bed with a load capacity of over 1,000 pounds, which is designed to be pulled by a truck or truck tractor, as defined herein, but supported by its own frame and stationary wheels, independent of any other support. See also SEMI-TRAILER.

TRUCK: Any motor vehicle, other than emergency vehicles of the City: (1) with a commercial license in excess of 6,000 pounds; or (2) which appear to be used primarily for commercial or business purposes (i.e., use of advertising for a trade, business or service, transportation or storage of materials, attachment of ladders, pipes, or other equipment, etc.).

TRUCK TRACTOR: Any motor vehicle designed to pull and support the front end of a semi-trailer.

VARIANCE, DIMENSIONAL: A departure from the terms of this ordinance, as approved by the Board of Adjustments, pertaining to height or width of structures and size of yards and open spaces (but not population density) where such departure will

not be contrary to the public interest, and where owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

YARD: An open space on the same lot or building site with a main building, unoccupied or unobstructed from the ground upward, except by trees, plants shrubbery, ornaments, dog houses, outdoor furniture, and except as otherwise permitted in Section 9.10, G, "Permitted Obstructions in Minimum required Yards."

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

YARD DEPTH, REAR: An area extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined herein, which intersects the rear most point of any building and the rear lot line.

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

ZONE: An established area within the county for which the provisions of this ordinance are applicable. (Synonymous with the word "DISTRICT").

ZONING ADMINISTRATOR: The official or officials hired by the city for carrying out the provisions and enforcement of this Ordinance.