

	<i>March 2006</i>	<b>Part 1</b>	<b>Introduction</b>	<b>1.1-1</b>
<i>Update</i>	<i>February 2014</i>	<b>Part 2</b>	<b>Definitions</b>	<b>1.2-1</b>
<i>Update</i>	<i>August 2010</i>	<b>Part 3</b>	<b>Nonconformance</b>	<b>1.3-1</b>
	<i>March 2006</i>	<b>Part 4</b>	<b>Maintenance of Common Open Space and Common Facilities</b>	<b>1.4-1</b>
<i>Update</i>	<i>May 2015</i>	<i>Appendix 1A</i>	<i>LDC Adoption Status</i>	<b>1A-1</b>

*This page inserted to maintain page order*

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## Chapter 1 Part 1 Introduction

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### 1.1.1 Title

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This Code shall be titled the “Land Development Code for All of Jefferson County, Kentucky”. When subsequently used within this Code, unless indicated otherwise, the terms LDC, code, ordinance or article shall refer to the Land Development Code for Jefferson County.

### 1.1.2 Planning Unit Defined

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The Land Development Code shall be applicable throughout the Louisville and Jefferson County Planning Unit. Pursuant to KRS 100.137, all incorporated and unincorporated areas of Jefferson County shall be a part of said Planning Unit. All cities of the first through fourth classes shall have zoning authority over the areas within their respective jurisdictions. Louisville Metro shall have zoning authority over all other areas in Jefferson County, including cities of the fifth and sixth classes.

### 1.1.3 Relationship to the Comprehensive Plan

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The regulations and requirements herein set forth have been established in accordance with a comprehensive plan with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land throughout the planning unit. Specifically, this Code provides regulations to implement applicable goals, objectives, guidelines and policies of the adopted Comprehensive Plan. References to the individual goals, objectives, guidelines and policies are contained in the various Chapters of this Code.

### 1.1.4 Legislative Authority

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The legislative authority for the zoning and subdivision regulations of this Land Development Code is KRS Chapter 100 which provides the authority to counties, cities, and consolidated local governments to establish, coordinate and enforce zoning, subdivision and other regulations associated with the use, design, operation and impact of land use activities. Appendices to this Code contain ordinances adopted pursuant to statutory authority other than KRS Chapter 100; they are included herein for the user’s convenience.

### 1.1.5 Legislative Purpose and Intent

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The provisions of this Code are intended to be the minimum requirements to promote the public health, safety, comfort, good order, appearance, morals and general welfare; to conserve the taxable value of land and buildings and to protect the character and maintain the stability of residential, business and industrial areas within the planning unit and to promote the orderly and beneficial development of such areas.

Among other purposes, this Code is intended to provide adequate light, air, privacy and convenience of access to property; to avoid undue concentration of population by regulating and limiting the height and bulk of buildings; to regulate the size and open spaces surrounding buildings; to establish building lines; to divide the planning unit into use districts restricting and regulating therein the construction, reconstruction, alteration and use of buildings, structures and land for residence, business, industrial and other specified uses; to divide the planning unit into form districts to ensure appropriate site and community design to protect the character of neighborhoods and shopping areas and ensure compatible development; to limit congestion in the public streets by providing off-street parking of motor vehicles; to preserve the natural environment, the value of land, buildings and structures; to facilitate adequate provision for traffic, transportation, water, sewerage, schools, parks and other public requirements; and to define the powers and duties of the administrative officers, Boards and Commissions provided herein.

### 1.1.6 General Effect

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No building, structure, or land located within the planning unit shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or

structurally altered except in conformity with the regulations herein specified for the zoning and form district in which it is located, and in conformity with all other applicable provisions of this Code.

### 1.1.7 Relationship to Other Ordinances

Reserved

### 1.1.8 Transition Standards

#### A. Development Plans

1. The provisions of this Land Development Code shall apply to all Development Plans (general and detailed) and Revised Development Plans (general and detailed) filed on or after March 1, 2003 (LDC effective date)\*. Plans filed with a complete application prior to March 1, 2003 (LDC effective date)\* have been reviewed for compliance with the Development Code as in effect at the time of filing.
2. Approved Development Plans that will expire before September 1, 2003 (LDC effective date + six months)\* have been deemed expired one hundred eighty (180) days after the expiration date of the Development Plan.
3. No extensions of the expiration dates of Development Plans approved prior to March 1, 2003 (LDC effective date)\* shall be granted by the Planning Commission.

**NOTE:** Binding elements on Development Plans shall remain applicable to the subject property after the Development Plan expires. Binding elements may be amended by the Planning Commission in accordance with Chapter 11.

#### B. Permits

1. Building permits, site disturbance permits, and other permits issued prior to March 1, 2003 (LDC effective date)\* shall continue to be valid for the period stated on the permit and/or as may be provided for by law applicable at the time of permit issuance; the activity authorized by such permit(s) shall be governed by the development code applicable at the time of permit issuance even if such permit authorizes activities that would not comply with this Land Development Code.

**NOTE:** Transition standards applicable to subdivisions are located in Section 7.1.90

2. Building permits, site disturbance permits, and other permits requested on or after March 1, 2003 (LDC effective date)\* shall be issued only if the proposed construction or site disturbance conforms with the provisions of this Land Development Code.  
Exception: Building permits, site disturbance permits, and other permits shall be issued to allow the development of an approved detailed Development Plan that was approved prior to the effective date of this Land Development Code, provided the Plan has not expired at the time the permit request is made.

### 1.1.9 Expiration of Approved Development Plans

#### A. Applicability – The provisions of this section shall apply to:

1. Detailed District Development Plans
2. Conditional Use Permit Plans
3. Category Review Development Plans
4. Preliminary Subdivision Plans

#### B. Two-Year Time Limit

1. Tasks to be completed – All of the above-enumerated plans are conditioned upon the applicant accomplishing the following tasks within two years of the final approval date:

- a. Obtain a building permit; and/or
  - b. Obtain a clearing and grading permit and/or
    - i. If a building permit is not issued within two years of obtaining the clearing and grading permit or an extension granted in accordance with paragraph c below, then the development plan is subject to the provisions of B2 below.
  - c. Obtain an extension of the approved plan: Prior to the expiration of the two year time limit, an applicant may request a two-year extension, which may be approved by the Planning Director or designee. Any additional requests for extension shall require review and approval by the Planning Commission or designated committee thereof. The applicant must show good cause why tasks could not reasonably be completed within the allotted time frame.
2. Expiration – If the applicant fails to meet the requirements of paragraph B.1 within two years from the date of final plan approval or during an allowed extension period, no development activity may take place on the subject property until a new development plan is approved.
- C. Expiration of Approved General Development Plans: Where a site has received plan approval for a general development plan, and detailed development plan approval has not been issued for any portion of the general plan within three (3) years of the general plan approval date, or a period of longer than three (3) years has elapsed since the last detailed plan approval or within an approved extension period, no development activity may take place on the subject property until a new general development plan is approved.
- Extensions – Prior to the expiration of a general development plan, an applicant may request that the Planning Director or designee approve a three-year extension. Any additional requests for extension shall require review and approval by the Planning Commission or designated committee thereof. The applicant must show good cause why the approved plan has not been implemented within the allotted time frame.
- D. Expiration of Development Plans Approved Between April 1, 2007 and January 1, 2010: Where a site has received plan approval for a detailed district development plan, conditional use permit plan, category review plan or general development plan between April 1, 2007 and January 1, 2010, it shall be valid for a period of four (4) years. Prior to the end of the four (4) year term, if the conditions of section 1.1.9.B.1 above have not been met, the applicant may request an extension of the expiration date in accordance with this section.

### **1.1.10 Severability**

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If any phrase, clause, sentence, provision, paragraph, section, or part of these regulations shall be judicially declared to be invalid or unconstitutional, the remaining phrases, clauses, sentences, provisions, paragraphs, sections, or parts thereof shall not be affected thereby, but shall remain in full force and effect.

\*Effective date in jurisdictions other than Louisville Metro varies, refer to Appendix 1A or inquire with the applicable jurisdiction.

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**Chapter 1 Part 2 Definitions**

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**1.2.1 Interpretations Generally**

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

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

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

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

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

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

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

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### 1.2.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

**Accessory Use or Structure** -A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use. This term shall be deemed to include accessory service uses, accessory private garages, home occupations, accessory tennis courts, accessory parking facilities ,

ground-mounted satellite dish antennas and solar energy systems which have the purpose of providing energy for heating and cooling of the principal use. Under no circumstances will uses appropriate only in the M-3 zone be allowed in the M-1 and M-2 zones as accessory uses.

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

**Active Recreation Area (Conservation Subdivisions)** - Areas dedicated as prescribed places, sites, or fields where leisure time activities take place, often requiring equipment and characterized by repeated and concentrated use of land. Examples of active recreation area facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For purpose of these regulations, areas for active recreation facilities do not include bike riding, hiking, walking and picnic areas. Active Recreation Areas shall only be located in Secondary Conservation Areas and contribute to only 50% of the required Conservation Area.

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

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

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

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

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

**Agricultural Use (KRS 100.111):**

- A. A tract of at least five (5) continuous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
- B. Regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156;
- C. A tract of at least five (5) contiguous acres used for the following activities involving horse:
  1. Riding lessons;
  2. Rides;
  3. Training;
  4. Projects for educational purposes;
  5. Boarding and related care; or
  6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations; or
- D. A tract of land used for the following activities involving horses:

1. Riding lessons;
2. Rides;
3. Training;
4. Projects for educational purposes;
5. Boarding and related care; or
6. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS Chapter 230, involving seventy (70) or less participants. Shows, competitions, sporting events, and similar activities that are associated with youth and amateur programs, none of which are regulated by KRS 230, involving more than seventy (70) participants shall be subject to local applicable zoning regulations. This paragraph shall only apply to acreage that was being used for these activities before July 13, 2004.

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

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

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

**Alternative Energy Systems:** Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for on-site or off-site use. The off-site use shall not be for public usage, which would be deemed a Public Power Plant.

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

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

**Anaerobic Digestion** - A process of controlled decomposition of biodegradable materials under managed conditions where oxygen is absent, at temperatures suitable for naturally occurring bacteria species, which convert feedstock to a methane-rich biogas and whole digestate.

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

**Antenna** - The transmitting, receiving, or other equipment used to support cellular telecommunications

service or personal communications service. (See also "Cellular antenna tower")

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

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

**Aquaponic System** - The symbiotic propagation of plants and fish in a constructed and recirculating environment.

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

**Area of sign** - The total area of the sign face, which is used to display a message or attract attention, not including its supporting structures.

**Assisted Living Residence/Community** – Assisted-living residence/community means a series of living units on the same site certified by Commonwealth of Kentucky to provide services for five (5) or more adult persons not related within the third degree of consanguinity to the owner or manager. [ORD 188-2014]

**Athletic Facility, Indoor and Outdoor** – A place designed and equipped primarily for observation of sports, including but not limited to a sports field, basketball or tennis court, stadium, or arena. Accessory facilities include, but are not limited to, equipment storage facilities, spectator seating, refreshment stands, restrooms, locker rooms and parking. The term does not include paint ball ranges or animal race tracks.

**Attached Dwelling** - see "Dwelling, Attached."

**Attached Sign** A business sign painted on or mounted on and parallel to the façade of a building and extending in front of the building wall 18 inches or less. Signs permanently affixed to a window are considered attached signs (permanently in this case means that to remove the sign the glass on which it is attached must also be removed).



**Attic, Finished** – An attic (or a portion of an attic) in or for which the distance between the floor and the ceiling is at least seven feet; the floor, finished walls and ceilings are covered by wood, tile, brick, carpeting or other suitable materials; electrical wiring is provided and hidden from view such as by placement behind walls or above ceiling tiles; and is accessible by a conventional stairway or other access. An attic that can only be accessed from a ladder cannot be considered a finished attic. [ORD 188-2014]

**Auction Sales, Indoor** An operation in which the public sale of goods, wares, merchandise or equipment to the highest bidder occurs entirely within a building or portion of a building. This definition excludes the sale of animals and tobacco. The goods, wares, merchandise or equipment to be auctioned may be staged, stored, or displayed outdoors in accordance with applicable Land Development Code requirements. The auction activity shall be in compliance with the Metro Noise Ordinance and no outside sound amplification of the auction shall be allowed. If the property abuts a residential property, any indoor sound amplification speakers shall be directed towards the building interior.

**Auction Sales, Outdoor** - An outdoor area or areas on a particular piece of property used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes the sale of animals and tobacco.

**Automobile** - see "Vehicle, Passenger."

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

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

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

**Average Lot Size (Conservation Subdivisions)** - The average, in square feet, of all lots created in a Conservation Subdivision plan. It can be calculated for a development by adding the number of square feet in each lot and dividing by the number of lots created.

**Awning** - A shelter supported by the exterior wall of a building and projecting a minimum of 24 inches from the wall over a window and/or doorway or building facade.

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**Backlit Awning** -(Reserved)

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

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

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

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

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

**Bed and Breakfast Inn** - The use of a residential structure as a small inn which provides no more than nine (9) quest rooms for hire to short term guests in which the only meal served to quests is breakfast, unless the bed and breakfast inn has an additional food service license which allows other meals to be served. The innkeeper resides on the premises or property immediately adjacent to it during periods of occupancy, and the facility has a permit from the Kentucky Cabinet for Health Services to operate as a Bed and Breakfast Inn. This term does not include hotels, motels, extended stay lodgings, short term rentals or boarding and lodging houses.

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

**Best Management Practice (BMP)** - A BMP is a technique, process, activity, or structure used to reduce volume and/or the content of a pollutant of concern from a stormwater discharge to the maximum extent practical (MEP). BMP's include simple nonstructural methods, such as good housekeeping and preventative maintenance. BMP's may also include structural modifications, such as the installation of bioretention measures.

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

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

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

**Bio Retention** - A form of retention used to treat a portion of the stormwater volume through the use of soil and vegetation. Reduces total volume and pollutant loading of stormwater runoff and increases infiltration and groundwater recharge.

**Biodigester** - An alternative energy system that is an accessory or principal use on a property and that utilizes anaerobic digestion for the primary purpose of producing energy. Mechanisms and processes that are part of the digester, including but not limited to separators and refining equipment, produce biogas, which is used for production of electricity and pipeline-quality natural gas. A biodigester may refine digestate as a secondary function to produce soil amendments, fertilizer, and other similar products.

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

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

**Blood/Plasma Collection Center** – The collection of blood/plasma as a principal use on a property. Accessory blood/plasma collection associated with an emergency relief charity (such as the Red Cross), medical office, medical laboratory, medical clinic, hospital, government agency, nursing home or other medical facility shall not be considered a Blood/Plasma Collection Center.

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

**Boarding and Lodging House** - A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotels, motels, extended stay lodgings, short term rentals, nursing homes, or assisted living residences.

**Boarding Area** – A paved area that allows the extension of a wheelchair lift and safe boarding and alighting of a person in a wheelchair. A 5-ft by 8-ft concrete pad is required at all new or renovation bus/transit stops.

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

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

**Buffer yard** - A unit of land, together with a specified type and amount of planting and any structures thereon,

which may be required between land uses to eliminate or minimize conflicts between land uses.

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

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

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

**Building** - Any permanent structures designed or built for the support, shelter or protection of persons, animals, chattel or property of any kind. This term includes all forms of housing, but does not include awnings, canopies, or similar features.

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

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

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

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

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

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

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

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

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

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

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

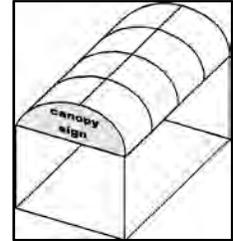
**Caliper** -The diameter of a tree trunk, measured 6 inches above the ground for newly installed trees and at 4 feet-6 inches above the ground (breast height) for existing trees.

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

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

**Canopy, Free-standing** - A rigid multi-sided structure covered with fabric, metal or other material and supported solely by columns or posts.

**Canopy Sign** – A sign painted on, printed on or attached flat against the surface of the canopy.



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

**Carriage house** - An accessory structure at the rear of a lot that was originally built to accommodate the storage of carriages, wagons, horse or mule stables, with or without an Accessory Residential Unit; or a new or renovated garage, storage building, or building accommodating another accessory use, with or without an Accessory Residential Unit, that has architectural characteristics similar to those of historic carriage houses.

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

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

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

**Category. 2A Review:** A review that does not require approval from Planning & Design Services unless it is associated with some other type of review such as a waiver, variance, landscape plan etc. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable. Also, see Chapter 11 Part 6 for more requirements for this type of review.

**Category. 2B Review:** A review that requires approval from Planning & Design Services regarding compliance with the applicable form district design standards. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable. Also, see Chapter 11 Part 6 for more requirements for this type of review.

**Category. 3 Review:** A review required for non plan certain proposals that meet the size threshold for completing the Community Design Review Process, which is further outlined in Chapter 11 Part 6. Refer to the Chapter 5 threshold tables to determine when this review is required and to determine which sections of Chapter 5 are applicable.

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

**Cellular Antenna Tower** - means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

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

**Cemetery, Inactive** - Any cemetery, private or family cemetery, church cemetery, or historic or prehistoric burial ground not used for interment of human remains within the last ten years.

**Cemetery with undefined boundaries** - Any cemetery or burial ground the limits of which are not delineated on any map, in a written description in wills or deeds, or by a wall or fence or specific cemetery vegetation. This term shall also apply to any burial site(s) where graves are discovered outside of defined cemetery boundaries.

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

**Changeable copy sign/Reader board** - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. These signs do not include signs considered as changing image signs.

**Changing Image Sign** - A sign, including a sign using a video display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy.

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

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

**Child Care Center** - See "Day Care Center."

**Civic Building** - A building that houses a civic use.

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

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

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

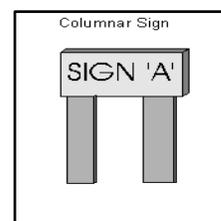
**Clubhouse** - A private facility that restricts access to club members and/ or charges dues to members

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

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

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

**Columnar Sign** - A freestanding business sign supported by columns or pillars having an aggregate width equal to at least 40% but less than 80% of the width of the sign cabinet.



or sign face.

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

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

**Commercial Message** - Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, industry, product, service or other similar activity.

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

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

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

**Common Improvements** - See "Common Facility."

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

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

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

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

**Community Garden** - An area of land less than 5 continuous acres in size managed and maintained by a group of individuals to grow and harvest food and/or non-food crops for personal or group use, consumption, donation or off-site sales. Plots for cultivation by one or more individuals and may include common areas maintained and used by group members. Community gardens may be principal or accessory uses and may include structures such as greenhouses, hoop houses, high tunnels, and storage sheds

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

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

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

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

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

**Conditional Use Permit** - Legal authorization to undertake a conditional use, issued by the Planning Official pursuant to authorization by the Board of Zoning Adjustment or Planning Commission. The authorization consists of two (2) parts: (a) A statement of the factual determination by the Board of Zoning Adjustment or Planning Commission which justifies the issuance of the permit; and (b) A statement of the specific conditions which must be met in order for the use to be permitted.

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

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

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

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

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

**Conservation Area** - Land to remain undisturbed as part of the development of a Conservation Subdivision. Conservation Areas are made up of Primary and Secondary Conservation Areas. All lands identified as Primary Conservation Areas shall be Conservation Areas. If the Primary Conservation Area makes up less than the required percentage of the tract, the balance of the required Conservation Areas shall be made up of Secondary Conservation Areas.

**Conservation Subdivision** - A contiguous area of land to be planned and developed as a single entity in which buildings are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally be applied following conventional Subdivision regulations, allowing for the flexible grouping of structures in order to conserve open space and existing natural resources.

**Conservation Use** - Uses within land and water areas designated for the purpose of conserving or protecting

natural resources or environmental quality such as open space, nature study, passive recreation, wildlife habitat, nature preserve, wetlands protection and mitigation areas and other similar uses. In order to accomplish this objective, the following uses shall be permitted:

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

**Constructed Wetlands** - Incorporate marshy and pool areas to treat and temporarily store stormwater runoff.

**Construction Cost, Total** -The sum of direct and indirect costs of building a development. Direct costs shall include the cost of land preparation, structure (including fixtures), tenant improvements, parking and vehicular use areas, landscaping, and irrigation. Direct costs do not include the cost of land, demolition of existing structures, furniture, or equipment. Indirect costs include non-construction expenses such as architectural, engineering, surveying, appraisal, and legal fees, construction interest, permit fees, impact fees, and sales and marketing expenses.

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

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

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

**Construction Sign** - A temporary sign located on a development site that is under construction. Construction signs are allowed on a temporary basis and are typically required to be removed within a specific time frame after completion of construction activity.

**Contiguous** - See "Abutting."

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

**Conveyance Zone** - see "Local Regulatory Conveyance Zone."

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

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

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

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

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

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

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

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

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

#### 77 entries for the letter C

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

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

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

**Demolition** - A structure meeting any of the following criteria items: 1. A structure which has more than 50% of its exterior perimeter walls voluntarily removed. 2. More than 50% of a structure's structural roof system is voluntarily removed. 3. More than 50% of a structure's floor slab or foundation has been voluntarily removed to grade level.

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

**Department Store** - Retail stores generally carrying a general line of apparel, such as suits, coats, dresses, and furnishings; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major

household appliances; and housewares, such as table and kitchen appliances, dishes and utensils.

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

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

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

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

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

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

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

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

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

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

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

**Director of Works** - Director of Department of Public Works of the City of Louisville or Jefferson County Public

Works and Transportation Department, or of the Consolidated Local Government as the case may apply; or the director of the successor department, as designated by the Metro Mayor. This term shall also include staff persons to whom the Director delegates authority to act on the Director's behalf.

**Digestate** - Solid or liquid substances that remain following digestion of feedstock in a biodigester.

**Directory sign** - A freestanding sign permitted within the Downtown Form District for principal uses on a lot that includes a public park, public plaza or other public open spaces designed in conjunction with buildings on the lot.

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

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

For the Mixed Residential Development Incentive, three price levels of housing unit qualify as diversity units:

Diversity Housing Level 1: Level 1 unit sale prices shall be calculated using 80% of the current Jefferson County area median income (AMI) limit for a given household size.

Diversity Housing Level 2: Level 2 unit sale prices shall be calculated using 90% of the current Jefferson County area median income (AMI) limit for a given household size.

Diversity Housing Level 3: Level 3 unit sale prices shall be calculated using 100% of the current Jefferson County area median income (AMI) limit for a given household size.

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

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

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

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

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

**Drop Lens** - see "Sag Lens"

**Dumpster** – See Refuse Disposal Container.

**Duplex** -see "Dwelling, Two Family"

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

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

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

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

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

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

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

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

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

### 36 entries for the letter D

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

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

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

**Elevated Building** - A non-basement building built to have the lowest floor elevated above the ground level

by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**Elevation** - A geometrical projection of a building on a vertical plane.

**Encroachment** - Any structure or vehicle occupying, projecting into or obstructing any portion of a designated public right-of-way, yard, floodplain or floodway, buffer yard, landscaped area or any other designated area in which the structure which is not permitted by Chapters 1 through 9, including but not limited to: building or other materials, all or portions of permanent or temporary buildings or other structures, fences and ornamental structures, and where appropriate to the context, vehicles; but excluding federally approved mailboxes where permitted and approved driveways as permitted under Chapter 6.

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

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

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

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

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

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

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

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

**Existing Resources and Site Analysis Plan (Conservation Subdivisions)** - A comprehensive analysis of existing conditions and unique characteristics both on the proposed development site and within 500 feet of the site used for the purpose to assess accuracy and compliance with existing LDC ordinances and likely impact upon the natural and cultural resources on the property.

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

**Expressway** - A highway for through traffic, with full control of access and grade separations at intersections;

includes routes known as "freeway."

**Extended Stay Lodging** - Accommodations for persons away from their permanent place of residence, which are available on a daily or weekly basis and may include kitchen facilities. This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.

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

**Eyebrow** - An eyebrow is a semicircular shaped road with a central planting island extended from the local road and provides a through connection to the local road.

## 20 entries for the letter E

**Facade** - All of the wall planes of a structure as seen from one side or view. For example, the front façade of a building would include all of the wall area that would be shown on the front elevation of a building plan.

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

**Factory Built Housing** - A building or structure designed and intended as a single family dwelling unit and fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features, if any, removed, and that meets the additional standards specified in section 4.1.2 of this Land Development Code. This term includes "manufactured homes" and "modular homes" as defined in the 2002 Kentucky Residential Code or successor.

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

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

**Feedstock** - Organic material or waste used by a biodigester to produce biogas.

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

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

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

**Final Subdivision Plat** - see "Plat, Record."

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

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

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

refractor or lens.

**Flag Lot** - see "Lot, Flag."

**Flea Market, Indoor** - Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale entirely within an enclosed building.

**Flea Market, Outdoor** - Involves the setting up of two or more booths, tables, platforms, racks or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outdoors and not within an enclosed building.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Freestanding Sign** - A sign that is set firmly in or upon the ground surface and is not attached to any building or other structure.

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

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

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

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

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

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

### 35 entries for the letter F

**Garage, Parking or Storage** - A building or portion thereof, designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, but where motor-driven vehicles are not equipped, repaired, or sold.

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

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

used for mapping the geology of an area.

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

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

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

**Grade** - The average elevation of the finished ground surface; when determining height of structures, it is the average elevation at the outside of a fence or wall, or at the outside walls of a building. When used in the context of signage measurements the term grade is defined as the average level of the finished surface of the ground adjacent to a sign or to the exterior wall of the building to which a sign is affixed.

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

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

**Green Alleys** - Alleys which reduce, capture, infiltrate, and treat stormwater runoff from the alley and adjacent properties through various GMPs such as pervious pavement, porous asphalt and permeable pavers combined with rain gardens, bioswales and tree boxes with curb cuts.

**Green Infrastructure** - An adaptable term used to describe an array of materials, technologies and practices that use natural systems - or engineered systems that mimic natural processes - to enhance overall environmental quality and provide utility services; also referred to as Green Management Practices (GMP).

**Green Intersections** - Street intersections which reduce, capture, infiltrate and treat stormwater runoff from the street and adjacent properties in medium and high density residential and commercial areas; through various GMPs, such as pervious pavement, porous asphalt and permeable pavers combined with tree boxes, rain gardens and tree boxes with curb cuts.

**Green Management Practice (GMPs)** - Also referred to as Green Infrastructure -As a general principal, Green Infrastructure are BMP techniques that use soil and vegetation to infiltrate, evapotranspire, treat and/or recycle stormwater runoff. Examples of GMPs are green roofs, porous pavement, rain gardens, vegetated swales, constructed wetlands. These systems are planned, designed and managed to mimic natural systems.

**Green Streets** - A street designed to integrate a system of GMPs within its right of way, reduce the amount of water that is piped directly to streams and rivers, be a visible component of a system of green infrastructure that is incorporated into the aesthetics of the community, make the best use of the street tree canopy for stormwater interception as well as temperature mitigation and air quality improvement, ensure the street has the least impact on its surroundings, particularly at locations where it crosses a stream or other sensitive area.

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

**Grid Street Pattern** - A street system that creates similar size blocks and four-way intersections. Grid street pattern is common in older neighborhoods and traditional development forms. A standard grid pattern is

characterized by straight streets, 90 degree intersections and rectangular blocks. In a modified grid, a connected system of curvilinear streets may be replace the more formal grid pattern, to insure compatibility with adjacent development and to address physical features of the site.

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

**Gross Floor Area** - see "Floor Area."

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

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

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

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

## 23 entries for the letter G

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

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

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

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

**High Quality Waters (HQW)** - Any Waters of the Commonwealth which have been assessed and designated by the Kentucky Division of Water in the most recent 305(b) biannual report to Congress.

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

**Historic house museums** - Residences having historic and/or architectural significance which members of the public may view with or without charge for admission.

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

**Holder** - Either:

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

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

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

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

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

**Hotel** - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk. This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.

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

**Hydroponic System** - Propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growth media.

### 15 entries for the letter H

**Illegal Sign** - A sign, which was not in compliance with this regulation, or with the applicable regulation when it was erected, installed, altered or displayed.

**Illuminated Sign** - A sign with an artificial light source, either internally or externally, for the purpose of lighting the sign.

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

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

Gravel surfaces shall be considered impervious when used for a vehicular use area, and porous otherwise. Unpaved vehicular use areas shall also be considered impervious, except those designated and approved for occasional vehicular use only. Wooden patios under Chapter 8 shall be considered pervious.

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

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

**Incidental Sign** - Any on-premises sign, that has a purpose secondary to other on-premises signs on a lot. Incidental signs shall only be located adjacent to building entrances, vehicular and/or pedestrian/bicycle access points or public gathering spaces on a lot. Incidental signs may be freestanding or attached to a building. Incidental signs may be illuminated and shall not exceed five square feet in area for non-residential uses and two square feet in area for residential uses. Attached incidental signs shall not exceed a mounting height of 20 feet on a building facade. Freestanding incidental signs shall not exceed a height of three feet.

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

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

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

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

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

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

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

## 14 entries for the letter I

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

scrap metal processing facility or any facility regulated by Chapter 51 of the Jefferson County Code of Ordinances [solid waste].

### 1 entry for the letter J

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

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

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

**Karst Spring** - The discharge points for underground streams.

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

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

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

### 7 entries for the letter K

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

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

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

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

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

**Land Disturbing Activity** - All construction, demolition, reconstruction modification, extension, or expansion of structures or parking areas, placement of fill, dumping, storage of earthen materials, excavation, land clearing, clear-cutting, tree and vegetation removal, grading, grubbing or any similar activity or combination thereof that changes the natural cover or topography creating the potential for erosion and contribution to sediment.

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

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

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

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

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

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

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

**Lane (Conservation Subdivisions)** - A private street or easement located to the side or rear of property that serves vehicular and service access. A rear lane functions the same as an alley, but may differ in character due to its surface material, landscaping treatment, adjacent open space, and sensitivity to adjacent natural feature.

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

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

**Live/ Work Unit** - A structure or structures held in single ownership and containing one of the following: (1) commercial or office use not to exceed more than 50 percent of the floor area and residential use which shall include the balance of the remaining floor area, or (2) residential use which utilizes up to 100 percent of the floor area. Regardless of the zoning district, Live/Work Units shall be considered a residential use.

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

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

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

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

**Loop Lane** - A loop lane is a continuous road (minimum pavement width of 18 feet and 30 feet right-of-way) with two access points from an adjacent road, separated by a central open space/planting island.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 36 entries for the letter L

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

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

**Manufactured Home** - As referenced in KRS 100.348. A manufactured home is a single-family residential dwelling constructed after June 15, 1976, in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C Section 5401, et. Seq., as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Manufacturing** -The processing and converting of raw, unfinished, or finished materials or products, or any of these, into an article or substance of different character, or for use for a different purpose; also industries

furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

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

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

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

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

**Market Garden**-An area of land less than 5 continuous acres in size managed and maintained by an individual or a group of individuals to grow and harvest food and/or non-food crops to be sold for profit, or an area of land of any size used for greenhouses, hoop houses, high tunnels, rooftop gardens, vertical gardens, hydroponic systems or aquaponic systems alone or in combination with other techniques for growing food or non-food crops. Market gardens may be principal or accessory uses, and may consist entirely of growing areas enclosed in structures.

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

**Marquee Sign** - Is a sign painted on, printed on, or attached flat against the surface of the marquee.

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

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

**Master Plan Project Identification Sign** - A permanent on-premises sign for a Master Plan Project that contains more than five (5) lots and is located at the primary access to the Master Plan Project.

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

**Maximum Density (Conservation Subdivisions)** - The net density of residential units per acre allowed in a Conservation Subdivision after subtracting the total constrained land from the gross acreage of the development parcel.

**Maximum Extent Practicable (MEP)** - Is the control standard for discharges from the Municipal Separate Storm Sewer Systems established by 40 CFR 122.34.

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

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

**Median, Restrictive** -The portion of a divided roadway or divided driveway separating vehicular traffic

traveling in opposite directions. Restrictive medians include physical barriers that prohibit movement of traffic across the median such as a concrete barrier, a raised concrete curb and/ or island, and a grassed or swaled median.

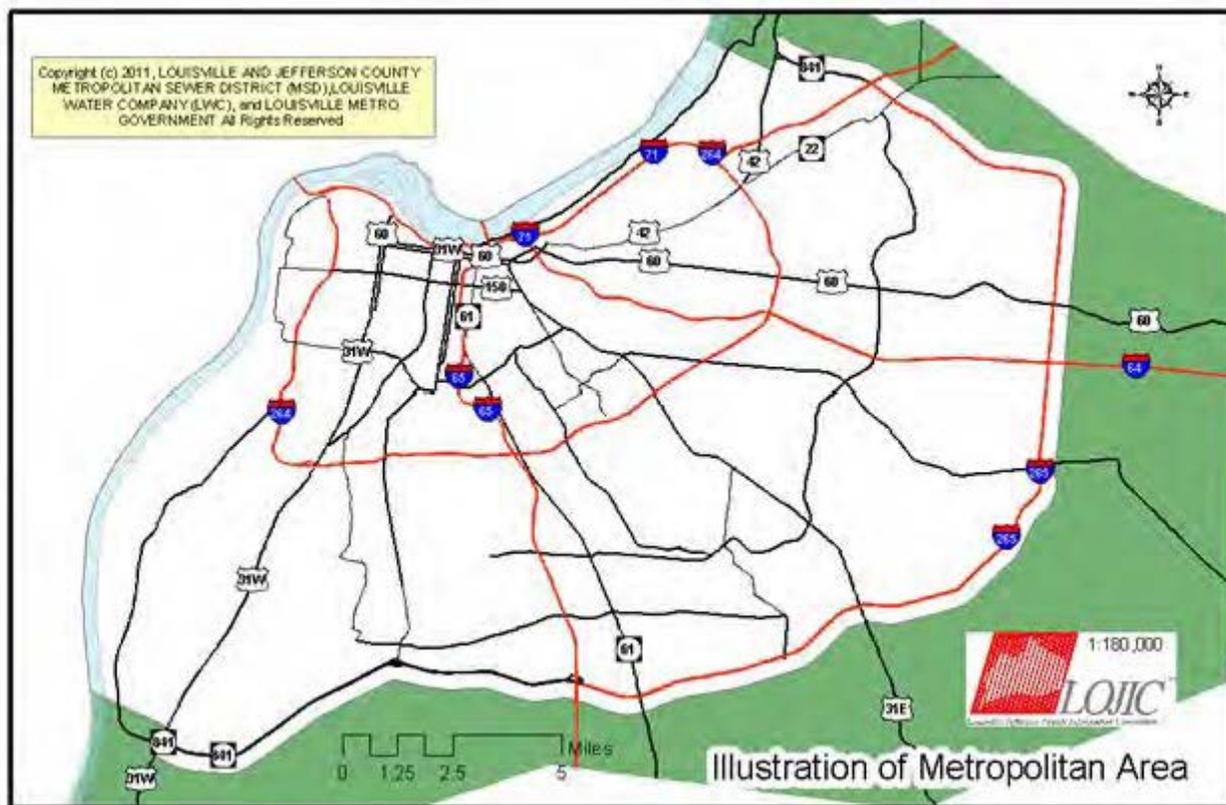
**Median Opening, Directional** -An opening in a restrictive median which provides for only U- turn and/ or left-turn movements.

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

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

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

**Meeting Hall** -A building designed for public assembly



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

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

**Minimum Required Conservation Area (Conservation Subdivisions)** - The percentage and acreage of required Conservation Areas shall be calculated by the applicant and submitted as part of all plans. Road rights-of-way shall not be counted towards the required minimum Conservation Area.

**Mini-Warehouse** -A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual compartmentalized stalls or lockers with access controlled by tenant for the storage of customer's goods or wares. An operation involving a security arrangement utilizing a warehouseman as provided for in Article 7 of KRS Chapter 355 is not a mini-warehouse.

**Mobile Home** - Mobile Home - As referenced in KRS 219.320 & 227.550. A mobile home is a structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the Federal Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with permanent required utilities, including plumbing, heating, air conditioning, and electrical systems. A mobile home does not meet the additional standards as required in Section 4.1.2, Factory Built Housing.

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

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

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

**Model Dwelling** -see "Dwelling, Model."

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

**Monument Style Sign** - A freestanding business sign with a base width of at least eighty percent (80%) of the width of the sign cabinet or sign face.



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

motor lodges, autels, and similar terms. This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.

**Municipal Separate Storm Sewer Systems (MS4)** - Is a conveyance or system of conveyances that is owned and maintained by a public entity that discharges to waters of the United States or Commonwealth, which is designed to collect or convey stormwater (including storm drains, pipes, ditches etc.), which is not located in a combined sewer system.

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

### 38 entries for the letter M

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

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

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

**Neighborhood Green (Conservation Subdivisions)** - A human-scaled common open space typically surrounded by homes or important community buildings which is designed as a focal point for neighborhood/block events and gathering space. The Green is best located where it is accessible to the highest possible amount of residents and should include landscaping, paths, and amenities that encourage use and facilitate a sense of community.

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

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

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

**Non-conforming Sign** - A sign that was erected or installed in compliance with the sign regulation in effect at the time of its erection or installation but which is not in compliance with this Regulation and which has not been reconstructed, altered or otherwise modified since the adoption of this Regulation in any manner which renders the sign or its placement less in compliance with this regulation.

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

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

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

use and industrial use.

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

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

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

### 14 entries for the letter N

**Off-premises Sign** (outdoor advertising sign or commonly known as a billboard): A sign that is considered a principal use on a lot by this Land Development Code and is unassociated with other principal uses on the lot upon which the sign is located.

*NOTE: Regulations moved to Chapter 4 Part 3.*

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

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

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

**On-premises sign** - A sign that serves as an accessory use to a principal use on a development site.

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

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

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

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

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

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

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

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

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

**Outdoor Storage** -The keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable containers, including semi trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

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

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

### 17 entries for the letter O

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

**Parcel** - See "Lot."

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

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

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

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

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

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

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

**Passenger Vehicle** - See "Vehicle."

**Passive Recreation Area (Conservation Subdivisions)** - Areas dedicated to recreation activities that require limited physical exertion on behalf of the participant has minimal impact upon the natural environment and wildlife. Examples of passive recreation activities include bird watching, walking, hiking, picnicking, horseback riding, or photography.

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

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

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

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

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

**Pedway** – A pedestrian walkway, tunnel, ground level concourse, or bridge that connects buildings and/or public spaces.

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

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

**Person With a Disability** - A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have pleaded guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person With a Disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS Chapter 21 8A.

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

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

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

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

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

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

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

**Plat (or Subdivision Plat)** -A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all

applicable sections of Chapters 7 and 9. This term includes Replats, Amended Plats and Revised Plats, as well as Minor and Major Plats.

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

**Plat, Major** -see "Plat."

**Plat, Minor** -see "Plat."

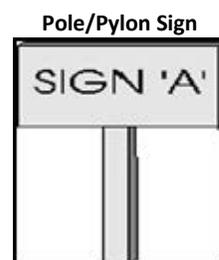
**Plat, Preliminary** -The preliminary map indicating the proposed layout of the subdivision which is submitted for tentative approval and meeting the requirements of Chapters 7 and 9 relating to preliminary plats.

**Plat, Record** - see "Plat, Final."

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

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

**Pole/Pylon Sign** - A sign that is mounted on one or more freestanding poles or pylons.



**Pollutant of Concern (POC)** - A substance as identified by the Kentucky Division of Water in the 305b report or 303(d) list that may reasonably be expected to affect the designated use of a receiving water.

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

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

**Preliminary Conservation Area Ownership and Management Plan** - A document which shall accompany the application packet for a Conservation Subdivision Preliminary Plan filing that details the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.

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

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

**Primary Conservation Areas (PCA)** - Areas of permanently protected open space within Conservation Subdivisions that comprise only the most severely constrained lands, where development is typically limited such as wetlands, floodplains, identified karst feature (i.e. sinkhole, etc.), steep slopes 30% or over, unstable soils, cemeteries, and habitats of endangered or threatened species.

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

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

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

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

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

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

- A. Where a business establishment dedicates, or permits the use of, at least twenty-five percent (25%) of the utilized square footage of its premises for adult entertainment activity; or
- B. Where at least twenty-five percent (25%) of the gross receipts of a business establishment, excluding food and beverage receipts, results from adult entertainment activity.

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

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

**Private Yard Area**-In the context of the traditional form districts, the Private Yard Area is the area of the lot located between the Principal Structure Area and Accessory Structure/ Use Area. The Private Yard Area must be unenclosed and open to the sky except for permitted fences, decks, and small sheds. Sheds may not exceed 120 square feet. Unroofed pools, atriums, gardens, garden courts, walks, patios, and other similar uses are acceptable. No other uses may be located within this area, including off-street parking.

**Projecting Banner Sign** - A permanent non-illuminated double sided sign that uses a printed material fabric background for images, messages, or logos and is supported with brackets or a framework that enables it to project from the sides of a building or structure. A sign may have a total supported projection of 25" from the face of a building or structure. The maximum allowable signage area for a projecting banner sign excluding the area of support brackets or framework shall not exceed 24 square feet in total area for each side of the sign.

**Projecting Sign** – Any sign which is erected on, or attached to and not parallel to a building wall or structure and extends beyond the building wall more than eighteen (18) inches.

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

**Protected Waterway** -

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

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

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

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

**Public Power Plant** - An electrical power generation facility that, regardless of fuel or energy source, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electrical distribution system or transmission grid. Public utilities regulated by the Kentucky Public Service Commission shall be considered Community Facilities in accordance with State and local laws.

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

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

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

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

## 64 entries for the letter P

**Qualified Acoustical Consultant** - A person who, by reason of his/ her training and experience in the science and technology of acoustics and his/ her knowledge of construction methods and materials, is

deemed by the Planning Official as qualified to pass judgment on acoustical designs, materials, and methods of construction for reduction of sound levels.

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

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

### 3 entries for the letter Q

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

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

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

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

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

**Refuse Disposal Container** – A container used for the temporary storage of trash or recyclable material pending collection. For location and screening requirements for refuse disposal containers see Section 4.4.9 as well as these additional applicable sections of this code: 5.5.1.A.4.a; 5.5.2.B.2; 5.5.5.A & B; 10.2.6.

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

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

**Residential Care Facility** - A residence, authorized or licensed by the Commonwealth of Kentucky, operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for

persons with disabilities.

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

**Regional Center Access Road** - A private access easement serving internal circulation needs of multiple structures in the regional center form district. This type of roadway intersects with drive aisles that give access to parking spaces. It does not intersect with individual parking bays and does not give direct access to parking spaces.

**Residual Lot** -Any portion of a lot to be subdivided which portion is not required to be surveyed.

**Restaurant** - Commercial establishments, the main business of which is serving food, which may include the sale of alcoholic beverages. Provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of alcoholic beverages exceed the total receipts from the sale of food shall be a tavern.

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

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

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

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

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

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

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

**Riprap** - Natural rock material used to stabilize embankments.

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

**Roof sign** - A sign erected and constructed wholly or in part upon, against, or above the roof of a building. For purposes of this Regulation, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

### 23 entries for the letter R

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

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

**Scenic Easement** - See "Conservation Easement."

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

**Screened from View** - Shall mean either visually continuous plantings, a solid fence, wall or earth mound, or a combination of such elements that provide a barrier with an average height of one foot above the material being screened, except that said screening shall not be required to exceed eight feet in height. All screening material shall meet the criteria stated in Chapter 10 of the Land Development Code in terms of quality and design.

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

**Secondary Conservation Areas (SCA)** - Areas of permanently protected open space within Conservation Subdivisions that are locally noteworthy or significant features of the natural or culture landscape such as mature woodlands, hedgerow and freestanding trees or tree groups, wildlife habitats and travel corridors, prime farmland, greenways and trails, historic sites and buildings, and scenic viewsheds.

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

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

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

**Setback** – See definition of “Yard”

**Setback, Front** – See definition of “Yard, Front” Setback, Rear – See definition of “Yard, Rear” Setback, Side – See definition of “Yard, Side

**Setback, Street-Side** – See definition of “Yard, Street-Side”

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

- A. Depiction of human genitals in a state of arousal;

- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Holding or other erotic touching of human genitals, pubic region, buttocks or breasts.

**Shared On-premises Sign** - A permanent on-premises sign used by two or more principal uses in separate premises, which utilize common off-street parking and/or shared access. A shared on-premises sign is not considered an off-premises/outdoor advertising sign by these regulations.

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

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

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

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

**Short Term Rental** - A dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.

**Short Term Rental Host** - Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

**Sight Triangle** - See Vision Clearance.

**Sign** - Any display to public view of letters, devices, structures, fixtures, displays, emblems, pictures, placards, or any parts or combinations thereof designed to direct, announce or inform. See exemptions listed in Section 8.1.3.

**Sign Plan** - A coordinated plan for developing signs for an individual building or a group of buildings.

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

**Significant Sign** - An existing sign that has been determined to be significant by the Sign Review Board. To qualify as significant the sign must be found to be uniquely designed, representative of a specific style of signage and can be identified with a historic period, event, building or individual(s).

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

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

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

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

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

**Sketch Plan Overlay (Conservation Subdivisions)** - A conceptual drawing of the development site in which the applicant shows a schematic layout of Conservation Areas, building lots, general infrastructure, and proposed general street and lot layout.

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

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

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

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

**South Fourth Street Retail District:** A sub-district of the Downtown Form District, the South Fourth Street Retail district encompasses Fourth Street-facing buildings between Muhammad Ali Boulevard and Broadway.

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

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

**Square** - An open space, often an entire block, at the intersection of important streets, set aside for civic

purposes and surrounded by the fronts of buildings. Its landscape generally consists of paved walks, lawns, trees, and civic buildings, all formally arranged and requiring significant maintenance.

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

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

**State** -The Commonwealth of Kentucky and its authorized agents.

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

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

**Stormwater Management** - The mechanisms employed to collect and convey stormwater which includes but are not limited to the use of water retention facilities, to provide controlled release into receiving streams.

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

**Stream, Intermittent (Blue Line Stream, Intermittent)** – A stream or part of a stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. All streams designated with a broken blue line on the U.S.G.S, 7 ½ minute quadrangle topographic maps are considered to be intermittent, but may be determined in whole or part to be perennial or ephemeral based on information provided by a qualified professional, the Kentucky Division of Water, or the U.S. Army Corps of Engineers. Additional intermittent stream determinations shall be made on a case-by-case basis by a Qualified professional with a background in stream hydrology and/or wetland biology. Information concerning an additional designation shall be solicited from the Kentucky Division of Water and the U.S. Army Corps of Engineers. [ORD 188-2014]

**Stream, Perennial (Blue line Stream, Solid)** – A stream or part of a stream that has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow. All streams designated with a solid blue line on the U.S.G.S. 7 ½ minute quadrangle topographic maps are considered to be perennial, but may be determined in whole or part to be intermittent based on information provided by a qualified professional, the Kentucky Division of Water, or the U.S. Army Corps of Engineers.

Additional perennial stream determinations shall be made on a case-by-case basis by a qualified professional with a background in stream hydrology and/or wetland biology. Information concerning an additional designation shall be solicited from the Kentucky Division of Water and the U.S. Army Corps of Engineers. [ORD 188-2014]

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

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

- A. Major Arterial -A street primarily for through traffic, usually on a continuous route.
- B. Minor Arterial -A secondary way or highway for use primarily as a connector for major arterials, minor arterials, or between a minor arterial and a collector.
- C. Collector -A street intended to move traffic from local streets and other collectors to the arterial street system. A collector street serves a neighborhood or large subdivision and should be designed so that no single family residential properties face onto it. Collector level streets are those streets either designated as such by the Comprehensive Plan for Louisville and Jefferson County, or by the Director of Works.
- D. Local -A street used primarily for access to abutting property.
- E. Cul-de-sac -A street ending in a turn-around and designed not to be extended.
- F. Stub street -A street usually ending at a property line which is designed to be extended in the future.
- G. Through street -A local street or segment of a series of local streets which provides at least two separate points of access to a collector, arterial or another through street. Certain street segments not meeting this requirement may be designated a through street if approved by the County Engineer. All arterial and collector streets are designated as through streets. (See also "Grid Street Pattern")

**Street Frontage** - The distance along which a lot line adjoins a public street right-of-way between lot lines intersecting the same street. Corner lots have at least two (2) street frontages.

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

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

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

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

**Structure** - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a location on the ground, including walls or fences exceeding four (4) feet in height, buildings, and signs.

**Subdivider** -Any person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity

commencing proceedings under Chapter 11 to undertake a subdivision of land hereunder for himself/ herself or for another.

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

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

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

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

**Subdivision Identification Sign** - A permanent on-premises sign located at the primary entrances to a residential subdivision.

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

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

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

**Sustainable Permit Project** – Proposed development in which at least 50% of the proposed building square footage will be included in a LEED (Leadership in Energy & Environmental Design), Green Globes or Energy Star for Commercial certified structure.

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

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

**Technical Review Committee (TRC)** - An advisory board that reviews development proposals within Jefferson County. The TRC identifies, negotiates and resolves technical issues and conflicting agency requirements to enable DPDS staff to approve plans as delegated by the Planning Commission.

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

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

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

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

**Temporary Sign** - See Chapter 155 of the Louisville Metro Code of Ordinances for regulations pertaining to temporary signage.

**Terminal Vista (Conservation Subdivisions)** - An urban design feature in which a visual termination focuses on the end of the visual end of the street utilizing long views of items such as open space, important buildings, water, or distant topographic features.

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

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

**Tract** –See Lot.

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

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

**Trailer, Automobile** - see "Utility Trailer."

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

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

**Transit Route** – A defined series of stops along one or more streets between two terminal locations designated by a number and/or a name for identification internally and to the public.

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

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

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

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

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

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

- A. damage to the root system by machinery, storage or materials or soil compaction.
- B. substantially changing the natural surface grade within the dripline.
- C. excessive paving or building within the dripline.

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

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

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

Preferred Plant List)

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

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

**NOTE:** *The Preferred Plant List is Appendix 10A.*

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

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

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

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

- (a) Light Truck Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
- (b) Medium Truck Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
- (c) Heavy Truck. Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

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

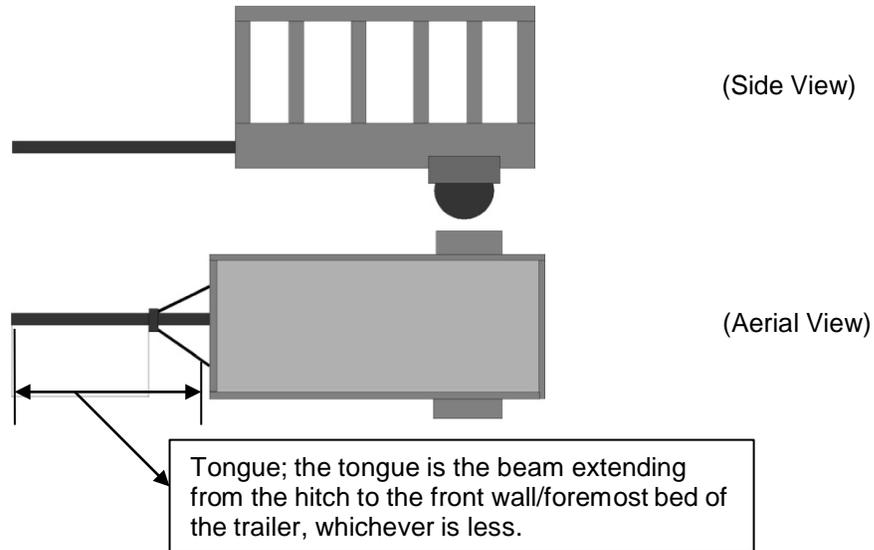
**Two-Family Dwelling** -see "Dwelling, Two Family."

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

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

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



### 3 entries for the letter U

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

**Variance** - see "Dimensional Variance."

**Vegetative Cover (Conservation Subdivisions)** - Grasses, shrubs, trees, and other vegetation which holds and stabilizes soils.

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

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

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

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

- A. **Motor Home** - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.
- B. **Accessory Recreational Vehicle** - Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational

vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, recreational boats, and trailers used to haul these vehicles. Accessory recreational vehicles and the trailers used to haul them less than or equal to 25 feet in length shall be regulated as medium trucks. Accessory recreational vehicles and trailers used to haul them in excess of 25 feet in length shall be regulated as heavy trucks.

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

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

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

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

**Video Display Method** - A video display method is a method of display characterized by real-time, full-motion imagery of at least television quality.

**Vision Clearance** - On corner lots (where a street intersects with another street) in all districts where setbacks are required along the street frontage, no fence, wall, freestanding sign, structure or shrubbery planting shall be permitted that is over two (2) feet in height above the established elevation of the curb level or that is not clear of branches, in the case of plant material, from two (2) to six (6) feet above the established elevation for a distance equal to the respective required yard, not to exceed thirty (30) feet, measured from the point of intersection of the intersecting lot lines and within the triangle formed by connecting the ends of the respective distances.

### 13 entries for the letter V

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

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

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

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

**Wetland** -Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically

adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

**Wildlife Management**- The act of controlling, directing, manipulating or rehabilitating wildlife populations and/or their habitats. The goal of wildlife management facilities is usually to either increase, decrease or stabilize a particular wildlife population(s). Wildlife management facilities are required to obtain all applicable federal, state and local permits and licenses.

**Window** - The combined area of glazing within a wall opening.

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

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

### 10 entries for the letter W

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

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

**Yard, Rear** -A yard extending across the rear of a lot, between the side lot lines, and being the minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard. If the side lot lines come to a point at the rear of the lot creating a lot without an actual rear property line, then the required setback area shall be measured from the rear point the distance required for a rear yard setback in that particular zoning/form district to the midpoint bisecting equally the two side property lines. See adjacent illustration.



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

**Yard, Street Side** -A yard extending across the side of a corner lot between the rear line of the front yard and front line of the rear yard, and between the principal building and the street right-of-way line, and being the minimum horizontal distance between the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches, to the right-of-way line.

### 5 entries for the letter Y

**Zero-Lot-Line Development** -Any residential development in which the required side or rear yards, or both, are

eliminated to permit more efficient and effective siting and orientation of homes and private open spaces on the lot.

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

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

### 3 entries for the letter Z

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**Chapter 1 Part 3 Nonconformance**

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**1.3.1 Use**

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- A. A nonconforming use is an established activity which lawfully existed at the time of the enactment of any zoning regulation which would not permit such activity.
- B. A nonconforming use may be continued until it is abandoned notwithstanding the sale of the land parcel on which the nonconforming use exists; but a nonconforming use shall not be enlarged, expanded or changed except as expressly permitted by KRS 100.253 and by Chapter 1 Part 3.
- C. There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.
- D. Subject to the limitations and restrictions imposed by items A through C of Chapter 1 Part 3, the Board of Zoning Adjustment may permit a change in the nonconforming use to another nonconforming use only if the new nonconforming use is in the same or more restrictive classification and upon finding that the new nonconforming use will be no more odious or offensive to surrounding properties than the first nonconforming use. When the Board of Zoning Adjustment permits a change from one nonconforming use to another nonconforming use pursuant to this paragraph, it may impose such conditions upon such new nonconforming use as it finds are necessary to preserve the character of the neighborhood, to minimize nuisances to surrounding properties, and to protect the value of surrounding properties.
- E. Notwithstanding any provision in Chapter 1, Part 3 to the contrary, a residential structure located in an industrial district may be expanded if (1) the expansion does not increase the number of dwelling units on the subject property and (2) the expansion would be permitted if the existing structure were located in an R-5 Residential district.
- F. ABANDONMENT. The abandonment of a nonconforming use terminates the nonconforming use status. The burden of proof in a hearing before the appropriate Board of Zoning Adjustment on whether a nonconforming use has been abandoned shall be on the party asserting that the nonconforming use has been abandoned. However, a showing that the subject property has not been regularly used for the purposes for which the nonconforming use status is claimed for a period of one year shall create a presumption of such abandonment, and thereupon the burden of proof shall shift to the party asserting that the nonconforming use has not been abandoned. The Board may accept any substantial evidence sufficient to show that the nonconforming use has been discontinued for a period of one year or more. To rebut the presumption, the property owner must show by clear and convincing evidence that:
  - 1. the property owner has undertaken to reinstate the discontinued nonconforming use on the property by such acts as would be undertaken by a reasonable person with the intent to reinstate said nonconforming use; and
  - 2. there is a reasonable prospect that the nonconforming use will be reinstated in the foreseeable future.

**1.3.2 Structures**

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A nonconforming structure is a building or structure the size, dimension, design, or location of which was lawful prior to the adoption, revision, or amendment of the zoning regulations, but which fails to conform to the requirements of the zoning regulations applicable to the property by reasons of such adoption, revision, or amendment.

There shall be no change of a nonconforming building or structure that would create nonconformance with regulations beyond that existing at the time the nonconformity began. A nonconforming structure may be

expanded only as allowed by the following:

A nonconforming structure, which is designed for and devoted solely to uses permitted by the district in which it is located, may be expanded in a manner which does not increase the nonconforming aspect of such structure.

Existing nonconforming structures in the floodway shall not be expanded but may be otherwise modified, altered or repaired, providing such measures incorporate flood-proofing devices and comply with the provisions of all applicable statutes, ordinances, and regulations pertaining to floodplain management.

A nonconforming structure may be altered to the extent necessary to comply with a lawful order of governmental officials.

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### 1.3.3 Lot

A nonconforming lot is a lot that was lawfully created prior to the adoption of the zoning regulations and being of a smaller minimum lot area or width than required by the regulations for the district in which the lot is located. A nonconforming lot may be used in accordance with the other applicable restrictions of this Land Development Code, but changes to the lot that create greater nonconformity with the minimum lot area are permissible only in accordance with the provisions of Section 7.1.85.

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### 1.3.4 Parking

Parking facilities that were legally in existence prior to the adoption or amendment of motor vehicle parking regulations, but which do not conform to current motor vehicle parking requirements of this Land Development Code, shall not be reduced below the minimum number of spaces required or increased above the maximum number of spaces allowed by applicable motor vehicle parking regulations. A use or structure that is legally nonconforming due to inadequate parking spaces may be altered if the additional parking spaces required by this Land Development Code are provided.

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### 1.3.5 Signs (August 2010)

Any sign legally in existence on the effective date of any zoning regulation that does not permit such signs may continue in existence as a matter of right. Such nonconforming sign may be maintained and repaired on the same property so long as the size, including the area and height, is not increased beyond the existing size. A nonconforming sign cannot be altered in any way so as to make it less in compliance with existing regulations, such as by adding moving parts or illumination. See chapter 8 of the Land Development Code for additional provisions related to nonconforming on-premises signs.

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### 1.3.6 Removal

Voluntary demolition of a nonconforming structure, other than a nonconforming business sign, or a structure housing a nonconforming use nullifies the nonconforming rights to such use or structure. A nonconforming structure or a structure housing a nonconforming use that has been involuntarily removed or destroyed retains its nonconforming rights for a period of one year. Failure to re-establish the use or structure within one year nullifies nonconforming rights to such use or structure.

Re-establish, as used in Chapter 1 Part 3, shall mean that necessary permits and approvals have been obtained or have been applied for and that binding contracts for the construction of the main building or other improvement have been let; or in absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment are under contract, in development, or completed. When construction is not a part of the use, re-established shall mean that the use is in operation.

### Chapter 1 Part 4 Maintenance of Common Facilities

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#### 1.4.1 Maintenance of Common Open Space and Common Facilities

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- A. For purposes of maintaining any Common Open Space and Common Facilities provided in a development, a property owners association and a maintenance agreement for upkeep of the Common Open Space and Common Facilities which has been approved by the Planning Commission shall be recorded as a deed restriction, noted on the development plan, and shall be binding on purchasers of lots in the development. The Commission may designate standard forms for such agreement.
- B. The maintenance agreement shall include provision for assessing and collecting the common expense of maintaining the Common Open Space and Common Facilities from the owners of the lots within the development.
- C. Unpaid common expenses assessed in accordance with the recorded maintenance agreement shall become a lien on lots owned by the delinquent property owner prior to all other liens, except only (1) liens for taxes and assessments lawfully imposed by governmental authority, and (2) all sums unpaid on first mortgages of record. Such lien may be enforced by suit by a member of the property owners association acting on behalf of the other lot owners, in like manner as a mortgage of real property. Suit to recover a money judgment for unpaid common expenses of an owner shall be maintainable without lien enforcement or waiving the lien securing the same.

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### Appendix 1A Land Development Code Adoption Status

Jurisdiction	Version of Code in Effect Land Development Code March 2006 with the additional Ordinances	
Louisville Metro	01. ORDINANCE NO. 191, SERIES 2005	02. ORDINANCE No. 207, SERIES 2005 OCTOBER, 2005
	03. ORDINANCE No. 039, SERIES 2006 FEBRUARY,2006	04. ORDINANCE NO. 232, SERIES 2007 Case 8945 October 16, 2007
	05. ORDINANCE NO. 006 , SERIES 2008 Amending Chapter 153 (LMCO) February 18,2008adding App. Chapter 11	06. ORDINANCE NO. 036, SERIES 2008 Cases 9815 and 9816 February 28 2008
	07. ORDINANCE NO. 057, SERIES 2008 Case 10414 March 31, 2008	08. ORDINANCE NO. 063, SERIES 2008 Case 10415 April 21, 2008
	10. ORDINANCE NO. 123, SERIES 2008 Case 11208 July 28, 2008	11. ORDINANCE NO. 124, SERIES 2008 Case 9906 July 28, 2008
	12. ORDINANCE NO. 127, SERIES 2008 Case 10416 August 1, 2008	13. ORDINANCE NO. 018, SERIES 2009 Case 11941 February 12, 2009
	14. ORDINANCE NO. 048 , SERIES 2009 Case 12271 April 23, 2009	16. ORDINANCE NO. 123, SERIES 2009 Case 12895 August 17, 2009
	17. ORDINANCE NO. 004 SERIES 2010 Case 13391 January 29, 2010	18. ORDINANCE NO. 041, SERIES 2010 Case 12266 February 25, 2010
	19. ORDINANCE NO. 040, SERIES 2010 Case 13390 February 26, 2010	20. ORDINANCE NO. 150, SERIES 2010 Case 8503 August 16, 2010
	21. ORDINANCE NO. 221, SERIES 2010 Case 14879 November 08, 2010	22. ORDINANCE NO. 057, SERIES 2011 Case 15336 February 09, 2011
	23. ORDINANCE No. 092, SERIES 2011 Case No. 15631 May 02, 2011	24. ORDINANCE No. 093, SERIES 2011 Case No. 15619 May 02, 2011
	25. ORDINANCE No. 095, SERIES 2011 Case No. 15630 May 02, 2011	26. ORDINANCE No. 100, SERIES 2011 Case No. 15606 May 02, 2011
	27. ORDINANCE No. 149, SERIES 2011 Case No. 15909 July 28, 2011.	28. ORDINANCE No. 147, SERIES 2011 Case No. 15912 July 29, 2011.
	29. ORDINANCE No. 121, SERIES 2012 Case No. 16884 July 16, 2012.	30. ORDINANCE No. 148, SERIES 2011 Case No. 15907 July 28, 2011.
	31. ORDINANCE No. 022, SERIES 2013 Case No. 15907 February 28, 2013	32. ORDINANCE No. 036, SERIES 2013 Case No. 17064 March 14, 2013.
	33.ORDINANCE No. 047, SERIES 2013 Case No. 18335 April 11, 2013.	34. ORDINANCE No. 048, SERIES 2013 Case No. 17064 April 11, 2013
	35. ORDINANCE No. 067, SERIES 2013 Case No. 17064 May 9, 2013	36. ORDINANCE No. 130, SERIES 2013 Case No. 17064 July 25, 2013
	37. ORDINANCE No. 136, SERIES 2013 Case No. 17064 August 9, 2013	38. ORDINANCE No. 229, SERIES 2013 Case 13AMEND1001 Dec 16, 2013 No. 15907 February 05, 2014
	39. ORDINANCE 004 SERIES 2014 Case Number No. 15907 February 05, 2014	40. ORDINANCE No. 075, SERIES 2014 Case No. 14AMEND1000 May 22, 2014
	41. ORDINANCE No.123, SERIES 2014 Case No. 14AMEND1002 August 18, 2014	42. ORDINANCE No. 187, SERIES 2014 Case No. 14AMEND1003 Nov. 24, 2014

Jurisdiction	Version of Code in Effect	
	Land Development Code March 2006 with the additional Ordinances	
Louisville Metro	43. ORDINANCE No. 188, SERIES 2014 Case No. 14AMEND1000 Nov. 24, 2014	45. ORDINANCE No. 198, SERIES 2014 Case No. 14AMEND1000 Dec. 15, 2014
	46. ORDINANCE No. 212, SERIES 2014 Case No. 14AMEND1003 January 2,, 2015	47. ORDINANCE No. 025, SERIES 2015 Case No. 14AMEND1003 March 4, 2015.
	48. ORDINANCE No. 031, SERIES 2015 Case No. 14AMEND1003 March 24, 2015	49. ORDINANCE No. 038, SERIES 2015 Case No. 14AMEND1003 March 31, 2015
	50. ORDINANCE No. 053, SERIES 2015 Case No. 14AMEND1003 April 29, 2015	51. ORDINANCE No. 118, SERIES 2015 Case No. 14AMEND1003, August 3, 2015.
	52. ORDINANCE No. 119, SERIES 2015 Case No. 14AMEND1003, August 3, 2015.	53. ORDINANCE No. 141, SERIES 2015 Case No. 14AMEND1003, Sept. 9, 2015
	54. ORDINANCE NO. 173 SERIES 2015 Case 15AMEND1000 OCTOBER 12, 2015	55. ORDINANCE NO. 174 SERIES 2015 Case 14Amend1003 OCTOBER 26, 2015
	Additional regulations that only require approval of the Planning Commission of Louisville and Jefferson County Metro Government	
	09. CASE NO. M-08507-07 Amendments to Section 7.3.30 of the Subdivision Regulations [including updates in sections 7.1 and 7.3.30] approved by Planning Commission - June 19, 2008	15. CASE NO. M-12266-09 Appendix 10D approved by Planning Commission October 22, 2009
	44. PART OF CASE 14AMEND1003 A case changing parts of Chapter 7.11 Conservation Subdivisions .January 2015	
	Additional information is available in the 'Editors Notes' pages 2,3,4 and 5	

Other 12 Municipalities are on next page.

Jurisdiction	Version of Code In Effect	Amendments
Anchorage	Development Code	CITY OF ANCHORAGE Ordinance #s 5, Series 2008; 13, Series 2008; 14, Series 2008; 3, Series 2010; 4, Series 2014
Douglass Hills	Land Development Code March 2006	CITY OF DOUGLASS HILLS Ordinance NO. 2, Series 2015
Graymoor-Devondale	Land Development Code March 2006	None
Jeffersontown	Land Development Code July 2004	CITY OF JEFFERSONTOWN Ordinance #s 1185, Series 2004; 1215, Series 2006; 1231, Series 2008; and 1238, Series 2008; 1263, Series 2011; 1296, Series 2013; and 1311, Series 2014
Hurstbourne	Land Development Code March 2006	CITY OF HURSTBOURNE Ordinance #08-05, Series 2008
Indian Hills	Land Development Code March 2006 (partial)	CITY OF INDIAN HILLS Ordinance #10-02
Lyndon	Land Development Code March 2006	CITY OF LYNDON Ordinance #3-26-07, Series 2006-2007
Middletown	Land Development Code July 2004	CITY OF MIDDLETOWN Ordinance #s 04-04, 06-05, 08-06, 08-15, 09-05, 09-07, 14-11, 14-12, and 14-13
Prospect	Land Development Code July 2004	CITY OF PROSPECT Ordinance #524, Series 2012 b
St. Regis Park	Land Development Code March 2006	CITY OF ST. REGIS PARK Ordinance #s 11, Series 2006-2007; 06, Series 2xxx-2xxx; Cases 10415, 9906, 10416, 11941, 12271 & 12895
St. Matthews	Development Code (except that that parking and loading standards in Ch. 9 come from the Land Development Code March 2006)	Ordinance #s 06-01, 14-04
Shively	Land Development Code March 2006	See also SHIVELY Ordinance #2, Series 2008

Development Code” is the title of the Zoning and Subdivision Regulations in effect prior to March 2003. The Development Code and the 2003 versions of the Land Development Code are available on the Planning and Design website: <http://louisvilleky.gov/government/planning-design/>.

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