

Chapter 8 Proposed Revisions and Related Amendments – As recommended for approval by the Planning Commission on November 19, 2009

The following pages include the proposed amendments to chapter 8 of the Land Development Code and related amendments to chapters 1, 2 and 4. These amendments were developed with guidance from the Sign Revisions Committee established by the Louisville Metro Planning Commission. These amendments are in edit format, meaning that deletions are shown as a strikethrough ~~ABCD~~ and additions are underlined ABCD.

Format changes are listed in text boxes to provide additional explanation.

1.2.1 Interpretations Generally

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

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

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

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

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

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

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

1.2.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agricultural Use (KRS 100.111):

- (a) A tract of at least five (5) continuous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the agricultural use on the tract, but not including residential building development for sale or lease to the public;
- (b) Regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156;
- (c) A tract of at least five (5) contiguous acres used for the following activities involving horse:
 - 1. Riding lessons;
 - 2. Rides;

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

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

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

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

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

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

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

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

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

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

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

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

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

Attached Dwelling -see "Dwelling, Attached."

Automobile - see "Vehicle, Passenger."

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

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

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

Awning -see Chapter 8.

Backlit Awning -(Reserved)

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

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

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

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

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

Bed and Breakfast Inn - The use of a residential structure by a resident thereof as a small inn which provides eight (8) or fewer temporary rooms (not including kitchen facilities) for hire to short term guests, and includes a breakfast for the guest or guests at a daily fixed price for the room and breakfast.

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

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

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

Billboard - (~~Refer to Chapter 8~~ See off-premises sign definition.)

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

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

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

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

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

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

Boarding and Lodging House - Use of a residential structure by an occupant thereof to provide, for compensation and by prearrangement for definite periods, meals or lodging or both are provided for no more than 8 persons not members of the provider's family, and not constituting a bed and breakfast inn. (See "family".)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Child Care Center - See "Day Care Center."

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

Civic Building - A building that houses a civic use.

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

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

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

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

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

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

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

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

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

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

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

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

Common Improvements - See "Common Facility."

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

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

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

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

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

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

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

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

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

Condominium - A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common

areas, and facilities are owned by all the owners on a proportional, undivided basis.

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

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

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

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

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

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

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

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

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

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

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

Contiguous - See "Abutting."

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

Conveyance Zone - see "Local Regulatory Conveyance Zone."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

into two or more parcels; and any construction of improvements or clearing or the alteration of land from a natural state to facilitate a residential, commercial, business, industrial, or public use.

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

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

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

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

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

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

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

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

Director of Works - Director of Department of Public Works of the City of Louisville or Jefferson County Public Works and Transportation Department,

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

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

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

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

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

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

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

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

Drop Lens - see "Sag Lens"

Duplex -see "Dwelling, Two Family"

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

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

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

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

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

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

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

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

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

Dwelling Unit - Either a single room or two or more connected rooms sold or leased as a unit and intended for occupancy for no less than thirty (30) consecutive days or more by one family, and which at a minimum contains cooking, toilet and bathing facilities which are accessed independently from any similar such facilities in the same building. This term does not include hotel or motel rooms, extended stay lodging facilities, nursing home rooms, or assisted living units.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Final Subdivision Plat - see "Plat, Record."

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

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

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

Flag Lot - see "Lot, Flag."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gross Floor Area - see "Floor Area."

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

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

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

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

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

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

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

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

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

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

characteristics of an architectural specimen, inherently valuable for a representation of a period, style, or method of construction, or a notable work of construction, or a notable work by a master designer or architect.

Holder - Either:

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

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

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

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

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

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

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

Impervious Surface Area -The area of ground covered by any part of a building, street, vehicular use area, or any other structure, improvement, facility or material which prevents or severely restricts natural percolation of moisture. This includes all asphalt and brick surfaces, and areas devoted to any outdoor storage and/ or display of materials and merchandise, but does not include residential accessory swimming pools. Gravel surfaces shall be considered impervious when used for a vehicular use area, and porous otherwise. Unpaved vehicular use areas shall also be considered impervious, except those designated and approved for occasional vehicular use only. Wooden patios under Chapter 8 shall be considered pervious.

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

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

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

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

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.

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

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

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

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

Junk Yard - Any property, premises or place of business, including, but not limited to, auto salvage and auto crushing enterprises, maintained, operated, or used for storing, keeping, buying or selling of five (5) or more junked, wrecked, or non-operative automobiles, vehicles, machines, appliances and other similar scrap or salvage materials, scrap copper, brass, rope, rags, batteries, rubber debris, iron, steel or other scrap or ferrous or non-ferrous material. This term shall include used car parts dealers. However, this term shall not include a scrap metal processing facility or any facility regulated by Chapter 51 of the Jefferson County Code of Ordinances [solid waste].

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

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

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

Karst Spring - The discharge points for underground streams.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Regulatory Conveyance Zone -The channel of a river or solid blue line stream and the land adjacent to that river or stream which if unobstructed

will discharge a local regulatory flood without cumulatively increasing the water surface elevation more than one tenth of one foot. The conveyance zone is determined by an equal loss of conveyance (at higher elevation) occurring on each side of the channel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Median, Restrictive -The portion of a divided roadway or divided driveway separating vehicular traffic traveling in opposite directions. Restrictive

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

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

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

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

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

*See figure
8.1.1 for
map of the
Metropolitan
Area*

Meeting Hall -A building designed for public assembly.

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

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

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

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

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

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

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

Model Dwelling -see "Dwelling, Model."

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

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

Motor Vehicle -see "Vehicle."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Outdoor Advertising Sign~~ Off-premises Sign *(Moved from Chapter 8)* (outdoor advertising sign or commonly known as a billboard): 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. or an “off premises sign” is a sign used to display, advertise or otherwise direct attention to any business enterprise, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A shared business sign that meets the provisions of this chapter and a directional sign as authorized in Section 8.1.3 (5), below, shall not be considered an off premises sign.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel - See "Lot."

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

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

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

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

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

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

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

Passenger Vehicle -See "Vehicle."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Plat, Major -see "Plat."

Plat, Minor -see "Plat."

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

Plat, Record - see "Plat, Final."

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

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

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

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

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

Preservation - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property, including preliminary measures to protect and stabilize the property and the ongoing maintenance and repair of historic features and sometimes including

the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required upgrades necessary to make properties safe and functional.

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

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

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

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

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

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

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

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

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

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

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

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

Protected Waterway -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Residential Care Facility - A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities.

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.

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.

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

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

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

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

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

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

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

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

Riparian Vegetation - Vegetation including trees, shrubs, and ground cover that occurs naturally in Jefferson County along streams. This vegetation

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

Riprap - Natural rock material used to stabilize embankments.

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

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

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

Scenic Easement - See "Conservation Easement."

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

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

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

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

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

Setback – See definition of “Yard”

Setback, Front – See definition of “Yard, Front”

Setback, Rear – See definition of “Yard, Rear”

Setback, Side – See definition of “Yard, Side

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

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

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

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

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

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

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

Sign – See definition in chapter 8 of the LDC. ~~Any device, structure, fixture, display, or placard using graphics, symbols, and written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, place, activity, business, or service.~~

Sign Plan ~~A coordinated plan for developing signs for an individual building or a group of buildings.~~ (Note: Definition in Chapter 8 of the LDC)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

State -The Commonwealth of Kentucky and its authorized agents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Suburban Form Districts – Are those form districts that follow a more suburban pattern of development, the following are Suburban Form Districts: Neighborhood Form District, Suburban Marketplace Corridor Form District,

Suburban Workplace Form District, Regional Center Form District, Village Form District "Outlying" and Campus Form District.

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

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

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

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

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

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

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

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

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

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

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

Traditional Form Districts - The following form districts shall be considered traditional form districts: Town Center Form District, Traditional Neighborhood

Form District, Traditional Marketplace Corridor Form District, Traditional Workplace Form District and Village Form District "Center".

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

Trailer, Automobile - see "Utility Trailer."

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

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

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)

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

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

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

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

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

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

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

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

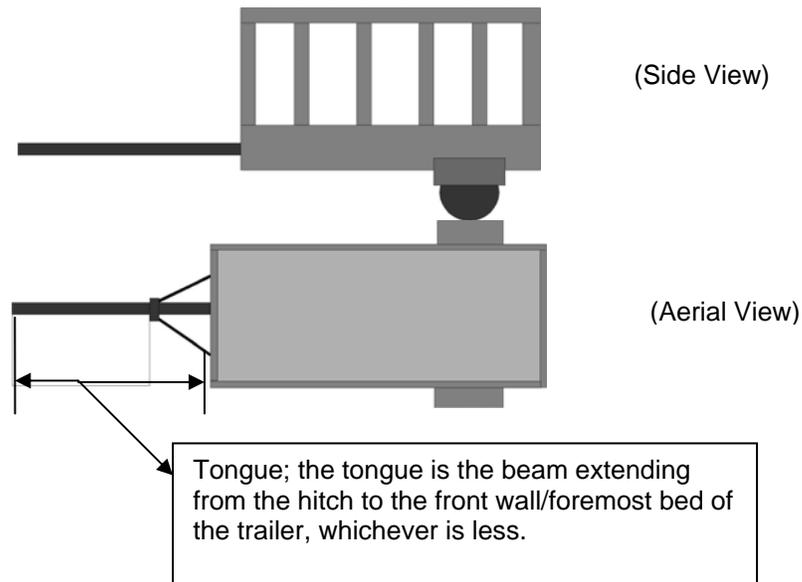
Two-Family Dwelling - see "Dwelling, Two Family."

Underground Space - The entire existing cavern resulting from the extraction of subsurface located material from underground areas in such a manner that

*The Preferred
Plant List is
Appendix 10A.*

the surface area of the property is not disturbed except in the vicinity of the entrances and easements serving the development.

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



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

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

Variance - see "Dimensional Variance."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.3.1 Use

- 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

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.

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.

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.

1.3.5 Signs

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.

~~At such time as any structural element of a nonconforming sign is replaced, the sign must be brought into compliance with the requirements of current regulations except that a nonconforming business sign may be replaced by another nonconforming sign, provided that all nonconformance in area, height, and size that is to be changed is reduced by fifty percent (50%) of the difference between the existing nonconforming sign and what the regulation allows. Replacement of structural elements in this context means the disassembly and subsequent reassembly or the substantial alteration of the pole, base, or frame.~~

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.

2.4.1 C-N Neighborhood Commercial District

The following provisions shall apply in the C-N Neighborhood Commercial District unless otherwise provided in these regulations:

The Neighborhood Commercial District is intended as a specialized district for the location of convenience services near the neighborhoods they are intended to serve.

A. Permitted Uses:

- Accessory buildings or uses
- Agricultural uses
- Antique shops and interior decorating shops
- Art galleries
- Artist studios
- Assisted Living Residence
- Bakeries, retail sales on premises only
- Banks, credit unions, savings and loans and similar financial institutions
- Barber shops and beauty shops
- Bed and Breakfasts
- Bookstores and stationery stores
- Bicycle sales and service
- Candy stores, retail sales on premises only
- Churches, parish halls and temples
- Clothing, dry good and notions stores
- Colleges, schools and institutions of learning (except training schools)
- Community residences
- Computer programming services and software sales
- Convents and monasteries
- Country clubs
- Day care centers, day nurseries, nursery schools and kindergartens
- Dressmaking
- Drug stores or sundries stores
- Dwellings, Multiple family
- Dwellings, Single-family
- Dwellings, Two-family
- Family care home (mini-home)
- Florist shops
- Garage or yard sale
- Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
- Grocery stores, where all merchandise is displayed and sold within an enclosed building
- Hardware stores
- Home occupations
- Jewelry store
- Laundrying and dry cleaning pick-up shops and self-service (only) laundries
- Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries
- Offices, professional or business
- Parks, playgrounds, and community centers
- Photocopying, word processing and similar office-support activities

- Photographic shops
- Photography portrait studios
- Picture framing
- Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
- Residential care facilities
- Restaurants and delicatessens excluding drive-in facilities, entertainment activity and outdoor alcohol sales and consumption
- Saddle and harness shops
- Shoe stores
- Shoe repair shops
- Tanning salons
- Tailors
- Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner
- Toy and hobby stores
- Wearing apparel shops

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Temporary Activities
2. Off-premises signs (i.e. outdoor advertising signs)

CD. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

DE. Maximum Density And Far

1. Maximum Floor Area Ratio:0.5
2. Maximum Density:17.42 dwellings per acre

2.4.2 C-R Commercial Residential District

The C-R Commercial Residential District is primarily intended as a specialized district to promote the reuse of structures located in urban areas of Jefferson County that had been constructed for mixed commercial and residential use,

which may be currently under used or vacant, and which are located at street corners or on blocks with a significant number of retail business uses. C-R zoning may also be appropriate for new construction where a mixture of business and residential use is found to conform with the Comprehensive Plan and with any neighborhood plan covering the site.

A Permitted Uses:

All uses permitted in the R-7 Residential Multi-Family District.

B. Special Permitted Uses

The following uses, subject to the special requirements set forth in Paragraph D. 1, below are permitted:

Antique shops and interior decorating shops
 Artist studios
 Art galleries
 Bakeries, retail sales on premises only
 Barber shops and beauty shops
 Bed and Breakfasts
 Book stores and stationery stores
 Candy stores, retail sales on premises only
 Clothing, dry good and notions stores
 Grocery stores, where all merchandise is displayed and sold within an enclosed building
 Computer programming services and software sales
 Day care centers, day nurseries, nursery schools and kindergartens
 Dressmaking
 Drug stores or sundries stores
 Day care centers, day nurseries, nursery schools and kindergartens
 Florist shops
 Hardware stores
 Jewelry stores
 Laundering and dry cleaning pick-up shops and self-service (only) laundries
 Offices, professional or business
 Photocopying, word processing and similar office-support activities
 Photographic shops
 Photography studios
 Picture framing
 Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
 Restaurants and delicatessens excluding drive-in facilities, entertainment activity and outdoor alcohol sales and consumption
 Saddle and harness shops
 Shoe stores
 Shoe repair shops
 Stationery stores
 Tailors
 Tanning salons
 Wearing apparel shops

C. Permitted Uses With Special Standards*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Temporary Activities

GD. Conditional Uses

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

DE. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

EF. Maximum Density And Far

Maximum Floor Area Ratio: 3.0

Maximum Density:34.8 dwellings per acre

2.4.3 C-1 Commercial District

The following provisions shall apply in the C-1 Commercial District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory buildings or uses: those uses which are subordinate, customary and incidental to the primary use, provided that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use

Agricultural uses

Antique shops

Art galleries

Athletic facilities

Audio/video recording studios, providing the building is sound proof

Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

Automobile parking areas, public and private

Automobile service stations with service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)

Bakeries, retail (all products produced to be sold on the premises only)

Banks, credit unions, savings and loans, check cashing services and similar financial institutions

Barber shops

Beauty shops

Bed and Breakfasts
Bicycle sales and service
Boarding and lodging houses
Bookstores
Bowling alleys, provided the building is sound proof
Car washes having prior approval by the agency responsible for traffic engineering
Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
Churches, parish halls, and temples
Clothing, dry goods and notions stores
Clubs, private, non-profit or proprietary
Colleges, schools and institutions of learning
Community residences
Computer sales (hardware and software) and programming services
Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off premises sale
Convenience groceries
Convents and monasteries
Country clubs
Dance Instruction (excludes adult entertainment uses as defined within LMCO Chapter 11)
Day care centers, day nurseries, nursery schools and kindergartens
Department stores
Dressmaking or millinery shops
Drug stores
Dry cleaning, dyeing, pressing, and laundry; distributing stations or retail business where no cleaning, dyeing, pressing or laundry is done for other distributing stations or cleaning establishments
Dwelling, Multiple family
Dwelling, Single-family
Dwelling, Two-family
Electric appliance stores
Establishments holding a retail malt beverage license, but that do not allow consumption on the premises.
Establishments holding a distilled spirits and wine retail package license, but holding no other ABC licenses that allow consumption on the premises.
Extended stay lodging
Family care home (mini-home)
Florist shops
Funeral homes
Furniture stores
Garage or yard sale
Golf courses, except miniature courses, driving ranges, or privately owned golf courses operated for commercial purposes
Grocery stores, including fruit, meat, fish, and vegetable
Hardware and paint stores
Health spas
Home occupations
Hotels and motels, including ancillary restaurants and lounges, enclosed in a structure, in which dancing and other entertainment (not including adult entertainment activities as defined in Section 4.4.1) may be provided. (not permitted within the City of Prospect)

Ice storage houses of not more than five (5) ton capacity
Interior decorating shops
Jewelry stores
Laundries or laundrettes, self-service
Laundering and dry cleaning pick-up shops and self-service laundries
Libraries, museums, historical buildings and grounds, arboretums,
aquariums, and art galleries
Medical laboratories
Music stores
Nurseries, retail
Office, business, professional and governmental
Parks, playgrounds, and community centers
Pawn Shop
Pet grooming, obedience training and related pet activities, provided the
operation is conducted within a soundproofed building, no animals
are boarded, and there are no runs or pens outside of the building
Pet shops
Photocopying, duplicating, paper folding, mail processing and related
services
Photographic shops
Photography studios
Picture Framing
Radio and television stores
Rental businesses offering items whose sale is a permitted use in this
district, videocassette and similar products, rental and sales but
not constituting an adult video cassette rental center
Residential care facilities
Restaurants, tea rooms and cafes including:
1) Restaurants with drive-through windows having prior approval by
the agency responsible for traffic engineering;
2) Restaurants, tea rooms and cafes where dancing and
entertainment is excluded;
3) Restaurant with outdoor seating where entertainment activity is
excluded and no alcoholic beverages are served or consumed
outside which is adequately screened and buffered from adjacent
residential development.
Shoe repair shops
Shoe stores
Stationery stores
Tailor
Tanning salons
Temporary buildings, the uses of which are incidental to construction
operations being conducted on the same or adjoining lot or tract,
and which shall be removed upon completion or abandonment of
such construction, or upon the expiration of a period of two years
from the time of erection of such temporary buildings, whichever is
sooner
Tents, air structures and other temporary structures intended for
occupancy by commercial activities including but not limited to
sales, display, and food services, provided that applicable building
and fire safety codes are met, and provided further that such
structures may not be installed for a period (or periods totaling)
more than ten (10) days during a calendar year.
Toy and hobby stores
Variety stores

Veterinary hospital, provided the operation is conducted within a sound-proofed building, no animals are boarded, and there are no runs or pens outside of the building
Wearing apparel shops

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Drive-in Restaurants
2. Temporary Activities
3. Off-premises signs (i.e. outdoor advertising signs) as permitted by Chapter 4, Part 3 of the LDC.

CD. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

DE. Maximum Density And Far

1. Maximum Floor Area Ratio:1.0
2. Maximum Density:34.84 dwellings per acre

Use Mix - - Office and Residential Uses – When authorized by the form district regulations, a specified percentage of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. In addition, when authorized by the form district regulations, office and residential uses situated above ground level retail uses are permitted and shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.4.4 C-2 Commercial District

The following provisions shall apply in the C-2 Commercial District unless otherwise provided in these regulations.

A. Permitted Uses:

All uses permitted in the C-1 Commercial District are allowed in the C-2 Commercial District as well as the following uses:

- ABC-licensed establishments, holding a license that allows consumption of alcoholic beverages on the premises.
- Auction sales, items transported to site of auction
- Automobile rental agencies
- Automobile repair garages
- Automobile sales agencies
- Billiard parlors; game rooms and similar entertainment uses
- Bingo halls and parlors
- Boat Sales and related storage
- Bookbinding
- Building materials, storage and sales provided all operations are totally enclosed in a building
- Cleaning, pressing, and dyeing establishments using non-flammable and non-explosive cleaning fluid
- Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building
- Dance halls
- Engraving, watchmaking, and jewelry manufacturing, where products are sold on premises
- Equipment rental, where all activities are within a building
- Exposition building or center
- Flea market
- Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business.
- Furniture, storage
- Indoor paint ball ranges
- Monument sales
- Music and vocal instructions
- Plumbing, and heating shops, storage and sales provided all operations are totally enclosed in a building
- Printing, lithographing, or publishing establishments, if constructed to insure that there is no noise or vibration evident outside the walls of the buildings
- Public transportation passenger terminals
- Public utility buildings and facilities
- Refrigerated lockers
- Restaurants, where food and drink may be served or consumed, where dancing or entertainment is allowed, outside as well as inside a building, including drive-in restaurants where all or part of the service or consumption is inside a vehicle
- Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the business conducted on the premises, and provided that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing, or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration, or other similar causes
- Rubber stamp manufacturing, where products are sold on premises
- Sign painting
- Skating rinks (ice or roller)

Tattoo, body art, and piercing parlors
Telephone exchanges
Theaters, enclosed within a building
Tourist homes
Training School, provided all training activities are located within a building
Upholstery and furniture repair shops
Used car sales areas, provided that no repair or re-conditioning of automobiles or storage of parts shall be permitted except when enclosed in a building
Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building.

Those uses which are more similar in appearance and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Temporary Activities
2. Off-premises signs (i.e. outdoor advertising signs) as permitted by Chapter 4, Part 3 of the LDC.

GD. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

DE. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....5.0
2. Maximum Density:
 - a. For 0 bedroom dwelling units only.....435 dwellings per acre
 - b. For 1 bedroom dwelling units only.....217 dwellings per acre
 - c. For 2 or more bedroom dwelling units only 145 dwellings per acre

Use Mix - - Office and Residential Uses – When authorized by the form district regulations, a specified percentage of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-

residential uses allowed in the underlying zone district, provided that all other development standards set forth in this code are complied with. In addition, when authorized by the form district regulations, office and residential uses situated above ground level retail uses are permitted and shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.4.5 C-3 Commercial District

The C-3 Commercial zone is intended as a specialized district for the Central Business District (CBD). The C-3 Commercial Zone is a specialized district for the location of high density/intensity commercial and residential developments recognizing the CBD as the focal point of business, commercial area, and transportation facilities in Jefferson County, Kentucky.

A. Permitted Uses:

All uses permitted in the OR-3 and C-2 Commercial Districts except single-family dwellings.

Accessory Uses and Structures: Those uses which are subordinate, customary and incidental to the primary use, provide that, if a use is customary only in a less restrictive zone, and is of a magnitude that may generate significant impacts, it shall not be an accessory use.

Sports Arenas
Telecommunications hotels

B. CONDITIONAL USES:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Temporary Activities

GD. PROPERTY DEVELOPMENT REGULATIONS

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

DE. MAXIMUM DENSITY AND FAR

1. Maximum Floor Area Ratio: None
2. Maximum Density: 435 dwellings per acre

2.4.6 C-M Commercial Manufacturing District

The following provisions shall apply in the C-M Commercial Manufacturing District unless otherwise provided in these regulations:

A. Permitted Uses:

All uses permitted in the C-2 Commercial and M-1 Industrial Districts, except single family dwellings.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards*

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Temporary Activities

2. Off-premises signs (i.e. outdoor advertising signs)

DE. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

DE. Maximum Density And FAR

1. Maximum Floor Area Ratio: 5.0

2. Maximum Density: None

3. Use Mix: When authorized by the form district regulations, the amount of office and residential uses situated above ground level uses specified in the applicable part of Chapter 5 shall be excluded from calculation of the site's permissible floor area ratio. When specifically authorized by the form district regulations, calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

2.5.1 M-1 Industrial District

The following provisions shall apply in the M-1 Industrial District unless otherwise provided in these regulations:

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses

Agricultural uses

Automobile parking areas, public and private

Auxiliary commercial uses: the following commercial uses shall be permitted only when subordinate and incidental to areas of existing industrial use:

Branch offices of banks, savings and loans and similar financial institutions

Convenience grocery stores

Credit unions

Restaurants as permitted in the C-1 District

Vehicle service stations or repair

Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building

Carting and light local deliveries

Churches, parish halls and temples

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

Greenhouses, wholesale

Indoor paint ball ranges

Laboratories, research, experimental or testing, but not including combustion type motor-testing

Medical laboratories

Office buildings, as accessory uses only

Telecommunications hotels

Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner

Warehouse, storage, including mini-warehouses

Wholesale houses and distributors, provided the operation is enclosed in a building

Uses, manufacture, processing, treatment, or storage of the following, providing all operations permitted, including storage, must be confined within a building (uses located totally within the caverns developed under a

Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building)

- Adhesives, excluding manufacturing of basic components
- Awnings, metal
- Beverage (non-alcoholic) manufacture
- Beverage, blending and bottling
- Blacksmith
- Bookbinding
- Broom and brush
- Button manufacture, except button blanks from shell
- Carbon paper and ink ribbons
- Carpenter, cabinet making, and pattern shops
- Chemicals (packing only)
- Clay products of handicraft nature including ceramics, pottery, tile (glazed), or similar products
- Cleaning and dyeing of garments, hats and rugs
- Clocks and watches
- Cloth products, including canvas, clothing, garments
- Computers and related equipment
- Cosmetics or toiletries
- Electronic measuring instrument and electrical control devices
- Electrical appliance and apparatus assembly (small), including fans, fixtures, hot-plates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, toys, or similar products, but not including electrical machinery
- Electrical supplies, including cable and wire assemblies, batteries (dry cell), insulation, lamps, switches, or similar supplies
- Flowers, artificial
- Food processing, including bakery products (wholesale), candy manufacture, coffee, tea, and spices (processing and packaging), creamery and dairy operations, ice cream manufacture, macaroni and noodle manufacture, oleomargarine (compounding and packaging only)
- Fur finishing and fur goods, not including tanning, dyeing
- Glass products from previously manufactured glass
- Hair, felt, or feather products
- Hat finishing and millinery from straw and other fibers
- Ink or ink ribbon, packaging
- Instruments, accessories and supplies used in medical diagnosis and treatment
- Jewelry
- Latex paints (water base)
- Leather products manufacture (no tanning operations), including shoes, machine belting, or similar products
- Luggage
- Machines, business, including accounting machines, calculators, card counting equipment, typewriters, or similar products
- Medical appliances, including braces, limbs, stretchers, supports, or similar appliances
- Motion picture production
- Musical instruments (including pianos and organs)
- Novelty products (from prepared materials)
- Optical equipment

Paper products, including bags, boxes, bulk goods, containers (shipping), envelopes, interior packaging components, stationery, tubes, wallpaper, or similar products
 Pharmaceutical products (compounding only)
 Photographic equipment
 Plastic molding and shaping, excluding manufacturing of basic components
 Precision instruments
 Printing, publishing, engraving, including photo-engraving
 Scenery construction
 Sheet metal shops
 Signs and displays (non-metal)
 Soaps or detergents, including washing or cleaning powder or soda, packaging only
 Statuary and art goods, other than stone and concrete, including church art, figurines, mannequins, religious art, (excluding foundry operations)
 Stamp (hand), stencils, and brands
 Toys and games
 Trade and business schools
 Umbrellas and parasols
 Upholstery and furniture shops, wholesale
 Vehicles, children's, including baby carriages, bicycles, scooters, wagons, or similar vehicles
 Window shades, Venetian blinds, awnings, tarpaulins, and canvas specialties
 Wood products, including furniture, baskets, boxes, crates, or similar products, and copperage works (except copperage stockmill)

Those uses which are more similar in type and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Day Care Centers
2. Outdoor Paintball Ranges
3. Off-premises signs (i.e. outdoor advertising signs)

€D. Property Development Regulations:

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building heights and other restrictions.

ƉE. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....2.0
2. Maximum Density:
.....None

2.5.2 M-2 Industrial District

The following provisions shall apply in the M-2 Industrial District unless otherwise provided in these regulations.

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses.

All uses permitted in the M-1 District

Building materials (cement, lime, sand, gravel, lumber, and the like),
storage and sales

Bus garage and repair shop

Exposition building or center

Fairgrounds

Flea market

Lumber yards

Railroad freight terminals and yards

River terminals

Storage yard or contractor's shop, including but not limited to building,
electrical, HVAC, landscape, and plumbing contractors; outdoor
storage of material and equipment permitted

Training schools (industrial and vocational) including combustion engine
schools

Truck or transfer terminal, freight and motor freight and motor freight
stations

Truck (greater than two tons) and other heavy motor driven vehicles:
sales, rental, repair and storage

Warehouses, produce and storage

Waterfront shipping

Wholesale houses and distributors

Wholesale markets (goods not contained in totally enclosed buildings)

Uses, manufacture, processing, treatment, or storage of the following:

Air conditioning, commercial

Aircraft and aircraft parts

Aluminum extrusion, rolling, fabrication, and forming

Animal pound

Apparel or other textile products from textiles or other materials, including
hat bodies of fur, wool, felt, or similar products

Assembly and repair of automobiles, bicycles, carriages, engines (new
and rebuilt), motorcycles, trailers, trucks, wagons, including parts

Athletic or sports equipment, including balls, baskets, bats, cues, racquets, rods, or similar products
Baskets and hampers (wood, reed, rattan, and the like)
Battery, storage (wet cell)
Bedding (mattress, pillow, quilt), including rebuilding or renovating
Boat manufacturing and repair
Box and crate
Carpet, rug, mat
Clay, stone, glass products
Coal and coke, storage and sales
Concrete products (except central mixing and proportioning plant)
Culverts
Distilleries, breweries, and non-industrial alcoholic spirits
Firearms
Food processing, including chewing gum, chocolate, cocoa and cocoa products; condensed and evaporated milk, processing and canning; flour, feed and grain (packaging, blending, and storage only); food products except slaughtering of meat or preparation of fish for packing; fruit and vegetable processing (including canning, preserving, drying, and freezing); gelatin products; glucose and dextrine; malt products; meat products, packing and processing (no slaughtering); yeast
Foundry products (electrical only)
Furniture
Grain blending and packaging, but not milling
Hardware, products or tools, including bolts, brads, cutlery, door knobs, drills, hinges, household items, locks, metal casting (nonferrous), nails, needles and pins, nuts, plumbing appliances, rivets, screws, spikes, staples, tools (hand), or similar products
Heating, ventilating, cooking, and refrigerating supplies and appliances
Hosiery mill
Household appliances, electrical and gas, including stoves, refrigerators, washing machines, clothes dryers, and similar products
Ice, dry or natural
Implements, agricultural or farm
Ink manufacture (mixing only)
Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
Iron or steel (ornamental), miscellaneous, fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products; cleaning, grinding, heat treatment, metal finishing, plating, polishing, rust proofing, sharpening, or similar processes
Machine, tool, die, and gauge shops
Machine, tools, including metal lathes, metal presses, metal-stamping machines, wood-working machines, or the like
Millwork and planing
Motion picture equipment, commercial
Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin coating
Pencils
Perfumes or perfumed soaps, commercial
Plating, electrolytic process
Plumbing supplies
Poultry or rabbit, packing or slaughtering (wholesale)
Pottery and porcelain products

- Pulp goods, pressed or molded (including paper-mache products)
- Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products
- Safes and vaults
- Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
- Shipping containers (corrugated board, fiber or wire-bound)
- Silverware, plate or sterling
- Textiles and fibers into fabric goods; spinning, weaving, knitting, manufacturing, dyeing, printing and finishing of goods, yarns, knit goods, threads, and cordage
- Tire re-treading and vulcanizing shop
- Tobacco (including curing) or tobacco products

Those uses which are more similar in type and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Outdoor Paintball Ranges
2. Off-premises signs (i.e. outdoor advertising signs)

CD. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

DE. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....3.0
2. Maximum Density:None

2.5.3 M-3 Industrial District

The following provisions shall apply in the M-3 Industrial District unless otherwise provided in these regulations.

A. Permitted Uses:

Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including

retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone.

All uses permitted in the M-2 Industrial District
 Adult entertainment, subject to the requirements of Chapter 4, Part 4
 Forge plants, drop hammer or pneumatic
 Foundries, ferrous or non-ferrous, brass, bronze
 Race tracks for motor-powered vehicles
 Railroad yard, roundhouse, repair and overhaul shops, railroad equipment including locomotive and railroad car building and repair
 Sports Arenas
 Storage of coal and gas, yards and pockets

Uses, manufacture, processing, treatment, or storage of the following:

Aromatic flavoring materials (essential oils)
 Bag cleaning
 Boiler manufacture (other than welded)
 Cider and vinegar
 Concrete, central mixing, and proportioning plant
 Cotton ginning, cotton wadding, or linters
 Film, photographic
 Flour, feed, grain except grain elevators
 Glass and glass products (large), including structural or plate glass, or similar products
 Graphite or graphite products
 Hair, felt, feathers, shoddy, bulk processing, washing, curing and dyeing
 Ink manufacture from primary raw materials (including colors and pigments)
 Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
 Jute, hemp, sisal, or oakum products
 Lead oxide
 Linoleum and other hard-surfaced floor covering (except wood), oil cloth, oil-treated products, or artificial leather
 Machinery, heavy, including electrical, construction, mining, or agricultural, also repairs
 Metal alloys or foil, miscellaneous, including solder, pewter, brasses, bronzes, tin, lead, gold foils, or similar products
 Metal casting or foundry products, heavy, including solder, pewter, brasses, bronzes, tin, lead, gold foils, or similar products
 Metal or metal products; treatment or processing including enameling, japanning, lacquering, galvanizing, and (hot dip) plating
 Molasses
 Monument and architectural stone, monument works
 Motor testing (internal combustion motors)
 Oils, shortenings, and fats (edible)
 Paint, lacquer, shellac, and varnish, including calcimine, casein, colors and pigments, thinners and removers
 Paper and paper board (from paper-making machines)
 Pickles, vegetable relish, sauces
 Pottery and porcelain products (coal-fired, including bathroom or kitchen equipment, or similar products)
 Refrigerating plants

- Rice cleaning and polishing
- Roofing materials, building paper, and felt (including asphalt and composition)
- Rubber (natural or synthetic), including tires, tubes, or similar products, gutta percha, chidle, and balata processing
- Sauerkraut
- Self-tanning materials and allied products
- Shell grinding
- Soaps and soap products or detergents, including fat rendering, oils, vegetable and animal (non-edible)
- Stone processing or stone products, including abrasives such as wheels, stones, paper and cloth, asbestos products, stone screening, stone cutting, stone-works, sand or lime products, or similar processes or products
- Sugar refining
- Synthetic fibers
- Textile bleaching, bleachery, bleaching products, including bluing vitreous enameled products
- Wall board, plaster board, insulation, and composition flooring
- Wood or lumber processing, including sawmills, planing mills, cooperage stock mills, excelsior or packing materials, plywood veneer, wood-preserving treatment, or similar products or processes
- Wool pulling or scouring

Those uses which are more similar in type and intensity to the above list of uses than to uses listed elsewhere in these regulations.

B. Conditional Uses:

Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 for a listing of uses and requirements that apply to specific uses.

C. Permitted Uses With Special Standards

The following uses are permitted in this district provided they meet the special standards and requirements listed for such uses in Chapter 4 Part 3.

1. Outdoor Paintball Ranges
2. Off-premises signs (i.e. outdoor advertising signs)

GD. Property Development Regulations

Refer to the applicable Form District regulations in Chapter 5 for lot size, setback, building height and other restrictions.

DE. Maximum Density and FAR

1. Maximum Floor Area Ratio:.....4.0
2. Maximum Density: None

4.3.1 Intent and Applicability

Certain uses are appropriate in certain districts only if special standards are applied. Waivers and variances for these special standards shall not be permitted because the uses listed below may only be permitted when these standards have been met. These uses listed in this Part are permitted in the districts indicated provided they conform to the standards and requirements listed in each section.

4.3.2 General Provisions

In addition to meeting the special standards listed under the particular use in this Section, all Permitted Uses with Special Standards shall be required to comply with the requirements of this Land Development Code, except to the extent that they conflict with an applicable special standard, in which case the special standard shall prevail. Proposed developments in accordance with this Part shall be processed using the Category 2 review procedure (Section 11.6.3). Applications shall include materials needed to demonstrate compliance with the special standards.

4.3.3 Dwellings in EZ-1 District - Single Family

Single family residential dwellings are permitted in the EZ-1 district provided they comply with the following standard:

The property is located in the Traditional Neighborhood, Traditional Workplace, or Traditional Marketplace Corridor Form District

4.3.4 Dwellings in EZ-1 District - Multiple family, as a reuse of an existing structure

Multiple family residential dwellings are permitted in the EZ-1 district provided they comply with the following standards:

- A. The property is located in the Suburban Workplace Form District.
- B. The purpose of permitting multi-family dwellings in the EZ-1 district subject to special standards is to encourage the adaptive reuse of existing structures that are at least twenty-five (25) years old and which are currently unutilized or underutilized. Thus, multiple family dwellings are permitted only when locating in a building existing on March 1, 2003 (effective date of the LDC) and which is at least twenty-five (25) years old, all or only a portion of which is converted to multi-family residential use.
- C. Maximum Density
 - 1. For 0 bedroom dwelling units only.....435 Dwelling units per acre
 - 2. For 1 bedroom dwelling units only.....217 Dwelling units per acre

- 3. For 2 or more bedroom dwelling units only....145 Dwelling units per acre

4.3.5 Dwellings in EZ-1 District – Multi-Family Residential

Multiple family residential dwellings are permitted in the EZ-1 district provided they comply with the following standards:

- A. The property is located within the traditional neighborhood, traditional marketplace corridor, traditional workplace or downtown form districts.
- B. The maximum density as permitted in Section 4.3.4 paragraph C above.

4.3.6 Accessory Structures Footprint in Excess of Principal Structure Footprint

Accessory structures for single family residential uses may have building footprints greater than the footprint of the principal structure provided they comply with the following standards:

- A. The accessory structure is located in the Neighborhood or Village Form District; and
- B. The footprint of the accessory structure is no more than 1.5 times the footprint of the principal structure or the total building coverage of the lot including proposed accessory structure shall not exceed 25%, whichever is less; and
- C. The accessory structure is located at least 10 feet from a side or rear property line; and
- D. All owners of abutting residentially zoned property have signed a statement indicating that they have seen a plan of the proposed accessory structure and do not oppose its construction.

Note: This section 4.3.5 does not apply to agricultural uses and related accessory structures (e.g., barns, stables.)

“Temporary Activities” definition: - *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”.*

4.3.7 Temporary Activities

Temporary activities may be permitted by the Planning Director or designee within any form district and zoning district in accordance with the standards set forth below:

- A. Pavement or gravel used for the event shall be removed after the completion of the event and the ground reseeded within 2 weeks of removal of pavement or gravel; and
- B. No activities shall take place on land within the required stream buffer of a blue line stream or wetland as specified in Chapter 4 Part 8; and .
- C. A temporary fence shall be provided to prevent access and parking from crossing over into adjacent properties and within environmentally sensitive areas (e.g. wetlands, stream buffers, etc.); and

- D. No event shall exceed 10 days in duration within a residential zoning district. No event shall exceed 30 days in duration in any non-residential zoning district. No more than two events shall be permitted on the same property within a calendar year; and
- E. Permanent changes to the site are prohibited; and
- F. Vehicle ingress and egress to the site shall be approved by the Director of Works or designee. Gravel or other measures to accommodate vehicles and prevent tracking of the public right-of-way may be required; and
- G. No temporary activity within a residential zoning district shall take place within 200 feet of a dwelling unit(s) unless approval is obtained in writing from the owner(s) of the dwelling unit(s).

4.3.8 Outdoor Paintball Ranges

Outdoor Paintball ranges may be permitted on property zoned M-1, M-2, M-3 and EZ-1 in accordance with the following standards:

- A. The tract of land is at least five (5) acres in area;
- B. All outdoor play areas shall be enclosed by netting (at least 60% nylon netting) at least 12 feet in height. Netting must be securely fastened at top and bottom. Play areas shall have signs posted warning of paintball play and requiring the use of eye goggles before entering;
- C. The applicant shall provide proof of appropriate insurance as a paintball facility;
- D. All designated play areas shall be at least 300 feet from any property line;
- E. Retail sales shall be limited to a total of 1,000 square feet of gross floor area;
- F. Off-street parking spaces shall be provided as follows:
 - 1. Participants: 10 spaces per designated play area
 - 2. Spectators: 1 space per 300 square feet of designated spectator area
 - 3. Employees: 1 space per 2 employees
- G. All buildings and structures shall be at least 30 feet from any property line;
- H. Hours of operation shall be between 8 A.M. until dark, no outdoor lighting for evening play shall be permitted;
- I. A development plan shall be submitted to Planning and Design Services for review to determine whether all requirements listed above will be met. The development plan shall follow the Category 3 review procedure;
- J. All spectator areas shall be designated on the required development plan and shall be at least 3 feet from the perimeter netting of a designated

play area. All spectator areas shall be roped off to ensure that the area is visibly identified;

- K. Warning signs shall be placed around the perimeter of the property every 75 feet on linear property boundary;
- L. When adjacent to a residential and/or office/residential zoning district a minimum C3 buffer shall be required or as required by the applicable intensity class, whichever is greater. All other perimeter landscaping requirements shall be in accordance with Chapter 10 of the LDC;
- M. A chronograph shall be used by the developer/owner of the facility to ensure that all paintball guns do not exceed the safety velocity of 300 feet per second;
- N. Large Competitions: Competitions on the site exceeding 10 teams or 60 participants shall be considered as large competitions. The number of large competitions shall be limited to two (2) per year. The applicant shall provide a plan for large competition management that identified the following:
 - 1. Location of spectator parking based on the expected number of spectators;
 - 2. Location of outdoor restroom facilities;
 - 3. Traffic safety plan for movement of spectator vehicles on and off the property approved by the agency responsible for transportation engineering;
 - 4. Other items/restrictions identified by the Planning Commission or designee.

4.3.9 In-Home Day Care

The occupant of a single-family dwelling may provide day care services for no more than (6) six individuals at one time provided by the occupant of a single family residence and in accordance with the following standards:

- A. Associated outdoor activity other than pick-up and drop-off of children shall be prohibited between 9 P.M. and 7 A.M.
- B. Home Occupation Registration shall be completed and filed with the Department of Planning and Design Services.
- C. One non-resident employee is permitted.
- D. In-home day care facilities serving between four and six children shall be certified by the Kentucky Cabinet for Families and Children (CFC). Proof of certification shall be submitted at time of Home Occupation registration.

4.3.10 Drive-in Restaurants in the C-1 Zoning District

Drive-in restaurants may be permitted within the C-1 zoning district in accordance with the following special standard:

- A. A property used for a drive-in restaurant shall be at least 400 feet from a property used or zoned residentially (residential zones shall include properties zoned office-residential) unless developed as a non-residential use.

4.3.11 Day Care Centers in the M-1 Zoning District

A single day care center may be permitted within the M-1 Industrial District provided the operation is in accordance with the following standards:

- A. The access to the day care center shall be separate and apart from any access to a use permitted in an industrial, commercial or office use.
- B. Heavy equipment shall not be stored or utilized by a business on the same property as the day care center.
- C. No hazardous material may be stored on-site.
- D. No truck idling shall be permitted on-site.
- E. On-site Drop-off and Pick-up Area. An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the agency responsible for traffic engineering.
- F. The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be in accordance with Chapter 9, Part 1 of the LDC. The parking layout must be approved by the appropriate agency responsible for traffic engineering.
- G. Fence. A fence with a minimum height of 4 feet shall be erected around the outdoor play area.
- H. The applicant shall receive approval from the Air Pollution Control District which may condition its approval as may be necessary and appropriate to protect human health and the environment consistent with applicable laws and regulations relating to ambient air quality.

Staff Discussion: All of the text added in section 4.3.12 is existing text from Chapter 8, Part 4 of the LDC, no changes have been made to this text.

4.3.12 Off-premises Signage (Outdoor Advertising Signs) - The design criteria below are the only design standards within the Land Development Code that apply to off-premise signage.

A. Unilluminated Outdoor Advertising Signs - An unilluminated outdoor advertising sign of less than seventy-two (72) square feet shall be allowed if:

1. Located in a C-N, C-1, C-2, C-M, M-1, M-2 or M-3 District;
2. Set back at least fifteen (15) feet from the front or street side property lines if in a C-N, C-1, C-2 or C-M Districts;

Editor's note: *Outdoor advertising signs are prohibited in the city of Middletown*

3. Located not less than four hundred fifty (450) feet from any existing billboard of any size on the same side of the same street, and not less than nine hundred (900) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway*;

Editor's note: **"Designated parkways" as referenced in the section of Chapter 10, Part 3.*

4. Located not less than two hundred twenty five (225) feet from any existing billboard of any size on the opposite side of the same street (measured from the point of intersection on the same side of the street with the line from the existing sign perpendicular to the roadway), and not less than four hundred fifty (450) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
5. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
6. In a C-N District, located not less than two hundred (200) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, in a C-1 through M-3 district, located not less than one hundred fifty (150) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, and located not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;
7. Located not less than seventy five (75) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of a controlled access highway or designated parkway passing through the non-metropolitan area;
8. Placed so that the highest point of the advertising sign does not exceed sixteen (16) feet above ground;

9. Located not less than two hundred fifty (250) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places.
- B. Illuminated Outdoor Advertising Signs - An illuminated or non-illuminated outdoor advertising sign of less than three hundred thirty (330) square feet shall be allowed if:
1. Located in a C-1, C-2, C-M, M-1, M-2 or M-3 District;
 2. Set back at least thirty (30) feet from the front or street side property lines if located in a C-1, C-2 or C-M District;
 3. Located along a major or minor arterial highway as designated in the Comprehensive Plan;
 4. Located not less than six hundred (600) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;
 5. Located not less than three hundred (300) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
 6. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
 7. Located not less than three hundred (300) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;
 8. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;

9. Constructed so the highest point of the sign (including embellishments shall not exceed forty (40) feet above the ground, except that for signs located in the C-1 District the highest point of the sign (including embellishments) shall not exceed thirty-five (35) feet above the ground;
 10. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;
 11. Notwithstanding the provisions of subparagraph i. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;
- C. Illuminated/Non-Illuminated Outdoor Advertising Sign 330-750 Square Feet - An illuminated or non-illuminated outdoor advertising sign of greater than or equal to three hundred thirty (330) square feet but less than seven hundred fifty (750) square feet shall be allowed if:
1. Located in a C-2, C-M, M-1, M-2 or M-3 Districts;
 2. Set back at least sixty (60) feet from the front or street side property lines if in a C-2 or C-M District;
 3. Located along a major or minor arterial highway as designated in the Comprehensive Plan;
 4. Located not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than fifteen hundred (1,500) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;
 5. Located not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than nine hundred (900) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
 6. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;

7. Located not less than four hundred (400) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;
8. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;
9. Constructed so the highest point of the sign (including embellishments) does not exceed forty (40) feet above the ground;
10. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;
11. Notwithstanding the provisions of subparagraph I. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;

D. Outdoor Advertising Signs Greater Than 750 Square Feet

No outdoor advertising sign greater than seven hundred fifty (750) square feet shall be allowed in any district.

E. Extensions and Embellishments for Outdoor Advertising Signs

1. Allowable Shapes for Outdoor Advertising Signs

Outdoor advertising signs of all sizes shall be rectangular in shape except that extensions are allowed if such extensions are not greater than five (5) feet at the top, two (2) feet at the sides and/or eighteen (18) inches at the bottom of the sign and comprise in the aggregate an area not more than 12.5 percent as great as the basic rectangular shape to which such extensions are attached. Such embellishments are included in the calculation of the sign area restrictions.

2. Extension of Outdoor Advertising Signs

No attached outdoor advertising sign shall extend past the exterior wall of the building to which it is affixed.

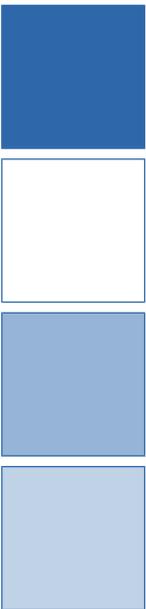
3. Double-Faced/V-Type/Back to Back Outdoor Advertising Signs

Double-faced, V-type or back-to-back outdoor advertising signs shall be considered as one sign for spacing purposes.

F. Form District Specific Outdoor Advertising Sign Restrictions

New outdoor advertising signs shall not be permitted within the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, Town Center, and Downtown Form Districts

The prohibition of new billboards in certain form districts (Section 8.4.6 A) is not subject to the LDC waiver process.



8.1 General Provisions

8.1.1 Relationship to the Comprehensive Plan

The On-premises Sign Regulations implement the following Cornerstone 2020 Comprehensive Plan Goals, Objectives and Plan Elements:

Goals	Objectives	Plan Elements
Community Form Goals A3, C1, D1, E1, F4, G2, H4	Community Form Objectives A3.1, A3.4, C2.5, C4.5, D2.4, E2.4, F4.4, G4.3, H4.3	Guidelines 1, 3, 13

8.1.2 Definitions

Certain terms are defined for the purposes of this regulation. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

~~**Address sign:** The numeric reference of a use or building to a street name.~~

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.

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 temporarily or permanently affixed to a window are ~~not~~ considered attached signs (permanently in this case means that to remove the sign the glass on which it is attached must also be removed).

ILLUSTRATION

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.

~~**Awning sign:** Graphics, symbols and written copy painted on, printed on, or attached flat against the surface of an awning.~~

ILLUSTRATION

Banner Sign: A cloth, plastic or other soft material sign placed flat against the façade of a building. No banner sign shall flap or move with the wind.

~~**Bench sign:** A sign painted on or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.~~

Land Development Code (LDC)

Land Development Code (LDC)

~~**Business Sign (On premises sign):** A sign used to identify that serves as an accessory use to a principal use on a development site. a business, profession, trade or occupation on the site and/or the generic or brand name products or services available at the site, and shall include an attached sign, window sign, freestanding sign, projecting sign, awning sign, and freestanding directional sign all as more specifically described in and allowed by Chapter 8, Part 3 hereof, and a small freestanding sign as more specifically described in and allowed by Section 8.5.2 hereof.~~

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: is a sign painted on, printed on or attached flat against the surface of the canopy.

ILLUSTRATION

~~**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. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this Regulation.~~

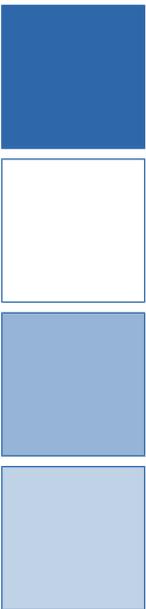
~~**Changing Image Sign:** A sign, including a sign using a video display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy. A video display method is a method of display characterized by real-time, full-motion imagery of at least television quality.~~

~~**Club Identification Sign:** A sign used to identify a club, lodge, fraternity or sorority.~~

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.

ILLUSTRATION

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.



~~**Community Facility Identification Sign:** A sign identifying public and governmental buildings and facilities including offices, training armories, storage, maintenance and repair facilities located on the site.~~

~~**Construction Sign:** A temporary sign used to identify the persons or businesses engaged in the construction of a building on site 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.~~

~~**Corporate Flags:** A flag used to advertise a business, product or service. Corporate flags shall be considered business signs and shall be subject to the business sign restrictions as listed under Chapter 8, Signs.~~

~~**Directional Sign:** An on-premise sign used to direct pedestrian or vehicular traffic, including but not limited to signs for entrances, exits, parking areas, one-way drives and drive-throughs.~~

ILLUSTRATION

~~**Directory sign:** A freestanding sign, which lists the names of the occupants of a multiple occupancy building or site 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.~~

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

~~**Façade:** 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 the building plans.~~

ILLUSTRATION

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

NOTE:

See illustrations related to types of freestanding signs such as monument style sign, columnar sign and pole/pylon sign.

~~**Grade:** 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.~~

~~**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.~~

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

Incidental sign: Any on-premises sign, generally informational, 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. Freestanding incidental signs shall not exceed a mounting height of 20 feet on a building facade to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Institution Identification Sign: ~~A sign identifying a church, school or other institution of learning, library, museum, community center or similar institution on site.~~

Marquee: A roof like awning or canopy of permanent construction, projecting from the wall of a building above an entrance often bearing a signboard.

Marquee Sign: is a sign painted on, printed on or attached flat against the surface of the marquee.

Master Plan Project Identification Sign: ~~An permanent on-premises sign which identifies the name for of a Master Plan Project that contains more than five (5) lots and is located at the primary access to the Master Plan Project.~~

Metropolitan Area: ~~An area within Jefferson County, Kentucky as shown on the attached map (Figure 8.1.1) 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.~~

NOTE:

Delete "Metropolitan Area" definition - definition already located in chapter 1, part 2.

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.

ILLUSTRATION

~~**Multi-family Residential Identification Sign:** A sign used to identify a multi-family residential development on site.~~

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

NOTE:

Delete "Non-metropolitan Area" definition already located in chapter 1, part 2.

~~**Office Building Identification Sign:** A sign used to identify an office building on site, or, where allowed, the occupants thereof.~~

~~**Off-premises sign:** See Outdoor Advertising Sign.~~

~~**On-premises sign:** See Business Sign.~~

~~**Outdoor Advertising Sign** Off-premises Sign (outdoor advertising sign or commonly known as a billboard): 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. or an "off premises sign" is a sign used to display, advertise or otherwise direct attention to any business enterprise, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A shared business sign that meets the provisions of this chapter and a directional sign as authorized in Section 8.1.3 (5), below, shall not be considered an off premises sign.~~

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NOTE:

Move "off-premises Sign" definition to chapter 1 with the rest of outdoor advertising sign related definitions.

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

ILLUSTRATION

~~**Portable sign:** A sign, which is not permanently anchored by way of a rigid, nonflexible connection to a building or the ground.~~

ILLUSTRATION

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.

ILLUSTRATION

~~**Rent/Sale Sign:** A temporary on-premises sign allowed on a lot or building that is currently up for sale or lease. This type of sign is typically restricted to a certain time frame used to advertise the premises on site or a portion thereof for sale or lease.~~

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.

~~**Shared Business**~~**On-premises Sign:** A ~~business~~ permanent on-premises sign that ~~advertises~~ used by two or more businesses principal uses in separate premises, which utilize common off-street parking and/or shared access. A shared ~~business~~ on-premises sign is not considered an off-premises/outdoor advertising sign by this chapter.

NOTE:

One or more ~~businesses~~ principal uses occupying the same space, such as a filling station with a convenience store that may include a fast food restaurant service area, would not be eligible for a shared business sign. Multiple businesses in a shopping center, even if they are on the same lot, would qualify for a shared business sign.

ILLUSTRATION

Sign: Any display to public view of letters, devices, structures, fixtures, displays, emblems, pictures, placards, or any parts or combinations thereof designed to ~~provide direction, draw attention to, or advertise direct, announce or inform. any establishment, product, goods, place, activity, business, or service.~~ 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.

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).~~

~~Single Family Residential Occupant Sign:~~ ~~A sign used to identify the individual or individuals occupying a single-family residence.~~

Small Freestanding Business On-premises Sign: A freestanding ~~business~~ temporary on-premises sign that is no greater than (12) square feet in area for each sign face.

~~Special Event Sign~~ Temporary On-premises Sign: A temporary on-premises sign that is no greater than 32 square feet in area for each sign face. This type of sign requires a permit from the Building Official or designee and is restricted to a specific time frame used to advertise a special event associated with a religious institution, government facility, or other not-for-profit organization.

NOTE:

For ~~special event~~ temporary on-premises sign and small freestanding ~~business on-premises~~ sign refer to ~~portable~~ temporary sign definition for illustrations.

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.

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

Subdivision Identification Sign: A permanent on-premises sign used to identify a ~~residential subdivision on-site~~ located at the primary entrances to a residential subdivision.

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Temporary sign: A sign whose removal within a specified period of time is required by Chapter 8 of the Land Development Code and which complies with the appropriate regulations of that chapter.

~~**Time or temperature sign:** A sign or portion thereof on which the only copy that changes is an electronic or mechanical indication of time or temperature.~~

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

Window: The combined area of glazing within a wall opening.

Window sign: A type of temporary on-premises sign that is placed inside a window, or applied or attached to windowpanes or glass, and which is visible from the exterior of the window. Signs that are permanently painted or otherwise permanently affixed to the window shall be considered window-attached signs (permanently in this case means that to remove the sign the glass on which it is attached must also be removed).

ILLUSTRATION

FIGURE 8.1.4

8.1.3 Signs Exempt From Regulation

The following signs shall be exempt from regulation under this Chapter 8:

- A. ~~Any traffic sign, public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.~~
- B. ~~Holiday lights and decorations on residential lots with no commercial message; and retail store window displays of merchandise, freestanding three-dimensional promotional items (with or without proprietary words or symbols solely describing the merchandise and/or merchandise that is sold in the store), and/or display fixtures or backdrops not affixed to windowpanes or glass.~~
- C. ~~Traffic control signs on private property, such as Stop, Yield, and similar signs, and which contain no commercial message.~~
- D. ~~Signs within a ballpark, sports field or baseball diamond which indicates sponsorship of the teams or activities that occur therein. These signs shall be oriented toward the sports field or baseball diamond.~~
- E. ~~Directional signs that assist the public in locating community facilities or health care facilities, as approved by the Director of Works and the Planning Director based on a finding by the directors that the signs are necessary to promote public health and safety. Directional signs may be located in the right-of-way or on private property, with permission of the property owner or public agency having jurisdiction over the right-of-way. The size, design and illumination shall be subject to approval by the Works and Planning Directors.~~
- F. ~~Monumental commemorative sculpture and/or graphic art in any medium and including images depicting real or allegorical persons, non-commercial themes or~~

~~symbols, historical scenes and events or idealized scenes, and inscribed dedications or quotations, permanently attached to and incorporated into the overall design of all or part of one or more facades of a community center, church, school, library, museum, hospital, or similar public or private, not-for-profit, institutional or civic structures.~~

- ~~G. Signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying high voltage, public telephone, or underground cables.~~
- ~~H. Non-illuminated names of buildings, dates of erection, monument statues, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an allowed structure or made flush to the ground.~~
- ~~I. Non-illuminated signs used to identify a non-registered historic property and/or permanently preserved open space property (preserved meaning through the use of conservation easement or fee simple ownership) erected by a not-for-profit organization and/or government agency. No commercial messages shall be allowed on the sign. The sign shall be constructed from stone, metal or any other permanent type of construction and must be permanently anchored to the ground. The sign shall not exceed five (5) square feet in area and six (6) feet in height.~~
- ~~J. Signs used to identify local Landmark/National Register historic sites.~~
- ~~K. No trespassing signs not to exceed two (2) square feet in area.~~
- ~~L. Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.~~
- ~~M. Animating features such as public art or murals of a non-commercial nature, as approved by the Planning Director (see chapter 1, part 2 for definition of animating features).~~
- ~~N. Address signs no greater than five (5) square feet in area. Address signs in excess of five (5) square feet in area shall be considered attached business signs and shall be counted toward the number and area of attached signage permitted on a building façade.~~
- ~~O. Signs required by law or a constructed by a duly constituted governmental body or agency thereof.~~
- ~~P. Any sign integrated into or on a coin operated machine, vending machine, gasoline pump, or telephone booth.~~
- ~~Q. A sign carried by a person.~~
- ~~R. A sign located on an operating and licensed motor vehicle.~~

8.1.4 Nonconforming Signs

- A. Any sign legally in existence on the effective date of any zoning regulation, which does not permit such signs may continue in existence as a matter of right. A nonconforming sign may be maintained and repaired on the same property so long as the area, height, placement of movable parts, and luminosity are not altered to make the sign less in conformance with this regulation. Development sites with a

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non-conforming sign(s) may not install any additional freestanding signs if an existing freestanding sign is more than twenty (20%) percent nonconforming or any additional attached signs if an existing attached sign is more than twenty (20%) percent nonconforming even if one or more would otherwise be allowed by other provisions of this chapter (Exemption: Existing nonconforming signs designated as a significant sign (see definition in Section 8.1.2) by the Sign Review Board are exempt from the restriction in the proceeding sentence). Nonconforming in this instance deals with area and height dimensions only. Non-conforming freestanding signs that meet the situation listed above shall be brought into 100% compliance before a second freestanding sign can be permitted.

NOTE:

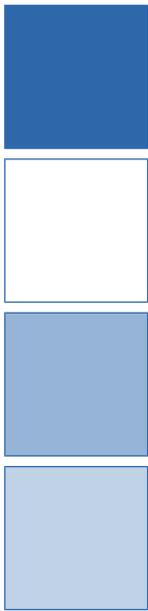
Structural components include the base and frame of the sign, but do not include the sign face.

- B. At such time as any structural element of a nonconforming sign is replaced, the sign must be brought into compliance with the requirements of current regulations, except that a nonconforming business-on-premises sign may be replaced by another nonconforming business-on-premises sign (exception, this provision does not apply to incidental and temporary on-premises signs), provided that all nonconformance in area, height, size, and setback is reduced by fifty percent (50%) of the difference between the existing nonconforming sign and what the regulation allows. Exception: No reduction in nonconformance shall be required for the replacement of signs, awnings, canopies and marquees that were damaged by a weather event or accident (i.e. vehicular accident) unless the damage results from neglect of maintenance or other willful act of the property owner. Replacement of structural elements in this context means the disassembly and subsequent re-assembly or the substantial alteration of the pole, base, or frame. For awnings and canopies any change to the frame shall be considered as a structural change. The replacement of material covers shall not be considered a structural change.

NOTE:

The 50% compliance standard does not exempt signage from compliance with other relevant sections of this chapter (e.g. location, lighting, style, etc.).

Delete text under Section 1.3.5 of the LDC related to nonconforming signs and refer to this section 8.1.4.



8.1.5 Removal Of Certain Nonconforming Signs

Nonconforming permanent on-premises signs that have been abandoned shall be immediately removed by the sign owner or lessee, or the property owner. There shall be a presumption that a nonconforming on-premises sign has been abandoned in the event that for a period of 360 days, the business principal use, which the on-premises sign is associated ~~advertises~~ ceases operation or the use of the sign is discontinued. Upon failure of the sign owner or lessee, or property owner to remove the nonconforming on-premises sign in accordance with this Section, a zoning enforcement officer may issue a written notice to the sign owner or lessee, or property owner ordering that the on-premises sign shall be removed within thirty (30) days. The action of the zoning enforcement officer may be appealed to the Board of Zoning Adjustment in accordance with the provisions in KRS Chapter 100.

As applicable to non-conforming permanent on-premises signs in this Section, the word “remove” shall mean:

1. The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property.
2. The sign face and supporting structures of “projecting”, “roof” or “attached” signs shall be taken down and removed from the property.
3. The sign face of “painted wall signs” shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

8.1.6 General Requirements

The following standards are applicable to development proposals within all form districts.

- A. All signs allowed hereunder shall be constructed and placed so as not to obstruct sight lines for persons using streets, pedestrian rights-of-way and driveways; (see Section 5.1.7 H for restrictions on signs in the sight triangle).

NOTE:

A 30-foot sight triangle is required at all intersections.

- B. No sign shall be allowed if the Planning Director in consultation with the Public Works Director finds that the sign is constructed or designed in a manner ~~which~~that may cause the sign to be confused with a traffic sign or other traffic control device.
- C. Off-premises/Outdoor Advertising signs are prohibited except as specifically allowed under ~~Chapter 8, Part 5~~ Chapter 4, Part 3.
- D. This regulation shall be in addition to the requirements of KRS 177.830 – 177.890, the most restrictive requirement applies.

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- E. Planned Development District sign standards shall be established when the Master Plan for the Planned Development District is developed and approved by the Planning Commission.
- F. Specific provisions within this regulation that are not eligible for a variance in accordance with KRS 100.111 may be waived in accordance with Chapter 11, Part 8.
- G. Preservation Districts and Local Landmarks: All new sign construction within designated Preservation Districts and for Local Landmarks shall conform to the Landmarks Commission Design Guidelines.
- H. ~~Downtown Form District: All new signs within the designated Downtown Form Special Districts shall be reviewed and approved in accordance with the guidelines and procedures of the Downtown Development Review Overlay (DDRO) District. Recognizing the unique character and function of these Special Districts, the DDRO, at its discretion, may allow signs (type, size, height, location and functional characteristics) not otherwise permitted under Chapter 8 for developments within the Fourth Street Entertainment District (4th Street between Liberty Street and Broadway) and for individual cultural arts attractions requiring DDRO review. In review and approval of such signage the DDRO Committee shall follow the review procedures outlined for LDC waivers in Chapter 11. (see sign review board)~~
- I. All permanent signage shall require a permit from the appropriate building department unless stated otherwise within this chapter.
- J. The PD district master plan may supercede the regulations of this chapter.

8.1.7 Noncommercial Signs and Messages

Any sign that can be displayed under the provisions of this regulation may contain a noncommercial message.

This section added to the regulation with new text.

8.1.8 Applicability

No sign shall be placed in a manner visible from any public street, alley, right-of-way, sidewalk or other public easement except as provided herein nor shall any sign be placed in or extend over street, right-of-way, roadway, sidewalk, public or private utility or access or other easement, or alley except as provided herein and with the approval of the Director of the Department of Public Works for encroachment within the right-of-way of public streets.

This new section added and the above text moved from the General Requirements section.



8.1.9 Prohibited Signs

- A. Roof signs are prohibited.
- B. The use of pennants, streamers and balloons (except for balloons that 18 inches or less in size) as signs shall be prohibited (see definition of “sign”).

This is a new section for the regulation, the two paragraphs above were moved here from general requirements.

8.2 Sign Illumination and Movement

8.2.1 Sign Illumination and Movement

- A. Illuminated or non-illuminated business on-premises signs are allowed in ~~all non-residential zoning districts (these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEG, PRO, W-1, W-2, W-3, PD (non-residential uses) and for for all non-residential uses (unless specifically authorized) within the TNZD zoning district,~~ subject to the applicable restrictions set forth ~~within Sections 8.3.2 – 8.3.5~~ this chapter and the following. Internally illuminated business signs within the Neighborhood, Traditional Neighborhood and Village Form Districts, and within transition zones adjacent to the aforementioned form districts where signs are visible from these form districts shall have opaque backgrounds with translucent letters, symbols and logos. Reader Boards/Changeable Copy Signs, Temporary Business-On-premises Signs and ~~Special Event Signs~~ are exempt from the previous restriction. Opaque means that the material must not transmit light from an internal illumination source. Outdoor exterior illuminated business on-premises signs shall be lighted in accordance with Chapter 4, Part 1, Lighting. Sign lighting shall be subject to the light trespass standards as outlined under Chapter 4, Part 1, Lighting. Incidental signage may be illuminated in accordance with the above listed standards unless specifically stated otherwise within the incidental signage standards.

This Part replaces part 2 entitled, "Residential/Office Signs". Paragraph A above was moved from the original part 3 entitled, "Business Signs".

- B. No sign shall be allowed to be illuminated except as expressly provided herein. Signs which are otherwise allowed to be illuminated are not allowed if the Director shall find that the lighting causes glare or otherwise interferes with the vision of persons operating motor vehicles. All illuminated signs shall be non-flashing and shall be constant in intensity and color, ~~except that signs which display time and temperature and changeable copy signs in accordance with the exception of~~

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~~changing image signs as restricted by Section 8.1.6M paragraph D below are allowed for all non-residentially used property in C-N, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2 and M-3 zones.~~

Paragraph B above was moved from general requirements in part 1.

- C. Awnings and canopies constructed of translucent materials that are internally illuminated, with the exception of fully shielded lighting fixtures directed down onto non-illuminated ground and/or sidewalk shall be considered attached signs and shall be included as part of the total allowable signage on any one facade of a building as listed in Section ~~8.3.2~~ 8.3.1. Signs located on an opaque awning or canopy shall be included as part of the total allowable signage area permitted on any one facade of a building as listed in Section 8.3.1 ~~8.3.2~~ of this chapter. Awning signs and canopy signs may be internally illuminated in accordance with paragraph A above ~~Section 8.3.1~~. Exterior lighting is permitted in accordance with Chapter 4, Part 1, Lighting.

Paragraph C above moved from the original part 3 entitled, "Business Signs".

- D. Changing image signs (includes electronic changeable copy signs and time and temperature signs) shall conform to the following standards:
1. Number Permitted on a property: No more than one changing image sign shall be permitted on a property.
 2. All changing image signs under five (5) square feet in area with no more than one line of text shall not exceed a rate of change of once per four (4) seconds.
 3. All changing image signs over five (5) square feet in area and/or with more than one (1) line of text shall not exceed a rate of change of once per 20 seconds.
 4. Changing image signs may be included and shall be integrated within the overall design of a freestanding or attached sign. The amount of an attached or freestanding sign that may be composed of a changing image sign shall be restricted as follows:
 - a. 30% within the Neighborhood, Village and Traditional Neighborhood Form Districts
 - b. 60% within all other form districts.

5. Changing image signs with a rate of change in excess of the restrictions set forth in numbers ~~1 & 2~~ 2 & 3 above or signs with video displays; shall require approval from the Planning Commission or designee. The Planning Commission review shall include at a minimum the following issues:
 - a. Characteristics of the adjacent street (traffic speed, number of lanes, functional class, etc.)
 - b. Proximity to another changing image sign or sign with a video display
 - c. Dimensions of the proposed signs
 - d. Number of lines of text
 - e. Proximity to residential development
 - f. Legibility of text
6. Freestanding or attached signs that include changing image signs shall not be closer than 300 feet to a residentially zoned district unless the residentially zoned property is used for a non-residential purpose (e.g. church or school) or the changing image sign is not visible to the residentially zoned property.
7. All changing image signs (including signs with a video display method) shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions. The purpose of this auto dimming technology is to decrease the light level output from a day time level to a night time level, which is typically 0.3 footcandles above ambient light levels .

NOTE:

See Section 4.1.3 (Lighting) for lighting standards associated with signs. Signs are subject to the light trespass standards found within Section 4.1.3.

Paragraph D above was moved from general requirements from part 1.

- E. Changing image signs with a video display method shall require a conditional use permit approved by the Board of Zoning Adjustments and shall be prohibited within the neighborhood, traditional neighborhood and village form districts. See Chapter 4, Part 2 for Conditional Use Permit regulations.
- F. Moving Signs

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Permanent on-premises signs, which revolve, rotate or move shall be permitted on non-residentially used property ~~the C-N, EZ-1, C-1, C-2, C-3, C-M, M-1, M-2, and M-3 zoning districts~~ only and no such sign shall move faster than one cycle every ten (10) seconds. Signs, which revolve, rotate or move shall not be permitted within the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor and Village Form Districts.

Paragraph F above was moved from general requirements in part 1.

8.3 Permanent On-premises Signs

8.3.1 Sign Calculation

A. Attached Signs

1. The maximum allowed area for all signs other than freestanding ~~business~~ on-premises signs shall be determined by drawing five or fewer straight lines encompassing the extremities of the sign within the smallest possible area, ~~except that outdoor advertising signs are allowed extensions and embellishments beyond the rectangular sign as more specifically provided in Section 8.4.5.~~
2. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

ILLUSTRATION

Part 3 originally entitled, "Business Signs" renamed now entitled, "Permanent On-premises Signs". Paragraph A above and illustration moved from general requirements in part 1.

B. Freestanding Signs

1. The maximum allowed area for freestanding ~~business~~ on-premises signs shall be measured by drawing eight (8) or fewer straight lines encompassing the extremities of the sign within the smallest possible area, provided, however, that the area of a freestanding sign shall not include the structural framework (e.g. poles, supports, columns or other structures) which ~~are~~ is solely for support and as long as the structural framework is clearly incidental to the display itself and which does not contain any advertising, ~~and~~. The area of a

freestanding sign shall not include the space between the business identification portion of a freestanding business sign and the reader board/changeable copy portion.

2. A back-to-back or V-shaped sign constitutes one sign if it has a common set of supports. If the interior angle between the two sign faces is less than 120 degrees, the sign area is of one sign face only. If the angle between the two sign faces is greater than or equal to 120 degrees, the sign area is the sum of the areas of the two sign faces.
3. No sign shall have more than four faces. Signs with more than two sign faces shall be calculated for compliance with this section in the following manner. The maximum allowable size of each sign face shall be calculated by taking the maximum allowable square footage for a two-sided freestanding sign (from Table 8.3.2) and dividing it by the total number of sign faces.

ILLUSTRATION

ILLUSTRATION

ILLUSTRATION

Paragraph B above moved from general requirements in part 1.

8.3.2 Permanent Signs for Residential Uses

- A. ~~Single Family Residential Occupant Sign: One single-family residential occupant sign not exceeding one (1) square foot shall be allowed anywhere on the premises of each residence.~~
- B. ~~Subdivision Identification Sign: One freestanding subdivision identification sign not exceeding sixty-four (64) square feet in area and fifteen (15) feet in height shall be allowed at each dedicated street entrance within the building lines of the subdivision during construction, for not more than sixty (60) days prior to the commencement of construction, and after construction until such time as eighty percent (80%) of the lots are sold. Thereafter, one freestanding subdivision identification sign not exceeding fifteen (15) square feet in area and six feet in height shall be allowed at each dedicated street entrance within the building lines. In the alternative, a signature entrance with one 15 square feet attached sign per wall or fence (no more than two signs) is allowed as permitted in Section 4.4.3 at each entrance to the development.~~
- C. ~~Multi-Family Residential Identification Sign: One illuminated or non-illuminated multi-family residential identification sign attached flat on the face of the building and extending no more than eighteen (18) inches from the surface of such building~~

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is allowed to face each street bordering on the site on which a multi-family dwelling is located. Said signs may not exceed twelve (12) square feet in area if the site is in the PD (multi-family residential uses), R-5A, R-6, R-7, R-8A or OR-1 Districts and for permitted¹ multi-family dwellings within the TNZD zoning district (including Bed and Breakfast) and may not exceed fifty (50) square feet in area if the site is in the OR-2, OR-3, OTF, W-1 or W-2 Zoning Districts. In Neighborhood, Traditional Neighborhood, Town Center, and Village Form Districts and within the Traditional Neighborhood Zoning District attached signs shall not be located more than three (3) feet above the ceiling of the first floor of the building.

1. In Campus, Regional Center, Suburban Workplace Suburban Marketplace Corridor and Downtown Form Districts attached signs shall not be located more than three feet above the ceiling of the upper most floor of the building.
2. Within the Traditional Marketplace Corridor and Traditional Workplace Form Districts the tops of attached signs shall not be higher than 20 feet and shall not extend above the cornice line of the building.
3. In the alternative one freestanding sign which shall not extend into any required yard is allowed to face each street bordering the site provided that such freestanding signs if located within the R-5A, R-6, R-7, R-8A, TNZD or OR-1 Districts shall not exceed a height of six (6) feet above ground nor exceed an area of twelve (12) square feet and if located in the OR-2, OR-3, OTF, W-1 or W-2 Districts shall not exceed a height of ten (10) feet above ground nor exceed an area of thirty (30) square feet. In the alternative a signature entrance with attached signs is allowed at each entrance to the development as permitted in Section 8.2.2.

All permanent on-premises residential signs shall conform to the standards listed in Table 8.3.1. For multi-family residential developments and single-family residential subdivisions a signature entrance may be provided in lieu of the signs permitted in Table 8.3.1 below. A signature entrance is allowed as permitted in Section 4.4.3 at each entrance to the residential subdivision or multi-family residential development. The signature entrance may include one 15 square foot sign face for each wall or fence (no more than two signs are allowed per signature entrance).

<u>Land Use</u>	<u>Form District</u>	<u>Types of Signs Allowed</u>	<u>Attached Sign Size (Area)</u> <u>* for height</u>	<u>Freestanding Sign Size (Area/Ht.)</u>	<u>Total # Permitted**</u>
<u>1 or 2 Family Residential</u>	<u>NA</u>	<u>Attached or Freestanding</u>	<u>1 S.F.</u>	<u>1 S.F./6 ft.</u>	<u>One (1)</u>

<u>Subdivision Identification Sign</u>	<u>NA</u>	<u>Freestanding</u>	<u>NA</u>	<u>15 S.F./6 ft.</u>	<u>One (1) per dedicated subdivision entrance</u>
<u>Fraternities and Sororities</u>	<u>NA</u>	-	<u>6 S.F.</u>	<u>6 S.F./6 ft.</u>	<u>One (1)</u>
<u>3 or more Family Residential</u>	<u>Neighborhood Traditional Neighborhood Town Center</u>	<u>Either attached or Freestanding (Downtown form prohibits freestanding signs and Traditional Neighborhood requires at least 120 feet of street frontage in order to allow a freestanding sign)</u>	<u>Street Class</u>	<u>Size (Area/Ht.*)</u>	<u>One (1) per street</u>
			<u>Local</u>	<u>12 S.F./6 ft.</u>	-
			<u>Collector</u>	<u>24 S.F./6 ft.</u>	-
			<u>Arterial, 4 lanes or less</u>	<u>48 S.F./10 ft.</u>	-
			<u>Arterial, more than 4 lanes</u>	<u>48 S.F./10 ft.</u>	-
<p><i>* Attached signs shall not extend above the roof line or highest point of a parapet wall of the building on which they are attached.</i></p> <p><i>** The total number permitted means the total number of all types of signs permitted on a property.</i></p>					

Table 8.3.1 Permanent Signs for Residential Uses

Paragraphs A, B and C moved from part 2 formerly entitled, "Residential/Office Signs" these paragraphs have been merged into the table above. Also, delete the following sections from the old part 2 entitled, "Residential/Office Signs" as these signs are included under non-residential signs under either office or institutional signage. The temporary subdivision identification sign discussed in B shall be included in Chapter 8, Part 4 temporary signs.

~~8.2.3 Community Facility Identification Sign~~

~~Public and governmental buildings and facilities including offices, training armories, storage, maintenance and repair facilities may be allowed one non-flashing identification sign, not to exceed 60 square feet in area and 10 feet in height, may be located at the major entrances, provided the sign complies with Section 5.1.7 H (Sight Triangle), except in zoning districts and form districts where larger signs are allowed. Public utility service buildings and facilities within zoning districts and form districts where signs are not allowed, may erect one non-illuminated identification sign, not to exceed 12 square feet in area, provided the sign complies with Section 5.1.7 H (Sight Triangle).~~

~~8.2.4 Club Identification Sign~~

~~One club identification sign facing each bordering street not to exceed six (6) square feet in area is allowed on each site on which an exceptional residential use or club, lodge, fraternity or sorority is located. Any such sign if freestanding must not exceed six (6) feet in height.~~

~~8.2.5 Institution Identification Sign~~

~~One freestanding or attached institution identification sign not to exceed thirty-two (32) square feet in area and not exceeding ten (10) feet in height facing each bordering street is allowed on the premises of any community center, church, private school, library, museum or similar institution, provided that, if the institution is located in a district for which a larger business sign would be allowed, then the size of the sign may conform to the size allowed in that district. Two freestanding signs (32 square feet each) per street shall be permitted for street frontages in excess of 600 feet provided that the two signs are a minimum distance of 300 feet apart. In the alternative, one 50 square foot sign shall be permitted for street frontages in excess of 600 feet. In addition, one 60 square foot banner sign shall be allowed. The banner sign shall be attached to a permanent structure only. Any institution, regardless of street frontage size, is eligible for a banner sign; no permit is required for the banner sign.~~

~~8.2.7 Office Building Identification Sign~~

~~One illuminated or non-illuminated office building identification sign attached flat on the facade of the building oriented toward the public street providing primary access and extending no more than eighteen (18) inches from the surface of such building is allowed per facade in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 districts and for permitted office uses within the TNZD zoning district. Said signs shall meet the following requirements:~~

~~In Neighborhood, Traditional Neighborhood, Town Center, and Village Form Districts and TNZD zoning district, attached signs shall not exceed thirty-two (32) square feet in area. In no event shall an attached sign be located more than three (3) feet above the ceiling of the first floor of the building.~~

~~⁴Permitted multi-family in TNZD includes multi-family uses of right and mapped multi-family use.~~

~~In Campus, Regional Center, Suburban Workplace and Suburban Marketplace Corridor Form Districts attached signs shall not exceed one hundred (100) square feet in area. In no event shall an attached sign be located more than three feet above the ceiling of the upper most floor of the building.~~

~~Within the Traditional Marketplace Corridor Form District and Traditional Workplace Form District the tops of attached signs shall not be higher than 20 feet and shall not extend above the cornice line of the building. The size of the attached sign(s) shall not exceed sixty-four (64) square feet in area.~~

~~Freestanding signs are permitted in accordance with the applicable Form District requirements as listed in Chapter 8, Part 3. Office uses within the TNZD zoning district shall use the requirements of the Traditional Neighborhood Form District.~~

8.3.3 Permanent On-premises Signs for Non-residential Uses

The following regulations are from the previous part 3 entitled, "Business Signs". Except that paragraph A.3 below was moved from general requirements in part 1.

A. Attached, Awning, Canopy and Marquee Signs

1. There shall be no more than a total of three (3) of any of the following types of permanent on-premises signs; attached, or awning, or canopy, or marquee signs on any one facade of a building, subject to the total maximum sign area requirement set forth below, except that multiple use buildings may have one sign for each business. First floor awning, canopy and marquee signs are excluded from the number of awning, attached, canopy or marquee signs permitted on any one facade of a building, subject to the total maximum sign area requirement set forth below in Table 8.3.42; attached signs, canopy signs,

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marquee signs and awning signs are permitted ~~within~~ for all non-residential zoning districts (~~these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEG, PRO, W-1, W-2, W-3, PD (non-residential uses));~~ uses unless otherwise regulated by Section 8.2.7 and within the form district regulations. Commercial uses permitted within a TNZD district may include attached, awning, canopy or marquee signs as authorized in this section, subject to additional limits established in the applicable TNZD Plan Report.

2. The total area encompassed by all attached signs on any one facade of the building shall not exceed the limits established in Table 8.3.42, below. The area of the building façade shall be measured as specified in paragraph 3 below.
3. The area of a façade of a building is determined by adding the square footage of surface area of each section of wall visible from a given perspective. For buildings with more than one wall along one façade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area.

Area of Facade of Building	Maximum Sign Area
Less than 500 square feet	20% of Building Facade Area
Greater than or equal to 500 but less than 1,000 square feet	400 square feet plus 15% of the amount by which Building Facade Area exceeds 500 square feet
Greater than or equal to 1,000 but less than 3,500 square feet	475 square feet plus 5% of the amount by which Building Facade Area exceeds 1,000 square feet
Greater than or equal to 3,500 square feet but less than 5,000 square feet	300 square feet
Greater than or equal to 5,000 square feet (applicable only to industrial uses in M-1, M-2, M-3 and EZ-1 Districts and all uses in the C-3 District)	10% of facade – Maximum of 500 square feet in C-3 Districts and a maximum of 750 square feet in other allowed Districts

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4. An attached sign mounted parallel to the exterior walls of a building may project up to eighteen (18) inches from the surface to which it is mounted. An attached sign constructed flat on the face of such building may extend into the right-of-way no further than eighteen (18) inches from the surface of such building without the approval of the Director of the Department of Public Works.

An attached sign mounted to a slanted (inclined) exterior surface may be mounted in the vertical upright position as long as the sign does not project beyond eighteen (18) inches at the point of attachment. ~~No such sign shall extend more than five (5) feet above the highest point of the exterior wall to which it is attached.~~ No such attached on-premises sign shall be mounted on any roof.

- a. ~~In Neighborhood, Traditional Neighborhood, Village, Town Center Form Districts attached signs shall not be located more than three (3) feet above the ceiling of the first floor of the building.~~
- b. ~~In Campus, Regional Center, Suburban Workplace, Suburban Marketplace Corridor and Downtown Form Districts attached signs shall not be located more than three feet above the ceiling of the upper most floor of the building.~~
- c. ~~Within the Traditional Marketplace Corridor Form District the tops of attached signs shall not be higher than 20 feet and shall not extend above the cornice line of the building.~~
- d. ~~Awnings and canopies containing signs must be mounted no more than 3 feet above the ceiling of the first floor of the building. The area of all awning signs and canopy signs shall be included as part of the total allowable signage on any one facade of a building as listed in Section 8.3.2.B.~~

~~Window signs are permitted within the PD (commercial uses), C-N, C-1, C-2, C-3 and C-M zoning districts. A use may display window signs so long as the aggregate area of such signs does not exceed 25% of total window area located on the ground floor of the building. For computation of area, window panels separated by muntins or mullions shall be considered as one continuous windowpane. Window signs shall not be considered attached signs. **Discussion needed to determine the best way to regulate window signage by land use and/or form district.**~~

~~Window signs shall not exceed 25% of the total window area on a given facade.~~

4. ~~Form District Specific Attached, Awning and Window Sign Restrictions:~~
 - a. ~~Traditional Neighborhood Form Districts:~~
 - i. ~~Attached, Awning, Canopy and Marquee signs shall be permitted at a maximum total size of 60 square feet in area.~~
 - ii. ~~The area of the illuminated face of outdoor vending machines with advertising graphics shall count toward the number and area of attached signs permitted on a site. Outdoor vending machines shall not be permitted in the right-of-way.~~
 - b. ~~Traditional Marketplace Corridor Form Districts:~~

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- i. Multiple tenant buildings shall be permitted either an attached sign or a projecting sign for each tenant.

5. Projecting Signs: Buildings on lots which contain no permanent freestanding on-premises sign (other than ~~a freestanding directional/incidental signs~~) may not have more than one sign which projects perpendicularly from the facade (but not the roof) of the building providing that the sign does not exceed thirty-two (32) square feet in area, does not extend below nine (9) feet above the ground or sidewalk, or more than eight (8) feet from the facade of the building, or closer than two (2) feet to the abutting roadway. The area of the projecting sign shall be part of the total allowable signage allowed on any one facade of the building as listed in Section 8.3.2B. of this Part. Multiple use buildings may have one projecting sign for each business, subject to the total maximum sign area permitted in Table 8.3.1.

- B. Freestanding ~~Business~~On-premises Signs: In addition to the attached signs allowed above, illuminated or non-illuminated freestanding business signs are allowed subject to the following restrictions:

1. Freestanding ~~business~~on-premises signs are allowed ~~within~~for all non-residential ~~uses zoning districts (these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEG, PRO, W-1, W-2, W-3, PD (non-residential uses))~~; unless otherwise listed under Chapter 8, Part 2 or restricted within the applicable form district sign restrictions. Commercial uses permitted within a TNZD district may include freestanding business signs in accordance with the restrictions of the Traditional Neighborhood Form District as listed in this section, subject to additional limits established in the applicable TNZD Plan Report.
2. No freestanding sign shall be located in or project over or into the right-of-way or into any adjoining property.
3. A lot fronting only on one street shall have no more than one freestanding sign unless the street frontage exceeds 600 feet, then a second freestanding sign is allowed. The sum of the areas of the two freestanding signs combined shall not exceed the total maximum area allowed for one freestanding sign.
4. A lot fronting on two or more public streets shall be allowed to have one freestanding sign for each street frontage. If one street frontage exceeds 600 feet then a third sign shall be permitted in accordance with paragraph B3 above Section 8.3.3C. If the site contains more than one street frontage with more than 600 feet of length, then only one of the street frontages shall be permitted to have a second sign in accordance with paragraph B3 above Section 8.3.3C.
5. An off-premises/outdoor advertising sign shall not be counted in determining compliance with items 3 and 4 above.
6. No lot frontage shall have a freestanding sign unless the building situated on that lot is set back at least fifteen (15) feet from the street right-of-way line. Corner lots may have a freestanding sign for the frontage on which the building is setback at least fifteen (15) feet from the street right-of-way line. ~~Traditional~~

~~Neighborhood, Traditional Marketplace and Village Form Districts shall be exempt from the setback requirement as listed in the two preceding sentences.~~

7. There shall be no minimum setback for a freestanding business sign as long as the sign meets the restrictions listed under Section 8.1.6B. Freestanding business signs shall be permitted in required form district setbacks/yards.
8. Where more than one (1) freestanding sign is proposed for installation on a development site with multiple frontages, a minimum of sixty (60) linear feet shall separate each freestanding sign.

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9. Freestanding ~~business~~ business-on-premises signs for lots adjacent to Scenic Corridors, Olmsted Parkways and Parkways and for lots within the Traditional Marketplace Corridor, Neighborhood, Traditional Neighborhood, Campus and Village Form Districts shall meet one of the following design standards:
 - a. The sign shall be a monument style sign; or
 - b. The sign shall be a columnar sign; or
 - c. In locations where the permit issuer identifies a potential sight distance problem and when the Director of Works determines that the design standards 1 or 2 above would negatively affect sight distance necessary for pedestrian and vehicular traffic accessing the site or using adjacent intersections, another sign style may be approved by the Planning Director.
10. Form District Specific Freestanding Sign Restrictions:
 - a. ~~Traditional Neighborhood Form Districts:~~
 - i. ~~Freestanding signs are permitted only when the linear street frontage of the lot exceeds 120 feet.~~
 - b. Suburban Workplace Form Districts:
 - i. One freestanding master plan project identification sign shall be permitted adjacent to the primary entrance to developments having more than five lots and having an access point from an arterial level street. This sign shall not be counted towards the number of allowed freestanding business signs on a lot. The sign shall not exceed 150 square feet in area and 24 feet in height.
 - c. Campus Form Districts:
 - i. In multiple lot developments the base, side and frame of freestanding signs shall be uniform in design, materials and color.
 - ii. One freestanding master plan project identification sign shall be permitted adjacent to the primary entrance to developments having more than five lots and having an access point from an arterial level street. This sign shall not be counted towards the number of allowed

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freestanding business signs on a lot. The sign shall not exceed 100 square feet in area and 18 feet in height.

- iii. ~~Signs may be located within the building setbacks, established within Section 5.3.5.~~

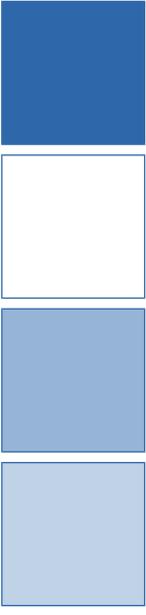
d. Downtown Form District:

- i. Freestanding signs shall be limited to small freestanding ~~business~~ on-premises signs, directory signs (as permitted below) and ~~directional~~incidental signs. Freestanding signs shall only be permitted within the storefront zone (see Section 5.8.1) of the sidewalk, subject to the licensing requirements established by the Director of Works, or a directory sign that ~~as part of the~~ a public plaza, public park or other public open space designed in conjunction with the structure(s). A directory sign shall not exceed 30 square feet in area for each sign face and six feet in height.

- e. The maximum area and height of freestanding ~~business~~ signs ~~within~~for non-residential ~~uses~~zoning districts (~~these districts include: OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, M-1, M-2, M-3, EZ-1, PEC, PRO, W-1, W-2, W-3, PD (non-residential uses)~~) are listed in Table 8.3.24. Freestanding sign restrictions for street frontages adjacent to designated parkways is listed in Table 8.3.32.

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<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>				
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		
Neighborhood (N)	<u>Institutional</u> <u>Office, Commercial and Industrial</u>	Attached and Freestanding	NA	One (1)	5% of facade area not to exceed 150 S.F.	Below Roof Line or uppermost portion of parapet wall	Local	One (1)	1 Tenant	2-3 Tenants	4+ Tenants
			<500 S.F.	Three (3)	20% of facade		Collector	60/8	80/10	100/12	
			500 - 999 S.F.		100 S.F. Plus 15% of facade area over 500 S.F.		Arterial, 4 lanes or less	80/10	100/12	120/14	
			>999 S.F. - 3,499 S.F.		175 S.F. Plus 5% of						

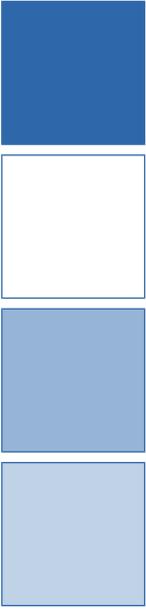




<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>								
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		<u>Tenants</u>				
					facade area over 1,000 S.F.										
			>3,499	One (1)	300 S.F.			Arterial, more than 4 lanes			80/12	100/14	120/16		
Traditional Neighborhood (TN)	<u>Institutional</u>	Attached and Freestanding (Traditional Neighborhood requires 120 feet of street frontage in order to have a freestanding sign)	NA	One (1)	5% of facade area not to exceed 60 S.F. total	Below Roof Line or uppermost portion of parapet wall	Local	One (1)	24/4	48/6	64/8				
				Three (3)	20% of facade area not to		Collector		32/6	56/8	72/10				
	<u>Office, Commercial and Industrial</u>							Arterial, 4 lanes or less			48/6	72/8	88/10		

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<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>									
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>							
					exceed 60 S.F. total			Arterial, 4 lanes or more			1 Tenant	2-3 Tenants	4+ Tenants	48/8	72/10	88/12
Village (V or VC)	Institutional	Attached and Freestanding	NA	One (1)	5% of facade not to exceed 60 S.F. total	Below Roof Line or uppermost portion of parapet wall	Local	One (1)	24/4	48/6	64/8					
	Office, Commercial and Industrial		<500 S.F. 500 - 999 S.F.	Three (3)	20% of facade 100 S.F. Plus 15% of facade area over 500 S.F.		Collector		32/6	56/8	72/10					

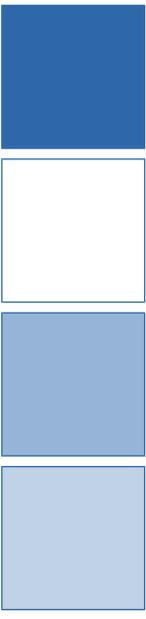


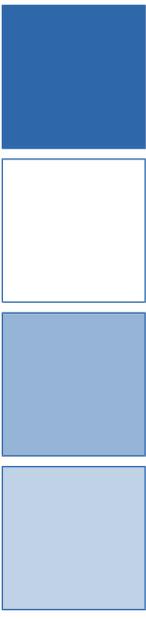


<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>						
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		<u>Tenants</u>		
			>999 - <3,500 S.F.		175 S.F. Plus 5% of facade area over 1,000 S.F.		Arterial 4 lanes or less	48/6	72/8	88/12	1 Tenant	2-3 Tenants	4 Tenants
			3,500 S.F. or greater		300 S.F.		Arterial, more than 4 lanes	48/8	72/10	88/12			
Suburban Marketplace Corridor (SMC)	Institutional, Office, Commercial, and Industrial	Attached and Freestanding	<500 S.F.	Three (3)	20% of facade	Below Roof Line	Local	60/12	80/14	100/16	One (1)		
			500 - < 1,000 S.F.		100 S.F. Plus 15% of facade area	or uppermost portion of parapet wall	Collector	80/18	100/20	120/22			

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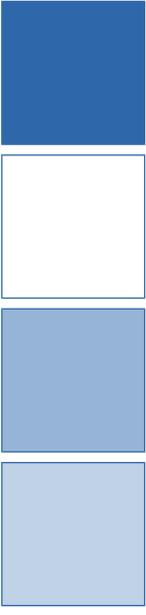
<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>			<u>Freestanding Signs</u>						
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>			
										<u>1 Tenant</u>	<u>2-3 Tenants</u>	<u>4+ Tenants</u>
					over 500 S.F.							
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of facade area over 1,000 S.F.			Arterial, 4 lanes or less		100/22	120/24	140/26
			3,500 S.F. - < 5,000 S.F.		300 S.F.			Arterial, more than 4 lanes		100/24	120/26	140/28
			> or = 5,000 S.F.		500 S.F.							

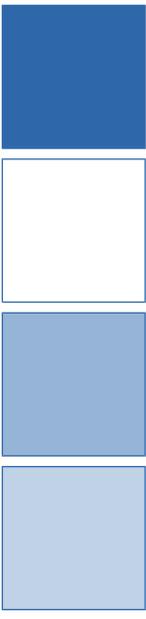




<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>				
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		<u>Tenants</u>
Traditional Marketplace Corridor (TMC)	Institutional, Office, Commercial, and Industrial	Attached and Freestanding	<500 S.F.	Three (3)	20% of facade	Below Roof Line or uppermost portion of parapet wall	Local	One (1)	1	2-3	4
			500 - < 1,000 S.F.		100 S.F. Plus 15% of facade area over 500 S.F.				32/6	60/6	60/6
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of facade area over 1,000 S.F.		Arterial, 4 lanes or less		48/6	64/6	72/10

<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>			<u>Freestanding Signs</u>							
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>				
										<u>1 Tenant</u>	<u>2-3 Tenants</u>	<u>4+ Tenants</u>	
			3,500 S.F. Or >		300 S.F.		Arterial, more than 4 lanes			64/8	72/10	88/12	
Suburban Workplace (SW)	Institutional, Office, Commercial, and Industrial	Attached and Freestanding	<500 S.F.	Three (3)	20% of facade	Below Roof Line or uppermost portion of parapet wall	Local	One (1)	60/12	80/14	100/16		
			500 - < 1,000 S.F.		100 S.F. Plus 15% of facade area over 500 S.F.		Collector		80/18	100/20	120/22		
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of facade area		Arterial, 4 lanes or less			100/22	120/24	140/26	

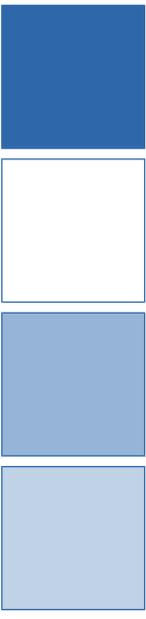




<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>									
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		<u>Tenants</u>					
					over 1,000 S.F.											
			3,500 - < 5,000 S.F.		300 S.F.											
			5,000 S.F. or ≥		10% of facade - Not to exceed 750 S.F.											
Traditional Workplace (TW)	Institutional, Office, Commercial, and Industrial	Attached and Freestanding	<500 S.F.	Three (3)	20% of facade	Below Roof Line or uppermost portion of parapet wall	Local	One (1)	40/10	60/12	80/14					
			500 - < 1,000 S.F.		100 S.F. Plus 15% of facade area		Collector		60/14	80/16	100/18					

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<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>							
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		<u>Tenants</u>			
					over 500 S.F.							<u>1</u> <u>Tenant</u>	<u>2-3</u> <u>Tenants</u>	<u>4</u> <u>Tenants</u>
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of facade area over 1,000 S.F.			Arterial, 4 lanes or less		80/18	100/20	120/22		
			3,500 - < 5,000 S.F.		300 S.F.			Arterial, more than 4 lanes		80/22	100/24	120/26		
			5,000 S.F. or ≥		10% of facade - Not to exceed 750 S.F.									

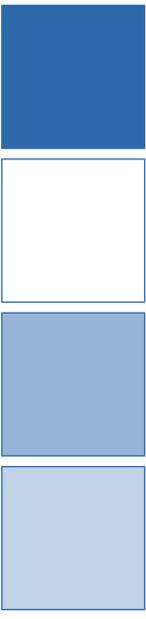


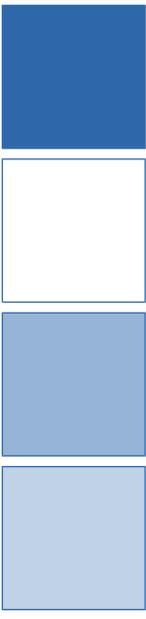


<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>							
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height Tenants</u>					
Campus (C)	<u>Institutional, Office, Commercial, and Industrial</u>	Attached and Freestanding	<500 S.F.	Three (3)	20% of facade	Below <u>Roof Line</u> or <u>uppermost portion of parapet wall</u>	Local	One (1)	<u>1</u> Tenant	<u>2-3</u> Tenants	<u>4</u> Tenants	40/6	60/8	80/10
			500 - < 1,000 S.F.		100 S.F. Plus 15% of facade area over 500 S.F.		Collector			60/8	80/10	100/12	80/10	100/12
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of facade area over 1,000 S.F.		Arterial, 4 lanes or less							

Land Development Code (LDC)

<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>				
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		
			3,500 - <7,000 S.F. 7,000 S.F. Or ≥		300 S.F. 5% of facade area not to exceed 500 S.F.			Arterial, more than 4 lanes	1 Tenant 80/12	2-3 Tenants 100/14	4+ Tenants 120/16
Downtown (DT)	<u>Institutional, Office, Commercial, and Industrial</u>	Attached only	<500 S.F. 500 - < 1,000 S.F.	Three (3)	20% of facade 100 S.F. Plus 15% of facade area over 500 S.F.	Below Roof Line or uppermost portion of parapet wall			Not Applicable		

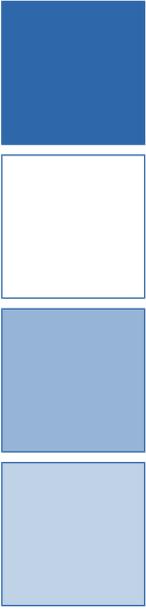




<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>					
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>	<u>1 Tenant</u>	<u>2-3 Tenants</u>	<u>4+ Tenants</u>
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of facade area over 1,000 S.F.							
			3,500 - < 5,000 S.F.		300 S.F.							
			5,000 - < 10,000 S.F.		500 S.F.							
			10,000 S.F. or greater		750 S.F.							

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<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>				
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		
Town Center (TC)	Institutional, Office, Commercial, and Industrial	Attached and Freestanding	< 500 S.F.	Three (3)	20% of facade	Below Roof Line or uppermost portion of parapet wall	Local	One (1)	<u>1 Tenant</u>	<u>2-3 Tenants</u>	<u>4+ Tenants</u>
			500 - < 1,000 S.F.		100 S.F. Plus 15% of facade area over 500 S.F.				60/8	80/10	80/10
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of facade area over 1,000 S.F.		Arterial, 4 lanes or less	80/10	100/12	120/14	

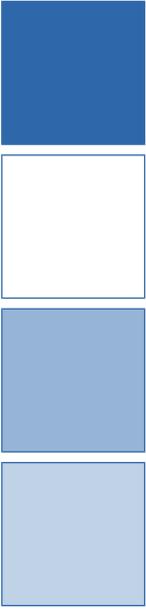




<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>							
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>		<u>Tenant</u>			
			3,500 - < 5,000 S.F.		300 S.F.			Arterial, more than 4 lanes			1	2-3	4	120/16
			<u>5,000 S.F. or greater</u>		<u>500 S.F.</u>									
Regional Center (RC)	Institutional, Office, Commercial, and Industrial	Attached and Freestanding	<500 S.F.	Three (3)	20% of facade	Below <u>Roof Line</u>	Local	One (1)	60/12	80/14	100/16			
			500 - < 1,000 S.F.		100 S.F. Plus 15% of facade area over 500 S.F.	or <u>uppermost portion of parapet wall</u>	Collector		80/18	100/20	120/22			
			1,000 - < 3,500 S.F.		175 S.F. Plus 5% of			Arterial, 4 lanes or less			100/22	120/24	140/26	

<u>Form District</u>	<u>Land Use</u>	<u>Types of Signs Allowed</u>	<u>Attached Signs</u>				<u>Freestanding Signs</u>						
			<u>Facade Area</u>	<u># per facade*</u>	<u>Sign Area</u>	<u>Mounting Height</u>	<u>Street Class</u>	<u># per street**</u>	<u>Area/Height</u>				
					facade area over 1,000 S.F.						<u>1 Tenant</u>	<u>2-3 Tenants</u>	<u>4+ Tenants</u>
			3,500 - < 5,000 S.F.		300 S.F.		Arterial, more than 4 lanes	100/24				120/26	140/28
			5,000 - < 10,000 S.F.		500 S.F.								
			10,000 S.F. or greater		750 S.F.								

Table 8.3.2





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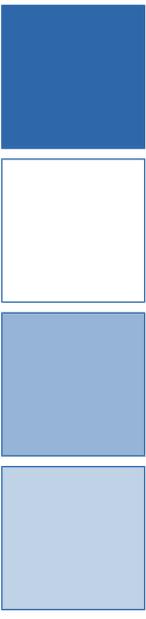


* See Section 8.3.3 paragraph A.1 for discussion of number of attached sign for multi-tenant buildings.



** See Section 8.3.3 paragraphs B.3 & 4 for multiple freestanding sign allowances.

Form-District	Street-Class	Area/Height	Shared-2-3 Area/Height	Shared-4-or-> Area/Height
Neighborhood	Local	40/6	60/8	80/10
	Collector	60/8	80/10	100/12
Town-Center	Arterial-4 Lanes or-Less	80/10	100/12	120/14
	Arterial->4 Lanes	80/12	100/14	120/16
Campus	Local	60/12	80/14	100/16
	Collector	80/18	100/20	120/22
Regional-Center	Arterial-4 Lanes or-Less	100/22	120/24	140/26
	Arterial->4 Lanes	100/24	120/26	140/28
Suburban-Marketplace Gorridor	Local	24/4	48/6	64/8
	Collector	32/6	56/8	72/10
Suburban-Workplace	Arterial-4 Lanes or-Less	48/6	72/8	88/10
	Arterial->4 Lanes	48/6	72/10	88/12
Traditional-Neighborhood Village	Local	40/10	60/12	80/14
	Collector	60/14	80/16	100/18
Traditional-Workplace	Local	40/10	60/12	80/14
	Collector	60/14	80/16	100/18



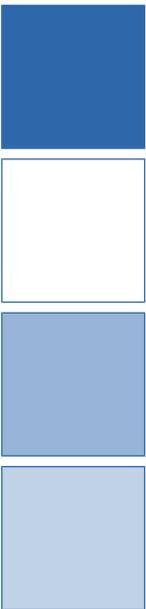
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Form District	Street Class	Area/Height	Shared 2-3 Area/Height	Shared 4 or > Area/Height
	Arterial 4 Lanes or Less	80/18	100/20	120/22
	Arterial >4 Lanes	80/22	100/24	120/26
Traditional Marketplace Corridor	Local	32/6	60/6	80/10
	Collector	48/6	64/6	72/10
	Arterial 4 Lanes or Less	48/6	64/6	72/10
	Arterial >4 Lanes	64/8	72/10	88/12

Table 8.3.2 Non-residential Use Freestanding Sign Restrictions

NOTE:

Lanes refer to driving lanes, which include center turn lanes and medians, de-acceleration lanes are not included.



Land Use	Street Frontage	Area(S.F.)/Height(ft.)
Institutional, Office, Commercial and Industrial	<450 ft.	60/6
	>450 ft.	72/9
	>600 ft.	81/12
Office and Institutional	≤600 ft.	32/6
	>600 ft.	60/6
Multi-family Residential	NA	6/6

Table 8.3.3 Freestanding Signs on Designated Parkways

NOTE:

See appendix 10C for the listing of designated parkways and scenic corridors. Also, see Section 8.3.3 paragraph 1 for signage style requirements for parkways and scenic corridors. When the Form District Regulations are more restrictive then they shall supersede the requirements of Table 8.6.1.

- C. ~~Incidental Signs: Freestanding Directional Signs: Freestanding directional signs, i.e., signs used primarily to direct on premise vehicular or pedestrian circulation or traffic, are allowed to a maximum height of three (3) feet, with a maximum area of five (5) square feet. Such signs shall not be counted toward the number of freestanding signs allowed on a lot. These signs are allowed as defined in the 'incidental sign' definition listed in Section 8.1.2. One Two single faced "Menu Board" type signs are allowed for a "drive through" facility and shall not be counted toward the number of freestanding business on-premises signs allowed, provided such sign is no larger than forty (40) square feet. Freestanding directional incidental signs shall be permitted within form district setbacks/yards.~~
- D. ~~Attached Directional Signs: Attached directional signs, i.e., signs used exclusively to direct on premise vehicular or pedestrian circulation or traffic, are allowed to a maximum area of five (5) square feet. Such signs shall not be counted toward the number of attached business signs allowed on a lot. No attached directional sign may exceed a height greater than 10 feet from the grade of the property on which the sign is located.~~
- E. Special Provisions
 - 1. ~~A single use building may have one attached sign for the sole purpose of furnishing emergency telephone numbers or other such emergency information. Such a sign shall not be counted toward the number of attached signs allowed provided it does not exceed one square foot in area. Multiple use buildings may have one such emergency sign for each independent use. A sign in a~~

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~~gasoline service station identifying a self service and/or full service pump island may be attached to canopy supports or light standards over a pump island at a height greater than the three (3) feet allowed for other directional signs, provided the area of such a sign does not exceed five (5) square feet.~~

2. Shared Business On-premises Signs shall not be considered off-premises/outdoor advertising signs by this regulation.

8.4 Temporary On-premises Sign

8.4.1 Temporary Signs

In addition to the freestanding signs allowed under Section 8.3.3, temporary signs that include such signs as small freestanding business on-premises signs, temporary business on-premises signs, temporary banners and special event signs shall be allowed as permitted under this part. For purposes of KRS 100.253 temporary signs shall be regarded as personal property unattached to the real property on which they are placed and such signs are not structures and no non-conforming land use rights shall attach to them.

8.4.1.1 Temporary Business Signs

A. Small Freestanding Business On-premises Signs.

1. One small freestanding business on-premises sign shall be allowed on each lot ~~located in the C-N, C-1, C-2 and C-M Zoning Districts~~associated with a principal non-residential use.
2. The small freestanding business on-premises sign shall not exceed twelve (12) square feet of surface area per face and there shall be no more than two (2) faces. The sign shall not extend more than four (4) feet above the ground on which it is placed.
3. ~~The small freestanding business sign shall advertise only the business, profession, trade or occupation lawfully practiced on site and/or the generic or brand name products or services lawfully available on site, or religious, charitable or other non-commercial messages. Display of small freestanding business on-premises signs shall be limited to the hours of operation of the principal use associated business, profession, trade or occupation lawfully practiced on the site.~~
4. Small freestanding business on-premises signs shall not be illuminated or contain any electrical component.
5. No small freestanding business on-premises sign shall be allowed within the public right-of-way or public easement, unless all required permits have been issued therefore and it shall be a condition of all such permits that the sign

shall be removed from the public right of way or easement ~~when the business for the timeframe outside of the hours of operation of the associated principal use is closed.~~

6. No small freestanding ~~business on-premises~~ sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian right-of-way and driveways.
7. Any code enforcement officer or peace officer who finds a small freestanding ~~business on-premises~~ sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic or restricts the vision of drivers of vehicles on abutting streets or on the subject property may cause the sign to be removed to a safe location on the subject property. Any code enforcement officer or peace officer may remove any sign located on the public right-of-way and dispose of same.
8. All small freestanding ~~business on-premises~~ signs shall be kept in good repair and in a proper state of preservation in accordance with Chapter 155 (Signs) and Chapter 156 (Property Maintenance Code) of the Louisville Metro Code of Ordinances.
9. Every small freestanding ~~business on-premises~~ sign and the premises immediately surrounding the sign shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

B. ~~Temporary Freestanding Business Sign~~

1. ~~One temporary freestanding business sign shall be permitted in lieu of a permanent freestanding business sign with a permit from the appropriate building department for a period not to exceed one hundred twenty (120) days within the C-1, C-2, C-M, M-1, M-2, M-3, EZ-1 Zoning Districts. Only one permit shall be issued for a property within a year. Sites with shared business signs shall not be permitted to have a temporary freestanding business sign. The expiration date shall be affixed to the sign at all times when the sign is within public view. A copy of the permit shall be available on the business premises and shall be made available for inspection by the Director or his/her designee.~~
2. ~~The temporary freestanding business sign shall not exceed thirty-two (32) square feet of surface area per face and there shall be no more than two (2) faces. The sign shall not extend more than six (6) feet above the ground on which it is placed.~~
3. ~~The temporary freestanding business sign shall advertise only the business, profession, trade or occupation lawfully practiced on site and/or the generic or brand name products or services lawfully available on site, or religious, charitable or other non-commercial messages.~~

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- ~~4. Temporary freestanding business signs may not be illuminated, or contain any electrical component unless UL approved and unless connected to a ground fault interrupter. All illuminated temporary freestanding business signs shall be non-flashing and any illumination shall be constant in intensity and color. All components of a small freestanding sign shall be non-moving and stationary.~~
- ~~5. No temporary freestanding business sign shall be allowed within the public right-of-way or public easement.~~
- ~~6. No temporary freestanding business sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian right-of-way and driveways.~~
- ~~7. Any code enforcement officer or peace officer who finds a temporary freestanding business sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic or restricts the vision of drivers of vehicles on abutting streets or on the subject property may cause the sign to be removed to a safe location on the subject property. Any code enforcement officer or peace officer may remove any sign located on the public right-of-way and dispose of same.~~
- ~~8. All temporary freestanding business signs shall be kept in good repair and in a proper state of preservation.~~
- ~~9. Every temporary freestanding business sign and the premises immediately surrounding the sign shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.~~
- ~~10. Property in the C-1, C-2, C-M, M-1, M-2, M-3, EZ-1 Zoning Districts and located in a Suburban Marketplace Corridor Form District may have a temporary freestanding business sign in accordance with the provisions of this Section 8.5.3. The temporary freestanding sign shall be in addition to permanent freestanding business signs as allowed in this Chapter. No site shall have more than one temporary freestanding sign. Temporary signs shall be displayed for no more than 120 days in a calendar year. The expiration date shall be affixed to the sign at all times when the sign is within public view. A copy of the permit shall be available on the business premises and shall be made available for inspection by the Director or his/her designee.~~

- C. Temporary Banner Signs. In addition to the permanent attached signs allowed within Section 8.3.2, temporary banner signs (cloth, plastic or other soft material) are allowed in the C-N, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2 and M-3 Districts upon the issuance of a permit by the Director/Building Official. Only one such temporary banner shall be allowed on any business premises of a non-residential principal use. The area of such a banner shall not exceed fifty percent (50%) of the sign

area allowed for permanent attached ~~business-on-premises~~ signs on the building façade adjacent to the banner sign pursuant to paragraph ~~Section 8.3.2B~~. No person shall be allowed to place a temporary banner sign on property owned by him or on property upon which he owns or operates a business, profession, trade or occupation without having received the permit required hereby. Said permit shall be issued by the ~~Director~~ Building Official or his deputy upon written request therefore, for a period not to exceed thirty (30) consecutive days and for cumulative periods not to exceed ninety (90) days in any calendar year. Immediately upon expiration of the permit, said temporary banner shall be removed. At all times while the banner is in public view the expiration date of the sign shall be affixed to the sign. The permit for the banner sign shall be kept on the business premises and shall be available for inspection by the ~~Director~~ Building Official or his/her designee. Temporary banners shall be attached to permanent structures only. Institutional uses shall be allowed one 60 square foot banner sign, ~~shall be allowed~~. The institutional banner sign shall be attached to a permanent structure only. Any institution, regardless of street frontage size, is eligible for a institutional banner sign; no permit is required for the institutional banner sign.

D. ~~Special Event Sign~~ Temporary Freestanding On-premises Sign

1. One ~~special event sign~~ temporary freestanding on-premises sign shall be permitted for institutional uses with a permit from the appropriate building department for a period not to exceed ~~120~~ 90 days within a calendar year. The expiration date of the permit shall be affixed to the sign at all times when the sign is within public view. A copy of the permit shall be located on the property and shall be made available for review upon request.
2. The ~~special event sign~~ temporary freestanding on-premises sign shall not exceed thirty-two (32) square feet of surface area per face and there shall be no more than two (2) faces. The sign shall not extend more than six (6) feet above the ground on which it is placed.
3. ~~The special event sign shall advertise only the activity lawfully practiced on site, related special events including fund raising activities, or religious, charitable or other non-commercial messages.~~
4. ~~special event signs~~ Temporary freestanding on-premises signs may not be illuminated, or contain any electrical component unless UL approved and unless connected to a ground fault interrupter. All illuminated temporary freestanding business signs shall be non-flashing and any illumination shall be constant in intensity and color. All components of a small freestanding sign shall be non-moving and stationary.
5. No ~~special event sign~~ temporary freestanding on-premises sign shall be allowed within the public right-of-way or public easement.
6. No ~~special event sign~~ temporary freestanding on-premises sign shall be constructed and placed so as to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian right-of-way and driveways.

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7. Any code enforcement officer or peace officer who finds a ~~special event sign~~temporary freestanding on-premises sign so placed on private property that the sign as located causes an obstruction to pedestrian or vehicular traffic or restricts the vision of drivers of vehicles on abutting streets or on the subject property may cause the sign to be removed to a safe location on the subject property. Any code enforcement officer or peace officer may remove any sign located on the public right-of-way and dispose of same.
8. All ~~special event signs~~temporary freestanding on-premises signs shall be kept in good repair and in a proper state of preservation in accordance with Chapter 155 (Signs) and Chapter 156 (Property Maintenance Code) of the Louisville Metro Code of Ordinances.
9. Every ~~special event sign~~temporary freestanding on-premises sign and the premises immediately surrounding the sign shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
10. ~~Small special event signs not to exceed four (4) square feet in area each shall be allowed without a permit. Said signs shall not include any electrical or mechanical components and shall be removed from the property within three (3) days after the completion of the advertised event.~~

E. Window Signs

1. Window signs are permitted for all non-residential principal uses~~within the PD (commercial uses), C-N, C-1, C-2, C-3 and C-M zoning districts.~~ A use may display window signs so long as the ~~aggregate~~ area of such signs does not exceed 25% ~~of total~~of each window area located on the ground floor of the building. For computation of area, window panels separated by muntins or mullions shall be considered as one continuous windowpane. Window signs shall not be considered attached signs unless the sign is permanently attached to the window (permanently in this case means that to remove the sign the glass on which it is attached must also be removed).
2. ~~Window signs shall not exceed 25% of the total window area on a given facade.~~

8.4.1.2 Special Temporary Signs

Special temporary signs are those that provide a specific function such as rent/sale signs and construction signs. The specific requirements for each type are listed below:

- A. Rent/Sale Signs. One on-premises freestanding **rent/sale sign** per site not exceeding twelve (12) square feet in area shall be allowed in any district. For lots abutting more than one street, one such rent/sale sign shall be allowed for each abutting

street. ~~In the C-N, EZ-1, C-1, C-2, C-3, C-M, M-1, M-2, M-3, OR, OR-1, OR-2, OR-3, OTF, W-1, W-2, W-3, PRO and PEC Districts~~ For non-residential uses, freestanding or attached rent/sale signs not exceeding sixty-four (64) square feet shall be allowed. Such signs shall be removed no later than seven (7) days after closing of sale or consummation of lease. Rent/Sale signs within the above listed zoning districts may have two signs on street frontages in excess of 600 feet. The area of each of the two signs combined shall not exceed the total maximum area allowed for one rent/sale sign.

- B. Construction Signs. ~~One on-premises sign per contractor engaged in construction activity on the site is or more signs identifying persons or business firms engaged in the construction of a building on site,~~ are allowed, provided that each such sign not exceed twelve (12) square feet in area and fifteen (15) feet above ground in height. In the alternative, one sign ~~identifying all persons or business firms engaged in construction of a building on site~~ is allowed, provided the sign shall not exceed sixty-four (64) square feet in area and fifteen (15) feet above ground in height. All such signs must be removed within seven (7) days following issuance of a certificate of occupancy for the building.
- C. Subdivision Construction Signs. One on-premises freestanding subdivision ~~identification~~ construction sign not to exceed sixty-four (64) square feet in area and fifteen (15) feet in height shall be allowed at each dedicated street entrance within the building lines of the subdivision during construction, for not more than sixty (60) days prior to the commencement of construction, and after construction until such time as eighty percent (80%) of the lots are sold.

8.4.2 Temporary and Portable Signs along Parkway and Scenic Corridors

No ~~billboards,~~ temporary, portable on-premises or ~~outdoor advertising signs (such as signs located on transit benches)~~ shall be permitted on any property or within any development site or parkway buffer adjacent to a designated parkway or scenic corridor.

8.5 Outdoor Advertising Signs

NOTE:

Move all of part 5 (outdoor advertising signs/off-premise signs) to chapter 4, part 3 permitted uses with special standards.

8.5.1 Unilluminated Outdoor Advertising Signs

An unilluminated outdoor advertising sign of less than seventy-two (72) square feet shall be allowed if:

- A. Located in a C-N, C-1, C-2, C-M, M-1, M-2 or M-3 District;

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- B. Set back at least fifteen (15) feet from the front or street side property lines if in a C-N, C-1, C-2 or C-M Districts;

NOTE:

Outdoor advertising signs are prohibited in the city of Middletown.

- C. Located not less than four hundred fifty (450) feet from any existing billboard of any size on the same side of the same street, and not less than nine hundred (900) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway*;

NOTE:

“Designated parkways” as referenced in the section of Chapter 10, Part 3.

- D. Located not less than two hundred twenty five (225) feet from any existing billboard of any size on the opposite side of the same street (measured from the point of intersection on the same side of the street with the line from the existing sign perpendicular to the roadway), and not less than four hundred fifty (450) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
- E. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
- F. In a C-N District, located not less than two hundred (200) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, in a C-1 through M-3 district, located not less than one hundred fifty (150) feet measured radially from the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area, and located not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;
- G. Located not less than seventy five (75) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of a controlled access highway or designated parkway passing through the non-metropolitan area;

- H. Placed so that the highest point of the advertising sign does not exceed sixteen (16) feet above ground;
- I. Located not less than two hundred fifty (250) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places.

8.5.2 Illuminated Outdoor Advertising Signs

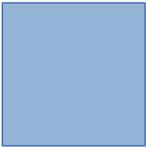
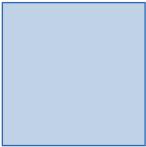
An illuminated or non-illuminated outdoor advertising sign of less than three hundred thirty (330) square feet shall be allowed if:

- A. Located in a C-1, C-2, C-M, M-1, M-2 or M-3 District;
- B. Set back at least thirty (30) feet from the front or street side property lines if located in a C-1, C-2 or C-M District;
- C. Located along a major or minor arterial highway as designated in the Comprehensive Plan;
- D. Located not less than six hundred (600) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;
- E. Located not less than three hundred (300) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);
- F. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
- G. Located not less than three hundred (300) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;



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- H. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;
 - I. Constructed so the highest point of the sign (including embellishments shall not exceed forty (40) feet above the ground, except that for signs located in the C-1 District the highest point of the sign (including embellishments) shall not exceed thirty-five (35) feet above the ground;
 - J. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;
 - K. Notwithstanding the provisions of subparagraph i. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;

8.5.3 Illuminated/Non-illuminated Outdoor Advertising Sign 330-750 Square Feet

An illuminated or non-illuminated outdoor advertising sign of greater than or equal to three hundred thirty (330) square feet but less than seven hundred fifty (750) square feet shall be allowed if:

- A. Located in a C-2, C-M, M-1, M-2 or M-3 Districts;
- B. Set back at least sixty (60) feet from the front or street side property lines if in a C-2 or C-M District;
- C. Located along a major or minor arterial highway as designated in the Comprehensive Plan;
- D. Located not less than twelve hundred (1,200) feet from any existing billboard of any size on the same side of the same major or minor arterial highway and not less than fifteen hundred (1,500) feet from any existing billboard of any size on the same side of a controlled access highway or designated parkway;
- E. Located not less than six hundred (600) feet from any existing billboard of any size on the opposite side of the same major or minor arterial highway (measured from the point of intersection on the same side of the major or minor arterial highway with the line from the existing sign perpendicular to the roadway), and not less than nine hundred (900) feet from any existing billboard of any size on the opposite side of the same controlled access highway or designated parkway (as so measured);



- F. Located not less than seventy-five (75) feet from the centerline of an intersecting roadway;
- G. Located not less than four hundred (400) feet (measured radially) between the sign and the nearest edge of a residentially zoned or residentially developed lot in the metropolitan area and not less than six hundred (600) feet measured radially between the sign and the nearest edge of a residentially zoned or residentially developed lot in the non-metropolitan area;
- H. Located not less than one hundred fifty (150) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the metropolitan area and not less than six hundred sixty (660) feet from the nearest edge of the right-of-way of a controlled access highway or designated parkway passing through the non-metropolitan area;
- I. Constructed so the highest point of the sign (including embellishments) does not exceed forty (40) feet above the ground:
- J. Located not less than five hundred (500) feet measured radially from any public park or any designated parkway or any landmark property or historic district designated as such by the Louisville Landmark's Commission or the Jefferson County Preservation Commission or from any property listed in the National Register of Historic Places;
- K. Notwithstanding the provisions of subparagraph I. hereof the highest point of an outdoor advertising sign (including embellishments) located along an elevated section of a controlled access highway may be fifty (50) feet above the ground, provided that the lowest point of the sign shall be not less than ten (10) feet above the grade of the elevated controlled access highway;

8.5.4 Outdoor Advertising Signs Greater Than 750 Square Feet

No outdoor advertising sign greater than seven hundred fifty (750) square feet shall be allowed in any district.

8.5.5 Extensions and Embellishments for Outdoor Advertising Signs

- A. Allowable Shapes for Outdoor Advertising Signs. Outdoor advertising signs of all sizes shall be rectangular in shape except that extensions are allowed if such extensions are not greater than five (5) feet at the top, two (2) feet at the sides and/or eighteen (18) inches at the bottom of the sign and comprise in the aggregate an area not more than 12.5 percent as great as the basic rectangular shape to which such extensions are attached. Such embellishments are included in the calculation of the sign area restrictions.

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- B. Extension of Outdoor Advertising Signs. No attached outdoor advertising sign shall extend past the exterior wall of the building to which it is affixed.
- C. Double-Faced/V-Type/Back to Back Outdoor Advertising Signs. Double-faced, V-type or back-to-back outdoor advertising signs shall be considered as one sign for spacing purposes.

8.5.6 Form District Specific Outdoor Advertising Sign Restrictions

New outdoor advertising signs shall not be permitted within the Neighborhood, Traditional Neighborhood, Traditional Marketplace Corridor, Traditional Workplace, Town Center, and Downtown Form Districts

NOTE:

The prohibition of new billboards in certain form districts (Section 8.5.6) is not subject to the LDC waiver process.

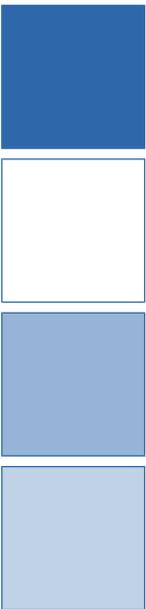
8.5.7 Outdoor Advertising Signs Location Limitations for Parkways and Scenic Corridors

No billboards, temporary, portable or outdoor advertising signs (such as signs located on transit benches) shall be permitted on any property or within any development site or parkway buffer adjacent to a designated parkway or scenic corridor.

8.6 Sign Review Board and Exceptional Signage

8.6.1 Sign Review Board

- A. Authority of the Sign Review Board - The Sign Review Board (SRB) is a joint subcommittee of the Louisville Metro Planning Commission (PC) and the Louisville Metro Board of Zoning Adjustments (BOZA). The Sign Review Board conducts the public hearing/meeting process for all exceptional signage reviews (variance, waiver and special sign authorizations). The SRB reviews exceptional sign requests and makes a recommendation to BOZA or Planning Commission depending on the type of exceptional sign review. The SRB reviews exceptional signage requests against the general variance and waiver guidelines spelled out in the LDC and in KRS 100. The SRB also reviews requests against specific exceptional sign design guidelines which are used to further clarify the general review criteria outlined for variances and waivers. The SRB also reviews requests for the designation of 'significant signs'. The SRB will review a request for 'significant sign' designation and will make a recommendation to BOZA.
- B. Sign Review Board (SRB) Membership - The SRB shall be composed of the following types of individuals:



1. One PC or BOZA member
2. One planning or permitting office staff member
3. Two sign industry professionals
4. Two community representatives
5. One non-sign industry design professional (e.g. architect, landscape architect, engineer, etc.)

C. Exceptional Signage Review - Exceptional signage reviews are proposals that do not meet the current requirements of the sign regulations or those cases where a certain sign design is not an authorized type of sign. This review cannot authorize sign types or design elements that are prohibited by the sign regulations. The following three types of exceptional signage reviews exist:

1. Variance Level Reviews - These are reviews for proposed exceptional signage that does not meet a dimensional standard eligible for a variance in accordance with KRS 100 (e.g. Sign area, sign height, sign setback, etc.).
2. Waiver Level Reviews - These are reviews for proposed exceptional signage that does not meet a design standard established by the sign regulations (e.g. Sign style, LED timing restriction, opaque backgrounds, etc.).
3. Sign Authorization - These are reviews for proposed exceptional signage that do not meet definitions for sign types authorized by the sign regulations (e.g. angular attached signs, attached signs projecting further than 18 inches, projecting signs that project less than 18 inches from a facade, etc.).

D. Exceptional Signage Review Process - Exceptional signage reviews shall be conducted as follows:

1. Variance level reviews shall conduct a public hearing and shall provide notice in accordance with chapter 11 of the LDC and KRS 100. The SRB shall conduct the public hearing and shall provide a recommendation to BOZA or PC (in conjunction with a zoning change request). The SRB shall review the request in accordance with the criteria listed in chapter 11 of the LDC and in KRS 100. The Exceptional Sign Review Design Guidelines listed in Appendix 8B of the LDC shall be used to further clarify the standard criteria by providing guidelines more closely related to signs.
2. Waiver level reviews shall conduct a public meeting and shall provide notice in accordance with chapter 11, part 8 of the LDC. The SRB shall conduct the public meeting and shall provide a recommendation to PC or BOZA (in conjunction with a variance or conditional use permit request). The SRB shall review the request in accordance with the criteria listed in chapter 11, part 8 of the LDC. The Exceptional Sign Review Design Guidelines listed in Appendix 8B shall be used to further clarify the standard criteria by providing guidelines more closely related to signs.
3. Sign authorization reviews shall conduct a public meeting and shall provide notice in accordance with chapter 11, part 8 of the LDC. The SRB shall conduct the public meeting and shall provide a recommendation to BOZA or PC (in conjunction with a zoning change request). The SRB shall review the request



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in accordance to the Exceptional Sign Review Design Guidelines listed in Appendix 8B of the LDC.



E. Appeals:

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1. Appeals from the action of the Planning Commission or Board of Zoning Adjustment pertaining to recommendations of the Sign Review Board shall be taken to the Circuit Court in accordance with the provisions of KRS Chapter 100.

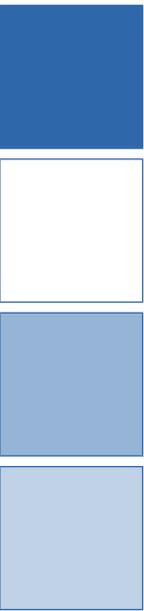
This is a new section added to the code because of the creation of the Sign Review Board.

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Appendix 8A - LMCO Chapter 155 (Signs)

Louisville Metro Code of Ordinances Chapter 155 (Signs) can be viewed at American Legal Publishing (www.amlegal.com) select library at the top of the page then select Kentucky on the interactive map. Lastly, select Louisville and Jefferson County from the list of jurisdictions.

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Appendix 8B

Design Guidelines for Exceptional Signage Reviews

The guidelines listed below clarify the general criteria provided in the LDC and in KRS 100 for variances and LDC waivers. The guidelines provide design questions and standards in order to more closely relate the general variance and waiver criteria to sign design.

Variance Reviews

- A. Will the proposed sign adversely affect the public health, safety or welfare, will it alter the essential character of the general vicinity, will it cause a hazard or a nuisance to the public, or will it allow an unreasonable circumvention of the requirements of the zoning regulations. The following design guidelines further clarify this criterion:
1. Proposals for sign area and height modifications in excess of 25% of what is permitted by chapter 8 should be carefully scrutinized to ensure compatibility with surrounding development.
 2. The proposed sign is in compliance with the underlying form district as described within Cornerstone 2020, typically the type of neighborhood, character of the area and traffic speeds should be considered in the design of a sign.
 3. The proposed sign should be visually consistent with the architecture, materials, colors and overall design of the building(s) which it identifies.
 4. Generally, all colors, except fluorescent, may be allowable depending on their relationships to architecture, the business, and the surrounding neighborhood.
 5. Signs should have an individual character and should not be designed to mimic signs on adjacent properties.
 6. Signs should be clearly readable, information should be limited.
 7. For attached signage the architectural design of the building may influence the location of the sign on the structure.
 8. Light backgrounds are discouraged on internally illuminated signs because visibility is lowered by a “wrap around” effect.
 9. Signs located within overlay districts and/or local landmarks district should be reviewed in accordance with guidelines of the applicable district.
 10. Lighted signs should be designed so that they are not unnecessarily bright.



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11. The scale of signs should be appropriate for the building on which they are placed and the area in which they are located. The size and shape of a sign should be proportionate with the scale of the structure.
 12. Because residential and commercial uses generally exist in close proximity, signs should be designed and located so that they have little or no impact on adjacent residential neighborhoods.
 13. Place wall signs to establish facade rhythm, scale and proportion where facade rhythm doesn't exist. On buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.
 14. Pedestrian-oriented signs are encouraged. It is desirable and encouraged to include a pedestrian-oriented sign as one of the permitted signs for a business. Pedestrian-oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.
 15. Select colors carefully. Color is one of the most important aspects of visual communication -- it can be used to catch the eye or to communicate ideas or feelings. Colors should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Too many colors used thoughtlessly can confuse and negate the message of a sign.
 16. Use contrasting colors. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible.
 17. Limit the number of letter styles. The number of lettering styles should be limited in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.
 18. Significant signage. The preservation of designated signature signs may be used to justify increases in overall sign area limits as long as the integrity of the signature sign is maintained and any new signage is deemed to be compatible to the signature sign.
- B. Whether the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The following design guidelines further clarify this criterion:

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1. Elevation changes between properties and adjacent streets should be reviewed to ensure that signage is appropriately visible to the street;
 2. The transportation department responsible for the adjacent public streets must review the plans for freestanding signs to ensure conformance with safety standards prior to approval by the board
- C. Whether the strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The following design guidelines further clarify this criterion:
1. The transportation department responsible for the adjacent public streets must review the plans for freestanding signs to ensure conformance with safety standards prior to approval by the board.
 2. The SRB should review the layout of the land and surrounding property to determine whether relief is warranted.
- D. Whether the circumstances are the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Waiver Reviews

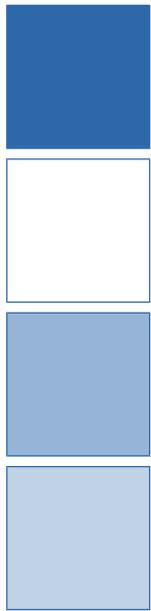
- A. The waiver will not adversely affect adjacent property owners. The following design guidelines further clarify this criterion:
1. The proposed sign should be visually consistent with the architecture, materials, colors and overall design of the building(s) which it identifies.
 2. Generally, all colors, except fluorescent, may be allowable depending on their relationships to architecture, the business, and the surrounding neighborhood.
 3. Signs should have an individual character and should not be designed to mimic signs on adjacent properties.
 4. Signs should be clearly readable, information should be limited.
 5. For attached signage the architectural design of the building may influence the location of the sign on the structure.
 6. Light backgrounds are discouraged on internally illuminated signs because visibility is lowered by a “wrap around” effect.
 7. The transportation department responsible for the adjacent public streets must review the plans for a freestanding signs to ensure conformance with safety standards prior to approval by the board.
 8. Signs located within overlay districts and/or local landmarks district should be reviewed in accordance with guidelines of the applicable district.
 9. Lighted signs should be designed so that they are not unnecessarily bright.



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10. The scale of signs should be appropriate for the building on which they are placed and the area in which they are located. The size and shape of a sign should be proportionate with the scale of the structure.
 11. Because residential and commercial uses generally exist in close proximity, signs should be designed and located so that they have little or no impact on adjacent residential neighborhoods.
 12. Place wall signs to establish facade rhythm, scale and proportion where facade rhythm doesn't exist. On buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.
 13. Pedestrian-oriented signs are encouraged. It is desirable and encouraged to include a pedestrian-oriented sign as one of the permitted signs for a business. Pedestrian-oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.
 14. Select colors carefully. Color is one of the most important aspects of visual communication -- it can be used to catch the eye or to communicate ideas or feelings. Colors should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Too many colors used thoughtlessly can confuse and negate the message of a sign.
 15. Use contrasting colors. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible.
 16. Limit the number of letter styles. The number of lettering styles should be limited in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.
 17. Significant signage. The preservation of designated signature signs may be used to justify increases in the overall number of attached signs on a facade as long as the integrity of the signature sign is maintained and any new signage is deemed to be compatible to the signature sign.
- B. The waiver will not violate the Comprehensive Plan. The following design guideline further clarifies this criterion:
1. The proposed sign is in compliance with the underlying form district as described within Cornerstone 2020, typically the type of neighborhood, character of the area and traffic speeds should be considered in the design of a sign.



- C. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant. The following design guidelines further clarify this criterion:
1. Proposals for sign area and height modifications in excess of 25% of what is permitted by chapter 8 should be carefully scrutinized to ensure compatibility with surrounding development..
 2. Elevation changes between properties and adjacent streets should be reviewed to ensure that signage is appropriately visible to the street.
- D. The applicant has either:
1. Incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect). The following design guidelines further clarify this criterion:
 - a. The use of symbols or three dimensional forms is encouraged.
 - b. Signs should make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The SRB encourages imaginative and innovative sign design. The Exceptional Sign Review application procedure is specifically designed for artistic and unusual signs that might not fit the standard sign regulations and categories.
 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The following design guidelines further clarify this criterion:
 - a. The transportation department responsible for the adjacent public streets must review the plans for freestanding signs to ensure conformance with safety standards prior to approval by the board.
 - b. The SRB should review the layout of the land and surrounding property to determine whether relief is warranted.

Sign Authorizations

Sign Authorization Reviews shall use the same set of design guidelines as listed under the Waiver Reviews. Emphasis in sign authorizations shall be on the innovative design of signage and its potential impact on the property it relates to, surrounding properties and to the street or public realm.