

ARTICLE II ◇ TERMS AND DEFINITIONS

Shelby County Zoning Regulations

2015

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Unless the context otherwise requires, the following definitions shall be used in the interpretation of these Regulations. The words, which are defined, are those having special or limited meanings in these Regulations. Words with self-evident meanings are not defined here. Words used in the present tense include the future; words used in the singular include the plural and the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the word "should" is preferred; the word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel"; the word "person" includes a firm or corporation as well as an individual; and the word "submission" indicates a complete filing as called for by the Ordinance. These definitions shall be first used in the interpretation of any words or phrases used in these Regulations. Any words or phrases not defined in these regulations shall be given the definition provided in KRS Chapter 100 or KRS Chapter 219. Words neither defined in these Regulations nor in KRS 100 and KRS 219 shall be given their ordinary meaning and usage.

"A" Definitions

1. AASHTO

American Association of State Highway and Transportation Officials.

2. Abandonment

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods or vacation or seasonal closure, and also excluding lapses in between different owners or tenants who carry out the same use or activity.

3. Abutting or Adjoining

Having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

4. Access

Driveway or other point of access such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway will be the access.

5. Accessory Use or Structure

Any use or structure subordinate to the principal use or structure located on the same lot serving a purpose customarily incidental to the use of the principal structure or the land use.

6. Administrative Official/Enforcement Officer

The Administrative Official is that individual who shall be appointed by the Triple S Planning Commission to administer these Regulations.

7. Agricultural Use

Per KRS 100.111(2), "agricultural use" means the use of:

- (a) A tract of at least five (5) contiguous 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 farm wineries licensed under KRS 243.155;
- (c) A tract of at least five (5) contiguous acres 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 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 Chapter 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.

8. Agricultural Structure

Any structure or building accessory to the principal agricultural use of the land. Farm dwellings, however, are principal buildings.

9. Agricultural Community Farm

A farm of 25 acres or more, on which the owner resides and personally operates/manages the activities. A conditional use shall be given only if traffic, noise, light pollution and waste management plans are provided and approved. Also, the uses shall complement and enhance the agricultural nature and use of the surrounding community. No conditional use shall be granted if it will require major improvements of infrastructure or public services. Conditions shall be clear in defining the scope and limitation of these activities.

10. Alley

A minor way primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

11. Alteration

Any change or addition to the supporting members or foundation of a building or other structure.

12. Apartment

A room or suite of rooms in a multi-family building, consisting of at least one (1) habitable room, together with a kitchen or kitchenette and sanitary facilities.

13. Approving Authority

The Triple S Planning Commission and/or the zoning administrator or enforcement officer, unless a different agency is specifically designated by ordinance.

14. Automotive Repair, Major

Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

15. Automotive Repair, Minor

Incidental minor repairs, upholstery, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1-1/2) tons capacity, but not including any operation named under "Automotive Repair, Major," or any other similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.

16. Automotive Wrecking

The dismantling or disassembling of used motor vehicles, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts. The presence of five or more non-operational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of an automobile wrecking yard. Also may be referred to a junk yard.

"B" Definitions

17. Basement

A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five (5) feet above grade at any such entrance or exit.

18. Bed and Breakfast

Bed and breakfast establishments, which shall be limited to four rooms to let, the owner or manager shall live on the premises, only a small, unlighted sign consistent with maintaining the residential character of the neighborhood. One (1) off-street parking space for each room to be rented shall be provided, and breakfast only shall be served and only to guests.

19. Billboard

A sign, or structure, which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises upon which the sign is located.

20. Board

The Board of Zoning Adjustment for Shelby County, Kentucky. An appointed board responsible for hearing appeals of determinations made by the administrative official and considers requests for variances and conditional use permits as outlined in the zoning regulations.

21. Boarding or Lodging House

A dwelling or part thereof occupied by a single housekeeping unit where meals and lodgings are provided for four (4) or more persons (not transients) for compensation by previous arrangement.

22. Building

Any structure constructed or having enclosed space and a roof, or used for resident, business, industry, or the public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationery or movable.

a) Principal Building: a building, including porches in which it is understood as the principal use of the lot on which it is situated. In any residence zone any dwelling unit shall be deemed to be the principal building on the lot which the same is situated.

b) Accessory Building: a subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental to that of a principal building on the same lot.

23. Building, Height of

The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Excludes structures for agricultural use.

24. Building Line

The line beyond which no building or part thereof shall project, except as otherwise provided by these regulations.

25. Buildable Lot Area

The part of a lot not included within the open areas required by these Regulations.

"C" Definitions

26. Capacity, Highway

The maximum number of vehicles that a facility can accommodate with reasonable safety during a specific period.

27. Cemetery

A land area used or intended to be used for the purposes of the human or animal burial. A cemetery includes, but is not limited to a burial park for earth interment, mausoleum for entombment, columbarium for inurement, burial ground consisting of one (1) or more marked or unmarked graves, and a burial mound or other burial facility.

28. Church

A facility used primarily for religious worship services of an assembly nature that may secondarily provide social or community services such as counseling, child care, senior services, and educational programs. For the purposes of this order, synagogues, temples, and other places of religious assembly for worship, regardless of the terminology used by a specific faith or denomination, are considered churches pursuant to this definition. A facility which is generally used for purposes other than religious worship services may be classified as a church if religious services are conducted within it at a frequency and/or intensity greater than other, non-religious assemblies that are permitted in the same district as accessory uses.

29. City Council

Legislative body for Shelbyville, Kentucky; includes the term "City Commission" for Simpsonville, Kentucky.

30. Clinic

A place used for the diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

31. Commercial Floor Area

Building floor area devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

32. Common Open Space

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

~~33.~~ Commission

Refer to "Planning Commission" definition

34. Comprehensive Plan

A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area.

35. Conditional Use

A use which is essential to or would promote the public health, safety and/or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or of adjoining zones,

unless restrictions on location, size, extent and character of performance are imposed in addition to those set forth by the zoning regulations.

36. Conditional Use Permit

Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Zoning Adjustment, consisting of two parts:

- a) A statement of the factual determination of the Board of Zoning Adjustment, 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.

37. Condominium

A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association.

38. Consolidation

The joining together by the recording of a new plat, of two or more contiguous lots or tracts or parcels to form one (1) lot or tract or parcel.

39. Consumer Services

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

40. Convalescent or Nursing Home

An establishment which provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. Hospital or sanatorium shall not be construed to be included in this definition.

41. Convenience Store

A small retail store that sells grocery and deli items, and other day-to-day goods, and stocks such goods on the premises, all on a limited basis. A convenience store may offer the retail sale of motor fuels as an accessory use if permitted in the particular zone, or if the particular zone allows gasoline filling stations as a principally permitted use.

42. Court

An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or a group of buildings.

43. Coverage

The percentage of the lot area covered by the building including all overhanging roofs.

44. Crematorium

A building used for the cremation of deceased persons and animals. Crematoriums are principally permitted in the Light Industrial (I-1) and Heavy Industrial (I-2) zones, and must be accessory to a funeral home for other zones where they are listed as a permitted use.

45. Cutoff

The point at which all rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

“D” Definitions

46. Density

Defined as a unit of measurement involving a portion of an activity devoted to a specific use identified in acres, square footage, or number of dwelling units in relation to a site or portion thereof. For commercial and employment uses, density is typically expressed in this order as a ratio of square footage of building area per acre of land area. For residential uses, density is typically expressed in this order in terms of the number of dwelling units per acre of land. For signage, density is expressed in this order in terms of the number of a certain type of sign per wall, building, lot, or overall development or subdivision. The term “density” may be used interchangeably with the term “intensity” in this order.

47. Development Plan

A presentation in the form of sketches, maps, and drawings of a proposed use and/or structure by the owner of the land which sets forth in detail the intended development (see site plan).

48. Developer

The legal owner or owners of all land proposed to be included in a development.

49. District

An area or zone of the planning unit for which regulations governing the use of premises and structures or the height and area of buildings are uniform (as per KRS 100.111 (15)).

50. Drive-Through Facility

A facility, used in conjunction with a permitted use, that is designed or intended to be used to provide for sales or service to patrons who remain in their vehicles.

51. Driveway, For One-and Two-Family Dwellings

A private paved vehicular access extending on the shortest reasonable path through the front yard or side street side-yard to the required off-street parking area. All other areas paved for vehicular use within any front or side street side yard shall be considered additional parking and be subject to the area limitation requirements of these Zoning Regulations.

52. Duplex Dwelling Unit

A single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling.

53. Dwelling

A building or portion thereof providing shelter, sanitation, and the amenities for permanent habitation and designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, boarding or rooming house, motel, mobile home or recreational vehicle.

a) Dwelling Unit: One or more rooms designed for or used by one (1) family for living or sleeping

purposes and having one (1) kitchen or kitchenette.

- b) Dwelling, Single-Family: A building occupied exclusively for residential purposes by one (1) family.
- c) Dwelling, Two-Family: A building designed to be occupied by two families living independently of each other, commonly known as a duplex.
- d) Dwelling, Multi-Family: A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.
- e) Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

"E" Definitions

54. Easement

A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

55. Entertainment, Live

Any performance at a restaurant, lounge, or club by any person, including, but not limited to, a patron of such establishment if such performance is part of a regularly occurring event. Live entertainment includes, but is not limited to, singing, dancing, musical performance, comedy acts, magic acts, variety acts, or performance contests engaged in by patrons.

"F" Definitions

56. Family

A person living alone or two or more persons related by blood, marriage, or adoption, or not more than five (5) unrelated persons living together as a single housekeeping unit and using common cooking facilities, for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, philanthropic institution, group home, and other like groups.

57. Filing

Filing with the County Court Clerk of Shelby County unless a different county official is designated by ordinance.

58. Final Approval

The official action of the planning commission taken on a final plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion.

59. Flood Lamp

A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

60. Flood Light

A form of lighting designed to direct its output in a diffuse more or less specific direction, with reflecting or refracting elements located external to the lamp.

61. Floodplain

A land area susceptible to being inundated by water from any source. Control Regulations in accordance with The Federal Emergency Management Agency defines the land area subject to a base flood as the 100-year flood plain.

62. Floor Area, Total

The area of all floors of a building measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings including finished attics, finished basements and covered porches.

63. Footcandle (FC)

A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

64. Full Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

"G" Definitions

65. Garage, Private

A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

66. Garage, Public

A building or structure used for the parking of vehicles on an intended profit basis.

67. Glare

Light emitting from a luminaire with intensity great enough to reduce a viewers' ability to see and, in extreme cases, causing momentary blindness.

68. Group Home

A residential care facility, operated by a sponsoring private or governmental agency to provide services in a homelike setting for handicapped persons. "Services" means, but is not limited to, supervision, shelter, protection, rehabilitation, personal development, and attendant care.

"H" Definitions

69. Height of Structure

Refer to "Building, Height of" definition

70. Home Occupation

An occupation or profession as specified in the residential district and carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes and meeting the following requirements: the use is conducted entirely within the dwelling and not in any accessory building; the use is carried on only by residents of the dwelling, with no more than one non-resident employee or agent; there is no display of merchandise and no external alteration of the

dwelling except one(1) non-illuminated sign two (2) square feet in area attached to the main building; and the use does not adversely affect the uses permitted in the immediate neighborhood by excessive traffic generation or noise.

- a) Home Occupations: professional offices, studios, personal services, and the renting of sleeping rooms maintained or conducted within a dwelling. Such activities are incidental to the principal residential use and involve the employment of no more than one person who does not reside on the premises. Such activities occupy no more than twenty-five (25%) percent of the total floor area of the dwelling. The selling of any merchandise is not a home occupation. Home Occupation signs in the Historic District in the City of Shelbyville shall meet their guidelines for design only.

71. Home Occupation, Agricultural

Any occupation as defined in "Home Occupation" which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in the agricultural zone, provided that the use is clearly an agricultural use only and any product offered for sale shall be produced on property operated or owned by the person conducting the home occupation.

72. Hospital or Sanatorium

An establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more for observation, diagnosis and care of two (2) or more individuals suffering from illness, injury, deformity or abnormality or from any condition requiring medical services. Convalescent homes and nursing homes are not included.

"I" Definitions

73. IESNA

The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

74. Impervious Surface

An area that has been compacted or covered by a layer of material that is highly resistant to infiltration by stormwater. Impervious surfaces include buildings, parking areas, driveways, sidewalks, and graveled areas.

75. Internal Refractive Lens

A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

76. Industry, Heavy

Those industries whose processing of products result in the emission of any atmospheric pollutant, light flashes or glare, odor, noise or vibration which may be heard and/or felt off the premises, those industries which constitute a fire or explosion hazard, and those industries that require a large amount of water and wastewater treatment for operations. Those industries with negative off-site environmental effects shall be excluded from heavy and light industries.

77. Industry, Light

Those industries whose processing of products results in none of the conditions described for heavy industry. Light industry excludes those industries which are required to obtain a hazardous waste treatment storage or disposal permit pursuant to the Resource Conservation Recovery Act (RCRA), 42 U.S.C Section 9601 et seq. or State statutes promulgated in lieu thereof.

78. Intensity

Refer to "Density" definition

"J" Definitions

79. Junk Yard

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations. The presence of five or more nonoperational motor vehicles on a lot for a time period exceeding thirty (30) days shall constitute evidence regarding the establishment of a junk yard. An automobile wrecking yard is considered as a junkyard.

80. Junk Vehicle

Any rusted, wrecked, damaged, dismantled, or partially dismantled, non-operative, unlicensed, or abandoned motor vehicle in such a condition that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle. Junk vehicles shall include vehicles with salvage or junk titles.

"K" Definitions

81. Kennel, Commercial

A compound where three or more dogs over four (4) months of age are kept and where the owner is actively engaged in buying dogs for resale, training of dogs, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

82. Kennel, Noncommercial

A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a noncommercial kennel does not change the character of residential property.

83. KRS

Kentucky Revised Statues, Chapter 100 is the state enabling legislation relating to Planning Commissions, Board of Zoning Adjustments, zoning and subdivision regulations.

"L" Definitions

84. Lamp

See Refer to "Luminaire" definition

85. Land Use Plan

Proposals for the most appropriate economic, desirable and feasible patterns for the general location, character, extent and inter-relationship of the manner in which the community and/or county should use its public and private land.

86. Legislative Body

The governing body of Shelby County, Shelbyville, or Simpsonville.

87. Level of Service (LOS)

A quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience.

88. Light Source

The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

89. Light Trespass

The shining produced by a luminaire beyond the boundaries of the property on which it is located.

90. Loading Space

An off-street space or berth on the same lot with a building or contiguous to a group of buildings and accessory buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley or other appropriate means of access.

91. Lot

A piece or parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by these Regulations and having frontage on a public street. Agricultural tracts are not included (Refer to "Tract" definition).

92. Lot Area

The computed area contained within the lot lines.

93. Lot, Corner

A lot abutting and situated at the intersection of two streets.

94. Lot Coverage

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

95. Lot Depth

The mean horizontal distance between the front and rear lot lines.

96. Lot, Interior

A lot other than a corner lot.

97. Lot Lines

The property lines bounding a lot.

- a) Lot Line, Front: The property line separating the lot front and the street.

- b) Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- c) Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

98. Lot, Through (also known as a "double frontage lot")

A lot having frontage on two parallel or approximately parallel streets.

99. Lot Width

The mean width of the lot measured at right angles to its depth.

100. Lot of Record

Recorded lot on file in the County Court Clerk's Office.

101. Lumen

A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

102. Luminaire

A complete lighting unit of a light source and all necessary mechanical, electrical, and decorative parts.

"M" Definitions

103. Maintained Footcandles

A level of illumination which results when the initial output of the lamp is reduced by certain light loss factors. Such light loss factors typically include lamp depreciation and dirt accumulation on lenses and other light fixture components. For the purpose of these Regulations, the maintained lighting level shall represent an average footcandle level measured over a specified area and shall be determined by multiplying the initial raw lamp output specified by the manufacturer by a light loss factor of not less than 0.72 for the metal halide lamps or 0.64 for high pressure sodium and mercury vapor lamps.

104. Manufactured Home

See Article IX for definitions of Type I, II, and III Manufactured Homes.

105. Map

A map of the jurisdiction indicating district boundaries according to these regulations.

106. Mobile Home or Trailer

See definitions relating to the three types of manufactured homes, certified mobile homes, and mobile homes/trailers in Article IX.

107. Mobile Home Park or Trailer Park

An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, and which is constructed in compliance with the standards of these regulations as specified in Article IX.

108. Modular Home

A dwelling unit composed of two or more components substantially assembled in a manufacturing plant and transported to a building site for final assembly on a permanent foundation. A modular home must be constructed in accordance with the standards established in the state and local building codes that are applicable to site-built homes. Modular homes do not include mobile homes. For the purposes of this order, a modular home is considered to be a single family dwelling unit.

109. Motel or Motor Hotel

A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

110. Municipality

Any incorporated city, borough, town, township, or village.

111. Municipal Authority

The City Councils of Shelbyville and/or Simpsonville, Kentucky.

112. Multi-Modal Transportation

Facilities, or a system of facilities, that accommodates more than one mode of transportation such as motor vehicles, bicycles, pedestrians, buses, light rail, etc. Such facilities may include but are not limited to, carpooling lots, bus stops, transit stations, bike ways or lanes, bike racks, pedestrian paths, etc.

113. M.U.T.C.D.

Manual on Uniform Traffic Control Devices

“N” Definitions

114. Nits

A unit of measure used for lighting expressed as candelas per square meter.

115. Nonconforming Use or Structure

An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of these Zoning Regulations, but which does not conform to all of the regulations contained in the zoning regulations which pertain to the zone in which it is located.

116. Non-cutoff

A luminaire light distribution where there is no limitation on candela intensity above nadir.

117. Non-retail Commercial

Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.

118. Nursing Home

A health care facility designed and used for the care and/or of invalids, pensioners, or elderly persons.

"O" Definitions

119. Objectionable Noise

Objectionable noise, shall be measured in decibels, (dB) not to exceed 55 dB outdoors and 40 dB indoors within 1000 feet of the property line of an Industrial land use.

120. Objectionable Odors/Odorous

Matter Odors/odorous matter within 2000 feet of the property line of an odor-emitting source.

121. Office Park

A defined geographic area planned and coordinated for the development of various office/business uses and associated activities. An office park is designed, constructed, and managed on an integrated basis with particular attention given to vehicular circulation, parking utilities, stormwater management, building design, signage, and landscaping.

122. Open Space

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

a) Public Open Space: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state, county or city agency, or other public body for recreational or conservational uses.

123. Occupancy

The condition of occupying a dwelling or structure for any length of time.

124. Original Property

Any and all lots and/or tracts of land which were described by a single deed as recorded in the office of the Shelby County Clerk prior to November 15, 1961.

125. Outdoor Sales and Display

Placement of any item(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. Outdoor sales and display shall not include outdoor dining and seating areas associated with a restaurant.

126. Owner

The holder of legal title of a particular property through the deed of record.

"P" Definitions

127. Parking Space

Parking lot area designed and exclusively designated for the purpose of automobile parking. Must be adequate for parking an automobile with room for opening doors on both sides, properly related access to a public street or alley and maneuvering room. All off-street parking spaces shall be located totally outside of any street or alley right-of-way.

- a) Accessible Parking Spaces: Parking spaces designated for handicapped people and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically handicapped people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility. (See Article X for dimensions of handicap parking)

128. Patio Home

An attached single family dwelling unit containing a single story (not including basements) on its own separate lot usually attached to one or more dwelling units on their own separate lot with shared walls between units. Patio Homes usually have exterior maintenance and landscaping provided through an association fee.

129. Pawn Shop

A business establishment that provides loans, usually short-term, using personal property as collateral and that retains the personal property, or legal title thereof, until the loan is repaid; if the loan is not repaid, such personal property provided as collateral is offered for sale to the public, primarily in an on-premise retail environment. A business establishment that primarily buys personal property for resale to the general public in a retail environment, without the provision of a loan, is also considered to be a pawn shop pursuant to this definition unless it is of a consignment nature. A pawn shop differs from a bank, savings and loan, credit union, or similar establishment in that a pawn shop does not offer routine banking services such as checking, savings, escrow, or similar accounts, nor the sale of certificate of deposits or similar investment instruments, nor credit services other than loans where personal property is used for collateral in accordance with the pawn provisions of the Kentucky Revised Statutes.

130. Plan

The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" when used in this act shall mean the written and graphic materials referred to in this definition.

131. Planned Unit Development (PUD)

An area with a specified minimum contiguous acreage as imposed by the Triple S Planning Commission to be developed as a single entity according to a development plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the Zoning Regulations.

132. Planned Unit Residential Development

An area with specified minimum contiguous acreage as imposed by the Triple S Planning Commission to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses primarily for the benefit of the residential development.

133. Planning Commission

The Triple S Planning Commission of Shelbyville, Simpsonville, and Shelby County, Kentucky as established pursuant to Chapter 100 of the Kentucky Revised Statutes.

134. Plat

A map or maps of a subdivision showing lot lines therein.

135. Principal Use of or Structure

The primary use of the land or the main structure on a lot as distinguished from an accessory use or accessory structure which determines the primary activity that takes place on the land or in the structure.

136. Preliminary Approval

The conferral of certain rights pursuant to this act prior to final approval after specific elements of a subdivision plat have been agreed upon by the Planning Commission.

137. Premises

A lot or other tract of lands under one ownership and all the structures on it.

138. Public Service Building

Any building necessary for the operation and maintenance of a utility.

139. Public Way

A publicly dedicated area in which a public entity or the general public have the legal right-of-passage irregardless of improvements to the dedicated area. Public ways include, but are not limited to, an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path.

"Q" Definitions

"R" Definitions

140. Recreational Vehicle

A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples of recreational vehicles pursuant to this definition include motor homes and camper trailers.

141. Residential Care Facility

A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for handicapped persons.

142. Residential Cluster

An area developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area.

143. Residential Unit

Any unit designed for use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family or multi-story structure.

144. Retail Sales

A use engaged in the sale of merchandise, and services incidental and directly related to such sales of merchandise, directly to the end purchaser or end user, and where sales to the general public are not

restricted or prohibited as may occur in a wholesaling use. A retail use is generally not conducted in conjunction with warehousing or distribution functions, with the exception of factory outlet stores where the retail use is accessory to the warehousing or distribution use.

145. Right-of-Way

An area or strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

146. Road

A traffic-carrying way.

147. Roadside Stand

A temporary structure designed or used for the display or sale of agricultural and related products.

"S" Definitions

148. Satellite Dish

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition includes but is not limited to what are commonly referred as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

149. Semi-Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture, and no more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.

150. Setback Line

The distance between a given lot line, easement, or right-of-way line and any structure (front, rear, or side) as specified.

151. Shopping Center

A group of retail and/or service establishments planned, developed, and managed as a single site with common off street parking provided on the property. Types of shopping centers shall include:

- a) Convenience Center – 15,000 square feet or less of lease space, including out parcel spaces. Contains light retail and service establishments offering goods necessary to meet daily needs of the immediate area.
- b) Neighborhood Shopping Center – 15,000 to 49,999 square feet or less of lease space, including out parcel spaces. Contains light retail and service establishments offering goods necessary to meet daily needs.
- c) Community Shopping Center – 50,000 to 249,999 square feet of lease space, including out parcel spaces. Contains retail and service establishments, and has one (1) or more anchor tenants.

- d) Regional Shopping Center – 250,000 square feet or more of lease space, including out parcel spaces. Contains a wide range of retail and service establishments, has one (1) or more anchor tenants.

152. Sidewalk

A portion of the road right-of-way outside the roadway, or a pathway on private property, which is improved for pedestrian traffic.

153. Sidewalk Sale

An outdoor sale of items by a retail establishment on a sidewalk adjoining the building. Such sales can only be conducted by an establishment which regularly conducts business on the same premises where the articles or goods are displayed for sale. The merchandise permitted to be displayed in a sidewalk sale is limited to items which can be carried away by one person without assistance, and such displays shall not impede or hinder pedestrian circulation or impede any other form of transportation.

154. Sight Distance

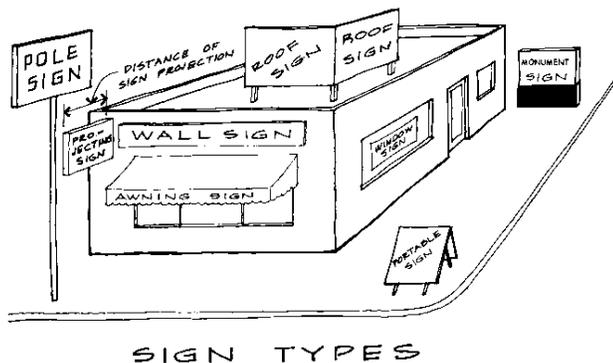
The length of roadway ahead visible to the driver. The minimum sight distance available should be sufficiently long to enable a vehicle traveling at or near the design speed to stop before reaching a stationary object in its path.

155. Sign

A device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. A sign which directs attention to a business, profession, product, activity or entertainment sold or offered upon the premises where such a sign is located.

The following represents terminology associated with signs:

- a) Sign, Agricultural: On-premises signs which denote the location and/or nature of the agricultural or horticultural activity and/or products for sale on the property.
- b) Sign, Area of: The total area of the sign face, when faces are placed back to back or in a "V" configuration and only one face is visible from any one point at any time, which is used to display a message or attract attention, not including its supporting structures.
- c) Sign, Banner: Any sign of lightweight fabric or similar material that is attached to a fence, pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- d) Sign, Billboard: A sign, or structure, directs attention to a business, commodity, service, activity or entertainment not conducted, sold or upon the premises upon which the located.
- e) Sign, Canopy: Any sign that is part of attached to a detached canopy.
- f) Sign, Changeable Copy: A sign with or changing display/message. area may be both manual change copy or electronic (L.E.D.).



which
offered
sign is
or
a fixed
Display

- g) Sign Directional: A low-rise sign of an incidental nature that is located near an exit or entrance to an office park, or commercial shopping center, industrial use, or within vehicular circulation areas, to convey directional information to motorists.
- h) Sign, Flashing: A sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather, or other similar public service information shall not be considered flashing signs. Revolving signs of constant illumination shall not be considered flashing signs.
- i) Sign, ~~Facade~~ Fascia: Any sign mounted flush against a building. The depth of the sign from the sign face to the building shall not exceed two (2) feet.
- j) Sign, Freestanding: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.
- k) Sign, Hi-Rise Pylon: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.
- l) Sign, Identification: A non-illuminated sign which indicates only the name, address and nature of the business which is operating as a legal home occupation on said premises.
- m) Sign, Illuminated: Signs which are artificially lighted by direct or indirect lighting.
- n) Sign, Incidental: Any sign that provides information that is secondary to the use of the zoned lot on which it is located, such as "no parking", "entrance", "loading only", "drive-thru", "service", and other similar devices with no commercial message.
- o) Sign, Informational: A sign for which changing copy gives such information as time, temperature, fuel pricing and other information through an electronic message display system.
- p) Sign, Monument: Any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure. The supporting structure must rest on the ground and shall consist of a surface composed of stone or brick.
- q) Sign, Off Premise: A sign which directs attention to a business, product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located (see billboard).
- r) Sign, Projecting: A sign which projects from the exterior of a building, having a display area which is other than parallel to the face of the building.
- s) Sign, Portable: Any name, identification, description, display illustration or device which is not permanently affixed, which directs attention to a product, place, activity, person, institution, or business. Signs attached or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle or trailer is used in the normal, day-to-day operations of the business, then the vehicle or trailer shall be parked in a designated parking space at the location of the business and farthest from the right-of-way at the location of the business.
- t) Sign, Real Estate: Any non-illuminated sign not over thirty-two (32) square feet in area, advertising the sale, leasing, or rental of the premises on which said sign is located.
- u) Sign, Revolving: A sign of constant illumination, the information area of which is not kept fixed in position.
- v) Sign, Subdivision Entrance Monument: A sign located at the main entrances for identifying a subdivision.
- w) Sign, Temporary: Signs which denote events or happenings are only temporary, and are not

permanently mounted.

- x) Sign, Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, or which communicates a non-commercial message, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window or building.

156. Site Plan

A development plan of one or more lots on which is shown (1) the existing and proposed topography of the lots, (2) the location of all existing and proposed buildings, drives, parking spaces, means of ingress and egress, drainage facilities, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be pertinent in order for the Planning Commission to make an informed decision.

157. Story

That portion of a building, other than a basement, included between the surface of any floor and the ceiling immediately above.

158. Street

A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term (See *Shelby County Subdivision Regulations* for further detail).

159. Structure

Any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings.

160. Subdivision

The subdivision of land into two (2) or more lots or parcels or tracts for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any subdivision 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.

- a) Major Subdivision: The subdivision of land into three (3) or more lots or tracts or parcels or which does require the construction, improvement, or widening of streets; or the major construction of utility lines and other public services, singularly or in combination of any of the above.
- b) Minor Subdivisions: The subdivision of land into two (2) lots or tracts or parcels which does not require the construction, improvement, and widening of streets; or the major construction of utility lines and other public services.

161. Subdivision Regulations

The regulations governing the subdivision of land within the County of Shelby and any designated extra-territorial jurisdiction as adopted by the Triple S Planning Commission. (Refer to the "Subdivision Regulations for Shelby County").

162. Surface Mining/Strip Mining

The breaking of the soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning

or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include the extraction of coal by a land owner for his own non-commercial use from land owned or leased by him; the extraction of coal as an individual part of federal, state or local government financed highway or other construction under regulations established by the department nor shall it include the surface effects or surface impacts of underground coal mining.

"T" Definitions

163. Total Floor Area

Refer to "Floor Area, Total" definition

164. Townhouse Dwelling Unit

A single-family attached dwelling consisting of one dwelling from ground to roof, a separate entrance and having more than one floor or story, but sharing walls with another dwelling unit or an accessory structure of another dwelling unit, where three or more dwelling units are so combined (attached).

165. Tract

A parcel of land with an area of five (5) acres to less than fifteen (15) acres. Tracts of land five (5) acres to ten (10) acres, unless existing, must have a minimum depth to width ratio of 4 to 1. The width shall be measured at the front property line. Tracts of land from 10 to 15 acres do not have to conform to the 4 to 1 ratio requirement but must have a minimum of 250 feet of road frontage on a public road or street and no portion of the tract may be a width of less than 250 feet. This also includes an agricultural tract as defined in the proper zone.

166. Trailer Park

Refer to "Mobile Home Park" definition

"U" Definitions

167. Use

Use" broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

"V" Definitions

168. Variance, Dimensional

A variance is an exception granted from the literal enforcement of the zoning regulations where, by reasons of exceptional narrowness, shallowness, or unusual shape of a site on the effective date of the regulations or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height, or width of building or size of yards, but not intensity) of the zoning regulations would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to those permitted other landowners in the same zone district. It is a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

169. Vehicular Canopy

A roofed, open, drive-thru structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

“W” Definitions

170. Waiver

To waive those standards and minimum requirements established by these Regulations which cannot be modified through a dimensional variance. Use, conditional use, density and FAR standards established by these Regulations shall not be modified by this process.

171. Wall Pack

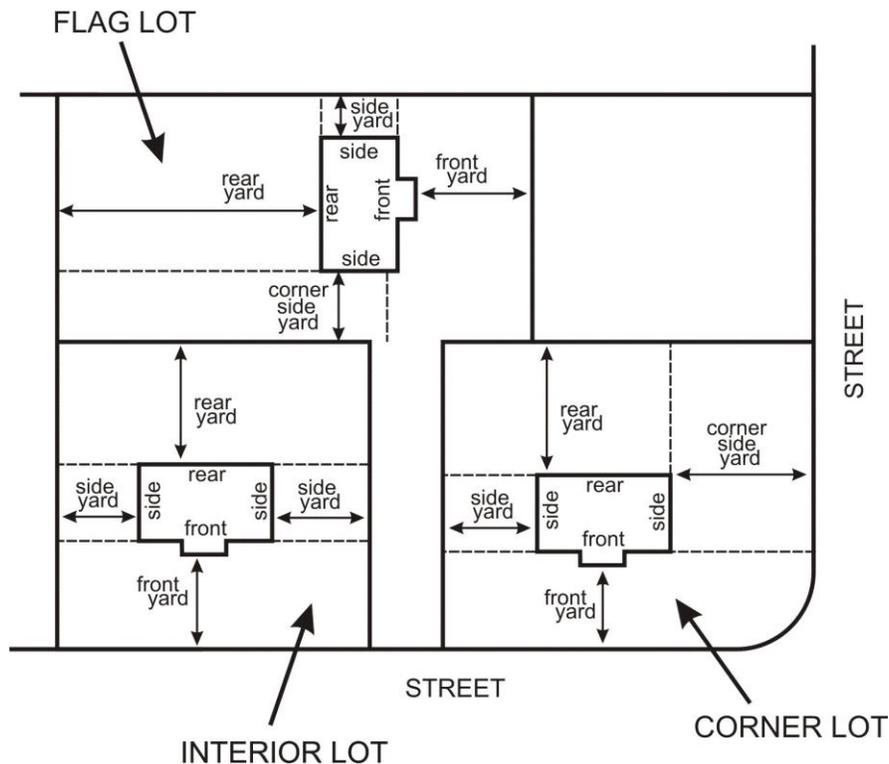
A type of light fixture typically flush-mounted on a vertical wall surface.

“Y” Definitions

172. Yard

An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in these regulations.

- a) Yard, Front: That portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building, which line shall be designated as the front yard line.
- b) Yard, Rear: That portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.
- c) Yard, Side: Those portions of the yard extending from the nearest part of the principal building to the side lot line. A “corner side yard”, sometimes referred to as a “secondary front yard”, is a side yard which adjoins a street or road and which extends between the side of the principal building to the right-of-way line at the side of the lot, and between the front building line and rear property line.



173. Yard Sale

The short term temporary use of a yard, lot, porch, or garage in a residential zone for the sale or trading of new and/or used merchandise. The use of a yard, lot, porch, or garage for this purpose for any period exceeding five (5) consecutive days or more frequently than two (2) times per month will be considered a commercial enterprise and will require appropriate zoning.

"Z" Definitions

174. Zoning District

A mapped area to which different land use controls are imposed. These controls specify the allowed uses of land and buildings, the intensity or density of such uses, the maximum height and minimum setbacks for any proposed structures, and other matters as specified in this order.

175. Zoning Map Amendment

A change to the existing zoning district boundaries pursuant to Article XIV of this order and Chapter 100 of the Kentucky Revised Statutes. Commonly known as a zone change.

176. Zoning Map, Official

The map officially adopted by the appropriate legislative body pursuant to Article VI of this order and Chapter 100 of the Kentucky Revised Statutes that delineates the boundaries of all officially adopted zoning districts. The official zoning map may include geographic information, such as the location of streets, railroads, water courses or bodies, and/or public facilities that are provided for benchmark or orientation purposes.

177. Zoning Permit

A permit issued by the Administrative Official authorizing the placement or alteration of a specific building or other structure on a specific lot.

178. Zoning Regulations

The minimum land use requirements for each zoning district, adopted for the promotion of the public health, safety, morals and general welfare, pursuant to Article XIV of this order and Chapter 100 of the Kentucky Revised Statutes. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.