

**ORDINANCE 23-2022**

**AN ORDINANCE AMENDING CERTAIN SECTIONS AND ADDING A NEW SECTION TO CHAPTER 158 (ZONING CODE) OF THE CITY OF HOPKINSVILLE, KENTUCKY CODE OF ORDINANCES TO DEFINE AND REGULATE THE PLACEMENT OF SOLAR ENERGY SYSTEMS**

**SUMMARY**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPKINSVILLE, KENTUCKY AS FOLLOWS:**

By summary the City of Hopkinsville, Kentucky Code of Ordinances [‘the Code’] is amended as follows:

**§158.002 DEFINITIONS**

§158.002 is amended by the Ordinance. The Ordinance retains existing definitions and amends the Code to include the following definitions: SOLAR ENERGY SYSTEMS (SES) including INTEGRATED SOLAR ENERGY SYSTEM, ROOFTOP SOLAR ENERGY SYSTEM, and GROUND MOUNTED SOLAR ENERGY SYSTEM; DECOMMISSIONING PLAN FOR GROUND MOUNTED SES; EXEMPT SOLAR ENERGY SYSTEM; PHYSICAL CONSTRUCTION (SES FACILITY); SES FOOTPRINT; and SITING BOARD REGULATED SES.

**§158.045 REQUIREMENTS FOR SOLAR ENERGY SYSTEMS (SES)**

§158.045 is created by the Ordinance. Subsection A provides the purpose of the Section; Subsection B specifies that the provisions of the section are applicable to the siting, construction, installation, and decommissioning of any new SESs within the City of Hopkinsville and provides exceptions; Subsection C provides the requirements for a zoning/building permit prior to physical construction; Subsection D provides general requirements applicable to Integrated and Rooftop Solar Energy Systems including provisions related to solar access, tree removal, height restrictions, lighting, and historic preservation; and Subsection E provides general requirements applicable to Ground Mounted SESs including provisions related to solar access, tree removal, lighting, height restrictions, siting restrictions including setbacks and variance procedures, screening, signage, decommissioning, and application requirements, supplemental exhibits, and the requirement for a surety instrument.

## APPENDIX A: SCHEDULE OF USES

Appendix A of the Ordinance is amended. The Ordinance retains existing provisions for Subsection A. The Ordinance amends Subsection B entitled "Schedule" to include or revise the following:

	EST 1	R 1	R 2	R 3	R 4	R 5	B 1	B 2	B 3	B 4	P1	I1	I2
Electric power and steam generating plants (excluding Solar Energy Systems)													R
Solar Energy System (Integrated SES)	R	R	R	R	R	R	R	R	R	R	R	R	R
Solar Energy System (Rooftop SES)	R	R	R	R	R	R	R	R	R	R	R	R	R
Solar Energy System – Ground Mounted (Small Scale SES)							CU	R		R	CU	R	R
Solar Energy System – Ground Mounted (Intermediate Scale SES)								CU		CU		CU	R
Solar Energy System – Ground Mounted (Large Scale SES)													CU

All other uses appearing within Appendix A, Subsection B are retained.


The full text of this Ordinance is on file in the office of the undersigned City Clerk of the City of Hopkinsville at 715 South Virginia Street, Hopkinsville, Kentucky, where it is available for public inspection between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

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**ORDINANCE 23-2022 SUMMARY  
AMEND CHAPTER 158, ZONING CODE (SOLAR ENERGY SYSTEMS)**

**PUBLICLY READ AND PASSED FIRST TIME: November 1, 2022**

**PUBLICLY READ AND PASSED SECOND TIME: November 15, 2022**

**APPROVED:**   
**Wendell A. Lynch**  
**Mayor**

**ATTEST:**   
**Christine M. Fletcher, MMC**  
**City Clerk**

**I, H. Douglas Willen, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky, my office is located at 317 West Ninth Street, Hopkinsville, Kentucky 42240. I further certify the foregoing Summary of Ordinance 23-2022, of the City of Hopkinsville, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.**

  
**H. Douglas Willen**

**ORDINANCE 23-2022**

**AN ORDINANCE AMENDING CERTAIN SECTIONS AND ADDING A NEW SECTION TO CHAPTER 158 (ZONING CODE) OF THE CITY OF HOPKINSVILLE, KENTUCKY CODE OF ORDINANCES TO DEFINE AND REGULATE THE PLACEMENT OF SOLAR ENERGY SYSTEMS**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPKINSVILLE, KENTUCKY AS FOLLOWS:**

**SECTION ONE**

Section 158.002 of the Hopkinsville Code of Ordinances is hereby amended as follows:

**§ 158.002 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the creation and function of a planning agency, any such definition therein shall be deemed to apply to the words and phrases used herein, except when the context otherwise requires.

**ABANDONMENT.** The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ABUT.** To physically touch or border upon, or to share a common property line. (See **ADJOINING LOT OR LAND** and **CONTIGUOUS**.)

**ACCESS.** A way or means of approach to provide physical entrance to a property.

**ACCESSORY USE or ACCESSORY STRUCTURE/DEVICE.** A use, structure or device on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of a structure. Any type of satellite dish, antenna or device shall be considered an accessory device.

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

**ADDITION.** A structure added to the original structure at some time after the completion of the original.

**AESTHETIC.** The perception of artistic elements or elements in the natural or human-made environment which are pleasing to the eye.

**AGRICULTURAL GRAIN TERMINAL.** A storage area or structure where grain products are temporarily stored for transferal to trucks, train cars or other forms of transportation.

**AGRICULTURE.** The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the

necessary accessory uses for packing, treating or storing the produce; provided, however, that:

(1) The operation of any such accessory use shall be secondary to that of the normal agricultural activities;

(2) The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district; and

(3) The agriculture use does not include the operation or maintenance of a commercial stockyard or feedlot where large numbers of livestock are fed concentrated feeds, particularly for the purpose of fattening for market.

**AIRPORT.** Any location, either on land or water, or structure which is designed or used for the landing and take-off of aircraft, including all necessary buildings and facilities of aircraft operation.

**AISLE.** The traveled way by which cars enter and depart parking spaces.

**ALLEY.** A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATION.** Any change, addition or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams or girders.

**AMENITY.** A natural or human-made feature which enhances or makes more attractive or satisfying a particular property.

**AMUSEMENT AND RECREATION SERVICES.** Establishments engaged in providing amusement or entertainment for a fee or admission charge, and includes such activities as dance halls; studios; theatrical producers; bands, orchestras and other musical entertainment; bowling alleys, and billiard and pool establishments; commercial sports, such as arenas, rings, racetracks, public golf courses and coin-operated devices; amusement parks; membership sports and recreation clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors; and horse shows.

**AMUSEMENT ARCADE.** A business establishment offering for public use, five or more of any form of game machine, instrument or apparatus operated by coin, slug or similar medium, but not including automatic machines for vending food, soft drinks or similar products.

**AMUSEMENT PARK.** A commercially operated park with various devices for entertainment and booths for the sale of food and drink. Outdoor games and activities may include motorized rides, water slides, miniature golf, batting cages, paint ball and the like.

**AMUSEMENT PARK (INDOOR).** An amusement park in which all related entertainment activities occur within the confines of a building.

**ANNEXATION.** The incorporation of land area into an existing community with a resulting change in the boundaries of that community.

**APARTMENT HOTEL.** A building in which lodging is offered for compensation, in which part of the building may be separated into individual units providing cooking facilities.

**APARTMENT UNIT.** A part of a building consisting of a room or suite of rooms intended, designed or used as a dwelling unit by any individual or single family.

**APPROVED PLAN.** A plan which has been granted final approval by the appropriate approving authority.

**ASSISTED LIVING FACILITIES.** A building or structure that contains three or more apartments with private bath and facilities for an individual's meal preparation (which may include refrigerator, stove, microwave oven or other appliances) and providing supportive service such as assistance with household chores, cleaning, shopping, meals, laundry, transportation, 24-hour supervision and organized social activities and not constituting a boarding and lodging house or nursing home.

**AUTOMATED TELLER MACHINE (ATM).** An electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account wherein the customer operates the device independently.

**AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, FARM IMPLEMENT, AND CONSTRUCTION MACHINERY SALES.** The sale or rental of new or used motor vehicles, mobile homes, travel trailers, farm implements and construction machinery, but not including major repair work except warranty and incidental repair of same, to be displayed and sold on the premises.

**BASE FLOOD ELEVATION.** The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood (100-year flood).

**BASE MAP.** A map having sufficient points of reference, such as state, county or municipal boundary lines, streets, easements and other selected physical features, to allow the plotting of other data.

**BASEMENT.** A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground, and with a floor-to-ceiling height of not less than six and one-half feet.

**BLOCK.** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

**BOARD.** The Board of Zoning Adjustment.

**BOARDING HOUSE.** A building, not available to transients, in which meals are regularly provided for compensation for at least three but not more than 30 persons.

**BOTANICAL GARDENS.** A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables or ornamental plants.

**BUFFER STRIP.** Land area used to visibly separate one use from another, or to shield or block noise, lights or other nuisances.

**BUILDING.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**BUILDING AREA.** The area of a lot remaining after the minimum yard and open space requirements of this chapter have been met.

**BUILDING COVERAGE.** The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING, HEIGHT OF.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

**BUILDING LINE.** The line established by law beyond which a building shall not extend, except as specifically provided by law.

**BUILDING PERMIT.** Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure, in accordance with Kentucky Building Codes.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which that building is situated.

**BUILDING SETBACK LINE.** The line, established by this chapter, beyond which a building shall not extend unless varied according to procedures in this chapter. Also called a **BUILDING LINE**.

**BUS SHELTERS.** A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

**BUS STATIONS.** A premises for the transient housing or parking of motor driven buses and the loading and unloading of passengers.

**BUSINESS, CONVENIENCE.** Commercial establishments which cater to and can be located in proximity to or within residential districts without creating excessive congestion, noise or other objectionable influences. **CONVENIENCE USES** include, but need not be limited to, drugstores, beauty salons, barber shops, carryouts, dry cleaning and laundry facilities and small grocery stores, if the aggregate total floor area of such facilities does not exceed 10,000 square feet. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

**BUSINESS, GENERAL.** Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend, in addition to serving day-to-day needs of the neighborhood, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as major supermarkets, stores that sell hardware, apparel, footwear, appliances and furniture, and various department and discount stores. Also included here may be drive-in banks.

**BUSINESS, HIGHWAY.** Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend to serve the motoring public. **HIGHWAY BUSINESS USES** include, but need not be limited to, such activities as filling stations, automotive sales and service, restaurants and motels and commercial recreation.

**BUSINESS, OFFICE TYPE.** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. **OFFICE BUSINESS** generally accommodates such occupations as administrative, executive, professional, accounting, clerical and drafting. Institutional offices of a charitable, philanthropic, religious or educational nature are included here.

**BUSINESS, SERVICES.** Any profit-making activity which renders services primarily to other commercial or industrial enterprises or which services and repairs appliances and machines used in businesses and homes.

**BUSINESS, WHOLESALE.** Business establishments that generally sell commodities and materials in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**CARPORT.** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

**CELLAR.** A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

**CEMETERY.** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of the cemetery for which perpetual care and maintenance is provided.

**CENTRAL BUSINESS DISTRICT (CBD).** The major shopping area within a city, usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, hotels and motels, appropriate industrial activities and transportation facilities.

**CERTIFICATE OF USE AND OCCUPANCY.** The certificate issued by the Building Official which permits the use of a building in accordance with the approved plans and specifications, and which certifies compliance with the provisions of this chapter for the use and occupancy of the building with any special stipulations or conditions of the building permit.

**CERTIFICATION.** A written statement by the appropriate offices that required constructions, inspections, tests or notices have been performed and comply with applicable requirements.

**CHANGE OF USE.** Any use which substantially differs from the previous use of a building or land.



**CHANNEL.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

**CHARACTERISTICS OF USE.** The use which is characteristic of the principal use of any area of land or a building or structure.

**CHECK CASHING FACILITY.** A business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving the same purpose. **CHECK CASHING FACILITY** does not include a state or federally chartered bank, savings association, credit union or industrial loan company. **CHECK CASHING FACILITY** also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables.

**CHILD CARE CENTER.**

(1) **FAMILY DAY CARE CENTER.** A private establishment enrolling one to seven children.

(2) **GROUP DAY CARE CENTER.** A private establishment enrolling more than seven and less than 12 children.

**CIRCULATION.** Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or trans-shipment points.

**CLINIC.** A facility for treatment of human ailments, operated by a group of physicians, dentists, chiropractors or other licensed practitioners for the treatment and examination of outpatients.

**CLUB.** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests, but not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

**CLUSTER.** A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally-sensitive features.

**CODE ENFORCEMENT OFFICER.** The person designated by the local government entity as being responsible for administering this chapter and compliance with all applicable codes, ordinances and laws.

**COHABITATION.** Households which contain two unrelated adults of opposite sexes.

**COLLECTION OFFICE.** The business location of any person or entity engaged in the business of collecting or receiving payment for others on any account, bill or other indebtedness.

**COMMERCIAL ENTERTAINMENT FACILITY.** Any profit-making activity which is generally related to the entertainment field, such as a motion picture theater, carnival, cocktail lounge, nightclub and similar entertainment activities.

**COMMON ELEMENTS.** Land amenities, parts of buildings, central services and utilities, and any other elements and facilities owned and used by all members of the development and designated in the master deed as common elements.

**COMMUNITY CENTER.** Buildings and facilities for a social, educational or recreational purpose generally open to the public, but not primarily for profit or to render a service customarily carried on as a business.

**COMPOSTING FACILITY.** A commercial or public solid waste processing facility where yard or garden waste is transformed into soil or fertilizer by biological decomposition.

**COMPREHENSIVE (DEVELOPMENT) PLAN.** A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the city, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, parks, schools and transportation and other community facilities. The plan may also include development policy or guidelines for future growth and development.

**CONCESSION STAND.** A retail sales operation from a location not involving a permanent building for the purpose of housing or conducting sales using a temporary table, stand, cart or similar equipment. **CONCESSION STAND SALES** may include the sale of confections, snacks or other light meals; provided that, no inside seating, nor drive-in service is provided.

**CONDEMNATION.** The exercise by a governmental agency of the right to eminent domain.

**CONDITIONAL USE.** A special use permitted within a zoning district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Adjustment. **CONDITIONAL USES** permitted in each district are listed in the Official Schedule of District Regulations or special exceptions.

**CONDITIONAL USE PERMIT.** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Adjustment, to allow a use other than a principally permitted use to be established within the district.

**CONDOMINIUM.** A type of ownership or management in which the building or group of buildings, where the units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**CONSOLIDATION.** The removal of lot lines between contiguous parcels.

**CONTIGUOUS.** Next to, abutting or touching, and having a boundary, or portion thereof, which is coterminous.

**CONVERSION.** A change in the use of land or a structure.

**COPY SHOP.** A retail establishment that provides duplicating services using photocopying, blueprint and offset printing equipment and may include the collating and binding of booklets and reports.

**COST-BENEFIT ANALYSIS.** An analytic method whereby the actual and hidden costs of a proposed project are measured against the benefits to be received from the project.

**COURT.** Any open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on two or more sides by the walls of a building.

**CRISIS COUNSELING CENTER.** A facility or portion thereof and premises that are used for purposes of temporary emergency shelter, crisis intervention, including counseling and educational services, referral, hotline response and/or similar human social service functions. The facility may include meal preparation, distribution or service for residents of the center as well as nonresidents; merchandise distribution; or shelter, including temporary boarding or lodging. **CRISIS COUNSELING CENTERS** do not include detoxification facilities, assisted living facilities, substance abuse treatment facilities, institutions, homeless shelters, domestic violence shelters or centers in which medical treatment is provided by licensed practitioners.

**CUL-DE-SAC.** The turnaround and the end of a dead-end street.

**CULTURAL FACILITIES.** Establishments such as museums, art galleries, botanical and zoological gardens, of an historic, educational or cultural interest which are not operated commercially.

**DECOMMISSIONING PLAN FOR GROUND MOUNTED SES.** A plan prepared by a licensed engineer that establishes the party responsible for the decommissioning, the anticipated life of the project, the estimated cost for removal of the SES facility, the costs for restoring the land to its original condition, and all other plan information required by this section.

**DEDICATION.** Gift or donation of property by the owner to another party.

**DEED.** A legal document conveying ownership of real property.

**DEMOLITION (PERMIT).** A permit issued by a municipality before a building or structure or major part thereof is razed.

**DENSITY.** A unit of measurement; the number of dwelling units per acre of land, including public rights-of-way.

(1) **GROSS DENSITY.** The number of dwelling units per acre of the total land to be developed, including public right-of-way.

(2) **NET DENSITY.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

**DETENTION (BASIN).** A storage facility for the temporary storage of stormwater runoff.

**DETERIORATION.** The marked diminishing of the physical condition of structures or buildings.

**DETOXIFICATION FACILITY (SUBSTANCE ABUSE TREATMENT FACILITY).** A facility used for the purposes of temporary or long term inpatient treatment of victims of alcohol or drug use or addiction.

**DEVELOPER.** The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests, in the land.

**DEVELOPMENT REGULATION.** Zoning, subdivision, site plan, official map, floodplain regulation or other governmental regulation of the use and development of land.

**DILAPIDATION.** A deterioration of structures or buildings to the point of being unsafe or unfit for human habitation or use.

**DISTRICT.** A part of the city wherein restrictions of this chapter are uniform, as depicted on the Official Zoning Map adopted in conjunction with this chapter.

**DOMESTIC VIOLENCE SHELTER or EMERGENCY AND PROTECTIVE SHELTER.** Housing for adult women or men and their dependent children, if any, who are victims of domestic violence perpetrated by the spouse, domestic partner or significant other of the adult victim. **DOMESTIC VIOLENCE SHELTERS** may provide counseling and day care for shelter residents.

**DOWN ZONE.** To increase the intensity of use by increasing density or floor area ratio, or otherwise decreasing bulk requirements.

**DRAINAGE.**

- (1) Surface water runoff; and
- (2) The removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

**DRAINAGE SYSTEM.** Pipes, swales, natural features and human-made improvements designed to carry drainage.

**DRIVE-IN RESTAURANT.** A building or portion thereof where food and/or beverages are sold in a form ready for consumption, and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

**DUMP.** A land site used primarily for the disposal by dumping, burial, burning or other means, and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap or discarded material of any kind.

**DWELLING.** A structure or portion thereof which is used exclusively for human habitation.

**DWELLING, ATTACHED.** A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

**DWELLING, DETACHED.** A dwelling which is not attached to any other dwelling by any means.

**DWELLING, MULTI-FAMILY.** A dwelling consisting of three or more dwelling units.

**DWELLING, SINGLE-FAMILY.** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**DWELLING, TWO-FAMILY.** A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. Includes units sold or rented in the condominium form of ownership or management.

**DWELLING UNIT.** A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes, but shall not include house trailers or recreational vehicles.

**EASEMENT.** An authorization or grant of land by a property owner to specific person(s) or the general public to use that land for a specific/expressed purpose(s).

**EASEMENT (DRAINAGE).** An easement required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

**EGRESS.** An exit; to depart from a building or lot.

**EMINENT DOMAIN.** The authority of a government to take, or to authorize the taking of, private property for public use.

**ENLARGEMENT.** To increase the size of an existing structure.

**EROSION.** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

**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.

**EXEMPT SOLAR ENERGY SYSTEM (EXEMPT SES).** An SES that is a facility of a municipally owned electric system or public utility regulated by the Kentucky Public Service Commission or Federal Energy Regulatory Commission, which is exempt from planning and zoning requirements under KRS 100.324.

**EXISTING GRADE OR ELEVATION.** The vertical location of the ground surface prior to excavating or filling.

**EXISTING USE.** The use of a lot or structure at the time of the enactment of a zoning ordinance.

**EXTENSION.** An increase in the amount of existing floor area within an existing building.

**EXTERIOR WALL.** Any wall which defines the exterior boundaries of a building or structure.

**FARM.** An area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry.

**FARM STRUCTURE.** Any building or structure used for agricultural purposes, but not for commercial retail sale.

**FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT).** Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature recreational areas, hunting areas, hunting preserves and watershed projects.

**FAST-FOOD RESTAURANT.** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

**FENCE.** A structure, including entrance and exit gates, designed and constructed for enclosure or screening.

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

**FINAL APPROVAL.** The last official action of the Planning Board or Board of Zoning Adjustment taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, and the required improvements have been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of the guarantees.

**FLEA MARKET.** A market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

**FLOATING ZONE.** An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development meeting the zone requirements is approved.

**FLOOD or FLOODWATER.** An overflow or inundation of normally dry lands from a stream or other body of water; the high streamflow overtopping the banks of a stream; or a high flow as measured by each stage or discharge.

**FLOOD CONTROL.** The prevention of floods, the control, regulation, diversion or confinement of floodwater or flood flow, and the protection therefrom, according to sound and accepted engineering practice, to minimize the extent of floods, and the death, damage and destruction caused thereby; and all things incidental thereto or connected therewith.

**FLOOD HAZARD AREA.** A floodplain, or portion thereof, which has not been adequately protected from floodwater by means of dikes, levees, reservoirs.

**FLOODPLAIN.** The relatively flat area of low land adjoining the channel of a river or stream, which has been or may be covered by flood water. The **FLOODPLAIN** includes the channel, floodway and floodway fringe.

**FLOODPLAIN, 100-YEAR.** A flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-year period. The **100-YEAR FREQUENCY FLOOD** is equivalent to a flood having a probability of occurrence of 1% in any given year (a flood magnitude which has a 1% chance of being equaled or exceeded in any given year).

**FLOODWAY.** The channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any river or stream.

**FLOODWAY FRINGE.** Those portions of the flood hazard areas lying outside the floodway.

**FLOOR AREA, GROSS.** The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls. It includes the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when the basement or cellar space is used for storage or other such incidental uses. The **GROSS FLOOR AREA** is generally applied in residential use.

**FLOOR AREA, NET.** The floor area of the specified use, excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and the like, in a nonresidential building. The **NET AREA** is used in calculating parking requirements.

**FLOOR AREA RATIO.** The floor area of the building divided by the area of the lots on which the building is located.

**FLOOR AREA, USABLE.** Same as **GROSS FLOOR AREA**.

**FOOD PROCESSING.** The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries and the like.

**FRONTAGE.** That side of a lot abutting on a street; the front lot line.

**GARAGE, PRIVATE.** An accessory building, or an accessory portion of the principal building, used for storing or parking of automobiles, recreational vehicles and/or boats of the occupants of the premises, and wherein not more than one space is rented for parking to a person not a resident on the premises.

**GARAGE, PUBLIC.** A principal or accessory building other than a private or storage garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**GARAGE, STORAGE.** Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

**GRADE.** The average level of the finished surface of ground adjacent to the exterior walls of the building.

**GRADE, FINISHED.** The final elevation of the ground surface after development.

**GRADE, NATURAL.** The elevation of the ground surface in its natural state before human-made alterations.

**GREEN AREA.** Land shown on a development plan, master plan or official map for preservation, recreation, landscaping or park.

**GREENHOUSE, INDUSTRIAL.** Wholesale business whose principal activity is the growing and selling of plants within an enclosed building.

**GROUP FAMILY HOUSEHOLD.** A group of individuals not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**HEALTH SPA.** A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise and related activities with or without such equipment or apparatus.

**HEIGHT.** The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

**HELIPORT.** An area used or intended to be used for the landing or takeoff of helicopters, and may include any or all other areas of buildings appropriate to accomplish these functions.

**HELIPORT (ACCESSORY USE).** An area used or intended to be used for the landing or takeoff of helicopters, and may include any or all other areas of buildings appropriate to accomplish these functions provided the heliport use is customary and incidental to the operation of a principle use permitted within the district, excluding residential and neighborhood business districts.

**HIGHEST AND BEST USE.** An appraisal concept that determines the use of a particular property likely to produce the greatest net return in the foreseeable future.

**HISTORIC AREA.** A district or zone designated by a local authority, state or federal government, within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including color, proportion, form and architectural detail; or because of their being a part of or related to a square, park or area, the design



or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**HOME OCCUPATION.** An occupation conducted in a dwelling unit; provided that:

(1) No more than one person other than members of the family residing on the premises shall be engaged in the occupation;

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of floor area of the dwelling units shall be used in the conduct of the home occupation;

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding four square feet in area, nonilluminated, and mounted flat against the wall of the principal building;

(4) No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall meet the off-street parking requirements as specified in this chapter, and shall not be located in a required front yard; and

(5) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**HOMELESS SHELTERS.** An activity providing personal assistance on a nonprofit basis to individuals of an indigent status. Such assistance must include food and/or shelter and may, in addition, include religious instruction, counseling and other incidental services customarily provided by missions.

**HOTEL or MOTEL.** A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such, in that it is open to the public it is not a rooming house, boarding house, lodging house or dormitory, which are herein separately defined.

**HOUSEHOLD.** A family living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**HOUSING UNIT.** A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate toilet and kitchen facilities.

**IMPROVED LOT.** A lot containing an improvement.

**IMPROVEMENT.** Any human-made, immovable item which becomes part of, is placed upon or is affixed to real estate.

**INDUSTRIAL PARK.** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

**INDUSTRY.** Those fields of economic activity including forestry, fishing, hunting and trapping, mining, construction, manufacturing; transportation, communication, electric, gas and sanitary services; and wholesale trade.

**INFRASTRUCTURE.** Facilities and services needed to sustain industry, residential and commercial activities.

**INGRESS.** Access or entry.

**INSTITUTION.** Building(s) and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

**INVERSE CONDEMNATION.** The taking of private property as a result of governmental activity without any formal exercise of eminent domain.

**JOINT OWNERSHIP.** The equal estate interest of two or more persons.

**JUNK BUILDINGS, JUNK SHOPS, JUNKYARDS.** Any land, property, structure, building or combination of the same, on which junk is stored or processed. **JUNK** shall include wrecked automobiles, scrap iron and other metals, paper, rags, rubber tires, bottles and the like.

**KENNEL.** Any premises where three or more animals over four months of age are housed, groomed, bred, boarded, trained or sold, and which may offer provisions for minor medical treatment.

**LAND SURVEYOR.** One who is licensed by the state as a land surveyor, and is qualified to make accurate field measurements and mark, describe and define land boundaries.

**LAND USE.** A description of how land is occupied or utilized.

**LANDSCAPE.**

- (1) An expanse of natural scenery; and
- (2) The addition of lawns, trees, plants and other natural and decorative features to land.

**LIGHT INDUSTRY.** Industrial uses which meet the performance standards, bulk controls and other requirements established in this chapter.

**LIMOUSINE AND TAXI SERVICE - LIMOUSINE SERVICE - TAXICAB BUSINESS.** A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing and fueling the taxicabs, limousines or vans.

**LOADING SPACE, OFF-STREET.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to those vehicles when required off-street parking spaces are filled. **REQUIRED OFF-STREET LOADING SPACE** is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**LOCAL AUTHORITY.** Any city or other legally-authorized agency charged with administration and enforcement of land use regulations.

**LOT.**

(1) A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. A **LOT** shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of lot of record; and/or
- (c) A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record.

(2) The word **LOT** includes the words "plot," "parcel" and "tract."

**LOT AREA.** The area of any lot shall be determined exclusive of street, highway, alley, road or other rights-of-way.

**LOT, CORNER.** A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than 135 degrees.

**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.

**LOT FRONTAGE.** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definitions of yard-related terms in this section.

**LOT LINE, FRONT.** Lot line(s) bounding a lot as follows.

- (1) **CORNER OR THROUGH LOT.** The line separating the lot from either street.
- (2) **INTERIOR LOT.** The line separating the lot from the street.

**LOT LINE, REAR.** The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. In the case of a triangular or irregular-shaped lot, an imaginary line between the side lot lines parallel to the front lot line, ten feet long, lying farthest from the front lot line. On a corner lot, the **REAR LOT LINE** shall be opposite the front lot line of least dimension.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or rear lot line.

**LOT, MEASUREMENT OF.** A lot shall be measured as follows.

(1) **DEPTH.** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(2) **WIDTH.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

**LOT OF RECORD.** A lot which is part of a subdivision recorded in the office of the County Clerk, or a lot or a parcel described by metes and bounds, the description of which has been so recorded.

**LOT TYPES.** Terminology used in this chapter with reference to different types of lots is as follows.

(1) **CORNER LOT.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.

(2) **INTERIOR LOT.** A lot with only one frontage on a street.

(3) **REVERSED FRONTAGE LOT.** A lot on which frontage is at right angles to the general pattern in the area. A **REVERSED FRONTAGE LOT** may also be a **CORNER LOT**.

(4) **THROUGH LOT.** A lot other than a corner lot with frontage on more than one street. **THROUGH LOTS** abutting two streets may be referred to as double frontage lots.

**LOT WIDTH.** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MAINTENANCE AND STORAGE FACILITIES.** Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

**MANUFACTURING, EXTRACTIVE.** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

**MANUFACTURING, HEAVY.** Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

**MANUFACTURING, LIGHT.** Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous

elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**MICROBREWERY.** A facility used for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include and constitute an accessory use to other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

**NET AREA OF LOT.** The area of the lot excluding those features or areas which the development ordinance excludes from the calculations.

**NEWSSTAND.** A temporary structure, manned by a vendor that sells newspapers, magazines and other periodicals.

**NONCONFORMING LOT.** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING SIGN.** Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders the sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**NONCONFORMING USE.** A building, structure or use of land existing at the time of enactment of this chapter, and which does not conform to the regulations of the district in which it is situated.

**NUISANCE.** An interference with the enjoyment and use of property.

**NURSERY, NURSING HOME.** A home or facility for the care and treatment of babies, children, pensioners or elderly people.

**NURSERY, PLANT MATERIALS.** Land, buildings, structures or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening and landscaping.

**OCCUPANCY PERMIT.** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable codes and ordinances.

**OCCUPANT.** The individual or individuals in actual possession of a premises.

**OFFICE BUILDING.** A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand.

**OFF-SITE.** Located outside the lot lines of the lot in question, but within the property (of which the lot is a part) that is the subject of a development application, or within a contiguous portion of a street or other right-of-way.