

Article 5: Definitions

The words defined are those which have special or limited meanings as used in the Zoning Regulation, which meanings might not otherwise be clear. Words whose meaning is self-evident as used in the Zoning Regulation are not defined here.

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

Accessibility Improvement: An unroofed and open structure, including a ramp or chairlift, that (1) allows a person with a physical disability access to a dwelling and (2) is exterior to a dwelling.

Accessory Dwelling: An accessory dwelling is a habitable living unit detached from a single-family dwelling that provides basic requirements for independent living, cooking, sleeping, and sanitation facilities. An accessory dwelling must be of permanent construction and must have no more than 1,000 square feet in living area and 1,500 square feet in total gross floor area. The accessory dwelling shall be located behind the principal structure and in the rear yard and shall comply with accessory structure setbacks. The accessory dwelling shall be served by public sanitary sewer or an approved individual on-site septic system approved for both principal and accessory dwellings. Accessory dwellings may be garage apartment, ancillary apartment, mother-in-law unit, guesthouse, carriage house, or granny flat.

Accessory Structure or Use: Any structure or use, other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises as determined by the administrative official; also as specifically designated under the zoning district regulations of the Zoning Regulation. A parked mobile home shall not be considered an accessory building unless specifically permitted by the provisions of the Zoning Ordinance.

Administrative Official: Any department, employee or advisory, elected or appointed body which is authorized, as provided for herein or in state law, to administer any provision of the Zoning Regulation, subdivision regulations, and if delegated, any provisions of any housing or building regulation or any other land use control regulation.

Adult Entertainment Use: Any use with the principal intent of providing sexually oriented materials or activities to the public or to private membership.

Agricultural Enterprise: A commercial enterprise at a working farm or agricultural operation, as defined in Article 5 of these Regulations, conducted for the enjoyment of visitors that generates supplemental income for the owners. These uses include: agricultural tourism uses providing visitors with enjoyment, education, or active involvement in the activities of the farm or operation; on-farm markets selling agricultural products or value-added agricultural products directly to the consumer; roadside or farm stands where the farmer sells agricultural and value-added agricultural products directly to consumers at a stand or kiosk located on the farm; and, agricultural plant where the value-added processing of agricultural products occurs.

Agricultural Operation: The use of land for agricultural, farming, dairying, or stock raising in which a minimum of five (5) acres is used, as defined in KRS 100.111.

Agricultural Structure: Any structure or building accessory to the principal agricultural use of the land except farm dwellings which are considered principal buildings or residential uses.

Alteration: Any change or addition to the supporting members or foundation of a structure.

Assisted Care Living Facility: A residential facility provided varying levels of assistance to residents, usually the elderly, in performing daily tasks. This type of use is distinguished from a nursing home in that acute care for residents is not a necessity (see retirement home).

Automotive Repair, Major: Substantial 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.

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Automotive Repair, Minor: Incidental minor repairs, upholstery, replacement of parts and motor service to passenger cars and trucks not exceeding two (2) tons capacity, but not including any operation named under "Automotive Repair, Major", or any other similar thereto.

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.

Building: Any structure which fully encloses space for the occupancy by persons or their activities. A mobile home is not a building however.

Campground: A facility for recreational vehicles, tents and other means of camping overnight, not including permanent structures or mobile homes. A campground is intended to provide a place for temporary overnight stays not exceeding six(6) months during any one calendar year at any one facility.

Child Care/Daycare Facility: A facility providing supervised care for nonresident minors for a fee or other consideration. These facilities may be one of three types;

- "Type I Facility"- providing care for not more than 5 nonresident minors at any one time. This type of facility is considered to be accessory to residential use as a home occupation.
- "Type II Facility" - providing care for not more than 12 nonresident minors at any one time.
- "Type III Facility" - allowed to provide care for more than 12 nonresident minors at any one time.

Each of these types of child care facilities may be treated differently under these regulations.

Conditional Use: A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

Conditional Use Permit: Legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts: (a) A statement of the factual determination by the board of 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.

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. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial service, automobile storage, transportation, laundry and dry cleaning services, and all other similar services.

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 sanitarium shall not be construed to be included in this definition.

Conventional Septic System: Sewage pre-treatment unit(s), distribution box(es), and lateral piping within rock filled trenches or beds installed at a standard depth of 24 inches.

Corner Lot: A lot or tract located at the intersection of two roadways or streets, having frontage and front yard setbacks along both. The property lines opposite of each of the front yards, in the case of a corner or double frontage lot, are subject to a side yard and a rear yard setback. (Owners choice)

Craft Distillery, Type I: A facility that produces distilled spirits of 50,000 gallons or less per calendar year on site. Such facility may include a tasting room or retail space to sell products only manufactured on site, unless otherwise allowed by the underlying zone. Also referred to as micro, artisan, or boutique distillery.

Craft Distillery, Type II: A facility that produces distilled spirits of 500,000 gallons or less per calendar year on site.

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Such facility may include a tasting room or retail space to sell products only manufactured on site, unless otherwise allowed by the underlying zone. Also referred to as micro, artisan, or boutique distillery.

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

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

Distilled spirits: Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

Dwelling and Dwelling Units: A dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. Dwelling unit refers to that dwelling accommodation within a building designed for one individual or family unit maintaining separate and independent housekeeping.

Event Facility: A facility located on private property and allowing meetings, weddings, receptions, or other related events or gatherings.

Family: A person living alone or two or more persons related by blood, marriage, or not more than four (4) unrelated persons living together in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

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

Greenhouse, Commercial: A greenhouse in which plants are produced for sale or distribution to the public, either retail or wholesale.

Greenhouse, Private: A greenhouse in which plants are produced for private use of the owner either on site or at other locations owned or controlled by the owner of the greenhouse.

Gross Floor Area: See "Floor Area."

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

Hazardous Waste: Any waste substance or combination of substances, in any form which because of its quantity, concentration or physical, chemical or infectious characteristic may create a threat to public health or to animal, plant and aquatic life forms, and included but is not limited to substances which are toxic, flammable, corrosive, radioactive, irritants, strong sensitizers, or which generate pressure through decomposition, heat or other means.

Height: The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

Home Occupations: Professional offices, studios, and personal services maintained or conducted within a dwelling without nonresident employees unless otherwise provided for in these regulations. Neither the selling of any merchandise, in particular where the retail activity occurs at the residence from inventory maintained on premises, nor

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processing of any product (other than that which would normally occur at a place of residence) shall qualify as a home occupation. Must meet parking requirements. Home occupation includes only those which meet the following performance standards: Must obtain HO permit in City of Bardstown and sign must be on structure.

- A. Home occupations shall be incidental to the principal residential use, occupying no more than 25 percent of the total floor area of a dwelling.
- B. Home occupations shall result in no exterior evidence excepting a permitted sign, that the dwelling is used for a non-residential use.
- C. Home occupations shall not generate any atmospheric pollution, light flashes, glare,, odors, noise, vibration, or truck or other heavy equipment traffic nor shall involve the use of mechanical equipment except that permissible for purely domestic or residential purposes.

Homes for Adjustment/Group Homes: A home for adjustment is a residential structure or home in which persons live while receiving therapy and counseling for or recuperating from the effects of drugs, alcohol, emotional or mental disorder, or physical disability, or when being rehabilitated after imprisonment or other type of isolation from society.

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

Industry: The processing or assembly of products or raw materials: the two categories of industry are defined according to the following performance standards:

- A. Heavy Industry: Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare , odors, or noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.
- B. Light Industry: Those industries whose processing operations result in none of the above conditions.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, disassembled, destroyed, processed, salvaged, stored, baled, exchanged, disposed of, or for other use or disposition.

Junkyard: Any lot, land, parcel, building, structure, place of business or part thereof, used for the deposit, parking, placement, storage, collection, processing, purchase, sale, salvage, baling, packing, handling, exchange, disposal, disassembly or otherwise location of five (5) or more junk vehicles, machinery, appliances, or other similar scrap or salvage materials, or any combination thereof, excluding inoperative farm equipment. A junkyard shall include auto, vehicle, or machinery recycler, auto wrecking yards, house wrecking or building yards for storage or sale of salvaged house and building and structural steel materials and equipment. A junkyard shall not include an operation conducted entirely within an enclosed building or permitted uses where outdoor storage is allowed as an accessory use or is otherwise permitted.

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.

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

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

Lot: A parcel of land under one ownership devoted to a common use or occupied by a principal building(s) plus accessory structures.

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- A. Corner Lot: A lot which abuts on two intersecting streets at their intersection (see definition above).
- B. Double-Frontage Lot: Any lot other than a corner lot which abuts on two streets.
- C. Lot Line: The boundary dividing a lot from right-of-way, adjoining lot, or other adjoining tract of land.(front, rear, and side lot lines are self-explanatory)
- D. Lot of Record: A lot which is recorded in the office of the Nelson County Clerk.

Lot Area - The minimum area required for any newly created lot in a particular zone; that area required for a dwelling unit in a residential zone.

Material Recyclers: Any establishment or place of business, including garbage dumps and sanitary fills, maintained, operated, or used for storing, keeping, buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or motor vehicle parts, iron, steel, and other old or scrap ferrous or nonferrous material.

Maximum Lot Coverage - That portion, usually indicated by a percentage of the total lot area, that may be covered by structures, parking areas, walkways, concrete, asphalt or other impervious surfaces.

Micro-brewery: A facility within a completely enclosed building which is intended for the production and packaging of up to 15,000 barrels per calendar year of malt beverages.

Mini-Warehouse: A building or group of buildings that has controlled-access and that contains varying sizes of individual compartmentalized stalls or lockers with access controlled by tenant for the storage of customer's goods or wares. An operation involving a security arrangement utilizing a warehouseman is not a mini-warehouse.

Minimum Lot Width: The minimum distance from the side property line of a lot to the other side property line of the same lot measured from any point along either property line. This distance is also the minimum allowable dimension for that portion of a lot extending along a street line, this "road frontage" may either be on a public or private roadway.

Modular Home: A housing unit which may be constructed elsewhere and transported to a specific site or lot for assembly and occupancy, but which is not a mobile home as defined herein. Such structures shall be regulated in the same manner as a standard or customary housing unit building on site.

Modular Office: A office unit which may be constructed elsewhere and transported to a specific site, but which is not a mobile home, converted to an mobile office. Such structures shall be regulated in the same manner as other commercial structures.

Mobile Home: Any vehicle or similar portable structure, with a finished dimensional width of 18 feet or less, used or so constructed as to permit its being used as a conveyance upon streets and as a dwelling for one or more persons and is a unit in which the transporting framework is an integral part of the basic structure and which has a certificate of origin associated therewith. The removal of the means of conveyance from a mobile home and the construction of a permanent foundation does not define a mobile home as a dwelling under the terms of this Zoning Regulation.

Mobile Home Park: A tract of land prepared and approved according to the procedures in the Zoning Regulation to accommodate multiple mobile homes provided for rental purposes, including offering only lots for rental.

Nonconforming Use or Structure: An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of the 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.

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, truck terminals, and similar commercial enterprises.

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

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

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Open Space: The outdoor area of a lot or tract which is designed and used for outdoor living, recreation, yard or landscaping. Off-street parking and loading space, driveways, sidewalks and other areas covered with impervious surfaces do not qualify as open space.

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.

Outdoor Storage, Accessory: Keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than continuous twenty-four (24) hours, and that is located on the same lot as the principal use for which it is providing storage, and is limited to twenty (20) percent of a lot area and no more than one-half acre of a lot. The placement of moveable containers, including semi-trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis, not to exceed two (2) months in any calendar year, shall be considered accessory outdoor storage. This outdoor storage definition shall not include junkyard.

Outdoor Storage, Regular: Keeping or stockpiling of any item(s) outside a building in a non-residential zoning district that is not directly accessible by the general public for more than continuous twenty-four (24) hours, and that exceeds twenty (20) percent of a lot area or more than one-half (1/2) acre of a lot. Regular outdoor storage shall not include junkyard.

Parent Tract: A tract which has not been subject to any division creating tracts less than 20 acres in size.

Parking Area (or Lot): An area of land reserved for the purpose of vehicular storage. Such areas shall include driveways, access ways, parking spaces, and vehicular maneuvering areas. Parking areas shall not include outdoor display or sales areas and shall be prohibited in the public right-of-way and all required building setbacks, except parking for single-family residential uses and duplexes is permitted in the required front yard(s) only on a hard surface or approved semi-pervious driveway that does not exceed twenty (20) feet in width and that leads to a garage, carport, house or rear yard.

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

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

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

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

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

Planned Unit Development Project: A complex of structures and uses planned as an integral unit or community of development as provided in these Section 8.2 of these regulations.

Premises: A general term meaning part or all of any lot or part of all of any building or structure or group of buildings or structures located thereon.

Private Recreation Area: An area devoted to uses such as picnic and parking areas, swimming pools, private clubhouses, tennis courts, refreshment stands, and similar or associated structures and uses.

Processing: Manufacturing, reduction, extraction, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures, however.

Public-Service Building: Any building necessary for the operation and maintenance of a utility.

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Rehabilitation Center: A structure, non-residential, residential or home, in which persons may assemble or live while receiving therapy and counseling for or recuperating from the effects of drugs, alcohol, emotional or mental disorder, or physical disability, or when being rehabilitated after imprisonment or other type of isolation from society.

Restaurant: An eating establishment where food is served and/or consumed only within the building.

Restaurant, Drive-In: An eating establishment where food is generally served by employees or by self-service on the premises outside the building and generally consumed on the premises outside the building or off the premises.

Retail Sales: Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Retirement Home: An establishment which provides full-time shelter, comfort, and day-to-day non-medical necessities for three (3) or more individuals who are not related by blood or marriage to the operator and who by reason of old age require or desire aid in day-to-day activities. This establishment is distinguished from a convalescent or nursing home as the Senior Citizen or Retirement Home does not provide full-time convalescent or chronic care for its inhabitants.

Road: A traffic carrying way. As used in the Zoning Regulation a road may be privately owned.

Roadside Stand: A structure designed or used for the display or sale of agricultural or value-added agricultural products grown or produced on the premises directly to the consumers at a stand or kiosk located on the farm. Also referred to as farm stand.

Screening: Visually continuous plantings, solid fencing, wall, or earth mound, or combination thereof, that provides a barrier from public view and with an average height of one foot above the material being screened, except that said screening shall not be required to exceed eight (8) feet in height.

Sign: Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

Single Family Residential: One dwelling unit per the tract so designated.

Sleeping Room: A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

Street: Any highway or other public traffic-carrying way, an arterial street is any federal, state or county highway unless otherwise designated by the planning commission.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, but not including fences up to seven (7) feet in height, or poles and appurtenances thereto used for the provisions of public utilities; includes buildings and mobile homes.

Temporary Structure: An accessory structure that is removed within a specified time period. The time period for a temporary structure shall not exceed six (6) months in any calendar year. The activity or use for which the temporary structure was constructed or installed shall comply with the use regulations of the zoning district in which it is located. The structure shall comply with all applicable regulations set forth in the Zoning Regulations, including but not limited to parking, outdoor sales and display, unloading/loading, setbacks, height, etc. A temporary structure may include fireworks stands, tent sales, special promotion sales, portable storage units (PODS), greenhouses, swimming pools, and similar uses.

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.

Usable Open Space: That portion of the outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access or landscaping, but not including off-street parking and loading areas, driveways or required front and street side yards unless separated from the street right-of-way by a fence or screen planting.

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Value-Added Agricultural Products: Any product derived from an activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value-added may include bagging, packaging, bundling, pre-cutting, cooking, chilling, and other processes to alter the original agricultural product to a finished product.

Variance: Departure from dimensional terms of the Zoning Regulation pertaining to the height, width, length, 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.

Yard: The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Regulation Note: also known as setbacks. Yards are further defined as follows:

- A. Front Yard: That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the front yard line which is the roadway right-of-way.
- B. Rear Yard: That portion of the yard extending the full width of the lot measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.
- C. Side Yards: Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building with setbacks imposed from both side property lines in the amount indicated as the side yard setback.

- Amended 8-30-06; City of Bardstown, April 22, 2015; City of Bloomfield, May 17, 2015; City of Fairfield, May 27, 2015; City of New Haven, April 29, 2015; Nelson County, April 24, 2015
- Amended City of Bardstown, Ordinance B2015-27, September 25, 15; City of Bloomfield, Ordinance 2015-107, October 23, 2015; City of Fairfield, Ordinance 2015-PZ-02 & 03, November 13, 2015; City of New Haven, Ordinance #455, Series 2015, October 23, 2015; and, Fiscal Court, Ordinance #930.1-4, September 4, 2015 and Ordinance #930.1-5 through 930.1-10, October 23, 2015.
- Amended City of Bardstown, Ordinance B2017-05, March 10, 2017; City of Bloomfield, Ordinance 2017-116, March 24, 2017; City of Fairfield, Ordinance 2017-PZ-01-2017, March 31, 2017; City of New Haven, Ordinance #462, Series 2017, March 22, 2017; and Fiscal Court, Ordinance #930.1-12, March 31, 2017.