

# ARTICLE 8 DEFINITIONS

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## SEC. 8.1 USE OF TERMS

All words herein used in the present tense shall include the future tense; the singular shall include the plural, and the plural the singular.

The word "shall" is mandatory, not permissive or directory.

The word "used" includes arranged, designed or intended to be used.

## SEC. 8.2 DEFINED TERMS

Unless otherwise provided, the following words and phrases are defined as follows.

**ABOVE GROUND STORAGE TANK:** All tanks consisting of at least 1,000 gallons located on site and above grade and containing either flammable or hazardous substances (liquid, gas, or solid). Tanks containing only water are exempt from this definition.

**ACCESSORY APARTMENT:** A self-contained distinct living unit with separate cooking, eating, sanitation and sleeping facilities located on the same property as the primary structure or within the primary structure itself. Examples include an apartment over a garage, a basement apartment or an extension to the existing primary structure.

**ACCESSORY BUILDING:** A subordinate building, the use of which is clearly incidental to that of a principal building on the same lot, and which is permanently affixed to the ground. Accessory building shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container.

**ACCESSORY STRUCTURE:** A detached, subordinate structure, other than a fence, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure, and which is permanently affixed to the ground. Accessory structure shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle, or freight container, unless modified to meet building codes and all other applicable regulations.

**ACCESSORY USE:** A use that:

- a. is clearly incidental to and customarily found in connection with a principal use;
- b. is subordinate to and serves a principal building or a principal use;
- c. is subordinate in intent, or purpose to the principal building or principal use served; and
- d. is located on the same lot as the principal building or use served.

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**ACRE:** 43,560 square feet of land area.

**ACRE, GROSS:** For the purposes of this Ordinance, a gross acre shall mean 43,560 square feet of land.

**ADDITION:** As a construction term, an extension or increase in floor area or height of a building or structure.

**ADJACENT / ADJOINING PROPERTY:** For the purposes of this ordinance, the term adjacent or adjoining shall include all property that borders, directly adjoins or would adjoin the property in the absence of any right-of-way, water body, railroad or other similar public or quasi-public feature.

**ADMINISTRATIVE APPEAL:** A case where an applicant alleges that there is an error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of the zoning regulation.

**ADMINISTRATIVE OFFICIAL:** Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation (KRS 100.111).

**ADULT ENTERTAINMENT:** Sexually explicit entertainment establishment or activity, which may include sexually explicit amusement arcade, sexually explicit book store, sexually explicit entertainment provider, sexually explicit escort or escort service, sexually explicit motion picture or stage show theater, sexually explicit video cassette center, cabaret, or massage parlor. As used herein, this shall also mean sexually oriented business and/or sexually explicit business as defined by the City of Bowling Green Code of Ordinances, Chapter XXIV and Warren County Ordinance 04-65-WC respectively.

**AGRICULTURAL USE:** Shall mean the use of:

- a. A tract of at least five 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 above agriculture 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 as further defined by the Kentucky Revised Statute, Chapter 100.111 (2);

**ALLEY:** A public or private way permanently reserved as a secondary means of vehicular ~~service~~ access to abutting properties. Alleys shall not satisfy the minimum lot frontage requirement.

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**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or as an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. As applied to a building or structure in a historic district or on a landmark site, it shall also mean work that changes the appearance of the exterior regardless of whether the work requires a permit from the government. As applied to a watercourse, it shall mean changing the carrying capacity or location of a stream, channel or waterway.

**ANIMAL FEEDLOT:** Any lot, building, or combination of contiguous lots or buildings intended for the feeding, breeding, raising, or holding of animals and specifically designed as a confinement area where manure may accumulate, or where the concentration of animals is such that vegetation cannot be maintained within the enclosure. Open lots used for the feeding or rearing of poultry (poultry ranges) shall be considered animal feedlots, but pastures shall not be considered animal feedlots.

**ANIMAL WASTE AREA:** Any holding area or lagoon used or intended to be used for the storage or treatment of animal manure and other waste products associated with an animal feedlot.

**ANTENNA, HEIGHT ABOVE GRADE OR GROUND:** The vertical distance between the highest point of the antenna and the finished grade directly below this point.

**AREAS OF SPECIAL FLOOD HAZARD:** Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**ASSISTED LIVING:** An apartment or home-style housing unit residence which provides assisted living to two or more adult persons and which provides supportive services, such as cleaning, shopping, meals, laundry, transportation, 24-hour supervision, and organized activities, within the residence or on the grounds of the residence.

**AVAILABLE PUBLIC SEWER:** Sanitary sewer is considered available where an existing sewer is within 1,5002,000 feet of a proposed development which can be extended via public rights-of-way or utility easement.

**BANNER:** Any sign of lightweight fabric or similar material that is mounted to a pole, suspended between poles, or affixed to 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.

**BAR OR LOUNGE:** Any eating, drinking, or entertainment establishment which derives less than 50 percent of its income from food sales.

**BASEMENT:** Any portion of a building the average height of which is at least half below grade plane.

**BED AND BREAKFAST ESTABLISHMENT:** A one-family dwelling unit, but which also has guest rooms or suites used, rented, or hired out for occupancy or which are occupied for sleeping purposes by persons not members of the single-family unit. The innkeeper shall reside on the premises or property adjacent to the premises during periods of occupancy. Bed and Breakfast Establishments include~~The building~~

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~~shall be known as either a~~ bed and breakfast home, ~~or a~~ bed and breakfast inn or Bed and Breakfast Farmstay.

**BED AND BREAKFAST HOME:** A bed and breakfast establishment having five (5) or fewer guest rooms or suites for occupancy, in which breakfast ~~and other meals~~ may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

**BED AND BREAKFAST INN:** A private inn or other unique residential facility having ~~six (6) or no~~ more than nine (9) guest rooms or suites for occupancy, in which breakfast ~~and other meals~~ may be served to guests and whose innkeeper resides on the premises or property adjacent to the premises during periods of occupancy.

**BED AND BREAKFAST, FARMSTAY:** A bed and breakfast establishment at a farm location whose focus includes agritourism as defined in KRS 247.800.

**BINDING ELEMENTS:** ~~Those conditions agreed to by the Planning Commission and the developer which are imposed upon a development plan and which control the development and use of the property in question. The conditions may be in writing or by graphic representation. See "Development Plan Conditions." The term "Development Plan Conditions" shall substitute for any prior reference to the term "Binding Elements."~~

**BLOCK:** A unit of land comprised of one or more lots bounded by streets or by a combination of streets, public land, railroad rights-of-way, waterways or any other barrier that interrupts the continuity of development.

**BLOCK FACE:** A single boundary of a block described in the definition of Block fronting public right-of-way. A block face is opposing when it is located across a public right-of-way.

**BOARDING HOUSE:** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three persons and where meals are regularly prepared and served for compensation.

**BREEZEWAY:** Any open, unenclosed structure consisting of a roof and its support and used as a connecting roofline between a main residence or building and an accessory building, not a primary building.

**BUFFER:** An area of land, including landscaping, berm, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on the adjacent parcel or right-of-way.

**BUILDING:** A structure, but not a mobile home or trailer, built or constructed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on, or fixed connection to the ground.

**BUILDING HEIGHT:** A distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs or to the deck line of mansard roofs, ridge for gable, hip and gambrel roofs ~~(excludes chimney)~~. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas

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and domes not intended for human occupancy; monuments, water towers, observation towers, flag poles, radio and television towers, masts, aerials, chimneys and smoke stacks.

**BUILDING LINE:** A line across a lot beyond which no building may extend, as established by Ordinance. A building line in some instances may coincide with the property line.

**BUILDING, PRINCIPAL:** A building, including covered porches or any part of a permitted structure above the foundation, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which it is situated. Where any building is attached to any other building(s) by a roof, all buildings shall be deemed one principal building.

**CATCHMENT AREA:** The drainage basin of a stream or sinkhole. ~~It~~ includes all areas which contribute surface runoff to a stream or sinkhole.

**CERTIFIED LOCAL GOVERNMENT:** A government meeting the requirements of the National Historic Preservation Amendments Act of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the Kentucky State Historic Preservation Office.

**CONDITIONAL USE:** A use which is essential to or would promote the public health, safety, or welfare in one 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.

**CONDOMINIUM:** A form of ownership with the following characteristics:

- a. the unit (the interior and associated exterior areas designated for private use in the development plan) is owned or rented by the occupant; and
- b. all or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Kentucky Revised Statutes Chapter 381.805 et. seq. and in accordance with the provisions for open space, roads, or other development features as specified in this Ordinance and the Subdivision Regulations.

**CONFINED ANIMAL FEEDING OPERATION:** Any animal feedlot and associated animal waste areas where more than the following numbers of animals are confined: 1,000 slaughter, feeder, or dairy cattle; 2,500 swine weighing over 55 pounds; 500 horses; 10,000 sheep or lambs; 100,000 hens, broilers, turkeys, or ducks. See also "Animal Feedlot" and "Animal Waste Area."

**CONSERVATION DISTRICT, HISTORIC:** ~~(See Historic Conservation District).~~

**CONSERVATION SUBDIVISION OVERLAY DISTRICT:** Provides for the preservation of prime farmland, greenspace and watersheds; allows residential developments that permit flexibility of design in order to promote environmentally sensitive and efficient uses of the land; preserves unique or sensitive natural

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resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat; to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development ; and conserves scenic views and reduce perceived density by minimizing the number of houses with direct access to local roadways; preserve and view sheds of open spaces.

**CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL:** A one-acre site properly permitted by the State of Kentucky on which non-hazardous materials from construction and demolition projects are disposed.

**DAY CARE CENTER, ADULT:** An adult care facility which provides part-time care, day or night, but less than 24 hours, to at least 4 adults not related to the operator or the facility by blood, marriage, or adoption.

**DAY CARE CENTER, CHILD:** Any child care facility which provides full or part-time care, day or night, to at least seven children who are not the children, grandchildren, children in legal custody, nieces, or nephews of the operator.

**DEMOLITION:** Any act that destroys in whole or in part an existing building or structure, physical feature, or other site improvement.

**DENSITY:** A measure of the intensity of the use of a piece of land expressed in dwelling units, families or housing structures per acre.

**DEVELOPMENT:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any use or change in use of any buildings or land; any extension, landfill, or land disturbance, clearing, or other man induced movements of land.

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

**DEVELOPMENT PLAN CONDITIONS:** Those conditions agreed to by the Planning Commission and the developer which are imposed upon a development plan and which control the development and use of the property in question.

**DOMESTIC PET:** An animal such as a dog or cat, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, though selective breeding, become notably different from their wild ancestors.

**DRAINAGE PLAN:** A detailed study and design of the storm water flow and control within a designated area that minimizes erosion, sedimentation, and flooding (see Subdivision Regulations for detail).

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**DRASTIC INDEX:** A numerical ranking system, using the factors of depth to water, recharge, aquifer media, soil media, topography, impact of the vadose zone, and conductivity of the aquifer, to assess ground-water pollution potential in hydro-geologic settings.

**DRIVE-IN or DRIVE-THROUGH EATING AND DRINKING ESTABLISHMENT:** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where a significant portion of the consumption takes place or is designed to take place outside the confines of the building. Such use often includes an intercom or speaker system, a menu board, and an outside service window. The terms “drive-in” and “drive-through” shall be considered interchangeable.

**DRIVEWAY:** A private vehicular access serving a single family residential use or an individual unit within a twinhome, townhome, patio home, condominium or duplex.

**DUPLEX:** A building containing two dwelling units on a single lot with separate entrances. In order to be classified as a duplex, the lot on which the duplex is located must contain one of the following:

a. Two side-by-side units that share a common wall and roofline; or

a.b. A two-story residence, with one complete unit per floor

**DWELLING:** A building ~~or structure~~ designed or used for permanent human habitation.

**DWELLING, MULTIFAMILY:** A dwelling unit within a building containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A ~~detached~~ building designed for, or occupied exclusively by, one family and located on its own individual lot.

**DWELLING UNIT:** One or more rooms connected together, constituting a separate, independent housekeeping establishment with separate toilets and containing independent cooking and sleeping facilities for owner occupancy, rental or lease on a ~~weekly,~~ monthly or longer basis.

**FACADE:** That portion of an exterior elevation on the building extending from grade to top of the parapet or roof.

**FAÇADE, PRIMARY:** Any façade facing or fronting a street.

**FAÇADE, SECONDARY:** Any façade other than a primary façade.

**FAMILY:** This means a person living alone, or any of the following ~~groups~~ living together as a single ~~non-profit~~ housekeeping unit sharing common living, sleeping, cooking and eating facilities:

- a. any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- b. two unrelated people;

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- c. two unrelated people and any children related to either of them;
- ~~d. not more than eight people living in a residential care facility.~~

**FENCE (Including Barrier or Landscape Wall):** An accessory structure that is an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land for purposes of containment, protection, screening or to hinder trespass on property with or without any structures.

**FINAL ACTION:** Any final adjudication of the application for any zoning map amendment, variance, conditional use permit, siting of cellular antenna tower, or appeal from any administrative official before the Board or Commission, or appeal from the decision of the Board or Commission to any legislative body, or the highest state or Federal court to which any appeals shall be taken.

**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other official designated symbol of any institution or business.

**FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland waters; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD, BASE:** A flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the 100 year flood).

**FLOOD HAZARD AREA OR SPECIAL FLOOD HAZARD AREA:** Any area inundated by the 100 year flood as delineated by the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM).

**FLOOD HAZARD BOUNDARY MAP (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Hazard Boundary map and the water surface elevation of the base flood.

**FLOODPLAIN:** Any land area susceptible to being inundated by water from any source.

**FLOODWAY:** The channel of a river or other watercourse or the depressed area of a sink and the adjacent land area that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than an elevated height.

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**FLOOR AREA RATIO (FAR):** The ratio of gross floor area of all structures on a lot to total lot area on which the structure(s) is(are) located.

**FOURPLEX:** A building containing four dwelling units.

**GRADE PLANE:** A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

**GREENHOUSE / NURSERY, COMMERCIAL:** Commercial greenhouse operations are involved in the production and/or sale of agricultural and horticultural products intended for sale to the general public, where customers frequently visit the site.

**GREENHOUSE / NURSERY, WHOLESALE:** Wholesale greenhouse operations are involved in the production and/or sale of agricultural and horticultural products intended for sale to commercial operations where products are generally delivered to the place of business in which the product will be sold to the public. Such operation may or may not be open to the general public, but sales to the general public are limited.

**GROSS FLOOR AREA:** The sum of the gross horizontal areas of ~~the several~~ all floors of a building, regardless of how the space is utilized, including interior balconies and mezzanines, but excluding exterior balconies. ~~All~~ The horizontal dimensions of each floor are to be measured by from the exterior faces of walls, ~~including the walls of roofed porches having more than one wall. The floor area of a building shall include the floor area of accessory buildings on the same lot.~~

**GROUP LIVING:** The residential occupancy of a structure by a group of people who do not meet the definition of Household or Family, but which share a common eating area.

**HEIGHT:** See "Building Height".

~~**HISTORIC CONSERVATION DISTRICT:** An area, designated by ordinance, which contains within definable geographic boundaries properties or buildings which may or may not contain Local Historic Sites, which contribute to the overall historic character of the designated area. The Conservation District differs from a Historic District in the types of action that triggers a Certificate of Appropriateness (COA). Properties within a Conservation District must apply for a COA for new construction, demolition or relocation.~~

**HISTORIC DISTRICT:** An area, designated by ordinance, which contains within definable geographic boundaries properties or buildings which may or may not contain Local Historic Sites, which contribute to the overall historic character of the designated area. The Local Historic District differs from a Conservation District in the types of action that triggers a Certificate of Appropriateness (COA). Properties within a Local Historic District must apply for a COA for alterations of the exterior, new construction, demolition or relocation.

**HISTORIC SITE, LOCAL:** A building, structure or site having a special historical, architectural cultural or aesthetic value. The land on which a landmark and related

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buildings and structures are located and the land that provides the grounds, the premises or the setting for a landmark.

**HOUSEHOLD:** A single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit.

**HUD CODE:** The Federal Manufactured Home Construction and Safety Standards for construction, design, and performance of manufactured housing as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, et. seq. and as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

**KENNEL, COMMERCIAL:** A commercial establishment where more than five dogs or other domesticated animals more than six months old are groomed, bred, boarded, trained or sold and is permitted according to the use chart in Section 5.1 of this Ordinance.

**KENNEL, NON-COMMERCIAL:** A non-commercial kennel at, in or adjoining a private residence where dogs or other domesticated animals are kept for the hobby of the householder (i.e. hunting, tracking or exhibiting) is permitted in residential zoning districts. The occasional breeding of dogs or other domesticated animals (limited to one litter on the property at a time) by the keeper of a non-commercial kennel shall not change the character of the residential property and shall not constitute a nuisance to the neighborhood.

**LANDLOCKED:** Any lot with less than the required minimum ~~street~~ lot frontage for the zoning district.

**LANDOWNER:** The legal or beneficial owner or owners of all the land to be included in a development.

**LANDSCAPE PLAN:** A scaled drawing, including dimensions and distances, existing and proposed buildings, vehicle use areas, driveways, and the location, size, and description of all landscape materials.

**LIVESTOCK:** Shall mean cattle, sheep, swine, goats, horses or any other animals of the bovine, ovine, porcine, caprine, or equine species.

**LOADING AREA:** An off street space or berth used for the loading or unloading of vehicles.

**LOSING STREAM:** A surface stream which loses some or all of its flow into the underlying carbonate aquifer.

**LOT:** A portion or parcel of land considered as a unit, in single ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is in the name of the owner of the lot.

**LOT AREA:** The area contained within the boundary lines of the individual parcels of land as shown on a subdivision plat or as required by this Ordinance.

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**LOT, CORNER:** A lot abutting upon two or more streets at their intersection.

**LOT COVERAGE:** That portion of the lot that is covered by impervious surfaces or gravel (excluding landscaped areas), buildings, structures, travelways and parking Lot coverage does not include uncovered, semi-pervious decks or the water surface area of outdoor pools.

**LOT, FLAG:** A lot with an access provided to the bulk of the lot by means of a narrow corridor.

**LOT FRONTAGE:** The length of the front lot line measured at the street right-of-way line. A property line which abuts an alley or a fully controlled access street and which permanently has no access to that street shall be deemed not to have frontage.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** ~~A line dividing one lot from another or from a street or public way~~The property lines bounding a lot.

**LOT, MINIMUM AREA or SIZE:** The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district.

**LOT OF RECORD:** A lot which is part of a subdivision, the plat of which was recorded in the office of the Warren County Clerk; or a parcel of land, the metes and bounds description of which is contained in a recorded deed in the office of the Warren County Clerk prior to the adoption of this Ordinance or which was recorded prior to the amendment of an Article of this Ordinance which rendered such lot or parcel as a nonconforming lot.

**LOT, THROUGH:** A lot having frontage at two or more separate locations and not a corner lot.

**LOT, WIDTH:** A horizontal straight line distance between side property lines located at the front setback line. For purposes of determining lot width, the front setback line shall not exceed 100 feet.

**MANUFACTURED HOME:** A single-family residential dwelling fabricated at an off-site facility that meets all of the criteria below:

- a. Is a new unit that meets or exceeds the HUD code and has a HUD Label affixed, OR, is a used unit that has a "B1" seal.
- b. Is affixed to a permanent foundation meeting state and manufacturer's specifications and is connected to the appropriate facilities;
- c. Has a perimeter skirting of masonry or similar material that harmonizes with the architectural style of the home and other residences in the same area;
- d. Has a roof constructed of composite material (such as asphalt shingles) or a residential metal roof with a minimum roof pitch of a three-foot rise to a twelve-foot run; and

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- e. Has ~~conventional~~ an exterior finish comprised of residential horizontal lap siding, brick, stone or other modern masonry material.

**MEAN SEA LEVEL:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**MERCHANT ELECTRIC GENERATING FACILITY:** A merchant electric generating facility is one that is capable of operating at an aggregate capacity of at least 10 megawatts, and which sells the electricity it produces in the wholesale market at rates not regulated by the Public Service Commission (PSC). This term shall include wind and solar electricity-generating facilities.

**MOBILE HOME:** A structure for residential use which:

- a. Does not meet the definition of manufactured home;
- b. Is a unit that meets or exceeds the HUD code and has an HUD Label affixed, OR is a used unit with a "B1" seal affixed;
- c. Is transportable on its own chassis; and
- d. Is designed for year-round living when connected to the appropriate facilities.

It can consist of one or more sections that can be telescoped when towed and expanded later for additional capacity or of two or more sections separately towable designed to be joined into one integral unit. As used herein, mobile home shall not include camping trailer, travel trailer, recreational vehicle, pickup coach, bus, auto camper, or any unit with a "B2" Seal affixed or which has been determined to be salvage only.

**MODULAR HOME:** A dwelling unit constructed on-site in accordance with the state or municipal code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**MULCH AND WOOD OPERATION:** Any use involving ~~the grinding, shredding, storing, stockpiling, or recycling of natural materials such as trees, leaves, or bark, into a usable product for landscaping or other purposes~~ the process of collecting wood debris and transporting such debris to a particular site where it may be deposited, burned or transformed through the composting process into mulch or other wood products for wholesale sales or sale to the general public.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** A vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

**NONCONFORMING LOT:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails by

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reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING STRUCTURE:** A structure (including signs) or building the size, dimensions and location of which was lawful prior to and at the time of the adoption, revision or amendment to this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE:** An established use of a structure or land lawful prior to and at the time of the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present uses permitted in the zoning district.

**OWNER:** Any person, corporation, partnership or other entity, or any combination thereof, in whom is vested the ownership, dominion or title of property necessary to convey title to such property.

**PARKING AREA:** Any public or private unobstructed land area that has access to a street or right-of-way and which is designed and used for parking motor vehicles. The term includes parking lots, structures, garages, travelways, and private driveways.

**PARKING LOT:** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. This term does not include areas for demolished, wrecked, junked or for the sale of motor vehicles or where motor vehicle parts are located.

**PARKING SPACE:** ~~The area for the parking of a motor vehicle within a public or private parking area. As used in this Ordinance it is a numerical designation used to determine the size of parking area.~~ A permanent area of a lot, either when in an enclosure or in the open, exclusively for the parking of a motor vehicle.

**PARKING, OFF-STREET:** A storage area for a motor vehicle that is located within a parking area which is not located on a dedicated street right-of-way.

**PARKING, ON-STREET:** A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

**PATIO HOME:** A type of housing, also called a cluster home, that is part of a unit of several houses attached to each other, typically with shared walls between units, and with exterior maintenance and landscaping provided through an association fee.

**PERMANENT FOUNDATION:** A permanent masonry, concrete or other footing approved by the Building Official to which a building, structure, or manufactured home may be affixed.

**PERSON:** The word "person" includes individual, firm, association, organization, partnership, trust, company or corporation or other legal entity or combination thereof.

**PLANNED UNIT DEVELOPMENT (PUD):** A development of land under unified control which is planned and carried out as a whole, or programmed in a series of development stages and which adheres to a development plan approved by the

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Planning Commission. The development may include a mixture of land uses, clustering of residential units of varying types, and common recreational/open space and other site features and improvements through flexible regulations which encourage creative design ~~and preserves the natural features and foliage of the site.~~

**PLOT PLAN:** A dimensioned sketch or to scale plat prepared by a licensed engineer or land surveyor which indicates the existing site information and features, the extent of improvements on the site, a title block, a flood certification, elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings, the existing and intended use of all structures, and such other information as may be required.

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

**PRINCIPAL STRUCTURE:** A structure in which is conducted the principal activity or use of the lot on which it is situated. In any district which permits residential uses, the dwelling unit shall be deemed to be the principal building on the lot. Principal structures must be permanently affixed to the ground and shall not include mobile home, bus, travel trailer, RV, trailer, cooler, vehicle or freight container, unless modified to meet building codes and all other applicable regulations.

**PRINCIPAL USE:** The primary or predominant use of any ~~lot~~property.

**PROPERTY LINE:** ~~A line dividing one lot from another or from a street or public way~~See "Lot Line."

**PUBLIC RIGHT-OF-WAY:** A publicly-owned strip of land occupied or intended to be occupied by a public street or road, and any associated utilities.

**RESIDENTIAL CARE FACILITY:** A residence operated and maintained by a sponsoring private, non-profit or governmental agency to provide services in a homelike setting for persons with disabilities, as defined in KRS 100.982.

~~**RESIDENTIAL DENSITY, HIGH:** Residential development that exceeds 15 units per acre on the average.~~

~~**RESIDENTIAL DENSITY, LOW:** Residential development that does not exceed 4 units per acre on the average.~~

~~**RESIDENTIAL DENSITY, MEDIUM:** Residential development that exceeds 4 units per acre on average, but does not exceed 15 units per acre on the average.~~

**RESTAURANT:** An establishment whose principal business is the serving of food and beverages primarily to persons seated within the building.

**RESTAURANT, COUNTER SERVICE:** An eating establishment where food or drinks are ordered at the counter and subsequently prepared and delivered to the customer at a table, or where the customer picks up the order at the counter after their order is complete. Counter service restaurants may also incorporate a pick-up window for call-ahead or carryout orders. In no instance shall a counter service restaurant incorporate a menu board or speaker.

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**RESTAURANT, FAST FOOD:** An eating establishment that quickly prepares and sells food or beverages for consumption on or off the premises. A business may be classified as a fast food restaurant with or without a drive-thru window. Drive-in restaurants shall be classified as fast food restaurants for the purposes of this Ordinance.

**RESTAURANT, TABLE SERVICE:** Eating establishments where patrons are seated at a table where they are waited on by a staff member and food drinks are prepared to order. The customer pays their bill at the conclusion of the meal. Table service restaurants may also incorporate a pick-up window for call-ahead or carryout orders. In no instance shall a table service restaurant incorporate a menu board or speaker.

**ROOF LINE:** The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**ROOMING HOUSE:** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three persons.

**ROUTINE MAINTENANCE:** To repair or refurbish a sign, structure, or building, or any part of each but not including expansion or total replacement.

**SCREENING:** A method of visually or audibly shielding or obscuring an adjacent or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**SETBACK:** The required distance between every structure and the lot lines of the lot on which it is located, measured perpendicular to the building (at the ~~eave overhang building face~~) and related front, side, or rear property line, exclusive of patio, steps, and HVAC equipment (HVAC equipment must, however, be located a minimum of 30 inches from the property line).

**SIGN:** Any device, display or structure, other than a building or landscaping, which is readily visible from public property and is used primarily for visual communication for the purpose of, or having the effect of, bringing the subject matter on the device, display or structure, to the attention of persons off the premises on which the sign is displayed. The foregoing definition includes (but is not limited to) numerals, pictorial representations, emblems, trademarks, flags, banners, streamers, pennants, inscriptions and patterns and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in connection therewith.

**SIGN, AREA OF:** The area of a sign shall include all lettering, wording, designs and symbols, together with a background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and such elements are located in the same plane, the sign area shall be measured by drawing eight or fewer straight lines the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.

**SIGN, BILLBOARD ADVERTISING:** An off-premises sign which directs attention to businesses, products, services, or establishments not usually conducted on the

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premises on which the sign is located or other sign erected by a company or individual for the purpose of selling advertising messages for lease or rent or otherwise for profit. The term outdoor advertising shall include billboard signs.

**SIGN, BULLETIN BOARD:** Any sign of which a portion contains changeable copy.

**SIGN, CANOPY:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**SIGN, CUTOUT or EXTENSION:** An irregular addition to the sign face which does not add to the rectangular dimension of the sign face.

**SIGN, ELECTRIC:** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source. Any sign containing electric wiring shall be UL specified and UL approved.

**SIGN, ELECTRONIC MESSAGE DISPLAY:** A sign characterized by action, motion, movement, changeable copy, or flashing light changes, and whose alphabetic, pictographic or symbolic informational content can be changed or altered by an electronic or computerized process, on a fixed display screen composed of electrically illuminated components that are activated by electrical energy, electronic energy or other manufactured sources of energy supply.

**SIGN, ENTRANCE:** A permanent on-premise sign identifying a vehicular entrance into a subdivision or development.

**SIGN, FACE:** The total surface area of a sign facing in one direction and visible from the street such sign is intended to face.

**SIGN, FREESTANDING:** Any on-premise 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.

**SIGN, HEIGHT OF:** The height of a sign shall be computed as the distance from the base of the sign at ~~a computed grade~~ the natural ground level to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the ~~nearest point of the crown of a public street~~ ground prior to disturbance where the sign is to be located. Dirt mounding shall count toward the overall height of the sign.

**SIGN, HIGH RISE:** A freestanding, on-premise sign, permitted in areas as outlined in Appendix A of this Ordinance. The height of such sign must be between 50 and 100 feet, in order to be classified as a high-rise sign.

**SIGN, IDENTIFICATION:** Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these.

~~**SIGN, INTEGRAL:** Any sign incorporated into the facade of the building and indicating the name of a building and date of erection, monumental citations, or commemorative tablets.~~

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**SIGN, MONUMENT:** A freestanding sign supported primarily by solid structural features other than a support pole(s). Has the appearance of a solid continuous supporting foundation directly underneath the bottom edge of the sign face.

**SIGN, MOTOR VEHICLE CONTROL:** An on-premise sign which is erected, constructed, and maintained for the purpose of directing traffic in off-street parking areas.

**SIGN, OFF-PREMISE:** Any sign which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility which is not conducted, sold or offered upon the premises where such sign is located.

**SIGN, ON-PREMISES:** A sign other than a temporary sign, which identifies, advertises, or promotes goods, services, individual and firm products, a person, place, activity, event, idea or facility which is available on the premises where the sign is located. On premises signs do not include signs erected by the outdoor or billboard advertising industry in the conduct of the outdoor business.

**SIGN, POLE:** Any sign that is mounted on a freestanding pole or ~~other support structure other than a solid continuous foundation so the bottom edge of the sign face is six feet or more above grade.~~

**SIGN, PORTABLE:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

**SIGN, PROJECTING:** A sign, other than a flat wall sign, which projects from and is supported by a wall of a building or structure.

**SIGN, PROJECTION:** The distance by which a sign extends over public property or beyond the building line.

**SIGN, ROOF:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure but not extending above the roof line.

**SIGN, TEMPORARY:** Any sign or advertising display other than a permanent sign intended to be displayed for a period of less than 30 days.

**SIGN, WALL OR BUILDING:** A sign which is painted on the exterior wall of a building, or attached to/placed flat against, or no more than 18 inches from, an exterior wall of a building, but not extending any closer than 12 inches to either the top or side edges of the surface or wall to which it is attached above the roof line. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.

**SINKHOLE:** A closed drainage basin in areas of carbonate (limestone or dolomite) rocks. These concave depressions (as defined in 902. K.A.R. 10:2(13)(i)) may be bowl, funnel, or cylindrical. Sinkholes are formed from the solution of the underlying carbonate rock and, upon a landscape which does not have stream valleys, they direct surface runoff into cave streams in the underlying carbonate aquifer.

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**SINKING STREAM:** A surface stream which flows directly through a hole (sinkhole, pit or cave entrance) into a carbonate aquifer.

**SITE PLAN:** A ~~plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the major landscape features and surrounding area detailed engineering drawing of proposed improvements to a given lot.~~

**SLUDGE:** Any solid, semi-solid or liquid waste generated or disintegrated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effects. This definition includes the definition of sludge in 42 U.S.C.S. 6903 as amended.

**SPACE, MOBILE OR MANUFACTURED HOME:** That part of a mobile home park which is planned and improved for the placement of the stand, driveway, parking area and related yard intended for the exclusive use of the dwelling occupant.

**STORAGE BUILDING:** Any building or structure used to provide storage area for a residential, commercial or industrial structure, and which meets the definition of accessory structure.

**STORY:** That part of a building between the surface of one floor and the floor or roof immediately above. For the purpose of measuring maximum building height in stories, a maximum of each 20' of height shall be considered a story.

**STORY ABOVE GRADE:** Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

- a. more than 6 feet above grade plane;
- b. more than 6 feet above the finished ground level for more than 50 percent of the total building perimeter; or
- c. more than 12 feet above the finished grade level at any point.

**STREET, ARTERIAL:** Signalized streets that serve primarily through traffic and provide access to abutting properties as a secondary function, having signal spacings of 2 miles or less and turn movements at intersections that usually do not exceed 20 percent of total traffic.

**STREET, COLLECTOR:** A surface street providing land access and traffic circulation within residential, commercial, and industrial areas.

**STREET, DEDICATED:** A street designated by plat or written deed to be used for public purposes.

**STREET, PRIVATE:** A paved private roadway, built to public street standards, which affords access to abutting property for private users of such property.

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**STREET, PUBLIC:** A publicly maintained roadway other than an alley, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords a primary means of access to abutting property. The word "public street" shall include the word, road, highway, thoroughfare, avenue, drive, circle, parkway, place, court, or similar term.

**STRUCTURE:** Anything constructed, erected, or attached, the use of which requires location on the ground or in the ground as may be required for the purposes of carrying out this Ordinance. The term shall not include poles and appurtenances thereto used for the provision of public utilities. Structure includes any building or accessory building, mobile homes, signs, towers, billboards, porches, decks, swimming or other recreation or commercial pools, and retaining walls, gas or liquid storage tank, fences and other man-made facilities or infrastructures.

**SWALLET:** The point at which a surface stream sinks into a hole.

**TEMPORARY CONSTRUCTION UNIT:** Any transportable facility built on its own chassis used for offices or storage and which is located on a construction site under the provision of Sec. 5.53.1 of this Ordinance. No temporary construction unit shall be used for sleeping or residential purposes in whole or in part.

**TOPOGRAPHIC SURVEY:** A representation of the surface features of a piece of property that includes the elevation contours and location of natural and constructed facilities, including storm drainage. At a minimum, a USGS 7.5 minute series topographic quadrangle map, with the site located, is acceptable.

~~**TOURIST HOME (BED AND BREAKFAST):** An establishment in a private dwelling that supplies temporary accommodations to overnight guests.~~

**TOWNHOME:** An attached or semi-detached ~~single-family~~ dwelling, each dwelling designed and erected as a structurally independent unit on a separate lot, with one or two side walls party to the adjacent dwelling(s). A townhouse building includes at least three and no more than eight dwelling units, may be one or more stories and may include a basement.

**TRANSMISSION TOWER:** A structure principally intended for the location of wireless transmission and/or receiving antennas. For the purposes of this definition some towers may act as a receiving or transmitting antenna.

**TRANSMISSION TOWER ACCESSORY FACILITIES:** A detached subordinate structure or building which is incidental and related to the transmission tower function, but not including broadcast studios or offices.

**TRAVELWAY:** That portion of a street or parking lot intended for vehicle movement.

**TRIPLEX:** A building containing three individual dwelling units on a single lot with separate entrances. In order to be classified as a triplex, the lot on which the triplex is located must contain one of the following:

- a. Three side-by-side units that share a common wall and roofline; or
- b. A three-story residence, with one complete unit per floor; or

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c. A two-story residence, with one complete unit on one floor and two complete units on the other.

**TWINHOME:** A building containing two dwelling units single-family dwelling unit attached to another single family dwelling unit at a lot line, where each dwelling is designed and erected as a structurally independent unit on a separate lot, sharing a common party wall.

**UNIFORM APPLICATION:** An application for a certificate of convenience and necessity issued under KRS 278.020 to construct an antenna tower for cellular telecommunications services or personal communications service.

~~**URBAN DENSITY DEVELOPMENT:** As defined by the adopted Comprehensive Plan, urban density development shall be considered any development greater than one unit per acre.~~

**URBANIZED AREA:** An area designated by the Kentucky Transportation Cabinet (KYTC) after every decennial census for every city in Kentucky with a population of 5,000 or more. This includes all of the area within the urban boundary set by the Census Bureau for each area with a population of 50,000 or more or within the Census Designated Place boundary for each area with population between 5,000 and 50,000. Federal transportation legislation allows KYTC to adjust the boundaries outward from the census boundaries to more closely reflect transportation impacts in those areas. The FAUA boundaries affect Highway Functional Classification, HPMS reporting, distribution of STP Funds within the state, the STP apportionment formula and control of outdoor advertising.

**USE:** The purpose or activity for which a land or a building or structure or combination thereof is designed, arranged, or intended, or for which it is occupied or maintained.

**USE, PERMITTED:** Any use allowed in a zoning district and subject to the restrictions applicable to the zoning district.

**USE, TEMPORARY:** A use of land that is designed, operated and occupies a site for a specified period of time, with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.

**VARIANCE, DIMENSIONAL:** 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.

**VEHICLE CLASSIFICATIONS:** Vehicle classifications as referenced in this Ordinance shall mean those as defined by the Federal Highway Administration in the Traffic Monitoring Guide, Appendix C, (13 Vehicle Category Classification).

**VEHICLE USE AREA:** Any area occupied in whole or in part by motorized vehicles, including, but not limited to, parking lots, parking stalls, driveways, service areas, and roadways.

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**WAIVER:** A departure from certain requirements of the zoning regulations specifically defined in Section 3.8 of this ordinance.

**WASTE DISPOSAL FACILITY:** Any place where solid waste is managed, processed, or disposed of by incineration, landfilling, or any other method. A waste disposal facility does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, ~~an area storing tree debris, recycling centers or mulch/ wood operations.~~

**WASTE, SOLID:** Any garbage, refuse, sludge, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, agricultural operations, or community uses. ~~Solid Waste does not include tree debris, material collected at recycling centers or mulch/ wood processing materials.~~

**WASTES, SPECIAL:** Wastes of high volume and low hazard which include but are not limited to mining wastes, utility wastes (fly ash, bottom ash, scrubber sludge), sludge from water treatment facilities and waste water treatment facilities, cement kiln dust, gas and oil drillings, mud and oil production brines. This definition includes the definition of special wastes in KRS 224.868 as amended.

**WASTE TRANSFER STATION:** Any facility including loading docks, parking areas, and other similar areas, where shipments of solid waste are held, sorted, or transferred during the normal course of transportation. ~~A transfer station waste disposal facility does not include temporary storage of that solid waste prior to off-site disposal, an area storing tree debris, recycling centers or mulch/ wood operations.~~

**YARD:** That portion of a lot that is unobstructed by buildings or structures, excluding fences, from the ground to the sky.

**YARD, FRONT:** A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building face at the closest point to the front lot line. In the case of corner or through lots, front yards shall be provided on all frontages.

**YARD, REAR:** A space extending across the full width of the lot between the principal building(s) and the rear lot line, and measured perpendicular to the building face ~~to~~ the closest point ~~of~~ the rear lot line.

**YARD, SIDE:** A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest portion building face of the principal building(s) at its closest point. In the case of through lots, side yards shall extend from ~~the rear lot lines to the one~~ front lot line to the other front lot line.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one of the building's sides rest directly on a property line.

**ZONING DISTRICT:** A classification of areas or parcels of land to which specific land use regulations apply.

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