

ORDINANCE 2016-1697

AN ORDINANCE AMENDING CHAPTER 156 (ZONING CODE), SPECIFICALLY §156.103(A),(B),(D),(E),(F) AND (H) REQUIRED CONDITIONS OF THE CITY OF MURRAY CODE OF ORDINANCES IN ORDER TO CLARIFY THE REQUIRED CONDITIONS FOR TRANSIENT BUSINESS REGULATIONS.

WHEREAS, the City of Murray desires to alter, add and delete portions of the paragraphs defined above and set forth in Chapter 156 of the City of Murray Code of Ordinances.

WHEREAS, the Murray Planning Commission has reviewed and discussed the following proposed changes to Chapter 156 and believe that the proposed changes are reasonable and necessary.

WHEREAS, the City of Murray Planning Commission held a public hearing on March 15, 2016 in accordance with Kentucky Revised Statutes Chapter 424 regarding the proposed changes and voted 8-0 to recommend the following changes be made to Chapter 156 of the City of Murray Code of Ordinances.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT I. ADDITIONS, ASSERTIONS & CHANGES:

Chapter 156, specifically §156.103 (A), (B), (D), (E), (F) and (H), shall read in its entirety as follows:

§156.103 REQUIRED CONDITIONS.

Approval of a transient business permit is subject to the following conditions:

(A) Transient businesses are permitted uses in B-2 (Highway Business), B-3 (Central Business), B-4 (Medium Density Business), and I (Industrial) zoning districts and as a Conditional Use in a B-1 (Neighborhood Business) zoning district. ~~B-3 and B-4 zone.~~

(B) Transient businesses must be a minimum of ~~1,000~~ 500 feet from one another (measured by radial distance).

(D) Any signage, other than that permanently affixed to the mobile transient facility ~~would have to~~ must be approved by the Murray Planning Department.

(E) The maximum length of time a transient business will be allowed at an approved location will be ninety (90) consecutive days ~~per calendar year~~. The owner/operator may reapply for a permit at the end of ~~their duration~~ that period, but the transient business must be relocated at a minimum of ~~1,000~~ 500 feet (measured in radial distance) from the prior location. The owner/operator may return to a previous location after 90 consecutive days.

(F) A site plan must be submitted for review and approval. The site plan shall include a mapped location of the proposed business, including existing parking spaces, roadways, sidewalks and buildings; it should also entail measurements of distance from proposed display/enclosure to nearby parking spaces, roadways, setbacks, sidewalks and buildings. Aerial photography, existing surveys, or plat will suffice for this purpose. The site plan shall include any photography of tents, trailers, stands, and the like that will be used. The city has the right to ~~review and~~ accept or reject any site plan submitted. Once approved by the city, all site plans must be maintained by the transient business ~~with~~ through the duration of the permit. Any deviation from the site plan by the transient business may result in revocation of the permit and the transient business activity shall be terminated.

(H) If a transient business distributes or prepares food products, a copy of the current health permit issued by the Calloway County Health Department is required to be produced and must be displayed. Any revocation of the Health permit may constitute revocation.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Zoning Ordinance for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.

JACK D. ROSE, MAYOR

ATTEST:

JUNE BATTS, CITY CLERK

Introduced by the City Council on _____, 2016.
Adopted by the City Council on _____, 2016.
Published in the Murray Ledger and Times on _____, 2016.