

City of Murray Kentucky Zoning Code



2019

2019 ZONING ORDINANCE CITY OF MURRAY, KENTUCKY

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Chapter156.001|Title

This ordinance is entitled zoning ordinance for Murray, Kentucky and may be referred to as the zoning ordinance. The zoning map referred to herein is entitled zoning map of Murray, Kentucky and may be referred to as zoning map. The zoning map is hereby made a part of this ordinance and certified copies of this ordinance are on file with the Murray Planning Commission and the Murray City Clerk.

Chapter156.002|Purpose

To prescribe, regulate, restrict and limit for the purpose of promoting the public health, safety, morals or general welfare, regulations of and restrictions upon the erection, construction, alteration, repair or use of buildings, structures, or land, including the regulations and restrictions of the height, number of stories, and size of building and other structures, the maximum number of families that may be housed in dwellings, the size of the yards, courts and other open spaces, the density of population, and the location and use of such buildings, structures and land for trade, industry, residence or other purposes; and for said purposes to divide the City of Murray into zones or districts of such number, shape and area as are deemed best suited to carry out the said purposes; and to provide a method of administration and enforcement and to provide penalties for the violation of the within provisions; it is here provided as follows.

Chapter156.003|Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, comfort, prosperity and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, ordinance, or resolution, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises, or with any private restrictions placed upon property by covenant, deed or recorded plat; provided however, that where this ordinance imposes a greater restriction upon the use of buildings or required greater lot areas, larger yards, courts or other open spaces than are imposed or required by such existing provisions of law, ordinance or resolution, or by such rules, regulations, or permits, or by such private restrictions the provisions of this ordinance shall control.

Chapter 156.004 | Definitions

The words which are defined are those which have special or limited meanings as used in this zoning ordinance and might not otherwise be clear. All words herein used in the present tense shall include the future. The singular shall include the plural and the plural, the singular. The word “shall” is mandatory not directory; the word “may” is permissive. Unless otherwise provided, the following words and phrases are defined as follows:

(A) GENERAL DEFINITIONS:

ABUT OR ABUTTING: Having a common border with, or being separated from such common border by an alley or easement.

ACCESS: Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles.

ACCESSORY BUILDING: A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure. Accessory structures shall not be constructed prior to the principal structure. On residential and agricultural property, accessory structures shall not contain kitchen facilities.

AGRICULTURE OR AGRICULTURAL: The use of land for the cultivation of crops or the raising of animals or for preservation of land in its natural state.

ALLEY: Any public or private way set aside or dedicated for public travel twenty (20) feet or less in width.

ALTERATION: Any change or addition to the load-bearing members or the foundation of a structure.

ANTENNA: Electronic devices, whose purposes is to receive or transmit signals directly from ground-based sources, which are free-standing or mounted to a structure.

ATTIC: The non-habitable part of a building immediately below, and wholly or partly within, the roof framing.

AUTHORIZED AGENT OR OWNER: The person or persons who have the right or legal title, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

BASEMENT: The lowest habitable story of a building usually below, or partially below, ground level.

BEDROOM: A room marketed, designed, or otherwise likely to function primarily for sleeping.

BUFFER: A unit of land, together with a specified amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING: Any structure for the shelter or enclosure of persons, animals, plant materials or property.

BUILDING AREA: The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building but not including uncovered entrance platforms, terraces and steps.

BUILDING FRONTAGE: The exterior wall of a building that faces a front lot line of the lot.

BUILDING HEIGHT: The vertical distance measured from the established mean grade at the front building line to the highest point of the building.

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

BUILDING PERMIT: A permit which may be required by appropriate authority in connection with the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.

CALIPER: A measurement of the size of a tree equal to the diameter of the trunk as measured six (6) inches above the ground up to and including trees of four (4) inch caliper size; and twelve (12) inches above the ground for trees of greater than four (4) inch caliper size; unless otherwise specified.

CANNABIS BUSINESS: means an entity licensed under KRS 218B as a cultivator, dispensary, processor, producer, or safety compliance facility. Such licensed cannabis businesses shall not be located within one thousand (1,000) feet of an existing elementary or secondary school or a daycare center.

CANOPY: A roof-like cover extending over a pedestrian way or right of way as a shelter or a shield. This definition shall include the term “awning” and shall apply regardless of the materials used in its construction.

CARDHOLDER: means a registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the Kentucky Cabinet for Health and Family Services for medicinal cannabis in compliance with KRS 218B; or a visiting qualified patient who has obtained and possesses (1) a valid out-of-state registry identification card, and (2) documentation of having been diagnosed with a qualifying medical condition.

CARPORT: An unenclosed paved and covered space for the private use of the owner or occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature. It is considered an accessory structure, and therefore shall be allowed only in a rear yard.

CARRIER/PROVIDER: See Wireless Communications Service Provider (below).

CELLAR: An uninhabited room used for storage, usually beneath the ground or under a building.

CERTIFIED SURVEY: Scaled drawing of a parcel or lot, showing property lines, dimensions, building locations, and other features of a property, which has been signed and sealed by a professional surveyor licensed in the Commonwealth of Kentucky.

COMMISSION: Murray Planning Commission.

CONDITIONAL USE: A use which is essential to or would promote the public health, safety or welfare in one or more districts but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning ordinance.

CONDITIONAL USE PERMIT: Legal authorization to undertake a conditional use which has been authorized in conformance with the zoning ordinance.

CONDOMINIUM: Form of multi-unit housing in which the owner owns the area between the walls and ceiling. A condominium can take many physical forms – it can be a townhouse, an apartment, or part of a free-standing duplex house. The owner owns a fee simple interest in the actual dwelling unit and is entitled to all the rights of a fee simple holder. The owner is also given an undivided joint interest in all of the common areas of the building.

CURB CUT: Vehicular entrance onto a public right-of-way.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee interest, including an easement.

DENSITY GROSS: Density shall be calculated by using Floor Area Ratio (below).

DEVELOPMENT COMPLEX: A development with sites, buildings or establishments for commercial or industrial use to be located upon multiple lots planned and developed as a unit, contained within an approved final development plan.

DIMENSIONAL VARIANCE: A departure from the terms of the zoning ordinance pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where owing to conditions peculiar to the property because of its size, shape or topography and not as a result of the actions of the applicant, the literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.

DORMITORY: A building occupied by and maintained as a place of residence exclusively for students affiliated with an academic or professional college or university when approved and regulated by such institution. The word “dormitory” shall not be construed to include dwellings, boarding or rooming houses, fraternity or sorority houses or any building designed for transient residence.

DRAINAGE: The removal of surface water or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or for the prevention or alleviation of flooding.

DRAINAGEWAY: Minor watercourses, natural or manmade, that are defined either by soil type or the presence of intermittent or perennial streams.

DWELLING: A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

DWELLING UNIT: One or more rooms in a dwelling or apartment house designed for residential purposes, and having a kitchen.

DWELLING UNIT, ACCESSORY: is an accessory structure for a guest house or pool house for the purpose of a mother in-law suite or carriage house. This use may be requested in the R-1 and R-2 zoning districts through a Conditional Use Permit process. The rental or lease of an accessory dwelling unit, or the use of an accessory dwelling unit as a permanent residence for a secondary family on the premises is prohibited. The maximum area shall be 600 SF or 25 percent of the area of the principal structure, whichever is larger.

EXTERIOR STORAGE: Unroofed storage area, whether fenced or not.

FAMILY: One or more persons sharing residency whose income and resources are available to meet the family’s needs and who are either related by blood, (immediate family members only), marriage, operation of law or adoption, or having evidenced a stable family relationship. A family shall also be deemed to include domestic servants employed by said family, and foster or boarded children whose room and board is paid by a recognized child care agency.

FLOODPLAIN: For the purposes of this Ordinance, “Floodplain” shall mean areas adjacent to a river, stream or other drainage way which lie within 100-year flood elevation contour, as established by Flood Insurance Rate Maps or by certified survey.

FLOOR AREA: The total floor area of all stories including halls, stairways, elevator shafts, and other related uses measured to outside faces of exterior walls.

FLOOR AREA RATIO (FAR): is the ground floor area of buildings on a lot divided by ground area of the lot on which it is located. Example: a 10,000-sf lot with a F.A.R. of 0.5 would be allowed 5,000 sf for each floor of the building. Density in multi-family zones will be calculated using this method.

FRATERNITY OR SORORITY HOUSE: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

GARAGE: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

HOME OCCUPATION: Any business, professional or commercial activity that is conducted or petitioned to be conducted from and performed on property that is zoned for residential use.

IMPERVIOUS SURFACE: A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any surface of concrete or asphalt are impervious surfaces.

LAND AREA: The total land area within the property lines.

LANDSCAPING: Landscaping is considered to be the planting and maintenance of a lawn, in addition to some combination of evergreens, shrubs, hedges, vines or flowers. The combination may include natural features such as rock and stone and structural features including, but not limited to, fountains, walls, fences and benches.

LOT: A parcel of land under one ownership occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces and yards required under this ordinance.

- (1) **LOT AREA:** The area contained within the boundary lines of a lot.
- (2) **LOT LINE:** The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land.
- (3) **LOT, CORNER:** A lot which abuts on two intersecting streets at their intersection.
- (4) **LOT, DOUBLE FRONTAGE:** Any lot other than a corner lot which abuts on two streets.
- (5) **LOT OF RECORD:** A lot which is duly recorded in the office of the county clerk.

LOT WIDTH: The distance between side lot lines measured at the rear of the minimum required front yard. Lot width shall not be measured at the building line where such line establishes a yard, which exceeds the minimum requirements.

MARQUEE: Any permanent roof-like structure projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MAJOR RECREATIONAL EQUIPMENT: Any travel trailer without its own motive power, pickup camper or coach, motorized dwelling and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

MEDICINAL CANNABIS: means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition includes medicinal cannabis products and raw plant material; but does not include industrial hemp or industrial hemp products as defined in KRS 260.850.

MEDICINAL CANNABIS CULTIVATOR: means a business that is licensed to grow medicinal cannabis in compliance with KRS 218B, more specifically to: Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material; Deliver, transport, transfer, supply, or sell raw plant material or related supplies to other licensed cannabis businesses in this state; or Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

MEDICINAL CANNABIS CULTIVATORS' TIERS:

- (1) A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
- (2) A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.
- (3) A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
- (4) A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.

MEDICINAL CANNABIS DISPENSARY: means an establishment that is licensed in compliance with KRS 218B to: Acquire or possess medicinal cannabis from a cultivator, processor, or producer in this state; Acquire or possess medicinal cannabis accessories or educational material; Supply, sell, dispense, distribute, or deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries; Sell cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or Acquire, accept, or receive medicinal cannabis products from a cardholder pursuant to KRS 218B.110.

MEDICINAL CANNABIS PROCESSER: means a business that is licensed in compliance with KRS 218B to: Acquire or purchase raw plant material from a cultivator, processor, or producer in this state; Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis; Transfer, transport, supply, or sell medicinal cannabis and related supplies to other cannabis businesses in this state; or Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.

MEDICINAL CANNABIS PRODUCER: means a business that is licensed in compliance with KRS 218B to: Acquire, possess, plant, cultivate, raise, harvest, trim, or store cannabis seeds, seedlings, plants, or raw plant material; Deliver, transport, transfer, supply, or sell raw plant material, medicinal cannabis products, or related supplies to other licensed cannabis businesses in this state; Sell cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; Acquire or purchase raw plant material from a cultivator in this state; or Possess, process, prepare, manufacture, manipulate, blend, or package medicinal cannabis.

MEDICINAL CANNABIS PRODUCT: means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with KRS 218B. This definition does not include industrial hemp products as defined in KRS 260.850.

MEDICINAL CANNABIS SAFETY COMPLIANCE FACILITY: means an establishment licensed in compliance with KRS 218B to: Acquire or possess medicinal cannabis obtained from cardholders or cannabis businesses in this state; Return the medicinal cannabis to cardholders or cannabis businesses in this state; Transport medicinal cannabis that was produced by cannabis businesses in this state; Produce or sell approved educational materials related to the use of medicinal cannabis; Produce, sell, or transport of equipment or materials other than medicinal cannabis, including but not limited to lab equipment and packaging materials that are used by cannabis businesses and cardholders, to cardholders or cannabis businesses licensed under this chapter; Test medicinal cannabis produced in this state; Train cardholders and cannabis business agents; Receive compensation for actions allowed under this section; and Engage in any noncannabis-related business activities that are not otherwise prohibited or restricted by state law.

MIXED USE DEVELOPMENT: The development of a tract of land and/or structure with two (2) or more uses of different land use categories. Such developments include, but are not limited to, combination of residential, office, retail, public entertainment, and/or manufacturing uses in a compact urban form such as an office or research park.

MOBILE HOME OR MANUFACTURED HOME: Any trailer or similar portable structure without its own motive power, having no integral foundation other than wheels, jacks, or skirting and used, designed or constructed to be transported on the public streets and designed or constructed to permit occupancy, either permanent or temporary. Removal of the means of conveyance from a mobile home does not change the nature of a mobile home as defined in this zoning ordinance. The term mobile home does not include travel trailers without their own motive power, pickup campers or coaches, and dwellings with their own motive power.

MOBILE HOME OR MANUFACTURED HOME PARK: As defined in KRS 219.320 a mobile home or manufactured home park means a parcel of land, under the control of any person, available to the public which two or more mobile home lots are occupied or intended for occupancy by mobile homes and includes any service building, structure, enclosure or other facility used as a part of the park.

NONCONFORMING STRUCTURE OR USE: A structure or use of any premises which does not conform with all provisions of this zoning ordinance but which lawfully existed before its designation as nonconforming by the adoption or amendment of this ordinance.

OPACITY: Opacity is the concealment of office, institutional, business and industrial development from the view of adjacent residential or agricultural properties.

OPEN SPACE: Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

PARCEL (TRACT) OF LAND: A separately designated area of land, larger than an individual lot, delineated by identifiable legally recorded boundary lines.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet, exclusive of driveways, and shall have direct access to a street or alley. Except on lots occupied by single-family and two-family dwellings, parking spaces shall be so arranged as to provide for both ingress and egress by forward motion of vehicles using parking spaces.

PLANNED DEVELOPMENT PROJECT: An area of land on which two (2) or more principal structures are planned to be built.

PLAT: A map, plan or chart of a tract of land or property which is drawn to scale and shows the existing or proposed location of boundary lines, buildings, structures, uses or any other required data or information.

POND: Natural or artificial body of water which retains water year-round and is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

PUBLIC RIGHT OF WAY: All town, state and federal highways and the land on either side as covered by statutes.

PUBLIC SERVICE BUILDING: Any building necessary for the operation and maintenance of a utility.

PRINCIPAL BUILDING: Any building in which is conducted the principal use of the lot on which it is situated.

PROCESSING: Manufacturing, 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.

PROPERTY LINE: The recorded boundary of a lot or other tract of land under one ownership.

RECREATIONAL VEHICLE: A vehicle or unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers and motor homes. Recreational vehicles shall not be permanently affixed to the ground or any structure.

RECREATIONAL VEHICLE PARK: A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sales of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including, but not limited to, roads, clubhouse or recreational facilities and buffers are privately owned or owned in common by members of a condominium association.

SATELLITE DISH: Parabolic or spherical antenna whose purpose is to receive and/or transmit audio and/or television signals to or from satellites.

SETBACK LINE: The required minimum distance between a structure and the front, side, or rear lot line.

SHOPPING CENTER: A unified grouping in one or more buildings of retail shops and stores which are planned, developed, owned and managed as a unit and related in size (gross floor area) and type of shops to the trade area that the unit serves.

SHRUB: Any woody plant without a trunk but with several stems growing from the base.

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.

BANNER: Any sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure. Each business is allowed a max of 180 days per year for banners. 14-day sign permit fees apply.

BILLBOARD: A large scale, outdoor sign board exceeding eighty (80) square feet that directs attention to a business, profession, product, service or entertainment not sold or offered on the premises where such sign is located or to which it is attached.

CANOPY SIGN: A sign that is part of or attached to a canopy or awning.

CONSOLIDATED SIGN: One monument type sign constructed for shared use of five (5) or more tenants within an approved development three (3) acres or larger. A consolidated sign complying with specific requirements shall not be considered an offsite sign.

DIRECTIONAL SIGN: Any non-commercial sign of an instructional nature, bearing no business advertising and displayed for the convenience of the public.

FASCIA SIGN: A wall sign.

FLASHING SIGN: A sign, the illumination of which is not kept constant in intensity at all times when in use. Illumination signs which indicate time, temperature, weather or other similar public service information shall not be considered flashing signs.

ILLUMINATED SIGN: Any sign designed to emit artificial light.

INDIRECTLY ILLUMINATED SIGN: Any sign designed to reflect artificial light from any source.

MARQUEE SIGN: An identification sign attached to the bottom of a marquee.

MOBILE SIGN: Mobile signs are signs which are affixed to a frame having wheels and capable of being carried, or otherwise portable, and designed to stand free from a building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed free-standing signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign within this definition. This type of sign is not permitted in any zone.

MONUMENT TYPE SIGN: Monument type signs shall be signs that are permanently attached to or supported by the ground and where the base of said sign is no higher than two (2) feet above grade and open space, if any, that is no more than three (3) feet high. A monument type sign shall include a supporting base composed of stone, brick, architecturally treated wood or similar materials. All monument type signs shall be complimented by landscaping unless located in a hard surface area. Refer to sign regulations section.

NON-ILLUMINATED SIGN: Any sign which is not artificially lighted either directly or indirectly.

OFF-PREMISES SIGN: A sign structure advertising an establishment, merchandise, or service which is not sold, provided, manufactured or furnished at the property on which said sign is located.

PROJECTING SIGN: A sign which is attached directly to the wall of a building or other structure and extends perpendicular to the face of the building more than twelve (12) inches.

ROOF SIGN: A sign attached to the part of a building considered to be the roof. The roof being that part of a building that protects the interior portion of said building.

SURFACE AREA OF SIGN: The entire aggregate area of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one (1) side of a double-faced sign structure shall be used in computing total surface area.

- TEMPORARY SIGN:** Any sign or display, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames intended to be displayed for a limited period of time only.
- TRACT SIGN:** A temporary sign advertising the original sale of property.
- WALL SIGN:** Any sign including a fascia sign which is attached parallel to the face of the wall of a building or other structure.
- WINDOW SIGN:** Any sign, picture or symbol that is attached to the interior or exterior of a window or window frame, not to exceed twenty-five (25) percent of the window area.
- SCREENING:** Screening is defined as decorative fences or walls, evergreen vegetation, or landscaped areas, which are set forth for the purpose of concealing the view of office, institutional, business and industrial properties from adjacent residential or agriculture properties.
- SITE PLAN:** A plan drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including buffers, parking, landscaping and drainage facilities.
- STEEP SLOPE:** Land area where the inclination of the land's surface from the horizontal is thirty (30) percent or greater. Slope is determined from on-site topographic surveys with a two (2) foot contour interval.
- SLEEPING ROOM:** A single room rented for dwelling purposes but without amenities for separate and independent housekeeping.
- STREAM, PERENNIAL:** A natural watercourse which contains flowing water year-round.
- STREET, CENTERLINE:** That line surveyed, monumented and designated by the City as being the center of a street right of way.
- STREET, PRIVATE:** A private vehicular way providing access to two (2) or more lots, permitted as a sole means of access to any such lots if the following conditions are met:
- (1) Such street shall be approved by the planning department and the street department as adequate in width, design, improvement and location with respect to the lots it is intended to serve, other adjacent lots, and public street intersections.
 - (2) All easements required are provided in a manner, scale and location acceptable to the city.
 - (3) Satisfactory arrangements are made for permanent private maintenance in good condition.
- STREET, PUBLIC:** A thoroughfare which affords the principal means of access to abutting property.
- STRUCTURE:** Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.
- STRUCTURE, ACCESSORY:** A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure. Accessory structures shall not be constructed prior to the principal structure. On residential and agricultural property, accessory structures shall not contain kitchen facilities.
- STRUCTURE, PRINCIPAL:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. Two or more structures connected by a breezeway or other similar construction, shall not constitute a single or principal structure.
- SUBDIVISION:** Any division or redivision of a tract, parcel, or lot into two (2) or more parts by means of platting of boundaries in accordance with the City of Murray Subdivision Regulations.
- TELECOMMUNICATION FACILITIES, WIRELESS:** Any and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment, sheds, guy wires, etc.) installed, used or intended for use in conjunction with any of the following:

- (1) **CELLULAR COMMUNICATIONS FACILITIES:** Low power transmitters used to transmit signals in a cell of cellular radio-telephone services (cellular phones), Personal Communications Services (PCS), Enhances Specialized Mobile Radios (ESMR0), truck mobile cellular phones, paging services and similar cellular based communications to the general public.
- (2) **COMMERCIAL SATELLITE FACILITES:** Satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.
- (3) **MICROWAVE RELAY FACILITIES (REPEATER):** Used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

TELECOMMUNICATION TOWER: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more communications antenna. Communications towers shall include:

- (1) **MONOPOLE TOWERS:** Cylindrical self-supporting towers constructed as a single spire.
- (2) **SELF-SUPPORTING OR LATTICED TOWERS:** Self-supporting towers with multiple sides of open-frame supports.
- (3) **GUYED TOWERS:** Towers anchored with guy wires.
- (4) **CAMOUFLAGED TOWERS:** Self-supporting towers concealed so that they blend with their surrounds. Such towers may be constructed to resemble objects, such as a tree or a street light, or may be concealed within another structure, such as a clock tower, church steeple or lamp post.

TOWNHOUSE: Form of multi-unit housing in which the owner owns the area in the unit and also owns the land on which the unit is located.

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.

- (1) **ACCESSORY:** An accessory use is one which:
 - (a) is subordinate to and serves a principal structure or principal use;
 - (b) is subordinate in area, extent, and purpose to the principal structure or use served;
 - (c) is located on the same development site as the principal structure or use served; and
 - (d) is customarily incidental to the principal structure or use.
- (2) **PRINCIPAL:** The specific primary purpose for which land is used.
- (3) **TEMPORARY:** A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

WIRELESS COMMUNICATIONS SERVICE PROVIDER: Any private company, corporation, or similar such entity providing two-way interactive communication services to the general public by way of cellular communication facilities.

WOODLAND: An area of natural vegetation or planted material, at least fifty (50) feet in depth, covering one (1) acre or more and consisting substantially of canopy trees.

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 ordinance. Yards are further defined as follows:

- (1) **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 principal building, which line shall be designated as the front yard line.
- (2) **REAR YARD:** That portion of the yard extending the full width of the lot and measured between the rear lot line and parallel line tangent to the nearest part of the principal building.

- (3) **SIDE YARD:** 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.

ZONING OFFICIAL: Director of Planning or his/her designee(s).

(B) USE CLASSIFICATION DEFINITIONS:

(1) RESIDENTIAL USES DESCRIBED

Residential uses include the occupancy of living accommodations on a non-transient basis excluding short-term rentals.

Residential use classifications are described as follows:

BED AND BREAKFAST RESIDENTIAL use is the use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis where meals are served or provided by the host to any guest.

MOBILE HOME RESIDENTIAL refer to 156.051.

MULTI-FAMILY RESIDENTIAL use is the use of a site for two or more dwelling units, within one or more buildings, and includes condominium residential use.

SHORT-TERM RENTAL use is the rental, leasing, or assigning of a residential dwelling unit for a tenancy of less than 30 consecutive days in duration and where no meals are served or provided by the host to any guest. A short-term rental may be owner occupied or non-owner occupied.

SINGLE-FAMILY RESIDENTIAL use is the use of a site for only one dwelling unit.

(2) COMMERCIAL USES DESCRIBED

Commercial uses include the sale, rental, servicing, and distribution of goods, and the provision of services, other than those classified as industrial or civic uses.

Commercial use classifications are described as follows:

ADMINISTRATIVE AND BUSINESS OFFICES use is the use of a site for the provision of executive, management, or administrative services. This use includes administrative offices and services, including real estate, insurance, property management, investment, personnel, travel, secretarial, telephone answering, and photocopy and reproduction; and business offices for public utilities, organizations, associations, and other use classifications if the service rendered is customarily associated with administrative office services.

ADULT ORIENTED BUSINESS: See Section III, Article 7 for definitions relating to adult oriented businesses.

AGRICULTURAL SALES AND SERVICES use is the use of a site for the on-site sale of feed, grain, fertilizers, pesticides and similar goods, or the provision of agricultural services with incidental storage of goods off-site. This use includes hay, feed, and grain stores and tree service firms.

AUTOMOTIVE RENTALS use is the use of a site for the rental of automobiles, non-commercial trucks, trailers, or recreational vehicles, including incidental parking and servicing of vehicles. This use includes auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

AUTOMOTIVE REPAIR SERVICES use is the use of a site for the repair of automobiles, non-commercial trucks, commercial trucks, trailers, motorcycles, motor-homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

AUTOMOTIVE SALES use is the use of a site for sale or rental of automobiles, non-commercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. This use includes new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

AUTOMOTIVE WASHING use is the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

COCKTAIL LOUNGE use is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use as that term is described in this section.

COMMUNICATIONS SERVICES use is the use of a site for the provision of broadcasting or information relay services through electronic and telephonic mechanisms, but excludes major utility facilities. This use includes television, film, or sound recording studios, telecommunication service centers, and telegraph service offices.

CONVENIENCE STORE use is the use of a site for a retail establishment selling food for off-premises consumption and a limited selection of groceries and sundry items (and possibly gasoline, but not required).

FINANCIAL SERVICES use is the use of a site for the provision of financial and banking services and the use of a site for a check cashing, payday advance or loans, money transfer, or motor vehicle title loan business. This use includes banks, credit unions, savings and loan institutions, stock and bond brokers, lending activities, and similar services.

FOOD SALES use is the use of a site for the retail sale of food or household products for home consumption. This use includes grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.

FUNERAL SERVICES use is the use of a site for the preparation of human or animal remains for burial or arranging or managing funerals. This use includes funeral homes and mortuaries. An included crematorium may be requested through the Conditional Use Permit process.

GARDEN CENTER use is the use of a site for a place of business where garden-related products and produce is sold to the retail consumer. These centers, which may include a nursery and/or greenhouse, bring in most items offered for sale from other locations. These items may include plants, nursery items and stock, fertilizers, potting soil, hardware, power equipment and machinery, manual garden and farm tools and utensils.

HOTEL-MOTEL use is the use of a site for the provision of rooms for temporary lodging which sleeping units are occupied on a daily or short-term basis. A hotel or motel may include a restaurant, banquet or ballrooms, or a convention center.

INDOOR ENTERTAINMENT use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

INDOOR SPORTS AND RECREATION use is a recreational use conducted within an enclosed building. This use includes bowling alleys, billiard parlors, ice- and roller-skating rinks, penny arcades, electronic video arcades, indoor golf simulators, and indoor sports courts or fields.

KENNELS use is the use of a site for the boarding and care of dogs, cats, or similar small animals. This use includes boarding kennels, pet motels, and dog training centers. The sale or resale of animals is not permitted.

LAUNDRY SERVICES use is the use of a site for the provision of laundering, dry cleaning, or dyeing services other than those classified as personal services. This use includes bulk laundry and cleaning plants, diaper services, and linen supply services.

LIQUOR SALES use is the use of a site for the sale of alcoholic beverages. Bars/taverns, malt beverage/package sales, restaurants, convention centers golf courses and similar entities that sell alcoholic beverages must comply with State and City regulations.

MEDICAL OFFICES use is the use of a site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, medical or dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for practice by the state. The use includes a compounding pharmacy that does not exceed 3,000 square feet of gross floor area. A compounding pharmacy may prepare and sell prescription drugs and also sell non-prescription drugs, medical supplies, and other health products.

OUTDOOR ENTERTAINMENT use is the use conducted in open, partially enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts, sports areas, and amusement parks.

PERSONAL IMPROVEMENT SERVICES use is the use of a site for the provision of informational, instructional, personal improvement, and similar services. This use includes photography studios, driving schools, physical fitness gyms, reducing salons, dance studios, and handicraft or hobby instruction.

PERSONAL SERVICES use is the use of a site for the provision of periodically needed services of a personal nature. This use includes beauty or barber shops, seamstress or tailor services, shoe repair shops, dry cleaning pick-up station services, spas, salons, small fitness studios, and tattoo/piercing shops.

PET SERVICES use is the use of a site for the retail sale of small animals customarily used as household pets, or the provision of veterinary, grooming, or boarding services, totally within a building. This use includes pet stores, small animal clinics, and pet grooming shops. Livestock and large animals are excluded.

PLANT NURSERY use is the use of a site for sale of plants or related goods or services. This use includes garden centers and tree farms.

PRINTING AND PUBLISHING use is the use of a site for the bulk reproduction, printing, cutting, or binding of written or graphic material.

PROFESSIONAL OFFICE use is the use of a site for the provision of professional or consulting services in the fields of law, architecture, design, engineering, accounting, insurance, research, or similar professions.

RECREATIONAL EQUIPMENT SALES use is the use of a site for the sale or rental of sports equipment, watercraft, watercraft motors, campers, trailers, motorcycles, or motor homes, and includes incidental storage, maintenance, and servicing.

RESEARCH SERVICES use is research of an industrial or scientific nature. This use includes electronics research laboratories, space research or development firms, and pharmaceutical research labs, and excludes large scale product testing.

RESTAURANT use is the use of a site for the preparation and retail sale of food and beverages to be consumed on site but could include take out, pick up, or delivery services.

RETAIL SALES AND CONSUMER SERVICE (GENERAL) use is the use of a site for the sale of any product or merchandise to customers for their own personal consumption and use, not for resale.

RETAIL SALES AND CONSUMER SERVICE (OUTDOOR STORAGE) use is the use of a site as described above in (GENERAL) with an allowable limitation of 1000 SF for storage of outdoor merchandise within 35 FT of the building as long as it is displayed and secured in a fashion that is organized, meeting all setbacks, and safety, fire, and building code regulations. Additional space for storage of outdoor merchandise can be requested through a Conditional Use Permit process. Any conditional use permit approved for outdoor storage of merchandise shall be located at least 10 feet from all entrances and exits. Vending machines, ice boxes, and red box machines are exempt. Items brought out during regular business hours within 35 FT of the main business door and taken in during the night are exempt.

SCRAP AND SALVAGE SERVICES use is the use of a site for the storage, sale, dismantling or other processing of used or waste materials that are not intended for re-use in their original forms. This use includes automotive wrecking yards, junk yards, and paper salvage yards. Refer to 156.017.

SERVICE STATION use is the use of a site for the provision of fuel, lubricants, parts and accessories, or incidental services to motor vehicles.

STORAGE BUILDING use is the use of a site for the purposes of self-storage units. No sales, service, or repair activities other than the rental of “dead” storage units are permitted on the premises.

THEATER use is the use of a site for presentation of plays, motion pictures, or other dramatic performances within a building or in an outdoor setting such as a drive-in theater.

(3) INDUSTRIAL USES DESCRIBED

Industrial uses include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

Industrial use classifications are described as follows:

BASIC INDUSTRY use is the use of a site for: (a) the basic processing and manufacturing of materials or products predominately from extracted or raw materials; (b) storage or manufacturing processes that involve flammable or explosive materials; or (c) storage or manufacturing processes that involve hazardous or commonly recognized offensive conditions, including poultry processing.

CUSTOM MANUFACTURING use is the use of a site for on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods. This use includes candle-making shops and custom jewelry manufacturing.

GENERAL WAREHOUSING AND DISTRIBUTION use is open-air storage, distribution, or handling of materials or equipment. This use includes monument or stone yards, grain elevators, and open storage yards.

LIGHT INDUSTRY use is the use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, research, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.

LIMITED WAREHOUSING AND DISTRIBUTION use is the use of a site for provision of wholesaling, storage, or warehousing services within an enclosed structure. This use includes wholesale distributors, storage warehouses, and moving or storage firms.

NON-RETAIL SALES AND SERVICES use is the use of a site for sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail sales include wholesaling, warehousing, trucking terminals and similar enterprises.

RECYCLING CENTER use is the use of a site for collection, transfer, or processing of recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, non-putrescible materials. This use excludes bulk or single-feed reverse vending machines.

(4) AGRICULTURAL USES DESCRIBED

Agricultural uses include the on-site production of plant and animal products by agricultural methods.

Agricultural use classifications are described as follows:

AGRITOURISM use is the use of a site for any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. This use excludes hunting.

ANIMAL PRODUCTION use is the use of a site for the raising of animals or production of animal products including eggs and dairy products, on an agricultural or commercial basis. This use includes fishing, grazing, ranching, dairy farming, and poultry farming.

AQUAPONIC SYSTEM use is the use of a site for symbiotic cultivation of fish and plants in a recirculation system, not to include Cannabis business.

CROP PRODUCTION use is the use of a site for the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing.

HORTICULTURE use is the use of a site for the growing of horticultural or flora cultural specialties, including flowers, shrubs, and trees intended for ornamental or landscaping purposes, but excluding retail sales. This use includes wholesale plant nurseries and greenhouses, not to include Cannabis business.

(5) CIVIC USES DESCRIBED

Civic uses include the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.

Civic use classifications are described as follows:

ADMINISTRATIVE SERVICES use is the use of a site for provision of offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles. This use includes offices and courthouses serving federal, state, county, and city government.

AVIATION FACILITIES use is the use of a site for provision of landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities.

CAMP use is the use of a site for provision of indoor or outdoor activities, including sports, arts and crafts, entertainment, recreation, educational activities, swimming, fishing, horseback riding, and incidental food service. If incidental to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

CEMETERY use is the use of land that is dedicated for cemetery purposes for the burial of the dead, including columbariums, mausoleums, and mortuaries. An included crematorium may be requested through the Conditional Use Permit process.

CLUB OR LODGE use is the use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit organization, primarily for use by members and guests. This use includes private social clubs and fraternal organizations.

COLLEGE AND UNIVERSITY FACILITIES use is the use of a site as an educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree in accordance with Kentucky Statutes.

COMMUNICATION SERVICE FACILITIES use is the use of a site for the transmission, transfer, or distribution of telephone service and related activities.

COMMUNITY EVENTS use is a use for a city sponsored or approved event.

CONGREGATE LIVING use is the use of a site for the provision of 24-hour supervision and assisted living for more than 15 residents not needing regular medical attention. This use includes personal care homes for the physically impaired, mentally challenged, developmentally disabled, or persons 60 years of age or older, basic child care homes, maternity homes, and emergency shelters for victims of crime, abuse, or neglect.

CONVALESCENT SERVICES use is the use of a site for the provision of bed care and in-patient services for persons requiring regular medical attention. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

CONVENTION CENTER use is the use of a site for conventions, meetings, exhibitions, shows, gatherings, presentations, or celebrations, including related incidental facilities for office and administrative use, food and beverage preparation and service, and on-site and off-site parking facilities.

COUNSELING SERVICES use is the use of a site for the provision of counseling to neglected or abused children, 15 years of age or younger, or their managing conservators, who are referred by a governmental entity or other counseling service providers.

CULTURAL SERVICES use is the use of a site for a library, museum, or similar facility.

DAY CARE SERVICES use is the use of a site for the provision of daytime care for more than 4 children. This use includes nursery schools, pre-schools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.

DETENTION FACILITIES use is the use of a site for the provision by a public agency of housing and care for legally confined individuals.

HEALTH CARE FACILITIES (GENERAL) use is the use of a site for the provision of medical, psychiatric, or surgical services on an in-patient basis, and includes ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors.

HEALTH CARE FACILITIES (LIMITED) use is the use of a site for the provision of medical, psychiatric, or surgical services on an out-patient basis, and includes emergency treatment, diagnostic services, training, administration, and services to out-patients, employees, and visitors.

LOCAL UTILITY SERVICES use is the use of a site for the provision of services that are necessary to support the development in the area and involve only minor structures including lines and poles.

PARKS AND RECREATION SERVICES use is the use of a site for the provision of parks, playgrounds, recreation facilities, or open spaces available to the general public and under the management or control of a public agency.

POSTAL FACILITIES use is the use of a site for the provision of postal services and includes post offices, bulk mail processing, and sorting centers operated by the United States Postal Service.

PUBLIC PRIMARY EDUCATIONAL FACILITIES use is the use of a site for a public-school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.

PUBLIC SECONDARY EDUCATIONAL FACILITIES use is the use of a site for a public-school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

RELIGIOUS ASSEMBLY use is the use of a site for regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities.

RESIDENTIAL CARE FACILITIES use is the use of a residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for the elderly or persons with disabilities.

SAFETY SERVICES use is the use of a site for provision of public safety and emergency services, and includes police and fire protection and emergency medical and ambulance services.

Chapter 156.010 | Application of Regulations

All existing and future structures and uses of premises within the City of Murray shall conform with all applicable provisions of this zoning ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided and it is intended for the protection of those uses.

Chapter 156.011 | Structures and Uses

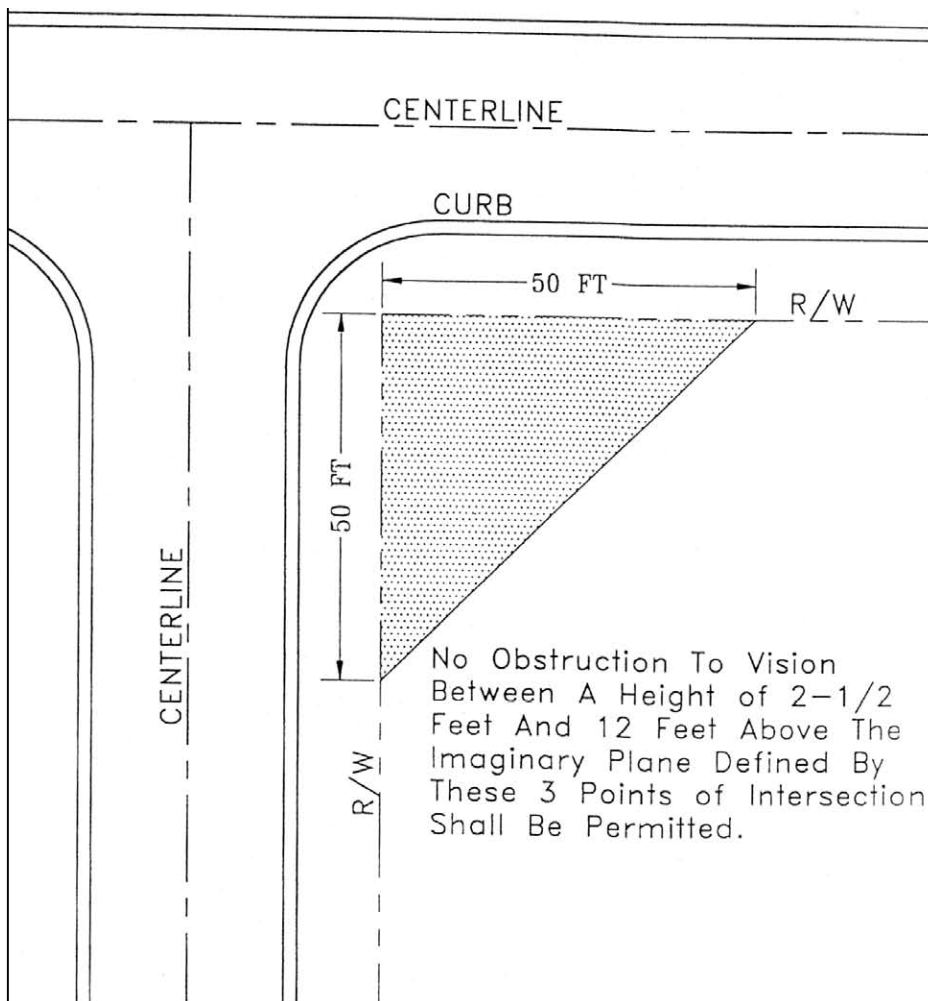
- (A) There shall be no more than one principal structure and its accessory structures on any lot or parcel of land unless otherwise specifically permitted in this zoning ordinance or unless a development plan is approved by the commission as provided for by the ordinance.
- (B) No accessory building to a principal building on the same lot shall be erected or modified for residential purposes unless specifically permitted under the zoning ordinance. In any case where there is doubt concerning whether or not an accessory structure or use is customarily incidental to the principal use of the premises, the zoning official shall request an interpretation by the Board of Zoning Adjustments.
- (C) Accessory buildings in residential zones shall not exceed the lot coverage nor the total square footage of the building to which they are accessory.
- (D) Where a corner lot adjoins in the rear a lot in a residential zone, no part of an accessory building within twenty-five (25) feet of the common lot line in the rear shall be nearer a side street lot line than the least depth of any front yard existing or as required, whichever is less, along such side street for a principal building on such adjoining lot, and in no case shall any part of such accessory building be closer to the side street lot line than the main building to which it is accessory.
- (E) Only those uses specifically permitted or substantially similar to permitted uses are permitted in each zone or district, and all uses specifically prohibited or substantially similar to prohibited uses are prohibited.
- (F) No structure shall be erected on any lot or tract of land which does not adjoin and have direct access to a street or other public right-of-way for at least twenty feet unless otherwise specifically permitted in this zoning ordinance.
- (G) The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a zone in which a new building for similar occupancy would be permitted under this zoning ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such zone with respect to minimum lot size, floor area, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter applying to such zone. The aforesaid requirements with respect to yards and other open spaces shall not apply if the conversion will not involve any exterior structural changes.

Chapter 156.012 | Lots and Yards

- (A) No part of a yard, open space, off-street parking, loading space or other special use area required about or in connection with any building or land for the purpose of complying with the zoning ordinance, shall be included as part of a yard, open space, off-street parking, loading space or other special use area similarly required for any other building or land unless otherwise specifically permitted in this zoning ordinance.

Section II
General Zone and District Regulations

- (B) No yard or lot existing at the time of adoption of this zoning ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of this zoning ordinance shall meet at least the minimum requirements established by this zoning ordinance.
- (C) Within the area defined by the intersection of any two right-of-way lines extended of streets or a street and railroad and a straight line intersecting those two right-of-way lines at points fifty (50) feet from their intersection, no obstructions to vision between a height of two and one-half (2-½) feet and twelve (12) feet above the imaginary plane defined by those three points of intersection shall be permitted. This provision does not apply to buildings permitted within the B-3 central business district. (See the Illustration below)



- (D) Double-frontage lots shall, on both of the adjacent streets meet the front-yard regulations of the district in which they are located.
- (E) The front yard on corner lots shall be as designated for the front yard facing the principal street and
- (F) at least twenty-five (25) feet for the front yard facing the secondary street.

Chapter 156.013 | Approved Water Supply and Sewage Disposal for Buildings and Mobile Homes

It shall be unlawful to construct any building or to occupy any mobile home or manufactured home without water supply and sewage disposal facilities approved by the City of Murray.

Chapter 156.014 | General Regulations for Vehicles

(A) OFF-STREET PARKING SPACE REGULATIONS FOR AUTOMOBILES

Off-street parking space for automobiles shall be provided for all buildings and uses in accordance with the following regulations:

(1) General Standards.

General standards for automobile off-street parking space are as follows:

- (a)** Off-street parking space shall be provided on the premises so that there will be no generation of automobile parking on any street.
- (b)** Off-street parking space shall be provided with vehicular access to a street or alley.
- (c)** All off-street parking space access points on a public street shall be subject to the following regulations:
 - 1.** There shall be only one (1) access point, not to exceed fifty (50) feet in width, or, two (2) access points, not to exceed thirty (30) feet in width each measured at the right-of-way line for commercial purposes, permitted on the public street on which the off-street parking space is located. There shall be only one (1) access point, not to exceed thirty (30) feet in width; two (2) access points, not to exceed forty-eight (48) feet in width cumulatively; or three (3) access points, not to exceed fifty-six (56) feet in width cumulatively, whereas, no one access point shall be less than ten (10) feet in width or exceed thirty (30) feet in width, or cumulatively encroach more than 65% of any one parcel, each measured at the right-of-way line for residential purposes, permitted on the public street on which the off-street parking space is located. The Board of Zoning Adjustments may, however, permit additional access points when such access points are justified and necessary and provided that the additional access points will not substantially increase traffic hazards or congestion. The zoning official shall apply to the Board of Zoning Adjustments for a decision when permits are requested in such cases.
 - 2.** All off-street parking space access points on a public street shall be located at least ten (10) feet measured at the right-of-way line from the end of the radius point of intersecting streets (typical radius 25 feet) but shall not, however, be permitted to be located on the adjacent or intersecting street right-of-way. The zoning official shall apply to the Board of Zoning Adjustments for an original interpretation whenever there is doubt concerning the radius points of intersecting streets or in cases where this provision cannot be applied literally.
 - 3.** All off-street parking space access points on a public street shall be located at least ten (10) feet apart (measured at the right-of-way line).
 - 4.** All off-street parking space points on a state or federal road or highway shall be approved by the Kentucky Department of Highways. In such cases the applicant for a building permit shall provide the zoning official with written approval from the State Department of Highways prior to the issuance of a building permit.

Section II
General Zone and District Regulations

- (d) Off-street parking space shall be provided on the premises at the ratio of one hundred and eighty (180) square feet per parking space required excluding drive aisle.
- Recommended actual 90° parking space size is 9 ft. x 20 ft. with 24 ft. aisle between spaces or an 18 ft. aisle for single row spaces.
- (e) Parking, loading, and unloading space and access thereto shall be surfaced in a manner adequate to eliminate dust and mud. All residential driveways shall be paved with asphalt, concrete, brick or stone.
- (f) In all business, multi-family, and professional office zones where required parking areas are provided for five (5) or more vehicles or contain more than 1,800 square feet of area or are enlarged or expanded to provide for five (5) or more vehicles or to contain more than 1,800 square feet of area, they shall be paved with an asphalt, concrete, brick or other properly bound surface, so as to be durable and dustless. Each parking space shall be physically delineated on the surface of the parking area. The developer shall have one (1) year from date of parking lot construction to complete the bound surface.

(2) Off-street parking standards.

The following standards comprise the minimum off-street parking requirements for the common types of buildings and uses listed:

Type of Use or Activity	Minimum Number of Spaces
Single Family Residential	2 for each dwelling unit
Multi-Family Residential 1 or 2 bedroom	2 for each dwelling unit
Multi-Family Residential 3+ bedrooms	2.5 for each dwelling unit
Boarding and Rooming houses	1 for every roomer or boarder
Dormitories, Fraternity or Sorority Houses	5 + 1 for every student
Motel, Hotels, or Tourist Homes	1.5 for every sleeping room or suite
Public Assembly, Institutions and Recreational Facilities	1 for every 4 persons
Community Centers, Theater, Auditorium and Religious Place of Worship	1 for every 4 seats
Convention Hall, Lodge, Club, Bar/Tavern, Library, Museum, Place of Amusement or Recreation	1 per 50 SF
Stadium or Sports Arenas	1 for every 5 seats
Hospitals; Sanitariums, Convalescent or Nursing Homes	1 for every 4 beds + 1 for each employee on max shift
Medical and Dental Clinics or Offices	5 for every doctor + 1 for each employee on max shift
Retail Sales and Consumer Service Business	1 per 250 SF
Funeral Homes or Mortuaries	1 for every 4 seats or 1 per 50 SF, whichever is greater
Office Building	1 per 350 SF
Industrial, Non-Retail Sales and Services and Laboratories	1 for every 2 employees on max shift
Food and Drink Establishment	1 for every 3 seats or 1 per 60 SF of dining area, whichever is greater
Shopping Centers, Mixed Use Developments and Planned Development Projects	As required for particular use as classified in table
Day-Care, Child-Care or Private School	1 for every employee + 1 for every 5 children
Photography, Art and Music Studio	1 per 400 SF
Convenience Stores with or without fuel stations	1 per 300 SF + 1 for every employee on max shift

(3) Interpretation of automobile off-street parking space required.

The Board of Zoning Adjustments shall interpret the amount of off-street parking space required for any building or use, assisted by the off-street parking standards. In either case the zoning official shall apply to the Board of Zoning Adjustments for an original interpretation.

(4) Exception to automobile off-street parking space required on the premises.

If approved by the Board of Zoning Adjustments, off-street parking space required for any building or use may be located off the premises but within walking distance of 400 feet from the premises it serves or may be consolidated into a large parking area serving other buildings and uses. The zoning official shall apply to the Board of Zoning Adjustments for a decision when building permits are requested in such cases. The Board of Zoning Adjustments shall not authorize the total amount of parking space required for all buildings and uses to be diminished except in cases where a consolidated parking area serves buildings or uses which do not generate automobile parking at the same time such as churches and stores. Total parking spaces in such cases may be diminished only to the maximum required by those buildings and uses which do generate the parking of automobiles at the same time. The Board of Zoning Adjustments may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit. Such off-street parking space shall be maintained, required, and regulated as if it were actually located on premises of the permitted use it is designed to serve.

(5) Exception to automobile off-street parking space required in the B-3 Central Business District.

The requirement for automobile off-street parking space within the B-3 Business District may be waived provided the following determinations are made.

- (a)** Construction of the required automobile off-street parking space on the premises would prevent the continuous development of a compact and coordinated row of commercial buildings fronting on an already established commercial block or shopping area.
- (b)** The required automobile off-street parking space cannot be reasonably provided off the premises in accordance with subsections (A) (3) and (5) hereof.
- (c)** The principal building and use proposed is not designed or oriented to providing sales or services to persons remaining in automobiles or similar vehicles.
- (d)** Construction of the required automobile off-street parking space would detract from the overall shopping desirability of the adjoining buildings and premises and would result in the incompatible mixing of vehicles, buildings, and pedestrian shoppers.
- (e)** Off-premise parking is available within walking distance of 400 feet from the premises it serves. Such off-street parking space shall be maintained, required, and regulated as if it were actually located on the premises of the permitted use it is designed to serve.

(6) Existing non-conforming automobile off-street parking space.

Existing off-street parking space provided for any building or use at the time of adoption of this chapter shall not thereafter be reduced unless it exceeds the requirements of this chapter. Any existing building or use not provided with conforming off-street parking space shall be provided with off-street parking space in conformance with this chapter at the time of any structural alteration of the building or expansion of the use.

(B) OFF-STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS

All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. Space shall also be provided for the servicing of buildings by refuse collection, fuel, and other service vehicles. Off-street loading and unloading spaces and service areas shall be adequate size and so arranged that they may be used without blockage or interference with the use of streets, accessways, or automobile parking facilities. Loading and unloading space and service areas should be at least 65 feet in depth, 12 feet in width, with an overhead clearance of not less than 14 feet. All loading and unloading space and service areas shall be provided with access to a street or alley as well as appropriate maneuvering areas. The Board of Zoning Adjustments shall interpret the amount of loading and unloading space required for any building or use whenever the zoning official is unable to apply this provision literally and applies to the Board of Zoning Adjustments for an original interpretation.

(C) PARKING, LOADING AND UNLOADING ZONES

Minimum required parking: In every R-1 and R-2 zone, there shall be provided off-street parking space for each dwelling as specified in subsection (A) (2) (a) of this section; no such space shall be located within any required front yard and side street side yard unless it be in a paved area.

Chapter 156.015 | General Development Regulations

Coordination with subdivision regulations. In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind – residential, commercial, or industrial – the provisions of the Murray Subdivision Regulations shall apply in addition to the provision of this ordinance. It is desirable that access points to major streets serving all zoning districts be located no more frequently than once every one-sixteenth to one-eighth mile. Topography and traffic volumes shall determine the exact locations, heavy volumes requiring greater spacing. Along any major street where subdivided land and its minor streets are not sufficiently developed to permit acceptably spaced access points, the Planning Commission may approve the plating of temporary access points and may require that temporary access points shall be eliminated by the developer when minor streets or marginal access streets are extended to the permanent access points.

Chapter 156.016 | Fraternity or Sorority Houses

Fraternity or sorority houses, other than those permitted within the university district, are permitted only in those districts where they are designated as a conditional use under the zoning district regulations. In addition to conforming with all conditional use regulations and all other provisions of this ordinance, fraternity or sorority houses located outside of the university district shall be subject to the following regulations.

- (A)** At least fifteen thousand (15,000) square feet of land area shall be required before any fraternity or sorority house may be approved as a conditional use.
- (B)** Centralized kitchen facilities may be provided in the fraternity or sorority house; however, no provision shall be made for kitchen facilities in any individual student's room or suite. This provision does not apply to separate kitchen facilities which may be provided in the resident manager's or supervisor's room or suite.
- (C)** One sign, not over twelve (12) square feet in area, identifying the fraternity or sorority house on the premises shall be permitted.
- (D)** A landscaped separation strip, at least five (5) feet in width, shall be provided along all adjoining property lines. The fraternity or sorority house shall be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen hedge and/or other approved enclosures, except in cases where the adjoining and contiguous property is another fraternity or sorority house. Such screening shall be located with the required separation strip and shall have a minimum height of four and one-half (4½) feet and maximum height of seven (7) feet.

Chapter 156.017 | Junkyards

Junkyards are regulated by the Kentucky Department of Transportation. Screening shall be maintained in compliance with requirements of KRS 177. All junkyards operating inside the city limits must maintain valid permits to operate issued by the Kentucky Department of Transportation. Junkyards are not allowed in any zone as a permitted use and are conditional use only in the B-2 zoning district.

Chapter 156.025 | Establishment and Designation

The City of Murray is divided into the following districts as shown on the zoning map of Murray, Kentucky and these districts are designed as follows:

R-1	Residential District
R-2	Residential District
R-3	Residential District
R-3A	Residential District
R-4	Residential District
R-5	Residential District
B-1	Neighborhood Business District
B-2	Highway Business District
B-3	Central Business District
B-4	Medium Density Business District
PO	Professional Office District
I	Industrial District
G	Government District
A	Agricultural District
F	Floodway District
HD	Historic Overlay District

Chapter 156.026 | Interpretation of Boundaries

The following rules shall be used to interpret the exact location of the zoning-district boundaries shown on the zoning map:

- (A) Where a zoning-district boundary follows a street or railroad, the center line of the street or railroad right-of-way is the boundary of the district.
- (B) Where a zoning-district boundary approximately follows a lot or property line, that line is the boundary of the district.
- (C) Where a zoning-district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.
- (D) Where a zoning-district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to map scale.

Chapter 156.035 | Residential Districts (R-1 and R-2)

(A) INTENT

These zones are established to provide for low density single-family detached dwellings with their accompanying green areas, their accessory and incidental uses.

(B) PERMITTED PRINCIPAL USES

Single-family detached dwellings. Refer to § 156.045 Use Classification Table.

(C) PERMITTED ACCESSORY STRUCTURES AND USES

- (1)** Carports, private garages, storage sheds, and parking areas. All property owners are asked to check their subdivision regulations since they may be more restrictive than the zoning code.
- (2)** Accessory uses customarily incidental to the principal use of the premise, such as short-term rentals.
- (3)** Home occupations refer to § 156.055 Home Occupation Regulations.

(D) CONDITIONAL USES

Refer to § 156.045 Use Classification Table.

- (1)** Renting of sleeping rooms or taking of boarders or tourists by the owner family on the premises, excluding short-term rentals.
- (2)** Accessory dwelling unit, refer to definition.
- (3)** A group of not to exceed four (4) persons not all related by blood or marriage, occupying the premises and living as a single, non-profit housekeeping unit.
- (4)** Religious Assembly and home day cares.
- (5)** Single family residential planned development in an R-2 zone.

(E) PROHIBITED USES

- (1)** Any use not listed as permitted is prohibited in the R-1 and R-2 Zoning District. Home occupations in these zones must be incidental to the principal use and not alter the appearance of the structure or the nature of the home in any appreciable manner.
- (2)** Adult-oriented businesses.
- (3)** Medicinal cannabis dispensaries, producers, processors, cultivators and safety compliance facilities.

(F) LOT, YARD, and HEIGHT REGULATIONS

- (1)** Minimum lot.
 - (a)** R-1 - 15,000 square feet.
 - (b)** R-2 - 10,000 square feet.
- (2)** Minimum lot frontage on a public street.
 - (a)** R-1 - 100 feet.
 - (b)** R-2 - 75 feet.
 - (c)** Turnarounds or cul-de-sacs shall front for a minimum of 40 feet on a public street. However, the lots shall be the minimum of 100 feet for R-1 and 75 feet for R-2 at the building line, even on turnarounds.
- (3)** Minimum front yards.

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- (a) R-1 - 40 feet
 - (b) R-2 - 30 feet
 - (c) The front yard on corner lots shall be as designated for the front yard facing the principal street and a minimum of 25 feet for the front yard facing the secondary street.
- (4) Minimum side yards.
 - (a) R-1 - 15 feet.
 - (b) R-2 - 10 feet.
- (5) Minimum rear yards. R-1 and R-2 - 25 feet.
- (6) Maximum lot coverage. R-1 and R-2 - 35%.
- (7) Maximum height. R-1 and R-2 - 35 feet.
- (8) Accessory buildings are permitted only in rear yards and shall be located at least five feet from all lot lines except on corner lots where secondary yard restrictions will apply.

*Subdivision regulations may vary from subdivision to subdivision. Please check to see if setbacks differ and if accessory buildings are allowed and where they are allowed.

Chapter 156.036 | Multi-Family Districts (R-3, R-3A, R-4, & R-5)

(A) INTENT

The intent of these districts is to accommodate multi-family development of a type generally associated with detached houses occupied by one or two families, or attached housing being occupied by more than three families. In addition, a zone is created to establish a Mobile Home Park District and the rules associated with such.

(B) PERMITTED PRINCIPAL USES in R-3, R-3A, R-4, and R-5

Refer to § 156.045 Use Classification Table.

- (1) Single-family dwellings.
- (2) Multi-family dwellings.

(C) PERMITTED ACCESSORY STRUCTURES and USES in R-3, R-3A, R-4, and R-5

- (1) Carport, garage, or other buildings not used as a dwelling and customarily incidental to the principal use of the premises.
- (2) Accessory uses customarily incidental to the principal use of the premises, such as short-term rentals.
- (3) Home occupations refer to § 156.055 Home Occupation Regulations.

(D) CONDITIONAL USES in Multi-Family Residential Districts

Refer to § 156.045 Use Classification Table.

- (1) R-3, R-3A, R-4, and R-5.
 - (a) Non-profit public or private facilities such as schools, parks, and recreational facilities.
 - (b) Renting of sleeping rooms or taking of boarders or tourists by the family resident on the premises provided not more than three rooms are used for such purposes, excluding short-term rentals.
 - (c) Residential day care.
 - (d) Residential planned-development projects.

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- (e) Non-profit public or private facilities such as schools, religious assembly and related activities.
 - (2) Conditional uses in R-3A Residential Districts.
 - (a) Mobile home parks.
 - (b) Small animal clinics.
 - (c) Coin laundry, barber shop, and similar service activities.
 - (d) Planned-development projects.
 - (3) Conditional uses in R-4 Residential Districts.

Refer to 156.045 Use Classification Table.

 - (a) Planned-development projects.
 - (b) Fraternity and sorority houses.
 - (c) Nursing homes, rest homes, retirement homes, and convalescent homes, and day care nursing schools.
 - (d) Office planned-development projects.
 - (e) Barber shops and beauty shops.
 - (4) Conditional uses in R-5 Residential Districts. Refer to § 156.045 Use Classification Table.
 - (a) Planned-development projects.
 - (b) Coin laundry, barber shop, beauty shop, drug store, neighborhood grocery, restaurants, or similar activities.
- (E) **PROHIBITED USES**
 - (1) Mobile homes except as provided for in this chapter.
 - (2) Any use not listed as permitted and not approved as a conditional use is prohibited.
 - (3) Home occupations must be incidental to the principal use and not alter the appearance of the main structure in any appreciable manner.
 - (4) Adult-oriented businesses.
 - (5) Medicinal cannabis dispensaries, producers, processors, cultivators and safety compliance facilities.
- (F) **LOT, YARD, and HEIGHT REGULATIONS:**
 - (1) Minimum lot.
 - (a) R-3 and R-3A 7,500 square feet. Floor Area Ratio: 0.5
 - (b) R-4 7,500 square feet. Floor Area Ratio: 0.5
 - (c) R-5 5,000 square feet. Floor Area Ratio: 0.5
 - (2) Minimum lot frontage on a public street.
 - (a) R-3, R-3A 75 feet single-family; 75 feet multi-family.
 - (b) R-4 75 feet single-family; 75 feet multi-family.
 - (c) R-5 75 feet single-family; 75 feet multi-family.
 - (3) Minimum front yards. R-3, R-3A, R-4 and R-5 - 25 feet.
 - (4) Minimum side yards. R-3, R-3A, R-4, and R-5 - 10 feet.
 - (5) Minimum rear yards. R-3, R-3A, R-4 and R-5 - 25 feet.

- (6) Maximum lot coverage. R-3, R-3A, R-4, and R-5 - 50%.
- (7) Maximum height. R-3, R-3A, R-4, and R-5 - 35 feet.
- (8) Accessory buildings are permitted only in rear yards and shall be located at least five feet from all lot lines except on corner lots where secondary yard restrictions will apply.

*Subdivision restrictions may vary from subdivision to subdivision. Please check to see if setbacks differ and if accessory buildings are allowed and where they are allowed. There shall be no more than one principal structure and its accessory structures on any lot or parcel of land unless otherwise specifically permitted in this zoning ordinance or unless a development plan is approved by the commission as provided for by the ordinance.

Chapter 156.037 | Business Districts

(A) B-1 NEIGHBORHOOD BUSINESS DISTRICTS

(1) INTENT

This district is established to provide areas in which to meet the needs of the immediate neighborhood. This district is limited to a narrow range of retail services and convenience goods and services. This district also is intended for areas where large business operations are undesirable.

(2) PERMITTED PRINCIPAL USES

Property and buildings in a B-1 neighborhood business district shall refer to § 156.045 Use Classification Table. Some examples include:

- (a) Food sales such as grocery stores and food markets including specialty foods such as bakery goods, delicatessen goods, and meats.
- (b) Restaurants (with no drive-thru window service).
- (c) Convenience Store.
- (d) Drugstore including fountain service, book and reading matter, tobacco, vanity goods, and pharmacy.
- (e) Personal services such as barber shops, beauty shops, and shoe repair shops.
- (f) Medical, dental, or professional offices.
- (g) Branch laundry or dry cleaning collection stations where no laundering or cleaning is to be done on the premises and self-service laundry.
- (h) Religious assembly.
- (i) Pet service, photography studio, and printing and publishing services.
- (j) Day care services.

(3) PERMITTED ACCESSORY STRUCTURES and USES

Garage or other storage building not used as a dwelling and incidental to the principal use.

(4) CONDITIONAL USES refer to § 156.045 Use Classification Table.

- (a) Other retail businesses or services not listed above shall be considered conditional use and will require written approval of the Board of Zoning Adjustments. The Board shall grant such approval if it determines that the proposed use is essential to the convenience of the neighboring residents.
- (b) Public facilities such as libraries, parks, and recreational facilities.
- (c) Planned-development projects.

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- (d) One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.
- (e) Outdoor storage of merchandise and outdoor processing. All above-ground structures accessory to any outdoor use shall be located at least 25 feet from any public street right-of-way line. Any conditional use permit approved for outdoor storage of merchandise shall be located at least 10 feet from all entrances and exits.
- (f) Transient businesses as prescribed in § 156.100 et seq and mobile food vendors.
- (g) Bar/taverns, service stations, financial services, personal improvement services such as gyms, and cultural services.

(5) PROHIBITED USES

- (a) Anything not listed above is prohibited and no use shall be permitted by the Board of Zoning Adjustments as a conditional use which would be detrimental to the development of other neighborhood businesses or residents.
- (b) Dwelling units except as provided herein.
- (c) Adult-oriented businesses.
- (d) Nightclubs.
- (e) Medicinal cannabis dispensaries, producers, processors, cultivators and safety compliance facilities.

(6) LOT, YARD, and HEIGHT REGULATIONS

- (a) Minimum lot size. No limitation.
- (b) Minimum lot frontage on a public street: 75 feet.
- (c) Minimum front yard.
 - 1. 35 feet
 - 2. Corner lots shall have a minimum of 25 feet for the yard facing the secondary street.
- (d) Minimum side yard. No limitation. (See subsection (A)(6)(h) below)
- (e) Minimum rear yard. 25 feet.
- (f) Maximum lot coverage. No limitation.
- (g) Maximum height of any portion of a building. 35 feet.
- (h) Business uses adjacent to residential districts. All non-residential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of twenty-five (25) feet in the side or rear yard adjacent to the residential district and § 156.052 shall apply.

(B) B-2 HIGHWAY BUSINESS DISTRICT AND B-3 CENTRAL BUSINESS DISTRICT

(1) INTENT

- (a) B-2. This district is intended for a wide range of general retail business. Districts in this category are intended to include areas where commercial development has, or is displacing residential development, or is moving in on vacant lands. Regulations are designed so as to discourage formation of future commercial slums, to preserve the carrying capacity of streets, and to provide for adequate off-street parking. It is not the intent of this district to encourage the extension of strip commercial areas, but rather to provide concentrations of general commercial activities. Also, to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle-oriented trade.

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- (b) B-3. This district forms the central center for commercial, financial, professional, government and cultural activities. The intent here is to protect and improve the central business district for the performance of its primary functions.
- (2) **PERMITTED PRINCIPAL USES** refer to § 156.045 Use Classification Table.
 - (a) Any use permitted in the B-1 Business District with the exception that restaurants in a B-2 zone are allowed to have drive-thru window.
 - (b) Place of indoor amusement and assembly and clubs and lodges.
 - (c) Religious Assembly.
 - (d) Offices.
 - (e) Hotels, motels and bed & breakfast establishments.
 - (f) New and used car lots, public garages, and other motor vehicle service.
 - (g) Any retail sales or consumer service including the making of articles to be sold on the premises. Any such manufacturing or processing shall be incidental to a retail business or service and not more than five persons shall be employed in such manufacturing. Storage buildings are permitted in a B-2 zone.
 - (h) Transient businesses as prescribed in § 156.100 et seq and mobile food vendors.
- (3) **PERMITTED ACCESSORY STRUCTURES and USES**
Garage or other building not used as a dwelling, and incidental to the principal use.
- (4) **CONDITIONAL USES** refer to 156.045 Use Classification Table.
 - (a) Public facilities such as parks and recreational facilities.
 - (b) Planned-development projects.
 - (c)
 - 1. B-2 zones only: One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.
 - 2. B-3 zones only: Single-family and Multi-family residential uses including short-term rentals
 - (d) Outdoor storage of merchandise and outdoor processing unless meets the standards listed under the definition of Retail Sales and Consumer Services (Outdoor Storage). All above ground structures accessory to any outdoor use shall be located at least 25 feet from any public street right-of-way line. Any conditional use permit approved for outdoor storage of merchandise shall be located at least 10 feet from all entrances and exits.
 - (e) Privately-owned outdoor amusement area.
 - (f) B-2 Adult-oriented businesses.
 - (g) B-3 Storage buildings.
 - (h) B-3 Any restaurant or retail sales business with a drive thru window.
 - (i) B-3 (Within Historic Overlay District only) sidewalk cafes.
 - (j) Plant nursery or a junk yard in a B-2 zone.
 - (k) B-2 and B-3: Medicinal cannabis dispensaries.
- (5) **PROHIBITED USES**
 - (a) Anything not listed above is prohibited and no use shall be permitted by the Board of Zoning Adjustments as a conditional use which would be detrimental to the development of other businesses.

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- (b) Dwelling units except as provided herein.
- (c) B-3. Adult-oriented businesses.
- (d) B-3. Medicinal cannabis, producers, processors, cultivators and safety compliance facilities.
- (e) B-2 Medicinal cannabis producers, processors, cultivators and safety compliance facilities.

(6) LOT, YARD, and HEIGHT REGULATIONS

- (a) Minimum lot size. No limitation.
- (b) Minimum lot frontage on a public street: 75 feet.
- (c) Minimum front yard.
 - 1. B-2 – 50 feet.
 - 2. B-2 - Corner lots shall have a minimum of 25 feet for the yard facing the secondary street.
 - 3. B-3 – No limitation.
- (d) Minimum side yard. No limitation except on corner lots where secondary yard restrictions apply.
- (e) Minimum rear yard.
 - 1. B-2 – 25 feet.
 - 2. B-3 – No limitation.
- (f) Maximum lot coverage. No limitation.
- (g) Maximum height of any portion of a building.
 - 1. B-2 – 35 feet.
 - 2. B-3 – 75 feet.
- (h) Business uses adjacent to residential districts.
 - 1. B-2 – All nonresidential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of 25 feet in the side or rear yard adjacent to the residential district and § 156.052 shall apply.
 - 2. B-3 – Same as B-2.

(C) B-4 MEDIUM DENSITY BUSINESS DISTRICT

(1) INTENT

To provide for limited retail business, service and business, and professional offices. The standards of development are intended to protect adjacent residential zones, promote orderly development, and avoid traffic congestion within the surrounding neighborhoods.

(2) PERMITTED PRINCIPAL USES refer to § 156.045 Use Classification Table.

- (a) Any use permitted in the B-1 business district.
- (b) Financial services.
- (c) Personal services such as barber and beauty shops.
- (d) Food sales such as bakeries.

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- (e) Drugstores.
- (f) Restaurant no drive-thru.
- (g) Cultural services.
- (h) Clothing stores.
- (i) Pet service, photography studio, printing and publishing services.
- (j) Professional, business, and government offices and laboratories.
- (k) Religious assembly.
- (l) Convenience store and service station.
- (m) Transient businesses as prescribed in § 156.100 et seq and mobile food vendors.

(3) PERMITTED ACCESSORY STRUCTURES AND USES

Garage or other storage building not used as a dwelling, and incidental to the principal use.

(4) CONDITIONAL USES refer to § 156.045 Use Classification Table.

- (a) Public facilities such as libraries, parks, and recreational facilities.
- (b) Planned-development projects.
- (c) One dwelling unit for owners, operators, or employees of a permitted use provided that such dwelling unit shall be a part of the building and located above or to the rear of such permitted use.
- (d) Other limited business uses which the Board of Zoning Adjustments finds to fall within the intent of this zone that will not be more obnoxious or materially detrimental to the public welfare or to property in the vicinity of said uses shall be considered a conditional use.
- (e) Bar/tavern, restaurant with a drive-thru, personal improvement services, and cultural services.

(5) PROHIBITED USES

- (a) No enterprise shall be permitted which produces or causes any dust, smoke, noise, fumes, odors, or vibrations, which are or may be detrimental to other property in the neighborhood or to the welfare of the occupants thereof.
- (b) Dwelling units except as provided herein.
- (c) Adult-oriented businesses.
- (d) Nightclubs.
- (e) Medicinal cannabis dispensaries, producers, processors, cultivators and safety compliance facilities.

(6) LOT, YARD, and HEIGHT REGULATIONS

- (a) Minimum lot size. No limitation.
- (b) Minimum lot frontage on a public street. 75 feet.
- (c) Minimum front yard.
 - 1. 35 feet.
 - 2. Corner lots shall have a minimum of 25 feet for the yard facing the secondary street.
- (d) Minimum side yard. 10 feet.
- (e) Minimum rear yard. 25 feet.

- (f) Maximum lot coverage. No limitation.
- (g) Maximum height of any portion of building. 35 feet.
- (h) Business uses adjacent to residential districts.
 - 1. All non-residential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of 25 feet in the side or rear yard adjacent to the residential district.
 - 2. All non-residential uses which are adjacent to a residential use located within the B-4 Zone are required to erect screening in accordance with § 156.052.

Chapter 156.038 | Professional Office District

(A) INTENT

This zone is primarily for offices and related uses. Generally, this zone should be located between residential and commercial uses on the same street frontage so as to serve as a transitional buffer.

(B) PERMITTED PRINCIPAL USES refer to § 156.045 Use Classification Table.

- (1) Professional business and government offices and laboratories.
- (2) Medical and dental offices and photography studios.

(C) PERMITTED ACCESSORY STRUCTURES AND USES

- (4) Garage or other building not used as a dwelling and incidental to the principal use in rear yards only.

(D) CONDITIONAL USES refer to § 156.045 Use Classification Table.

- (3) Private hospitals and clinics, religious assembly.
- (4) Planned-development projects.
- (5) Dwelling units occupying the same building in which is conducted the principal use of the premises on which it is situated.

(E) PROHIBITED USES

- (1) Dwelling units except as provided for herein.
- (2) Any use that is retail in nature and not incidental to the office use.
- (3) Any use not listed as permitted and not approved as conditional use.
- (4) Adult-oriented businesses.
- (5) Medicinal cannabis dispensaries, producers, processors, cultivators and safety compliance facilities.

(F) LOT, YARD, and HEIGHT REGULATIONS

- (1) Minimum lot. 7,500 square feet.
- (2) Minimum lot frontage. 75 feet.
- (3) Minimum front yards. 35 feet.
- (4) Minimum side yards. 10 feet.
- (5) Minimum rear yards. 25 feet.
- (6) Maximum lot coverage. 35%

- (7) Maximum height. 35 feet.
- (8) Professional office uses adjacent to residential districts. All non-residential uses in Professional Office Districts which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of 25 feet in the side or rear yard adjacent to the residential district and § 156.052 will apply.

Chapter 156.039 | Industrial District

(A) INTENT

This zone is intended for manufacturing, industrial, and related uses. This section distinguishes between light and heavy industry and their potential for becoming a nuisance.

(B) PERMITTED PRINCIPAL USES refer to § 156.045 Use Classification Table.

- (1) Non-retail sales and services such as warehousing, wholesaling, recycling centers and trucking terminals.
- (2) Light industry. The Board of Zoning Adjustments shall distinguish between the light and heavy industry according to the definition in § 156.004 of this zoning code upon application by the Zoning Official when the classification is in doubt.
- (3) Research laboratories, medical offices, aviation facilities and storage buildings.
- (4) All uses in this zone shall be conducted in a completely enclosed building, except for outdoor storage uses which shall be enclosed on all sides by a solid wall or fence not less than six feet in height.
- (5) Transient businesses as prescribed in § 156.100 et seq and mobile food vendors.
- (6) Medicinal cannabis dispensaries, producers, processors, safety compliance facilities and Tier I and Tier II medicinal cannabis cultivators.

(C) PERMITTED ACCESSORY STRUCTURE USES

- (1) Off-street parking areas and structures, and loading facilities.
- (2) Dwelling units for watchmen or caretakers provided that such facilities shall be located on the same premises as the permitted use.
- (3) Outdoor storage of products manufactured on the premises or materials to be used in manufacture on the premises provided that such outdoor storage shall be enclosed on all sides by a solid wall or fence not less than six feet in height.
- (4) Facilities for serving food only for employees and visitors and having no direct access to the exterior and having no signs visible from the exterior of the building.
- (5) Offices.
- (6) Recreational facilities for employees.

(D) PERMITTED CONDITIONAL USES refer to § 156.045 Use Classification Table.

- (1) Basic industry.
- (2) Outdoor storage and processing.
- (3) Retail sales and consumer services.
- (4) Planned-development projects other than residential uses.
- (5) Religious assembly.
- (6) Adult-oriented businesses

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- (7) Indoor entertainment, recreational equipment sales, theater, plant nursery, club or lodge, and day care services.
- (8) Tier III, Tier IV medicinal cannabis cultivators.

(E) PROHIBITED USES

- (1) Dwelling units except as provided for herein.
- (2) Basic industrial use without prior approval from the Board of Zoning Adjustments.
- (3) Packaged liquor stores, bars, taverns and similar type businesses.
- (4) Adult-oriented businesses.

(F) LOT, YARD, and HEIGHT REGULATIONS

- (1) Minimum lot. No limitation.
- (2) Minimum lot frontage. 75 feet.
- (3) Minimum front yards. 50 feet.
- (4) Minimum side yards. No limitation.
- (5) Minimum rear yards. 35 feet. The Board of Zoning Adjustments may upon application by the Zoning Official reduce the required rear yard where such rear yards would be adjacent to railroad sidings if such reduction would not be detrimental to surrounding area.
- (6) Maximum lot coverage. No limitation.
- (7) Maximum height. 75 feet.
- (8) All nonresidential uses which are adjacent to a residential use located within the Industrial Zoning District are required to erect screening in accordance with § 156.052.

Chapter 156.040 | (RESERVED)

Chapter 156.041 | Government District

(A) INTENT

It is the intent of the Commission to establish a Government District. The purpose of this Zone is to identify property owned by federal, state, county, or municipal governments or by government-owned public corporations or agencies; also, for the purpose of putting the public on notice that the areas so zoned are outside the jurisdiction of the administrators of this zoning code and that development thereon is at the discretion of the government owning the property. It is further intended that this show of public concern may temper the proposals for development in this district and serve to encourage government conformity to the standard of this District.

(B) EXTENT

By definition, this zoning classification applies to all property owned by governments and government-owned public corporations or agencies; therefore, this zoning classification shall automatically become the zoning classification of any property acquired by such government or government-owned public corporation or agency, concurrently with such acquisition.

(C) REVERSION TO PREVIOUS CLASSIFICATION

Upon sale or other final release of property by a government or government-owned public corporation or agency, to an individual, partnership, private corporation, or other non-public organization or association, such property shall revert to the zoning classification or classifications which applied prior to public ownership, if in fact it was ever under such other classification or classifications subsequent to the adoption of this zoning code. This provision applies to property acquired by such public bodies after the adoption of this zoning code and subsequently resold.

(D) REVERSION TO ADJOINING CLASSIFICATION

Upon sale or other final release of property by a government or government-owned public corporation or agency, to an individual, partnership, private corporation, or other non-public organization or association, such property shall revert to the most restrictive of the adjoining or nearest zoning classification, if such property being sold was in fact publicly owned at the time of the adoption of this zoning code and has not been privately owned at any time subsequent to such adoption and prior to such sale.

(E) RIGHTS OF GOVERNMENT NOT CONVEYABLE

The rights of government which prevent it from being subject to the provisions of this zoning code are not conveyable to an individual, partnership, private corporation, or other non-public organization or association, and upon sale or other final release of public property to an individual or other non-public body, any construction or development or use of that property which does not conform to the permitted construction, uses and regulations in force for the zoning district to which such property reverts, becomes a non-conforming use subject to the restrictions of this zoning code.

(F) RIGHTS OF GOVERNMENT EXTEND TO LESSEE

The rights of government which prevent it from being subject to the provisions of this zoning code permit it to develop its property at its own discretion, subject to statutes and regulations based on health and safety, and development of publicly-owned property in this zoning district by leases, whether public or private, shall be subject only to the discretion of the government or government-owned public corporation or agency owning the property and such statutes and regulations as are based on health and safety.

(G) PROHIBITED USES

- (1)** Adult-oriented businesses.
- (2)** Medicinal cannabis dispensaries, producers, processors, cultivators and safety compliance facilities.

Chapter 156.042 | Agricultural District

(A) INTENT

This zone is established to preserve the rural character of the agricultural service area by promoting agriculture and agricultural related uses.

(B) PERMITTED PRINCIPAL USES refer to § 156.045 Use Classification Table.

- (1)** Land used solely for agriculture, farming, dairying, stock raising.
- (2)** Horticultural services, plant nurseries, and aquaponics systems.
- (3)** Hunting, fishing, trapping, and game preserves, forestry.
- (4)** Single-family detached dwellings.
- (5)** Religious assembly, education buildings, and accessory dwellings.
- (6)** Schools and colleges for academic instruction.
- (7)** Agritourism, camps, and outdoor entertainment.

(C) PERMITTED ACCESSORY USES

- (1)** Agricultural buildings and structures accessory to the principal agricultural use of the land.
- (2)** Single-family dwellings for the owner and employees of the premises and accessory to the principal agricultural use of the land.

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- (3) Carport, garage, or other buildings not used as a dwelling and customarily incidental to the principal use of the premises.
 - (4) Accessory uses customarily incidental to the principal use of the premises.
 - (5) Signs identifying the name and type of agricultural activity conducted on the same premises.
 - (6) Sale of agricultural products and services produced on the premises provided that where such products or services are sold from a roadside stand such roadside stand shall be set back from any public street right-of-way at least 50 feet and shall be provided with automobile access and off-street parking space in such a manner so as not to create an undue traffic hazard on the public street on which such roadside stand is located.
 - (7) Home occupations refer to § 156.055 Home Occupation Regulations.
- (D) PERMITTED CONDITIONAL USES** refer to § 156.045 Use Classification Table.
- (1) Non-profit public or private facilities such as cemeteries, libraries, cultural services, parks, recreational facilities, hospitals, and institutions.
 - (2) Bed & Breakfast.
 - (3) Aviation facilities.
 - (4) Tier I and Tier II medicinal cannabis cultivators.
- (E) PROHIBITED USES**
- (1) Any use not listed as permitted or as a conditional use are prohibited in the Agricultural District.
 - (2) Adult-oriented businesses.
 - (3) Medicinal cannabis dispensaries, producers, processors, safety compliance facilities and Tier III and Tier IV medicinal cannabis cultivators.
- (F) LOT, YARD, and HEIGHT REGULATIONS**
- (1) Minimum lot. No limitation except for single-family detached residences as a principal permitted use, then 21,780 square feet (1/2 acre) minimum with connection to sanitary sewers of the city or of an approved sewer district or system, or with evidence of satisfactory soil percolation for septic disposal; otherwise, 43,560 square feet (1 acre) minimum.
 - (2) Minimum lot frontage. 75 feet at right-of-way.
 - (3) Minimum front yards. 80 feet from center line of road.
 - (4) Minimum side yards. 25 feet.
 - (5) Minimum rear yards. 25 feet.
 - (6) Maximum height. No limitation.

Chapter 156.043 | Floodway District

(A) INTENT

It is intended to establish this district to promote public health, safety, and general welfare of the citizens in flood prone areas. Also, it is intended to hopefully minimize public and private losses due to flood conditions in specific areas by designation of the areas as floodway.

(B) PERMITTED USES refer to § 156.045 Use Classification Table.

- (1) The requirements of this zone are subject to the general provisions of Chapter 152 of this code of ordinances.

- (2) The following uses are permitted within the floodway.
- (a) Open type uses, such as loading and unloading areas, parking lots, used car lots, signs, and gardens auxiliary to uses permitted in any adjoining district.
 - (b) Storage yards for equipment and material not subject to major damage by floods, provided such use is auxiliary to uses permitted in adjoining zoning districts and materials do not include flammables such as gasoline.
 - (c) Open-type public and private recreation facilities such as public parks, golf courses, driving ranges, drive-in theaters, fishing lakes, and boat docks.
 - (d) Circus, carnival, and similar transient amusement enterprises.
 - (e) Agricultural uses, including farming, grazing, and livestock raising.
 - (f) Utilities, road and railroad bridges, electric and other transmission lines.
 - (g) Any other uses customarily accessory or incidental to the above uses.

(C) APPROVAL OF PLANNING COMMISSION

No permit shall be issued for the construction of any building or for any use within the Floodway Zone until the plans for such construction or use have been submitted to the Planning Commission and approval is given in writing for such construction or use. The Planning Commission may make its approval subject to such conditions necessary to carry out the purpose of the Floodplain Zone. In its review of plans submitted, the Planning Commission shall be guided by the following standards, keeping in mind that the purpose of the floodplain is to prevent encroachment in to the floodway which will unduly increase flood heights and endanger life and property. Any use permitted shall be a type not appreciably damaged by the floodwaters, provided no structures for human habitation shall be permitted.

Chapter 156.044 | Historic Overlay District

(A) INTENT

- (1) The purpose of the Historic District is to provide a mechanism for the preservation of sites, structures, and districts of historical or architectural significance together with their appurtenances and environmental settings. The Historic District is meant to enhance, not substitute for the underlying zoning classification. This article imposes additional requirements during the construction, alteration, reconstruction, moving and demolition of sites and structures located within the Historic District. The Historic District is intended to work in conjunction with the other zones and for the purpose of protecting and preserving the exterior of the buildings, structures, appurtenances, and places.
- (2) The Historic District is to improve the economic viability of the designated areas within the City of Murray, while enhancing the visual quality of the environment and the quality of life.

(B) APPLICABILITY

- (1) Upon approval of the Historic District by the City Council, the official zoning map will be amended.
- (2) The Historic District classification and regulations shall be established in addition to the existing zoning classification and regulations. Where there are conflicts between the procedures and regulations herein established for the Historic District and other procedures and regulations of the underlying zone, it is intended that the more stringent shall apply. The regulations apply to all proposed development within the boundaries of the Historic District, as shown on the official zoning map.

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- (3)** It is the intent of this section that the Architectural Review Board be lenient in its judgment of plans for new construction or for alteration, repair, or demolition of structures determined to be non-contributing, except where such construction, alteration, repair, or demolition would seriously impair the historic or architectural value of surrounding structure or the surrounding area. It is not the intent of this subchapter to limit new construction, alteration, or repair to any one period of architectural style.

(C) CREATION AND BOUNDARIES

- (1)** The boundaries of the district shall be illustrated in Exhibit A, attached to Ord. 2009-1480, on file in the City Clerk's office.
- (2)** An area of land to be designated as a City of Murray Historic Overlay District generally bounded by Olive Street to the north, Elm Street to the south, the west right-of-way of the KWT Railroad to the east, and South 7th Street to the west in Calloway County, Kentucky.

(D) PRINCIPLES AND GUIDELINES

- (1)** Upon the effective date of this section, no person shall commence any development activity within the Historic District without obtaining a Certificate of Appropriateness certifying compliance with the Historic Design Guidelines, (refer to the City of Murray Historic Design Guidelines).
- (2)** The Historic Design Guidelines are not intended to discourage development or to dictate architectural design or style, but to encourage such development that contributes to the overall urban design quality of the district. These guidelines shall be the basis for evaluating applications for development proposals.

(E) ADMINISTRATION

- (1)** Responsibility for administering and implementing the Historic Design Guidelines is delegated to the Architectural Review Board, City Planning Staff and Murray Main Street, a nonprofit corporation pursuant to KRS Chapter 58.
- (2)** Each proposed development within the Historic District shall apply for a Certificate of Appropriateness. The application guidelines will be followed as described in the Architectural Review Board ordinance, §§ 32.65 through 32.69.

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EXHIBIT A

HISTORIC OVERLAY DISTRICT
BOUNDARIES

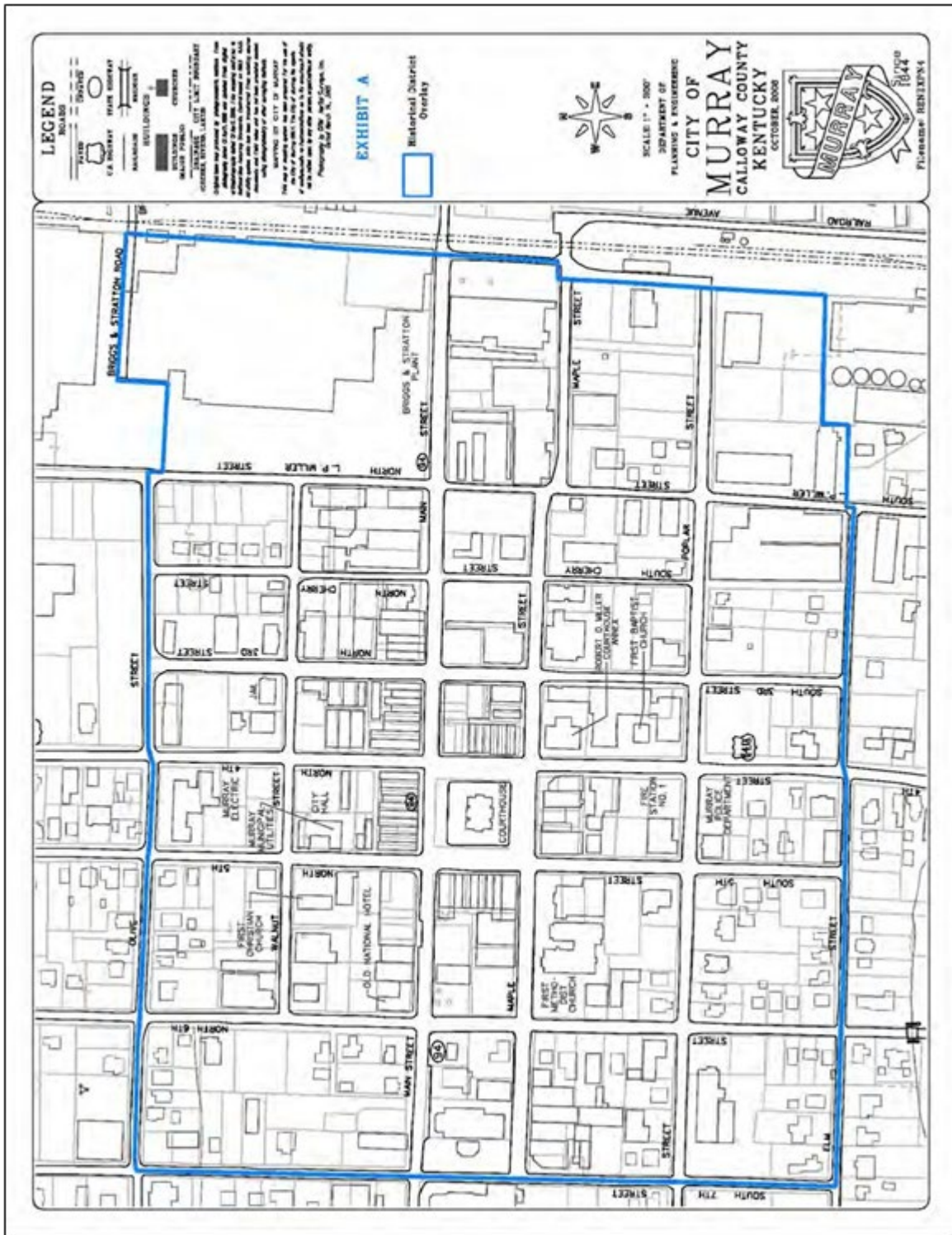
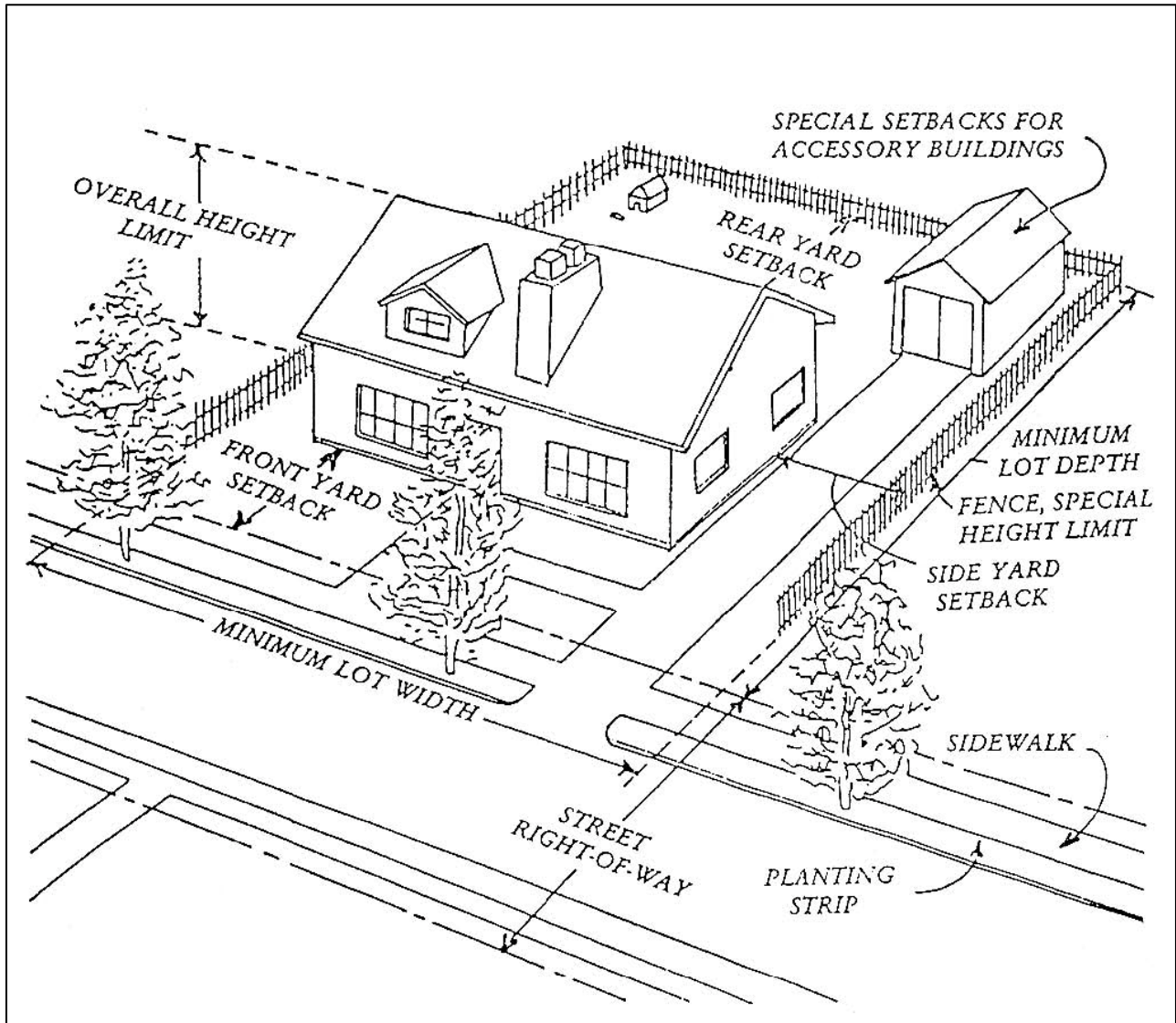


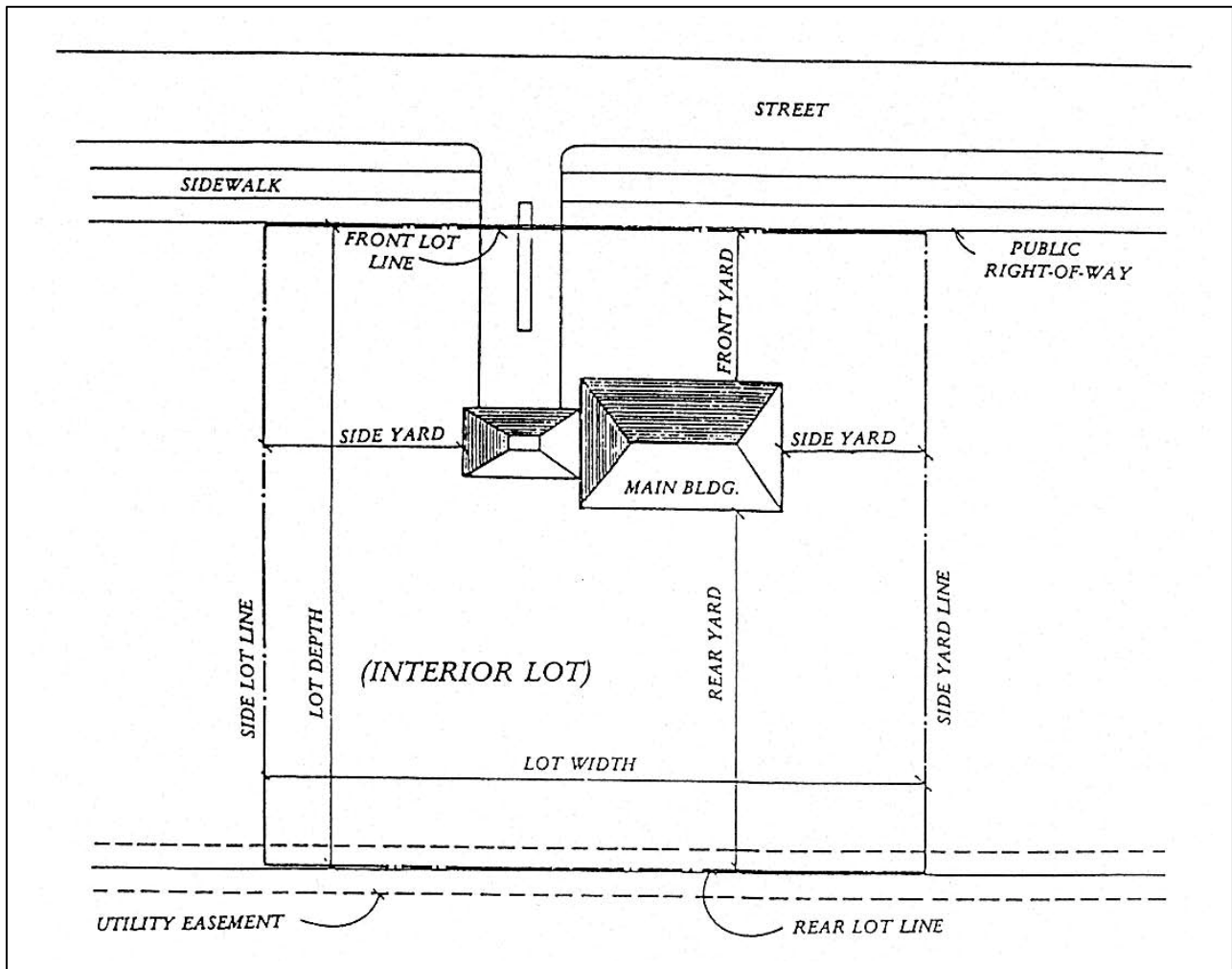
ILLUSTRATION NO. 2
APPLICATION OF ZONING REGULATIONS TO A RESIDENTIAL LOT



SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, ZONING FOR SMALL TOWNS AND RURAL COMMUNITIES.

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ILLUSTRATION NO. 3
LOT & AREAS



LOT AREA: TOTAL HORIZONTAL AREA

LOT COVERAGE: PERCENT OF LOT OCCUPIED BY BUILDING

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Chapter 156.045 | Use Classification Table

AG (Agricultural)			G (Government)									R-1 (Single Family)				
B-1 (Neighborhood Business)			I (Industrial)									R-2 (Single Family)				
B-2 (Highway Business)			PO (Professional Office)									R-3 & R-3A (Multi-Family)				
B-3 (Central Business)			F (Floodway)									R-4 (Multi-Family)				
B-4 (Medium Density)												R-5 (Multi-Family)				
Use Category	Specific Use Type	A G	B 1	B 2	B 3	B 4	F	G	I	P O	R 1	R 2	R 3	R 3A	R 4	R 5
P = Permitted Use C = Conditional Use *Specific Use Standards Apply																
RESIDENTIAL																
	Accessory Dwelling Unit	P*									C*	C*				
	Bed & Breakfast	C		P	P								C		C	C
	Fraternity or Sorority House							P							C	
	Home Occupation	P*									P*	P*	P*	P*	P*	P*
	Mobile Home Parks													C		
	Multi-Family	P*	C*	C*	C	C*			P*	C*	C*	C*	P		P	P
	Short-Term Rental				C						P	P	P	P	P	P
	Single Family	P	C*	C*	C	C*			P*	C*	P	P	P		P	P
COMMERCIAL																
Food and Beverage Establishment	Bar/Tavern		C	P	P	C										
	Food Sales (Bakery, etc.)		P	P	P	P										C
	Malt Beverage			P	P	P										
	Mobile Food Vendor		C	P	P	P			P							
	Package Sales			P	P	C										
	Restaurant No Drive-Thru		P	P	P	P										C
	Restaurant with Drive-Thru			P	C	C										C

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Zoning District Regulations

Chapter 156.045 | Use Classification Table

AG (Agricultural)				G (Government)						R-1 (Single Family)						
B-1 (Neighborhood Business)				I (Industrial)						R-2 (Single Family)						
B-2 (Highway Business)				PO (Professional Office)						R-3 & R-3A (Multi-Family)						
B-3 (Central Business)				F (Floodway)						R-4 (Multi-Family)						
B-4 (Medium Density)										R-5 (Multi-Family)						
Use Category	Specific Use Type	A G	B 1	B 2	B 3	B 4	F	G	I	P O	R 1	R 2	R 3	R 3A	R 4	R 5
P = Permitted Use C = Conditional Use *Specific Use Standards Apply																
COMMERCIAL																
Retail Sales and Service	Adult Oriented			C*					C*							
	Automotive Sales			P	P				C							
	Automotive Rentals			P	P				C							
	Automotive Repair Service			P	P				C							
	Automotive Washing			P	P				C							
	Consumer Service (general)		C	P	P	C			C							
	Consumer Service (outdoor storage)		C	P*	C	C			C							
	Convenience Store		P	P	P	P			C							
	Service (gas) Station		C	P	P	P			C							
	Drugstores		P	P	P	P			C							C
	Financial Services (banks, credit unions, etc.)		C	P	P	P			C							
	Funeral Services			P	P				C							
	Hotel-Motel			P	P				C							
	Indoor Entertainment			P	P				C							
Indoor Sports and Recreation								C								

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Zoning District Regulations

Chapter 156.045 | Use Classification Table

AG (Agricultural) B-1 (Neighborhood Business) B-2 (Highway Business) B-3 (Central Business) B-4 (Medium Density)				G (Government) I (Industrial) PO (Professional Office) F (Floodway)							R-1 (Single Family) R-2 (Single Family) R-3 & R-3A (Multi-Family) R-4 (Multi-Family) R-5 (Multi-Family)					
Use Category	Specific Use Type	A G	B 1	B 2	B 3	B 4	F	G	I	P O	R 1	R 2	R 3	R 3A	R 4	R 5
P = Permitted Use C = Conditional Use *Specific Use Standards Apply																
COMMERCIAL																
Retail Sales and Service Continued...	Kennel			P					C							
	Laundry Service		P*	P	P				C					C		C
	Medical Office		P	P	P	P			P	P						
	Office		P	P	P	P			C	P						
	Outdoor Entertainment	P					P*	P								
	Personal Improvement Services		C	P	P	C			C							
	Personal Services (barber and beauty shops, etc.)		P	P	P	P			C					C	C	C
	Pet Service (Veterinary, etc.)		P	P	P	P			C					C*		
	Photography Studio		P	P	P	P			C	P						
	Plant Nursery	P		C					C							
	Printing and Publishing		P	P	P	P			C							
	Recreational Equipment Sales			P					C							
	Scrap and Salvage Services (Junkyards)			C												
	Storage Buildings			P	C				P							

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Zoning District Regulations

Chapter 156.045 | Use Classification Table

AG (Agricultural) B-1 (Neighborhood Business) B-2 (Highway Business) B-3 (Central Business) B-4 (Medium Density)			G (Government) I (Industrial) PO (Professional Office) F (Floodway)							R-1 (Single Family) R-2 (Single Family) R-3 & R-3A (Multi-Family) R-4 (Multi-Family) R-5 (Multi-Family)						
Use Category	Specific Use Type	A G	B 1	B 2	B 3	B 4	F	G	I	P O	R 1	R 2	R 3	R 3A	R 4	R 5
P = Permitted Use C = Conditional Use *Specific Use Standards Apply																
COMMERCIAL																
Retail Sales and Service Continued...	Transient		C*	P*	P*	P*			P*							
	Theater			P			P*		C							
INDUSTRIAL																
Manufacturing	Basic								C*							
	Light								P*							
Non-Retail Sales and Service	Recycling Center								P*							
	Trucking Terminals								P*							
	Warehousing								P*							
	Wholesaling								P*							
AGRICULTURAL																
Farming and Stock Raising	Agritourism	P					P*	P								
	Animal Production	P					P*	P								
	Aquaponics System	P					P*	P								
	Crop Production	P					P*	P								
	Horticulture	P					P*	P								
CIVIC																
Public Service	Administrative Services							P								
	Aviation Facilities	C						P	P							
	Camp	P						P								
	Cemetery	C						P								
	Club or Lodge			P	P			P	C							

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Zoning District Regulations

Chapter 156.045 | Use Classification Table

AG (Agricultural) B-1 (Neighborhood Business) B-2 (Highway Business) B-3 (Central Business) B-4 (Medium Density)			G (Government) I (Industrial) PO (Professional Office) F (Floodway)									R-1 (Single Family) R-2 (Single Family) R-3 & R-3A (Multi-Family) R-4 (Multi-Family) R-5 (Multi-Family)				
Use Category	Specific Use Type	A G	B 1	B 2	B 3	B 4	F	G	I	P O	R 1	R 2	R 3	R 3A	R 4	R 5
P = Permitted Use C = Conditional Use *Specific Use Standards Apply																
CIVIC																
Public Service Continued...	College and University Facilities	P*						P								
	Communication Service Facilities							P								
	Community Events							P								
	Congregate Living							P							C	
	Convalescent Services							P							C	
	Convention Center							P								
	Counseling Services			P	P			P								
	Cultural Services	C	C	P	P	P		P								
	Day Care Services		P	P	P			P	C		C	C	C		C	C
	Detention Facilities							P								
	Health Care Facilities	C		P				P		C						
	Government-owned public corporations or agencies				P	P		P		P						
	Local Utility Services							P								
	Parks and Recreation Services	C		C	C	C	P*					C	C	C		
	Public Schools	P*						P					C	C	C	
Religious Assembly	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	
Safety Services							P									

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Chapter 156.045 | Use Classification Table

AG (Agricultural)			G (Government)									R-1 (Single Family)				
B-1 (Neighborhood Business)			I (Industrial)									R-2 (Single Family)				
B-2 (Highway Business)			PO (Professional Office)									R-3 & R-3A (Multi-Family)				
B-3 (Central Business)			F (Floodway)									R-4 (Multi-Family)				
B-4 (Medium Density)												R-5 (Multi-Family)				
Use Category	Specific Use Type	A G	B 1	B 2	B 3	B 4	F	G	I	P O	R 1	R 2	R 3	R 3A	R 4	R 5
P = Permitted Use C = Conditional Use *Specific Use Standards Apply																
PLANNED DEVELOPMENT PROJECT																
	PDP		C	C	C	C			C*	C		C*	C*	C	C	C
MEDICINAL CANNABIS																
	Medicinal Cannabis Dispensary			C	C				P							
	Medicinal Cannabis Producer								P*							
	Medicinal Cannabis Processor								P							
	Medicinal Cannabis Cultivator – Tier I	C							P							
	Medicinal Cannabis Cultivator – Tier II	C							P							
	Medicinal Cannabis Cultivator – Tier III								C							
	Medicinal Cannabis Cultivator – Tier IV								C							
	Medicinal Cannabis Safety Compliance Facility								P							

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Chapter 156.050 | Signs

(A) GENERAL

- (1) **Intent.** It is the intent of this section to regulate signs. A permit for the installation of any sign is required unless otherwise provided for in this section. Permits must be obtained from the Zoning Official before installation of any type of sign. Failure to obtain a permit can result in the Zoning Official having the sign removed at the owner's expense. If the owner fails to pay for such removal, the city may attach a lien to the lot on which the sign is located.
- (2) **Purpose.** Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. This section regulates all signs within the city to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare. The sign regulations of this section are intended to balance the following differing, and at times, competing goals:
 - (a) To support the desired character of the city, as expressed in adopted plans, policies, and regulations;
 - (b) To promote an attractive visual environment;
 - (c) To encourage the effective use of signs as a means of communication for businesses, organizations, and individuals;
 - (d) To provide a means of way-finding for visitors and residents;
 - (e) To provide for reasonable business identification, advertising, and communication;
 - (f) To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners, and visitors;
 - (g) To protect the safety and welfare of the public by minimizing hazards for motorized and non-motorized traffic;
 - (h) To minimize the possible adverse effects of signs on nearby public and private property;
 - (i) To provide broadly for the expression of individual opinions through the use of signs on private property; and
 - (j) To ensure that the constitutionally guaranteed right of free expression is protected.
- (3) **Scope and applicability.** All signs within the city are subject to the regulations of this section and all other applicable provisions of this chapter.
- (4) **Content neutrality.** Any sign permitted under this code shall allow the communication of information for commercial and non-commercial purposes without regulating the content, as long as the sign complies with all size, height, and location, as well as other applicable requirements of this code, and does not bear or contain statements, words, or pictures of obscene or pornographic subjects.
- (5) **General rules for reading and applying the language of this section.** Regulations are no more strict than stated. It will be up to the Zoning Official and/or designee to comprehend the code and apply it. The action of the Code Enforcement Officer is final unless appealed as provided in subsection (L) (2).

- (6) **Hierarchy of regulations.** Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this chapter, the most restrictive applies.
- (7) **Severability.** If any word, sentence, section, chapter, or any other provision or portion of this code or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect

(B) PERMIT REQUIREMENTS, PROCEDURES, AND FEES

- (1) **Permit required.** Unless a particular sign is exempt from the permit requirement under an explicit provision of this section or other applicable law, then a permit for such sign is required.
- (2) **Replacements.** If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements enumerated herein.
- (3) **Maintenance.** If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.
- (4) **Relocation of signs.** If any sign is removed from one location and erected at a new location, a new permit shall be obtained.
- (5) **Alteration.** Alteration or enlargement of any sign shall require a permit the same as for a new sign.
- (6) **Application.** No permit shall be granted until and after an application has been filed with the designated Zoning Official, showing the plans and specifications, including dimensions, materials, and details of construction of the proposed structure and meeting all provisions of this section.
- (7) **Application form.** The Zoning Official shall prepare and provide a form to be used as an application for a sign permit. The same form may constitute a permit, when duly approved. Multiple signs may be listed on a single permit only when they are all on the same lot or parcel.
- (8) **Information on application.** The sign application form may call for disclosure of any of the following information, but not limited to:
 - (a) Name and contact information for the applicant, and if separate, the name, address, and consent of the property owner;
 - (b) Street address;
 - (c) A site plan and/or building elevations showing the location of the proposed sign(s) on the lot and/or building, including setbacks; and
 - (d) Detailed sign information including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting, and other similar information. The content of the message or speech displayed on the sign shall not be considered when approving or denying a sign permit; however, the content must be submitted to evaluate the sign copy area. See subsection (A) (4) for more information.
- (9) **Incompleteness.** Initial review of an application will be for the purpose of determining if the application is complete. If the application is found incomplete, written notice thereof will be given within seven (7) business days of submission, detailing the points of incompleteness, provided contact information has been provided. Notice is deemed effective when mailed, emailed, or personally delivered. After notice of incompleteness, the applicant shall have ten

(10) business days in which to resubmit the application, with all noticed items of incompleteness corrected. Upon timely re-submission, a new application fee is not required.

(10) Time for decision. The Zoning Official shall render a decision on each complete sign permit application within ten (10) business days of when the application was complete.

(11) Noncompliance with permit. All signs must conform to the requirements of that permit and all other applicable laws. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this section. The owner or agent shall be given a two (2) week notice to remove the sign or correct the error. Any noncomplying sign which is not removed or corrected within the required time shall be deemed a public nuisance and a violation of the zoning regulations, and may be abated in the same manner as any public nuisance or zoning regulation violation.

(12) Fees. Upon enactment of this section, future changes of fee schedules will be reviewed and set by the City Financial Committee and City Council. The current fee schedule is as follows:

- (a)** Freestanding or monument style sign: \$50;
- (b)** Wall signage: \$50;
- (c)** Temporary signage as described in subsection (D) (6): \$10; and
- (d)** Changeable copy sign in addition and incorporated into a freestanding or monument style sign: \$50.

(C) SIGN REGULATIONS IN RESIDENTIAL DISTRICTS

(1) Applicability.

The regulations of this section apply to signs in residential districts.

(2) Signs allowed.

The following signs are allowed in residential districts in addition to any signs allowed pursuant to subsection (H) (1). On-premise roof signs, on-premise projecting signs, and all off-premises outdoor advertising signs are prohibited in residential districts.

(a) Apartments/condo buildings and neighborhood and subdivision identification signs.

- 1.** Lots occupied by one (1) or more apartment/condo buildings with at least five (5) units are allowed a maximum of one (1) freestanding sign per street frontage and a maximum of one (1) wall sign per building. Wall signs may not exceed thirty-two (32) square feet.
- 2.** Residential neighborhoods and residential subdivisions are allowed up to two (2) freestanding signs at each street entrance to the neighborhood or subdivision. Manufactured housing parks are allowed a single freestanding sign at each street entrance to the neighborhood or subdivision; and
- 3.** The freestanding signs allowed by this section may not exceed thirty-two (32) square feet in area. Maximum height may not exceed eight (8) feet.

(b) Non- residential uses. The following regulations apply to all principal non-residential uses in residential districts.

- 1. Wall signs.** Non-residential uses in residential districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed thirty-two (32) square feet in area. Home occupations are only allowed one (1) non-illuminated wall sign, not to exceed four (4) square feet in area.

2. **Freestanding signs.** Non- residential uses in residential districts are allowed a maximum of one (1) freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of eight (8) feet and may not exceed 32 square feet in area. Home occupations are prohibited from having a freestanding or monument sign.
3. **Changeable copy signs.** All electronic, digital, or dynamic display unit message boards are prohibited in residential districts. However, electronic reader boards may be allowed on a lot occupied by a permitted religious place of worship with approval of a conditional use permit by the Board of Zoning Adjustments, in residential districts. Electronic reader boards are subject to the following criteria:
 - A. All electronic, digital, or dynamic display unit message boards shall only be allowed as an incorporated part of a freestanding or monument type sign. Size will be calculated as part of the total square footage of the sign as a whole. It shall not exceed 30% of sign area. The overall sign face including the electronic reader board shall not exceed thirty-two (32) square feet in size;
 - B. Such technology shall be programmed so that the single message or image on the sign changes no more often than every two (2) seconds, with all messages or segments to be displayed within a total of thirty-two (32) seconds;
 - C. There shall be no effects of blinking, flashing, scintillation, or similar effects in the individual images;
 - D. Light monitors shall be installed, and shall at all times allow such monitors to automatically adjust the brightness level of the message board based on ambient light conditions; and
 - E. The maximum brightness level of all electronic, digital, or dynamic display unit message boards may not exceed 7,000 nits (candelas per square meter) during daylight hours or 1,000 nits between dusk and dawn (the time between sunset and sunrise); and shall only be operated between the hours of 7:00 a.m. and 7:30 p.m. unless otherwise expressly approved through the conditional use permit

(D) SIGN REGULATIONS IN BUSINESS DISTRICTS

(1) Freestanding Signs

Only one (1) freestanding business sign shall be permitted with the size to be determined as follows:

Table 1

Total Street Frontage in Linear Feet	Square Footage of Sign Allowed
Up to 60 lf	Up to 30 sf
61 lf to 80 lf	Up to 40 sf
81 lf to 100 lf	Up to 50 sf
101 lf to 120 lf	Up to 60 sf
121 lf to 140 lf	Up to 70 sf
141 lf to 160 lf	Up to 80 sf
Maximum size specifications are not to exceed 80 square feet or 24 feet in height from the average grade level of the lot frontage. Refer to section (K) for rules of measurement.	

(2) **Monument Sign Corridor**

- (a) **Compliance requirement.** Monument type signs shall be required on the monument sign corridor in place of freestanding signs along 12th Street from the southern city limits to the northern city limits and along Highway 121 Bypass North at the intersection of 12th Street, known as US Highway 641, to the western city limits. Freestanding signs existing on August 24, 2006 will be allowed to remain under the terms of section (I).
- (b) **12th Street and 121 North Bypass.** Only one (1) monument type sign shall be permitted with the size to be determined as follows:
1. Not to exceed eighty (80) square feet in area, excluding base;
 2. Overall height shall not exceed fourteen (14) feet;
 3. All monument type signs in grassy areas shall be placed in a landscaped area;
 4. Columns shall not exceed thirty (30) inches in width or depth. The base and columns shall be excluded when determining size; and
 5. Refer to section (K) for rules of measurement.
- (c) **Frontage road.** Only one (1) monument type sign shall be permitted with the size to be determined as follows:
1. Not to exceed 120 square feet in area, excluding base;
 2. Overall height shall not exceed twenty (20) feet;
 3. All monument type signs in grassy areas shall be placed in a landscaped area;
 4. Columns shall not exceed thirty (30) inches in width or depth. The base and columns shall be excluded when determining size; and
 5. Refer to section (K) for rules of measurement.

(3) **Wall Signs**

- (a) One (1) wall sign shall be permitted for each tenant or lessee space, on the facade of the building with the size to be determined as follows:

Table 2

Square Footage of Facade	Square Footage of Sign Allowed
Up to 500 sf	Up to 38 sf
501 sf to 600 sf	Up to 45 sf
601 sf to 700 sf	Up to 55 sf
701 sf to 800 sf	Up to 65 sf
801 sf to 1000 sf	Up to 80 sf
Over 1,000 sf will be calculated as follows: up to 8 % of the square footage of the façade of the building.	

- (b) Single tenant buildings or tenants with double frontage lots, corner lots, or outer walls will be allowed one (1) additional wall sign for each side and rear facade with size to be calculated as stated above.

- (c) Wall signs that are placed on the rear and/or side facade and share a property line with an existing residential use or residentially zoned vacant lot or lots shall not be externally or internally illuminated.
- (d) The total area of a canopy sign will be determined in conjunction with the allowable wall signage for each.

(4) Central Business District

Only one (1) wall sign or projecting sign is allowed where the right-of-way does not permit a freestanding sign.

- (a) A wall sign shall not exceed sixty (60) square feet;
- (b) A projecting sign shall be permitted, provided it does not exceed a surface area of twelve (12) square feet;
- (c) A projecting sign shall be at least nine (9) feet above ground level, but shall not project above the roof or parapet line;
- (d) The front edge of a projecting sign must not project closer than two (2) feet inside the street curb; and
- (e) Wall signs must be flush-mounted on flat surfaces in such a way that they do not destroy or conceal architectural features or details.

(5) Changeable Copy Sign Regulations

Automatic changeable copy signs shall be allowed in all business districts where freestanding or monument signs are permitted, except where frontage lots are adjacent to residential and/or agricultural districts. Automatic changeable copy signs are not permitted in rear lots unless approved by the Board of Zoning Adjustments.

- (a) All electronic, digital, or dynamic display unit message boards shall only be allowed as an incorporated part of a freestanding or monument type sign. Size will be calculated as part of the total square footage of the sign as a whole. It shall not exceed 40% of sign area;
- (b) Such technology shall be programmed so that the message or image on the sign changes no more often than every two (2) seconds, with all messages or segments to be displayed within a total of thirty-two (32) seconds;
- (c) There shall be no effects of blinking, flashing, scintillation, or similar effects in the individual images;
- (d) Light monitors shall be installed and shall at all times allow such monitors to automatically adjust the brightness level of the message board based on ambient light conditions;
- (e) The maximum brightness level of a dynamic display may not exceed 7,000 nits (candelas per square meter) during daylight hours, or 1,000 nits between dusk and dawn (the time of day between sunset and sunrise);
- (f) All existing and proposed changeable copy, electronic, digital, or dynamic display unit message boards shall come into compliance with the regulations of this section within twenty-eight (28) business days of adoption of this section, except where exempt for size that was previously granted by the Board of Zoning Adjustments; and

- (g) Shopping centers or development complexes with a minimum of five (5) tenants are allowed a maximum of sixty (60) square feet for a changeable copy, electronic, digital, or dynamic display unit message board to be calculated as part of the total square footage and shall only be allowed as an incorporated part of the monument type sign.

(6) Temporary Signs

The following non-illuminated temporary signs are permitted in all business districts with approval of a sign permit.

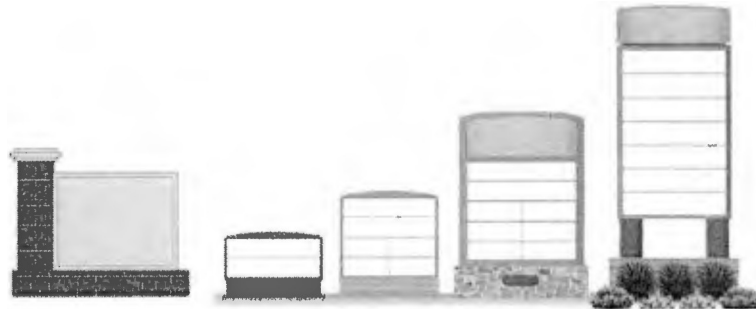
- (a) One (1) a-frame sign or t-frame sign may be allowed for each business to be located no further than ten (10) feet away from the business door entrance, limited to three (3) feet in height by two (2) feet in width, each permit allowed for no longer than one (1) year. The sign may not block sidewalk traffic or traffic visibility, and may only be put out during business hours. An annual temporary permit fee is required.
- (b) One (1) banner per parcel, not to exceed thirty-two (32) square feet or six (6) feet in height may be allowed for fourteen (14) days, per sign permit and up to 180 days per year. Temporary sign fees apply.
- (c) Pole banners may be allowed in private parking lots on existing light poles that are privately owned by the property owner, with prior approval from the property owner. Pole banners are not to exceed six (6) square feet in area. An annual temporary permit fee is required.

(7) Consolidated Signs

Shall be permitted in the B-2 (Highway Business District) subject to the following provisions:

- (a) A shopping center with a minimum three (3) acres and a minimum of five (5) tenant spaces located in a unified building or group of buildings on a single lot of record shall be allowed one (1) consolidated monument type sign.
- (b) A commercial development complex with a minimum of five (5) acres and a minimum of seven (7) tenants shall be allowed one (1) consolidated monument type sign located upon any lot within the approved final development plan. However, no consolidated sign for a development complex shall be permitted on a servient lot without first having established an easement by plat on the lot where the sign is to be located. Additionally, provisions must be included for the maintenance, landscaping and removal of sign.
- (c) A consolidated sign for a commercial development complex shall not be considered an offsite sign.
- (d) A consolidated sign shall not preclude an otherwise permissible sign upon the same lot, so long as the sign be located no closer than seventy-five (75) feet to the consolidated sign.
- (e) Consolidated signs will be permitted with the following provisions:
 - 1. Monument type;
 - 2. Not to exceed two hundred (200) square feet in area, excluding base;
 - 3. Overall height shall not exceed twenty-four (24) feet;
 - 4. All signs shall be placed in a landscaped area;
 - 5. Refer to section (k) for rules of measurement.

Examples for regular monument signs and shopping centers:



(E) SIGN REGULATIONS IN PROFESSIONAL OFFICE DISTRICTS

The following regulations for non-illuminated, indirectly illuminated, or directly illuminated signs shall apply:

- (1)** Wall signs shall not exceed thirty-six (36) square feet in area. One (1) wall sign per façade;
- (2)** One (1) freestanding or monument style sign shall not exceed thirty-six (36) square feet in area;
- (3)** A freestanding or monument style sign shall not exceed ten (10) feet in height; and
- (4)** Refer to section (K) for rules of measurement.

(F) SIGN REGULATIONS IN INDUSTRIAL DISTRICTS

The following regulations for non-illuminated, indirectly illuminated, or directly illuminated signs shall apply:

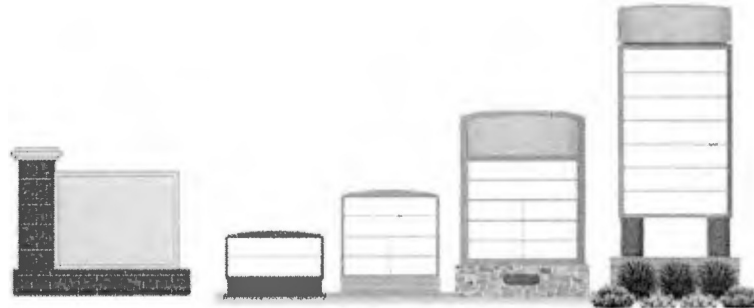
- (1)** Wall signs shall not exceed 8% of the square footage of the façade of the building. One (1) wall sign per façade;
- (2)** One (1) freestanding or monument style sign shall not exceed eighty (80) square feet in area;
- (3)** A freestanding or monument style sign shall not exceed twenty-four (24) feet in height
- (4)** Refer to section (K) for rules of measurement; and
- (5)** An industrial development complex with a minimum of ten (10) acres and a minimum of five (5) tenants shall be allowed one (1) consolidated monument type sign located upon any lot within the approved final development plan. However, no consolidated sign for a development complex shall be permitted on a servient lot without first having established an easement by plat on the lot where the sign is to be located. Additionally, provisions must be included for the maintenance, landscaping and removal of sign.
- (6)** A consolidated sign for an industrial development complex shall not be considered an offsite sign.
- (7)** A consolidated sign shall not preclude an otherwise permissible sign upon the same lot, so long as the sign be located no closer than seventy-five (75) feet to the consolidated sign.

Consolidated signs will be permitted with the following provisions:

- 1.** Monument type;
- 2.** Not to exceed two hundred (200) square feet in area, excluding base;

3. Overall height shall not exceed twenty-four (24) feet;
4. All signs shall be placed in a landscaped area;
5. Refer to section (k) for rules of measurement.

Examples for regular monument signs and shopping centers:



(G) SIGN REGULATIONS IN AGRICULTURAL DISTRICTS

The following regulations for non-illuminated, indirectly illuminated, or directly illuminated signs shall apply:

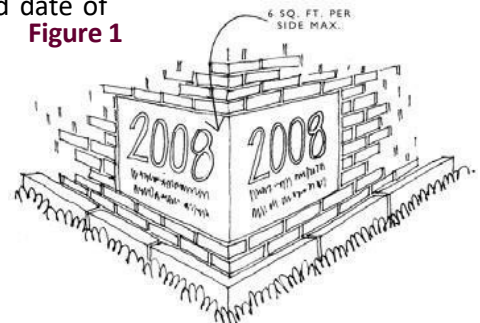
- (1) Wall signs shall not exceed twelve (12) square feet in area. One (1) wall sign per façade;
- (2) One freestanding sign shall not exceed thirty-two (32) square feet in area;
- (3) A freestanding sign shall not exceed eight (8) feet in height; and
- (4) Refer to section (K) for rules of measurement.

(H) EXEMPT AND PROHIBITED SIGNS

(1) Exempt signs.

- (a) The following signs or sign-like devices are allowed in all zoning districts without a permit, except where stated otherwise. Signs subject to this section shall conform to the requirements specified below:

1. Address numbers used for the purpose of identifying the address of any building shall not be counted toward allowed sign area;
2. Detached signs smaller than four (4) square feet in area and less than three (3) feet in height, and containing no commercial message or logo (for example, “enter” or “exit” signs);
3. Cornerstones, foundation stones, and memorial signs or tablets displaying the names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or other incombustible material, provided that no such sign shall exceed six (6) square feet in area nor shall any such sign be separately illuminated;



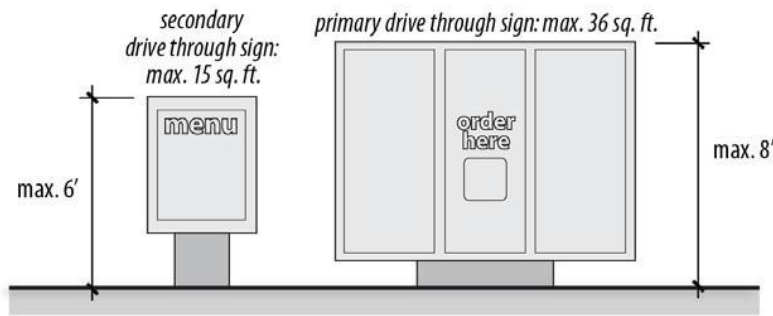
4. Commercial business window signage shall not exceed 25% of the window area to which they are affixed. Refer to section (K) for rules of measurement;
 5. Any official sign, informational, directional sign, or historic marker erected by a public agency;
 6. Signs on vehicles which are regularly used in the operation of a business;
 7. Signs required by local ordinance, state, or federal statute;
 8. Signs required by an order of a court of competent jurisdiction;
 9. The flag or insignia of any nation, state, or city. Height restrictions are subject to each zoning district regulation for each individual lot;
 10. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from a private or public property other than the property on which it is located; and
 11. Murals and artistic renderings may be permitted in all non-residential zones, with prior approval from the Board of Zoning Adjustments.
- (b) The following non-illuminated temporary signs are permitted in all zoning districts without a sign permit, except where stated otherwise. Signs subject to this subsection shall conform to the requirements specified below:

Table 3

ZONING DISTRICTS	Residential	Non-Residential
Maximum Number of Signs Per Parcel	6	3
Maximum Sign Area Per Sign	8 sq. ft.	12 sq. ft.
Maximum Sign Height	4 ft.	6 ft.
Minimum Setback/ Distance from Right of Way	10 ft.	10 ft.

1. Any temporary sign per parcel shall be located at least five (5) feet away from another temporary sign.
 2. Materials of temporary signs shall be consistent with sign industry standards and in compliance with section (J).
 3. All temporary signs shall comply with the requirements of subsection (H) (2).
- (c) In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such a device is less than thirty-six (36) square feet in area and less than eight (8) feet in height for the primary sign. Secondary signs shall not exceed fifteen (15) square feet in area or six (6) feet in height. Menu boards existing prior to October 1, 2018 will be allowed to remain under the terms of section (I).

Figure 2



(2) Prohibited.

Unless specifically authorized by another subsection of this Zoning Code, or by other law, the following sign types are prohibited at all times in all zones:

- (a) Billboards;
- (b) Portable signs, including folding portable signs and flashing portable signs;
- (c) Mobile signs or trailer signs;
- (d) Pennants, streamers, or signs that move, rotate, or flap, or inflatable signs, and similar devices. This includes feather, teardrop, angled, or rectangle flags;
- (e) Flashing or blinking signs;
- (f) Signs attached to any tree, fence, or utility pole;
- (g) Illuminated signs within fifty (50) feet of any residential zoning district;
- (h) Signs attached to or painted on licensed motor vehicles or trailers which are parked for long periods of time, which are not operational, and/or which are not regularly used in the operation of a business at the same location where the vehicle is most frequently parked. For purpose of this subsection, a "long period of time" shall be a continuous period of thirty (30) days or separate periods that total forty (40) days or more out of any 60-day period;
- (i) Signs painted directly on the wall of a building, except those stated in subsection (H) (1);
- (j) Offsite signs. Signs displaying off-site commercial messages, except those stated in subsection (H) (1); subsection (D) (7); and subsection (F) (5).
- (k) Obstructing signs. Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;
- (l) Roof signs. Signs for which a separate structure is mounted on a roof or parapet; this provision does not prevent signs which are integral to the building;
- (m) Clearance. Signs located nearer than eight (8) feet vertically, or four (4) feet horizontally from overhead electric wires or conductors, and/or refer to local governing body for electrical to meet precise requirements of the National Electric Code;



Figure 3



Figure 4

- (n) Blocking. Signs that obstruct any fire escape, required exit, window, or door opening used as a means of egress;
- (o) Annoyances. Signs which are or which have become nuisances by virtue of light reflection or diffraction, glare, focus, noise, smoke, fumes, animation, flashing, or intensity of illumination, when any such feature, without regard to the message displayed on the sign, is unduly disturbing to surrounding properties or to the public generally;
- (p) Encroachments. Signs which are mounted or displayed on public property or the public right-of-way, or which project over, into, or above the public right-of-way; and
- (q) Setback. Signs mounted so that any portion of the physical structure encroaches the required setback.

(I) NON-CONFORMING SIGNS

Non-conforming signs in place prior to October 1, 2018 may remain subject to the following provisions:

- (1) Non-conforming signs must be maintained in good repair and safe condition, in accordance with section (K). No permits may be issued for upgrades or modifications to non-conforming signs;
- (2) If a sign is non-conforming by reason of restrictions on its brightness or illumination, or its use of strobe or beacon lights, the sign must be immediately removed or made to conform within twenty-eight (28) business days;
- (3) If a non-conforming sign is damaged or partially destroyed to the extent of more than 50% of its replacement cost at the time of damage, the sign must be removed or made to conform to all applicable regulations within ninety (90) days of the date of the damage or destruction. The building inspector may make a determination on what exceeds 50% of replacement cost;
- (4) If a business is discontinued, any non-conforming sign that exists must be removed within twenty-eight (28) business days. Any new business occupying the same location must conform to the regulations of this section.

(J) DESIGN, CONSTRUCTION, and MAINTENANCE

(1) Design and construction.

- (a) All signs and sign structures shall be constructed of materials of sufficient strength and quality to withstand weathering or deterioration by wind, moisture, and other natural elements, and shall be maintained in a state of good repair with all braces, bolts, supporting framework, fastenings, letterings, and design work free from deterioration.
- (b) Signs shall not be lettered in an unprofessional fashion.
- (c) All signs shall comply with applicable provisions of the most current Kentucky Building Code.
- (d) All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind pressure.
- (e) All permanent signs must be located at least ten (10) feet away from all property lines and/or public rights-of-way. No temporary sign may be located within the public right-of-way.
- (f) Freestanding or monument signs in grassy areas shall be constructed with landscaped areas around the entire sign.

- (g) A sign containing wood in its structure, face, frame, or any part thereof, shall be painted or stained.
- (h) Any property owner that owns or rents a property to a business that is no longer occupying the premises where a business sign is located shall have the sign removed within twenty-eight (28) business days after the closing of the business. The wall where the sign was removed shall be repaired or repainted to match the rest of the building within ninety (90) days of the business closing. Panels of a free-standing or monument sign shall be removed and replaced with a blank panel within this same twenty-eight (28) day period. The display of a changeable copy sign shall be turned off. The frame of a free-standing sign or monument sign may stay in place up to twelve (12) months. After this twelve (12) month period, the frame and any supporting pole(s) shall be removed.

(2) Maintenance.

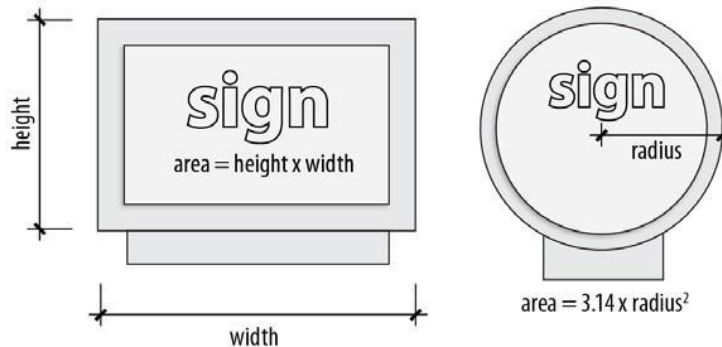
- (a) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with these regulations at all times.
- (b) All signs must be maintained in good condition at all times and the Zoning Official or designee, and/or Code Enforcement Official shall have the authority to order the repair, repainting, alteration, or removal of any sign which is a nuisance to the community by reason of dilapidation, obsolescence, or inadequate maintenance.

(K) RULES OF MEASUREMENT

(1) Sign area.

The area of a sign enclosed in a frame or cabinet whether freestanding, monument or wall sign is determined based on the outer dimensions of the continuous perimeter surrounding the sign face. Area = $H \times W$ or Area = $3.14 \times \text{radius}^2$.

Figure 5



(2) **Channel (individual) letter signs.**

The area of a sign comprised of individual letters or elements attached to a building wall or window is determined by calculating the area of the smallest geometric figure that can be drawn around the letters and/or elements. Signs consisting of individual letters and/or elements will be measured as one sign. Below is an example of such measuring rules.

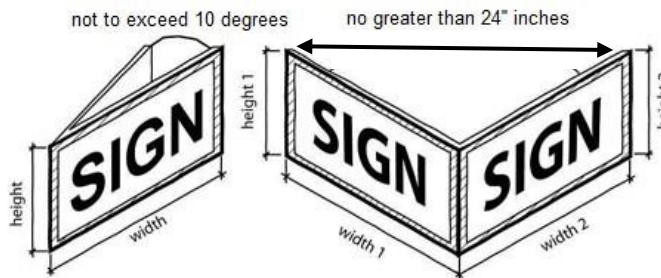
Figure 6



(3) **Multi-sided signs.**

When the sign faces of a multi-sided sign are parallel or within ten (10) degrees or twenty-four (24) inches of parallel, only one (1) side is counted for total sign area. If the sign faces are not parallel or within ten (10) degrees or 24 inches of parallel, all sign faces are counted for total sign area.

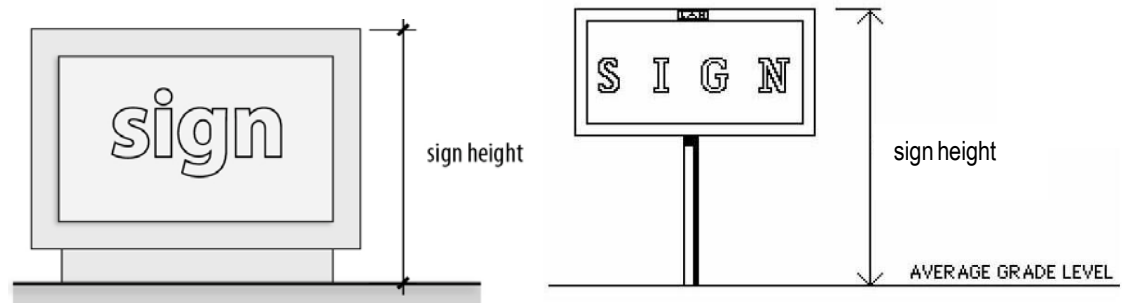
Figure 7



(4) **Sign height.**

The height of a sign shall be computed as the distance from bottom of the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the average grade level of lot frontage after construction.

Figure 8

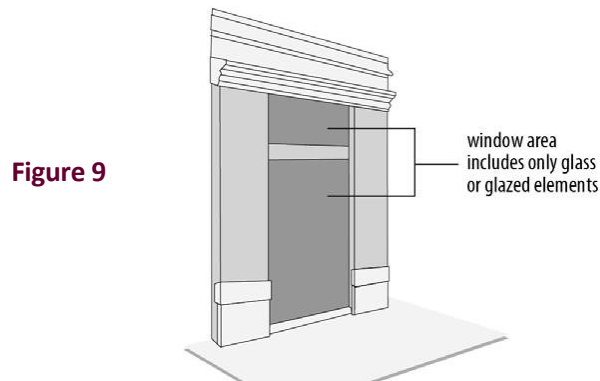


(5) Illumination and luminance.

Sign illumination in foot-candles is measured two (2) feet from the sign face. For the purpose of verifying compliance with maximum brightness level limits expressed in nits, brightness levels must be measured with the dynamic display set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.

(6) Window area.

The area of a window includes only the glass or glazed elements of the window. Frames, mullions, and similar features are not counted as part of the window area.



(L) VIOLATIONS and APPEALS

(1) Violations.

- (a)** This section shall be enforced under the provisions of Chapter 40. Any person who so violates this section or fails to comply with any of its requirements including the compliance with any official notice of violation, shall be subject to a fine as detailed in § 40.39.
- (b)** The following are examples of violations; however, this list is not all- inclusive:
- 1.** To install, create, or erect any sign requiring a sign permit without such permit;
 - 2.** To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoned lot on which the sign is located;
 - 3.** To fail to remove any sign that is installed, created, or erected in violation of this section, or for which the sign permit for such sign has lapsed; and/or
 - 4.** To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Zoning Code. A separate civil fine shall be assessed for each day a violation continues.

(2) Appeals.

(a) Appealing a Zoning Official's action or decision.

Appeals to the Board of Zoning Adjustments may be made by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Official. Such appeal shall be made within 30 days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was made and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance and all shall be given the opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Official at least one week prior to the hearing, and shall decide it within 60 days. The affected party may appear at the hearing in person or be represented by an attorney.

(b) Notice of violation appeals. Refer to § 40.35 for further information.

Chapter 156.051 | Manufactured/Mobile Home Regulations

(A) INTENT

The intent of this section of the zoning code is to provide for the use of mobile homes and mobile home parks within the city. It is intended to provide a blend between dwellings and mobile homes such that neither will create a nuisance to the other. Because of their unusual characteristics, mobile homes pose special problems in the application of land use control techniques and require special consideration as to their proper location and character in relation to adjacent uses and to the development of the community, and use to the circumstances and conditions under which each use may be permitted. The standards contained in this provision represent an attempt to provide adequate protection for, and consideration of, both the community and the mobile home dweller.

(B) PURPOSE

The following regulations are provided for the purposes outlined above:

- (1) **Mobile home parks.** Mobile home parks may be permitted only in those zoning districts where they are designated as a conditional use under the zoning district regulations. A mobile home park shall be defined as used in KRS 219.320 (5) "mobile home parks." All mobile home parks shall conform with all provisions of KRS 219.310 to 219.410 and shall conform with all applicable provisions of this zoning code.
 - (a) Plat. A plat shall be submitted to the zoning official along with the conditional use permit application. The plat shall conform with the Department for Human Resources, Bureau for Health Services (902 KAR 15.010 - effective date 2/5/75).
 - (b) Uses. The premises of a mobile home park shall be used for mobile homes and those accessory buildings and uses specifically designated in the approved conditional use permit only.
 - (c) Compatibility. The tract of land must be suitable for a mobile home park by virtue of its location, shape, topography, and the nature of surrounding development.
 - (d) Screening. A landscaped separation strip at least five feet in width shall be provided along all property lines and public streets on which the project is located. The Board of Zoning Adjustments may also require that the mobile home park be permanently screened from adjoining and contiguous properties by a wall, fence, evergreen ridge, and/or other approved enclosures. Such screening, if required, shall conform to the screening section of this chapter and be located within the required separation strip.
 - (e) Construction permit required. The zoning official shall not issue a building permit for an approved mobile home park until the applicant presents a valid construction permit from the State Department of Health as required by KRS 219.350, and has agreed in writing to the conditions imposed by the Board of Zoning Adjustments.
 - (f) Operators permit required. The zoning official shall not issue a certificate of occupancy for an approved mobile home park until the applicant presents a valid operator's permit from the State Department of Health as required by KRS 219.330, and has fulfilled all conditions imposed by the Board of Zoning Adjustments.
 - (g) Existing mobile home parks. All existing mobile home parks legally operating within the corporate limits of the city at the time of the passage of this chapter may continue to operate as existing nonconforming structures and uses, but shall be required to maintain a valid operating permit as required under KRS 219.340, and shall not expand or intensify their use without bringing such mobile home into compliance with this Chapter.

(2) Classification of manufactured/mobile homes.

(a) The following classification standards apply:

- 1.** Class A. A manufactured home certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, Residential and Commercial Designed Home Placed on a Permanent Foundation.
- 2.** Class B. A manufactured/mobile home certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, standard Designed Home Placed on a Temporary or Permanent Foundation.
- 3.** Class C. A manufactured/mobile home unit built before the HUD Code (1976).

(b) Permitted placement.

- 1.** The establishment, location, and use of a Class A manufactured home as a permanent structure approved individually, by specific materials, or by design, shall be permitted in any district permitting a dwelling unit, or commercial building, subject to the requirements applying to residential uses and commercial uses in the district and provided the structure shall meet the exterior appearance standards, as hereinafter set forth in subsection C. A building permit shall be required for all applications for use. Applications for approval shall be submitted to the Department of Planning and Engineering on such forms as they may require to make a determination.
- 2.** The establishment, location, and use of a Class B and C manufactured homes as a permanent residence approved individually by specific materials, or by design, shall be permitted subject to the requirements of this code only in R-3A zones in mobile home parks approved as conditional uses.
- 3.** Temporary placement for emergency situations. The Zoning Official shall have the authority to allow the placement of manufactured/ mobile homes as an accessory to or temporary replacement of a structure in all zones, except in residential zones. The Zoning Official shall grant such authority only on a temporary basis in hardship cases for a period not to exceed ninety (90) days. Any request for a time period exceeding ninety (90) days or for an extension of a previously granted request shall be submitted to the Planning Commission for approval.

(c) Exterior Appearance Standards.

- 1.** Residential. Class A Manufactured Homes for residential purposes shall:
 - a.** Meet all requirements for lot, yard, building, and other requirements for the district in which it is located.
 - b.** Be placed on a permanent foundation.
 - c.** Be anchored to a solid continuous foundation of concrete, concrete blocks, or other permanent materials.
 - d.** Be anchored to the ground in accordance with the manufacturer's specifications.
 - e.** Have all wheels, axles, and hitch mechanisms removed.

- f.** Have utilities connected in accordance with the manufacturer's specifications.
 - g.** Have siding material which looks like the type used on site-constructed residences.
 - h.** Have a pitch roof of not less than one (1) foot of rise for each four (4) feet of horizontal run and have roofing material of a type used on site-constructed residences. Eaves with a minimum of six (6) inch overhang must be provided.
 - i.** Have a minimum width of the main body as assembled on the site of not less than twenty (20) feet measured across the narrowest portion.
 - j.** The home shall appear to face the public street.
 - k.** Have a living area with the square footage generally compatible to similar site-built housing in the vicinity.
 - l.** Disputes involving the Department of Planning and Engineering and an applicant concerning the design and construction compatibility of a unit to be located on a particular site shall be resolved by the Planning Commission prior to placement of said unit on the site.
- 2.** Commercial. Class A Manufactured Homes for all business, industrial, professional office and agricultural zoning districts shall.
 - a.** Meet all requirements for lot, yard, building, and other requirements for the district in which it is located.
 - b.** Be placed on a permanent foundation.
 - c.** Be anchored to a solid continuous foundation of concrete, concrete blocks, or other permanent materials.
 - d.** Be anchored to the ground in accordance with the manufacturer's specifications.
 - e.** Have all wheels, axles, and hitch mechanisms removed.
 - f.** Have utilities connected in accordance with the manufacturer's specifications.
 - g.** Have siding material which looks like the type used on site-constructed commercial buildings.
 - h.** Have a pitch roof of not less than one (1) foot of rise for each four (4) feet of horizontal run and have roofing materials of a type used on site-constructed buildings. Eaves with a minimum of six (6) inch overhang must be provided.
 - i.** Have a minimum width of the main body as assembled on the site of not less than twenty (20) feet measured across the narrowest portion.
 - j.** The home shall appear to face the public street.
 - k.** Disputes involving the Department of Planning and Engineering and an applicant, concerning the design and construction compatibility of a unit to be located on a particular site shall be resolved by the Planning Commission prior to placement of said unit on the site.

(3) Major recreational equipment.

- (a)** No major recreational equipment shall be parked or stored on any lot in a residential district except in a garage or carport or in a required rear yard or in a required side yard where it is no closer than five feet to any building or lot line provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
- (b)** Subsection (a) above may be modified or waived in unusual cases by the Board of Zoning Adjustments where it is shown that the requirements are impractical or impossible to meet. An application in writing must be filed with the Board of Zoning Adjustments outlining the reason for such request, and explaining why this case is different from others in the area. The Board will decide each case on its own merits without prejudice or precedent.
- (c)** No major recreational equipment shall be stored out of doors on residential premises unless it is in condition for sale and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it was intended.

Chapter 156.052 | Screening and Landscaping

(A) INTENT

The intent of this chapter is to require buffering between noncompatible land uses; to protect, preserve, and promote the aesthetic appeal, character, and value of the surrounding neighborhood; to promote public health and safety through the reduction of noise, air pollution, unsightly areas, and artificial light glare.

(B) DEFINITIONS

- (1) **LANDSCAPING** - Landscaping is considered to be the planting and maintenance of a lawn, in addition to some combination of evergreen, shrubs, hedges, vines, or flowers. The combination may include natural features such as rock and stone and structural features including, but not limited to, fountains, walls, fences, and benches.
- (2) **FENCE** - A structure consisting of rails, pickets, woven wire, hedges, or the like.
- (3) **OPACITY** - Opacity is the concealment of office, institutional, business, and industrial development from the view of adjacent residential or agricultural properties.
- (4) **SCREENING** - Screening is defined as decorative fences or walls, evergreen vegetation, or landscaped areas, which are set forth for the purpose of concealing the view of office, institutional, business, and industrial properties from adjacent residential or agricultural properties.
- (5) **WALL** - A structure consisting of stone, brick or the like.

(C) SITES AFFECTED BY THIS CHAPTER

- (1) **New sites.** No new site development, building structure, or vehicular use area shall hereafter be created and used unless landscaping is provided as required by the provisions of this chapter.
- (2) **Existing sites.** No property lines shall be altered, nor shall any building, structure, or vehicular use area be expanded, unless the minimum landscaping required by the provisions of this chapter is provided for the property to the extent of its alteration or expansions, and not the entire property.

(D) SCREENING AND LANDSCAPING REQUIREMENTS

For office, institutional, business, and industrial development when established on property adjacent to any residential, agricultural, or government zoning districts, the following shall apply:

- (1) Screening shall be provided along all side and rear lot lines adjacent to a residential zone to extend to within ten feet of each street right-of-way line. However, screening may be omitted for office and institutional uses along any lot line or portion thereof, whenever a property is developed with a 25-foot landscaped yard adjacent to such lot line or portion thereof. Screening along a side or rear lot line can be extended to the street right-of-way line at a height of three feet where deemed essential for the intent of this chapter.
- (2) Whenever a front or side yard is across the street from any property located in a residential zone, there shall be provided adjacent thereto landscaped yard ten feet in depth for a distance equal to the residential zoning lot line along the street.
- (3) Whenever properties are developed adjacent to an alley, screening is also required, but may also be omitted at driveways deemed essential for ingress and egress at uses established on the property.

- (4)** Landscaped yards required by this section shall not be used for driveways, parking, loading, outdoor storage, displays, work areas, sights, or similar uses.
- (5)** Screening shall be provided on all new, altered or expanded development sufficiently to hide from ground level view, all loading docks, trash receptacles, outdoor storage, outdoor work areas, or similar uses from any residential zoning district located within 150 feet of such uses.
- (6)** Screening shall be provided at a height and density to achieve the opacity required. Where evergreens are used, the following shall be required: trees shall be a minimum of five feet in height, with a minimum caliper of 1-1/2 inches immediately after planting. Shrubs and hedges shall be at least three feet in height when planted, and shall conform to the opacity requirements within three years after planting. In most cases to achieve the opacity required, this shall constitute a solid hedge or shrubbery wall six feet in height.
- (7)** When fencing is used for screening, it shall not be less than five feet nor more than eight feet in height. Acceptable fencing for screening includes solid walls constructed of masonry, architectural tile, stone, wood, or other similar materials (excluding chain link fences). The solid wall should be reduced to three feet in height when adjacent to a public street, and shall not be placed closer to the street than the right-of-way line. On corner lots, the solid wall shall not be placed any closer to the street on the side yard than the required building set back line.
- (8)** All types of screening shall be kept in a neat, clean, and healthful condition. The owner of the property shall be responsible for this maintenance. Where landscaping is used, this shall include property pruning, mowing of lawns, weeding, removal of litter, fertilizing, and the replacement of plants when necessary.
- (9)** When any type of screening is used, the property owner shall prepare a landscape plan for submission to the planner's office. The Zoning Official shall follow the requirements of this chapter in approving or disapproving any landscape plan. If the property owner disagrees with the ruling of the Zoning Official, he or she may appeal to the Board of Zoning Adjustments for a ruling.
- (10)** All screened areas will be subject to review annually. If deficiencies are found, the property owner will be notified by letter and the deficiencies shall be corrected within three months.

(E) FENCES AND WALLS

- (1)** Fences and walls located in any residential district shall be subject to the following height and location restrictions unless a variance is granted by the Board of Zoning Adjustments:
 - (a)** Fences or walls shall meet the following height limitations:

Front Yard	4 feet
Rear and side yards	8 feet
- (2)** No fence or wall shall be located closer than ten (10) feet to any street right-of-way.
- (3)** On corner lots, the side facing the secondary street shall be treated as a front yard.
- (4)** Barbed wire or electric fences shall not be permitted in any residential zone or adjacent to any residential zone.
- (5)** No fence or wall that obstructs sight along any public way shall be erected.

Chapter 156.053 | Nonconforming Uses, Structures, and Premises

(A) INTENT

Within the zones and districts established by this zoning code, or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this zoning code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this zoning code or future amendment. It is the intent of this zoning code to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this zoning code that nonconformities shall not be enlarged or extended beyond the scope and area of their operation at the time of the adoption or amendment of this zoning code, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone or if all or part of.

(B) NONCONFORMING LOTS OF RECORD

- (1)** In any zone or district in which single-family, two-family, or multi-family dwellings are permitted, a single-family, two-family, or multi-family dwelling as appropriately permitted in the zone and customary accessory buildings may be erected the date of adoption or amendment of this zoning code, or amendment notwithstanding limitations imposed by other provisions of separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or frontage, or both, that are generally applicable in the zone or district, providing that dimensional requirements other than those applying to area or frontage or both, of the lots shall conform to the regulations for the zone or district in which such lot is located. Dimensional variances must be obtained through action of the Board of Zoning Adjustments as provided by this chapter.
- (2)** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the date of adoption or amendment of this zoning code, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this zoning code. No subdivision of such parcel shall be made which creates a lot with width or area below the requirements stated in this zoning code.

(C) NONCONFORMING USES OF LAND

Where at the date of adoption or amendment of this zoning code lawful use of land exists, which would not be permitted by the regulations imposed by this zoning code, the use may be continued so long as it remains otherwise lawful, provided:

- (1)** No such nonconforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the date of adoption or amendment of this zoning code.
- (2)** No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the date of adoption or amendment of this zoning code. The use may be moved to another position on the lot or parcel through appeal to the Board of Zoning Adjustments in § 156.083.
- (3)** When a nonconforming use of land is discontinued or abandoned so as to show a gross lack of diligence in using for one year or more (except when governmental action prevents such use), the land shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located.

(D) NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this zoning code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1)** No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (2)** Should such nonconforming structure or nonconforming portion of a structure be damaged, destroyed, or demolished by any means, it may be reconstructed or repaired but not to exceed the number of cubic feet existing in it, and not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition except as otherwise provided in subsection (E) (5) below.
- (3)** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone or district in which it is located after it is moved. However, said structure may be moved to another part of the same lot by appeal to the Board of Zoning Adjustments as provided in § 156.083.

(E) NONCONFORMING USES OF STRUCTURE OR OF STRUCTURES and PREMISES IN COMBINATION

If lawful use involving individual structures or of structure and premises in combination exists at the date of adoption or amendment of this zoning code that would not be allowed in the zone or district under the terms of this zoning code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1)** No existing structures devoted to a use not permitted by this zoning code in the zone or district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zone or district in which it is located except as provided in section (5) below.
- (2)** Any nonconforming use may be extended throughout any part of a building which was arranged or designed for such use at the date of adoption or amendment of this zoning code, but no such use shall be extended to occupy any land outside such building.
- (3)** If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use by appeal to the Board of Zoning Adjustments if the proposed use is in the same or a more restrictive classification. In permitting such change, the Board of Zoning Adjustments may require appropriate conditions and safeguards in accord with the provisions of this zoning code.
- (4)** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone or district, and the nonconforming use may not thereafter be resumed.
- (5)** When a nonconforming use of a structure, or structure and premises in combination, is halted because of the damage, destruction, or demolition of the structure by any means, the structure may be reconstructed or repaired but not to exceed the number of cubic feet existing in it prior to its damage, destruction, or demolition, and the nonconforming use resumed but not to extend or enlarge the scope and area of its operation prior to its damage, destruction, or demolition.
- (6)** When a nonconforming use of a structure, or structure and premises in combination, intentionally discontinued or abandoned so as to show a gross lack of diligence in using for one year or more (except when government action prevents such use), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zone or district in which it is located.

(F) REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of structure, and on any structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing or other parts, provided that the cubic content of the nonconforming structure or portion shall not be increased. Nothing in this zoning code shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof.

(G) CONDITIONAL USES NOT NONCONFORMING

Any existing principal permitted use at the date of the adoption or amendment of this zoning code which would thereafter require a conditional use permit shall without further action be deemed a conforming use, but any enlargement or replacement of such use, in buildings or on land, shall require a conditional use permit.

Chapter 156.054 | Planned Development Project Regulations

(A) PLANNED DEVELOPMENT PROJECTS ARE CONDITIONAL USES IN THE FOLLOWING ZONING DISTRICTS:

R-2 – Single Family Residential PDP's only

R-3 – Residential PDP's only

R-3A, R-4, R-5, B-1, B-2, B-3, B-4, and Professional Office

Industrial – PDP's other than for residential uses

(B) PLANNED DEVELOPMENT PROJECTS ARE PROHIBITED IN THE FOLLOWING DISTRICTS:

R-1, Agricultural, and Floodway

(C) INTENT

It is the intent of the Planning Commission to allow some flexibility in this chapter. This is done in recognition that times have changed and are changing. A planned development project is unique and is not intended for every development. However, an innovative project may be allowed through this provision. It is intended that a condominium project or an office park or any combination of such be considered.

(D) PROCEDURE

The planned development project process is designed for projects that are complex or innovative and perhaps different from normal development within the area. All planned development projects shall be subject to the following regulations:

- (1) Determination whether project subject to process.** The Zoning Official will determine if a project should follow the planned development project process.
- (2) Advisory meeting with Planning Commission.** The developer of a proposed planned development project shall meet with the Planning Commission prior to the preparation or submission of a plat. The purpose of this meeting shall be to discuss informally with the Planning Commission the minimum requirements and design standards for planned development projects as well as to discuss existing or proposed development which may affect or be affected by, the proposed project. For the purpose of such discussion the developer shall provide a sketch plan indicating the proposed project area, its relationship to the surrounding area and the general development scheme to be presented in the preliminary plat application. Formal application or filing of a plat with the Planning Commission is not required for the advisory meeting.
- (3) Board of Zoning Adjustments to determine compatibility.** After the advisory meeting with the Planning Commission the Board of Zoning Adjustments will meet to determine if a project is compatible in its proposed location. A planned development project application and a plat shall be filed with the Zoning Official prior to the Board of Zoning Adjustments' meeting. If the Board of Zoning Adjustments finds the project to be compatible with the surrounding area, a planned development project application and a plat shall be filed with the zoning official. A public hearing will be held by the Planning Commission within 60 days.
- (4) Notice of hearing.** Notice of the public hearing shall be given as follows:
 - (a)** Notice of the time, place and reason for holding a public hearing shall be given by one publication in the newspaper of general circulation in Calloway County, Kentucky, not earlier than 21 days nor later than seven days before the public hearing.

- (b) Notice of the hearing shall be given at least 14 days in advance of the hearing by first class mail to the owners of all property adjoining the property where the project is proposed. This includes those properties across public rights-of-ways. If the property is jointly owned all property owners must be listed. It shall be the duty of the project applicant to furnish the names and addresses of the owners of all adjoining properties.
 - (c) Notice of the hearing shall be posted conspicuously on the property for 14 consecutive days immediately prior to the hearing. The sign shall state "planned development project site" in letters three inches in height. The time, place and date of hearing shall be in letters at least one inch in height. The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission.
- (5) **Public hearing before the Planning Commission.** The Planning Commission will conduct the public hearing as follows:
 - (a) The Chairperson of the Planning Commission shall preside at the hearing and shall be responsible for its conduct.
 - (b) The applicant or opponent may represent himself, may be represented by counsel, or may be represented by another person or persons. Both the applicant and the opponent may present witnesses to testify. Both the applicant and opponent shall have the right to cross-examine any witnesses who testify against them.
 - (c) The order of the hearing shall be as follows:
 - 1. Opening statement by applicant.
 - 2. Opening statement by opponent.
 - 3. Presentation of evidence and testimony by applicant.
 - 4. Presentation of evidence and testimony by opponent.
 - 5. Rebuttal of evidence and testimony by applicant.
 - 6. Rebuttal of evidence and testimony by opponent.
 - 7. Closing statement by applicant.
 - 8. Closing statement by opponent.
 - (d) No formal rules of evidence shall be required. The hearing itself shall be as informal as possible consistent with an orderly determination in a fair and impartial manner of the issues before the Commission.
 - (e) The hearing shall be electronically recorded. If a transcript is requested by either the applicant or opponent the expense shall be accrued to said party requesting the transcript. If the Planning Commission gives preliminary approval to the proposed project, the Commission must recommend to the Board of Zoning Adjustments that the project be considered for a conditional use permit.
- (6) **Conditional use process.** An application for a conditional use permit must be filed with the Zoning Official prior to the meeting of the Board of Zoning Adjustments. The conditional use application process for a planned development project will be the same as for any other conditional use once the Planning Commission has given preliminary approval, except that a conditional use permit for any planned development project will not be valid until the Planning Commission has reviewed and approved the final plat of the project and certified such on the final plat.

- (7) **Planning Commission final approval.** Upon receiving written authorization by the Board of Zoning Adjustments of its approval for a conditional use permit, the applicant shall submit the plat of the proposed planned development project to the Planning Commission for its review and final approval within six months from the date of such written approval. If the Planning Commission finds that the plat is substantially in accord with preliminary approval and fulfills the attached special conditions, the Planning Commission may approve the project and the Chairperson of the Planning Commission shall indicate such approval on the final plat. The planned development project shall thereafter be subject to all of the provisions of this chapter regarding conditional use permits including recording, effect, noncompliance, time limit and permanently satisfied permits.

(E) DIMENSION AND AREA REGULATIONS

Dimension and area regulations and lot sizes may vary from that allowed in the applicable zoning district but are intended to be consistent and compatible with existing development. The overall density shall be consistent with the applicable zoning district.

(F) SIGNS

Signs are allowed as provided by the Planning Commission, and only as specified on the approved development plan.

(G) OTHER REQUIREMENTS

- (1) All PDP's must be filed as approved by the Planning Commission and Board of Zoning Adjustments with the Calloway County Clerk's office and the Murray Planning Commission. No changes will be permitted unless prior approval is received by the Board of Zoning Adjustments and these must be consistent with the Planning Commission's intent and direction. All changes will also be recorded with the Clerk and the Planning Commission and will originate with the Zoning Official.
- (2) The plat submitted to the Board of Zoning Adjustments and Planning Commission shall have the following information contained and data, and shall be drawn to an appropriate scale as to the size and nature of the project as approved by the Planning Department.
- (a) Buildings.
 - (b) Parking areas with arrangement and number of parking spaces.
 - (c) Entrance and exit roads and their relationship to existing and proposed streets, alleys and other public ways.
 - (d) Setback lines, permanent open spaces, separation strips and landscaped areas.
 - (e) Date, title, name and location of the PDP, graphic scale, and true north line.
 - (f) All dimensions, angles, bearings and similar data on date on the plat shall be tied to the primary control points, location and description of such control points shall be given.
 - (g) Project boundary lines, buildings, parking areas, setback lines, permanent open spaces, separation strips, landscaped areas, easements, access roads and street right-of-way lines with accurate dimensions to the nearest .01 of a foot; bearings or deflection angles, radii, arcs, and central angles of all curves with dimensions to the nearest minute.
 - (h) Designation of all buildings, parking areas, permanent open spaces, separation strips, landscaped areas, easements, access roads, street rights-of-way and other areas by name, use, purpose or other appropriate method as well as by width, length, land area or floor area devoted to such use or purpose.
 - (i) Location and description of monuments.

Section V
Special Regulations

- (j) Name and locations of adjoining subdivisions, streets or other property.
 - (k) Certification, on plat, of title showing that the applicant is the owner and a statement by such owner dedicating streets, rights-of-way and any other sites for public use, if any.
 - (l) Certification, on plat, by surveyor or engineer as to the accuracy of survey and plat.
 - (m) All special conditions attached to preliminary approval or any restrictions specified by the owner shall be placed directly on the final plat or attached thereto in form for recording.
 - (n) Certification attached to plat stating that the owner has complied with the following:
 - 1. A surety bond or certified check has been posted with the city in sufficient amount to assure completion of all such required improvements within two years.
 - (o) Certification on plat by the Chairperson of the Planning Commission and Board of Zoning Adjustments that the plat has been approved for recording in the office of the County Clerk.
- (3) The requirement for all planned-development project shall be as follows:
 - (a) Construction of all PDP's shall be initiated within one year after approval of the final plat.
 - (b) The owner of a PDP shall provide and permanently maintain the areas required for landscaping purposes. The landscaping is subject to review and approval by the Planning Commission before preliminary or final approval.
 - (c) The applicant of a PDP may be required to provide a detailed statement of proposal, including covenants, agreements, or other specific documents, showing the ownership and method of assuring perpetual maintenance to be applied to those areas within the project that are to be used for open space, recreational or other common or quasi-public purposes. Such a statement, if required, shall be attached to the preliminary and final plats as special conditions.
 - (d) The applicant of a PDP may be required to provide a statement of financial responsibility including the posting of a surety bond or certified check payable to the city to assure the installation of improvements required as special conditions. The bond or check shall be subject to the condition that the improvements will be completed within two years after approval of the final plat.
 - (e) In addition to the Board of Zoning Adjustments' fees for two meetings and the zoning fee, the Planning Commission shall set a plat review fee of \$50 per final plat reviewed by the Planning Commission.
 - (f) An application for a PDP may include a proposed subdivision of the tract of land within the project property lines into one or more separately owned and operated units. Such proposed subdivision, if approved with the proposed PDP and if in compliance with the city subdivision regulations, shall be permissible without further subdivision regulation approval. Any PDP which includes a proposed subdivision of the total tract of land within the property lines into one or more separately owned and operated units shall, if approved, be subject to all attached special conditions and all provisions of this chapter regarding conditional use permits in its entirety including all approved subdivisions regardless of their ownership.
 - (g) There shall be no subdivision of an approved PDP unless such subdivision is in conformance with the originally approved and recorded final plat or an amended final plat of the PDP has been approved and recorded in conformance with this chapter recording the procedure for review and approval of all PDP's.

- (h) There shall be no change, alteration, amendment or extension of any approved PDP final plat unless such change, alteration, amendment or extension is approved in conformance with this chapter.
- (i) Construction of all PDP's shall be completed within two years after approval of the final plat. The Planning Commission may, however, require as a special condition the completion of the project at an earlier date or may grant an extension of completion time when such extension is deemed reasonable and necessary by the Planning Commission

(H) GENERAL STANDARDS

In any PDP, although it is permissible to depart from the conformance with the principal building and single-lot dimension and area regulations contained in this chapter, there shall be no diminution of the regulations and standards set forth in this chapter for PDP's.

- (1) The Planning Commission shall examine the proposed PDP with particular attention to the following:
 - (a) The influence the proposed project may be expected to have on existing or future development in surrounding areas and the achievement of a desirable spatial relationship between the buildings and the land, and between the buildings themselves.
 - (b) To insure that the roads, thoroughfares, streets, and accompanying access points proposed are suitable and adequate to carry anticipated traffic and that increased land use intensity will not generate traffic in such amounts as to overload the existing or proposed street network.
 - (c) To insure that existing or proposed utility services are adequate for the population densities or land use intensities proposed.
- (2) Off-street parking space shall be provided on the site as prescribed in § 156.014, General Regulations for Vehicles. All parking space and access thereto shall be paved in a manner approved by the Planning Commission.
- (3) Areas shall be provided for the loading and unloading of delivery trucks and other vehicles and for the servicing of buildings by refuse collection, fuel and other service vehicles, in addition to the required automobile parking spaces. Such areas shall be adequate in size and so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.
- (4) No PDP shall be permitted vehicular access to a minor residential street unless specifically approved by the Planning Commission.
- (5) Lighting facilities shall be arranged in such a manner so as to prevent direct glare or hazardous interference of any kind to adjoining street or properties.
- (6) All PDP building construction shall conform to all local, state and federal regulations pertaining to the particular type of building or buildings proposed. The Planning Commission may also require as a special condition that any building construction in a PDP be of an approved fire-resistant material or that before the certificate of occupancy for any building within the project is approved, the developer must provide the enforcement officer written certificates of approval from the State Fire Marshal or State Health Department.
- (7) The Planning commission shall attach any reasonable special conditions necessary to ensure that there be no departure from the intent of this zoning code.
- (8) Because a PDP is inherently more complex than single lot development and because each such project must be tailored to the topography and neighboring uses, the standards and special conditions for such projects cannot be inflexible.
- (9) Adult-oriented businesses are prohibited as a planned development project.

Chapter 156.055 | Home Occupation Regulations

(A) INTENT

The purpose of this home occupation provision is to allow for certain types of restricted occupational uses within residential districts that are compatible with the neighborhood in which they are located.

(B) DEFINITIONS AS USED IN THIS CHAPTER

- (1) **HOME OCCUPATION** - Any business, professional, or commercial activity that is conducted or petitioned to be conducted from and performed on property that is zoned for residential use unless the following conditions can be met:
 - (a) No generation of traffic, noise or odor;
 - (b) No employees other than those that reside on the premises;
 - (c) No sign on premises;
 - (d) No external storage of inventory or vehicles;
 - (e) No external alteration of the dwelling;
 - (f) Use is conducted entirely within a dwelling or accessory building.
- (2) **HOME OCCUPATION CONDITIONAL USE PERMIT** - A permit which may be authorized by the Board of Zoning Adjustments. The permit shall be temporary in nature and may be granted to a designated person who resides at a residential address. The permit shall not be transferable from one person to another person, one home occupation to another home occupation, or from one address to another address.

(C) PROCEDURE

- (1) Application for a home occupation conditional use permit shall be made to the zoning official on a form provided by the zoning official and shall be accompanied by the prevailing filing fees. The zoning official will then present the request to the Board of Zoning Adjustment for its action within 45 days.
- (2) The zoning official may revoke any home occupation permit for noncompliance with the criteria set forth in section (D). If the permit is revoked, it becomes null and void, and the home occupation shall be terminated.
- (3) The decision of the zoning official concerning revocation of the home occupation conditional use permit shall be final unless a written appeal by the applicant is filed with the Board of Zoning Adjustments within thirty days of the applicant's receipt of the notice to revoke the permit.
- (4) If a person holding a home occupation permit moves to a new location, the existing permit shall be automatically terminated. The individual shall notify the zoning official of any move from the permit location or termination of the home occupation.

(D) REQUIRED CONDITIONS

The Board of Zoning Adjustments may only grant a conditional use permit for a home occupation which meets the following conditions and requirements:

- (1) A home occupation shall be clearly incidental and secondary to the use for dwelling purposes.
- (2) The use shall be conducted primarily entirely within a dwelling or its accessory structures.
- (3) The use does not require substantial external alteration of the dwelling.

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Special Regulations

- (4) On the premises retail sales shall be prohibited.
- (5) The applicant may employ in the home occupation only individuals who permanently reside on the premises in which the home occupation is to be conducted. Additional employees shall be prohibited.
- (6) There shall be no exterior storage of materials to be used in conjunction with a home occupation.
- (7) A home occupation shall produce no offensive noise, vibration, smoke, dust, odors or heat. The premises and structures on the premises shall be maintained to conform to neighborhood standards.
- (8) The home occupation shall not generate additional vehicular or pedestrian traffic to the residence unless approved by the Board of Zoning Adjustments.
- (9) External storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation is prohibited.
- (10) Home occupations shall comply with all local, state or federal laws or regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.
- (11) Only one unlighted sign not over two (2) square feet in area identifying home occupations shall be permitted on the dwelling premises. Persons with demonstrated physical disabilities may be permitted special consideration by the Board of Zoning Adjustments. The applicant may request waiver of a portion or all of one or more of the foregoing requirements. This special request shall be considered at a Board of Zoning Adjustments meeting, after notification to adjacent property owners. The Board of Zoning Adjustments may only grant waivers on the basis of applicant's physical inability to function within said requirements.

(E) THE FOLLOWING SHALL BE PROHIBITED AS HOME OCCUPATIONS

- (1) Ambulance service;
- (2) Automobile repair; parts sales, upholstery, detailing or painting; washing service;
- (3) Beauty salons or barber shops;
- (4) Boarding house, bed and breakfast, hotel;
- (5) Churches, religious instruction;
- (6) Health salons, dance studios, aerobic exercise studios;
- (7) House painting;
- (8) Medical, dental or psychological services;
- (9) Mortician, hearse service;
- (10) Private clubs;
- (11) Restaurants;
- (12) Retail sale from site;
- (13) Veterinary uses (including care, grooming or boarding);
- (14) Welding shop;
- (15) Any similar type service as determined by the Board of Zoning Adjustments; and
- (16) Adult-oriented businesses.

Chapter 156.056 | Adult-Oriented Businesses

(A) PURPOSE

The purpose of the section is to regulate adult oriented businesses through the application of uniform zoning, locational and distance requirements to promote the health, safety, morals and general welfare of the citizens of the city and establish reasonable and uniform regulations for the operation of adult oriented businesses with the goal of reducing or eliminating the adverse secondary effects associated with adult oriented businesses. It is not the intent of this section to limit or restrict the content of communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

(B) DEFINITIONS

For the purposes of this section, the following definitions shall apply unless the context indicates or clearly requires a different meaning.

(1) "Adult Oriented Businesses." Those businesses defined as:

- (a) "Adult Bookstore", "Adult Novelty Store" or "Adult Video Store." A commercial enterprise which has as a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its individual sales or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

For the purposes of this definition, "Significant or Substantial Portion" shall mean at least twenty-five percent (25%) of the business sales, interior business premises or advertising is devoted to an Adult Oriented Business purpose.

1. Books, magazines, newspapers, periodicals or other printed matter, or drawings, photographs, films, motion pictures, video cassettes, slides, compact discs, laser discs, computer driven video productions, or other visual representations which are characterized by the depiction or description of "Specified sexual activities" or "specified anatomical areas" as defined herein;
 2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse.
- (b) "Adult cabaret." A nightclub, bar, restaurant, "bottle club", adult dancing business or similar commercial enterprise, whether or not alcoholic beverages are served, which regularly features:
1. Persons who appear nude, semi-nude or in a state of nudity;
 2. Live performances which are characterized by the exposure of "specified anatomical areas" and/or the exhibition of "specified sexual activities";
 3. Photographs, films, motion pictures, video cassettes, slides, compact discs, laser discs, computer driven video productions, or other visual representations which are characterized by the depiction or description of "specified sexual activities" and/or "specified anatomical areas" as defined herein; or
 4. "Adult dancing." Includes, but is not limited to the following: any dancing which exposes to view by patrons, spectators or persons on the premises at

any time the "specified anatomical areas" and/or consists of "specified sexual activities".

- (c) "Adult Motel." A motel, hotel or similar commercial enterprise which offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, photographs, films, motion pictures, video cassettes, slides, compact discs, laser discs, computer driven video productions, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined herein; and which advertises the availability of this adult oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.
- (d) "Adult Movie Theater." A commercial enterprise where photographs, films, motion pictures, video cassettes, slides, compact discs, laser discs, computer driven video productions, or other visual representations which are characterized by the dominant depiction or description of "specified sexual activities" or "specified anatomical areas" as defined herein; are regularly shown for any form of consideration.
- (e) "Adult Theater." A theater, concert hall, auditorium, or similar commercial enterprise which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on and/or exposure of "specified anatomical areas" or by "specified sexual activities".
- (f) "Escort Agency." A person or business association who furnishes, offers to furnish, or advertises to furnish Escorts as one of its primary business purposes for a fee, tip, or other consideration; including, but not limited to an out-call service in the form of nude or semi-nude dancing or exhibition.
- (g) "Adult Personal Service Business." Any commercial enterprise where, either on or off the business premises, for any form of consideration or gratuity; massage, alcohol rub, administration of fomentations, electric or magnetic treatments, hair care, manicures, pedicures, exotic rubs and/or any other treatment manipulation of the human body, occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes any of his or her "specified anatomical areas" for another person, who may or may not appear in a state of nudity or display "specified anatomical areas". The definition of Adult Personal Service Business or Adult Oriented Business shall not include the practice of any treatment manipulation in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
- (h) "Nude Model Studio." Any place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not include a modeling class offered by a college, junior college, or university supported in whole or in part by taxation; by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure: (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.

- (i) "Sexual Encounter Center." A business or commercial enterprise, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nudity. The definition of Sexual Encounter Center shall not include a business where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.
- (j) "Adult Arcade." Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

A business may have other principal business purposes that do not involve any of the aforementioned "Adult Oriented Businesses" and still be categorized as an "Adult Oriented Business". Such other business purposes will not serve to exempt such businesses from being categorized as an "Adult Oriented Business" so long as one of its principal business purposes, in form or substance, is an "Adult Oriented Business" as defined by this section.

- (2) "Establishment." Includes any of the following:
 - (a) The opening or commencement of any Adult Oriented Business as a new business;
 - (b) The conversion of an existing business, whether or not an Adult Oriented Business, to any of the Adult Oriented Businesses defined in this section;
 - (c) The addition of any of the Adult Oriented Businesses defined in this section to any other existing Adult Oriented Business; or
 - (d) The relocation of any such Adult Oriented Business.
- (3) "Nudity" or "State of Nudity."
 - (a) The appearance of the human bare buttocks, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
 - (b) A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals or any portion of the human female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast; but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided that the areola and/or nipple is not exposed in whole or in part. This definition shall include the cleavage of the human buttocks, but shall not include any portion of the cleavage of the human buttocks exhibited by a bathing suit, thong, g-string, or other wearing apparel.
- (4) "Operator." Includes the owner, permit holder, manager or person in charge of any permitted or licensed premises.
- (5) "Permitted Premises." Any premises that requires a permit and that is classified as an Adult Oriented Business.
- (6) "Permittee and/or License." A person in whose name a permit and/or license to operate, work in, perform in or entertain in an Adult Oriented Business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

- (7) "Person." An individual, proprietorship, partnership, corporation, association, or other legal entity recognized by the Kentucky Revised Statutes or any other state.
- (8) "Specified Anatomical Areas." Includes any of the following:
- (a) Less than completely and opaquely covered human genitals, buttocks, the anus, the human female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast; but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided that the areola and/or nipple is not exposed in whole or in part. This definition shall include the cleavage of the human buttocks, but shall not include any portion of the cleavage of the human buttocks exhibited by a bathing suit, thong, g-string or other wearing apparel; or
 - (b) Human male genitals in a clearly discernible turgid state, even if completely and opaquely covered.
- (9) "Specified Sexual Activities." Includes any of the following:
- (a) The fondling or other intentional touching of human genitals, buttocks, anus, or female breasts;
 - (b) Sex acts, normal, deviant, or perverted, actual or simulated; including, but not limited to sexual intercourse, oral copulation, anilingus, cunnilingus, fellatio, flagellation, sadism or sadomasochism;
 - (c) Erotic or sexual stimulation with objects of mechanical devices;
 - (d) Masturbation, actual or simulated;
 - (e) Human genitals in a state of sexual stimulation, arousal or tumescence;
 - (f) Bestiality;
 - (g) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (a) through (f) of this subsection.
- (10) "Substantial Enlargement of an Adult Oriented Business." Increase in the floor area occupied by the business by more than fifteen percent (15%) as the floor areas exist on the date of the enactment of this section.
- (11) "Transfer of Ownership or Control of an Adult Oriented Business." Includes any of the following:
- (a) the sale, lease, or sublease of the business;
 - (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - (c) The establishment of a trust, gift, or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.
- (12) "Protected Uses."
- (a) "Public building." Any building owned, leased, or held by the United States, the State of Kentucky, Calloway County, the City of Murray, any special district, school district, or any other agency or political subdivision of the State or the United States, which building is used for governmental purposes.

- (b) "Public park" or "recreation area." Public land, structure or building which has been designated for park or recreational activities including but not limited to a park, playground, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, or similar public land within the city which is under control, operation, or management of the city park and recreation authorities.
 - (c) "Religious institution." Any church, synagogue, mosque, temple or building which is used primarily or regularly for religious worship and related religious activities.
 - (d) "School." Any public or private educational facility including but not limited to "Day Care Centers" (as defined in the Zoning Ordinance), kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, school administration buildings or facilities, junior colleges, and universities. School includes any building upon the school grounds.
- (13) "Residential Zone." Any land so designated by the Zoning code of the city as R-1, R-2, R-3, R-3A, R-4, R-5 or any Residential Zone as hereafter created.

(C) ESTABLISHING AND CLASSIFICATION OF REGULATED BUSINESSES

- (1) Adult Oriented Businesses shall be established only in identified B-2 and Industrial Zones and shall be subject to the restrictions of this Section. In those zones, Adult Oriented Businesses shall be Conditional Uses; provided all other requirements of this Chapter are satisfied. No person shall establish an Adult Oriented Business within 1000 feet of another Adult Oriented Business or within 750 feet of any Protected Use(s), as previously defined, or within 300 feet of any Residential Zone. The Adult Oriented Business Zoning Map is hereby incorporated by reference as if fully set forth herein. Adult Oriented Businesses, as defined in Subsection (B), are classified as follows:

- (a) Adult Bookstores,
- (b) Adult Novelty Stores,
- (c) Adult Video Stores,
- (d) Adult Cabarets,
- (e) Adult Motels,
- (f) Adult Motion Picture Theaters,
- (g) Adult Theaters,
- (h) Adult Personal Service Businesses,
- (i) Sexual Encounter Centers,
- (j) Escort Agencies,
- (k) Nude Model Studios, and
- (l) Adult Arcades.

(D) MEASUREMENT OF DISTANCE

For the purpose of this section, the distance between any two Adult Oriented Businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any Adult Oriented Business and any Protected Use, as defined in this section shall be measured in a straight line, without regard to intervening structures, from the nearest part of the Adult Oriented Business to the closest exterior

structural wall of the protected use. The distance between any Adult Oriented Business and any Residential Zone shall be measured by a straight line, without regard to intervening structures, from the nearest part of the Adult Oriented Business to the exterior line of the Residential Zone.

(E) NON-CONFORMING USES

An Adult Oriented Business lawfully operating as a conforming use is not rendered non-conforming use is not by the subsequent location of a Protected Use within 750 feet of the Adult Oriented Business, the subsequent location of an Adult Oriented Business within 1000 feet of the Adult Oriented Business and/or the location of a Residential Zone within 300 feet of the Adult Oriented Business. This subsection does not apply to an Adult Oriented Business whose permit and/or license has expired or been revoked.

(F) LOCATION OF ADULT ORIENTED BUSINESS

A person commits a Class B Misdemeanor as defined by § 156.999, if he operates or causes to be operated an Adult Oriented Business.

- (1)** In any manner except as provided under this section.
- (2)** Within 750 feet of any Protected Use.
- (3)** Within 1000 feet of any other Adult Oriented Business.
- (4)** Within 300 feet of a Residential Zone.
- (5)** Operates more than one Adult Oriented Business under a single roof.
- (6)** Causes the Substantial Enlargement of an Adult Oriented Business.

(G) ADVERTISING AND LIGHTING REGULATIONS

A person commits a violation as defined by § 156.999 if he operates or causes to be operated an Adult Oriented Business; and displays or exhibits adult oriented materials and adult oriented performances in advertising which is visible outside the premises except for advertising showing the existence or location of an Adult Oriented Business. Nothing in this Section relieves the permittee from compliance with any other provision of the ordinances or planning and zoning requirements of the city.

(H) IMMUNITY FROM PROSECUTION

The City, the Police Department and all other city officers, agents and employees, charged with enforcement of state and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon an Adult Oriented Business while acting within the scope of authority by this section.

Chapter 156.057 | Cellular Antenna Tower Regulations

(A) PURPOSE

The purposes of these regulations are: to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with any recommendations of the comprehensive plan; and to allow for such facilities with the intention for furthering the public health; safety, and general welfare.

(B) PREAPPLICATION CONFERENCE

Applicants are encouraged to notify the Planning Commission to discuss proposals, to allow for early coordination, and to identify those items that are in conformance/nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

(C) DEFINITIONS

For the purposes of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **ALTERNATIVE CELLULAR ANTENNA TOWER:** Man-made trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, minimize or conceal the presence of cellular antennas or cellular antenna towers that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers. This does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure. For the provisions of these regulations, an alternative cellular antenna tower is considered a cellular antenna tower.
- (2) **ANTENNAS OR RELATED EQUIPMENT:** Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.
- (3) **CELLULAR ANTENNA TOWER:** A tower constructed for, or an existing facility that has been adapted for, the locations of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
- (4) **CELLULAR TELECOMMUNICATIONS SERVICE:** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
- (5) **CO-LOCATION:** Locating two or more transmission antennas or related equipment on the same cellular antenna tower.
- (6) **GUYED CELLULAR ANTENNA TOWER:** A type of wireless transmission tower that is supported by thin guy wires.
- (7) **LATTICE CELLULAR ANTENNA TOWER:** A self-supporting tower with multiple legs and cross bracing of structural steel.
- (8) **MONOPOLE CELLULAR ANTENNA TOWER:** A slender self-supporting tower on which wireless antennas can be placed.
- (9) **PERSONAL COMMUNICATION SERVICE:** Has the meaning as defined in 47 U.S.C. sec. 332(c).
- (10) **PLANNING COMMISSION:** The City of Murray Planning Commission.
- (11) **UNIFORM APPLICATION:** An application to construct a cellular antenna tower submitted to the Planning commission in conformity with KRS 100.985 through KRS 100.987.

(12) UTILITY: As defined KRS 278.010(3).

(D) GENERAL

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after a Planning Commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the zoning ordinance.

- (1) Applicability.** Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct a cellular antenna tower shall submit a completed uniform application to the Planning Commission. Where the Planning Commission finds that circumstances or conditions relating to the application of an alternative cellular antenna tower are such that one or more of the requirements of the uniform application listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement of the uniform application, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The Planning Commission shall not regulate the placement of antennas or related equipment on an existing structure. However, every utility/entity choosing to locate an antenna or related equipment on an existing structure, shall file with the City of Murray Planning Commission the name and address of the entity/utility, the structure(s) upon which the utility/entity plans to place antennas or related equipment and the information set forth in sections (D) (2), (e), (f), (r) and (t) below.
- (2) Application requirements.** Applications for the construction of personal communications services shall comply with KRS 100.9865 and include the following:
 - (a)** The full name and address of the applicant.
 - (b)** The applicant's articles of incorporation, if applicable.
 - (c)** A geotechnical investigation report signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.
 - (d)** A written report prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
 - (e)** Latitude/Longitude coordinates with associated reference datum, clear directions to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
 - (f)** The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the County Clerk, an applicant may file a copy of the agreement as recorded by the County Clerk and, if applicable, the portion of the agreement that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
 - (g)** The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
 - (h)** A site development plan, signed and sealed by a professional engineer or surveyor licensed in Kentucky, that shows the proposed location of the tower and all easements and existing structures within 500 feet of the proposed site on the property on which the tower will be located, and all easements and existing structures

within 200 feet of the access drive, including the intersection with the public street system. Additionally, the development plan shall show the following:

- 1.** A survey, prepared by a surveyor licensed in Kentucky. The survey shall be in accordance with all of the requirements of the Murray Subdivision Ordinance and KRS 100, that shows lease lines or property line, which upon approval, shall be recorded.
- (i)** A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
- (j)** The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
- (k)** A map, drawn to a scale no less than one-inch equals 200 feet, that identifies every structure and every owner of real estate within 500 feet of the proposed tower.
- (l)** A statement that every person who, according to the records of the property valuation administrator, owns property within 500 feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
 - 1.** Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction.
 - 2.** Given the telephone number and address of the City of Murray Planning Commission.
 - 3.** Informed of his or her right to participate in the Planning Commission's proceedings of the application.
- (m)** A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
- (n)** A statement that the Mayor has been notified, in writing, of the proposed construction and a copy of the notification.
- (o)** A statement that Kyle-Oakley Airport Board has been notified, in writing, of the proposed construction and a copy of the notification.
- (p)** A statement that:
 - 1.** A written notice of durable material at least two feet by four feet in size, stating that "[Name of applicant]" proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted in a visible location on the proposed site.
 - 2.** A written notice, at least two feet by four feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted on the property nearest to the public road.
- (q)** A statement that notice of the location of the proposed construction has been published in the Murray Ledger & Times newspaper.

- (r) A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.
- (s) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities.
- (t) A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
- (u) A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
 - 1. All of the area within the City of Murray Planning Commission's jurisdiction.
 - 2. A one-half mile area outside the boundaries of the City of Murray Planning Commission's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.
- (3) **Confidentiality of application.** All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030. The confidentiality of the applications and any updates of the application can be waived by the written authorization of the applicant.
- (4) **Application fee.** An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee of \$2,500.
- (5) **Processing of application.** Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:
 - (a) The Planning Commission shall review the uniform application to determine whether it is in agreement with the Comprehensive Plan and locally adopted zoning regulations.
 - (b) At least one public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in the Murray Ledger & Times newspaper, provided that one publication occurs not less than seven calendar days nor more than 21 calendar days before the occurrence of such hearing.

- (c) Notice of the hearing shall be posted on the site at least 14 days in advance of the hearing. The notice shall consist of a written notice, of durable material at least two feet by four feet in size, stating that “[Name of applicant]” proposes to construct a telecommunications tower on this site” and including the addresses and telephone numbers of the applicant and the Planning Commission. Notice of the proposal shall also be posted on the property nearest to the public road. This notice shall consist of a written notice, of durable material at least two feet by four feet in size, stating that “[Name of applicant] proposes to construct a telecommunications tower near this site” and including the addresses and telephone numbers of the applicant and the Planning Commission.
- (d) Notice of the hearing shall be given at least 14 days in advance of the hearing, by certified mail, return receipt requested, to the owner of every parcel of property within 500 feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. The notice shall include a map of the location of the proposed construction, the telephone number and address of the Planning Commission and shall inform the addressee of his or her right to participate in the Planning Commissioner's proceedings on the application. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event a property is in condominium of cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group that administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- (e) Upon holding the hearing, the Planning Commission shall, within 60 days commencing from the date that the application is received by the Planning Commission, or within a date specified in a written agreement between the Planning commission and the applicant, make its final decision to approve or disapprove the uniform application. If the Planning Commission fails to issue a final decision within 60 days, and if there is no written agreement between the Planning Commission and the utility to a specific date of the Planning commission to issue a decision, it shall be presumed that the Planning Commission has approved the utility's uniform application.
- (f) If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications' services antenna tower shall be issued until the Planning Commission approves the uniform application or the 60-day time period has expired, whichever occurs first.
- (g) Upon approval of an application for the construction of a cellular antenna tower by a Planning Commission, the applicant shall notify the Public Service Commission within ten working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made.

(E) DESIGN STANDARDS

The applicant shall provide information demonstrating compliance with the requirements contained herein. Potential sites that should be considered (in order from most-preferred to least-preferred) include existing utility towers, industrial zones, commercial zones, and government buildings and

properties. Where the Planning Commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of the surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the Planning Commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver:

- (1) **Monopoles.** Monopole cellular antenna towers shall be permitted in any zone. Lattice and guyed cellular antenna towers shall be permitted in any zone except for residential zones.
- (2) **Minimum lot size.** Regardless of the minimum lot sizes listed in the specific zoning districts, or the Murray Subdivision Ordinance, the lot size may be the minimum necessary to comply with the objectives and standards of this section.
- (3) **Setbacks.** Setbacks for all structures constructed in connection with guyed or lattice cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least the height of the tower, but not less than 50 feet. All structures constructed in connection with monopole or alternative cellular antenna tower shall comply with the applicable setback requirements established for other structures within the applicable zoning district. Alternative cellular antenna towers that are to be located as part of a utility service facility (eg. power pole or telephone pole) shall comply with setback requirements applicable to such utility service facilities, if any.
- (4) **Height.** A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of 200 feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than 200 feet in height upon review of the applicant's justification that the additional height meets the criteria identified in subsection (F) of this section.
- (5) **Construction standards.** The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standard and other applicable state standards.
- (6) **Illumination.** Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
- (7) **Staffing.** The site shall be un-staffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall be only from approved access points.
- (8) **Fencing.** Woven wire or chain link (80% open) or solid fences made from wood or other materials (less than 50% open) shall be used to enclose the site. Such fences shall not be less than four feet and no more than eight feet in height, and may be located within the front, side, or rear yard.
- (9) **Screening.** Screening shall be provided by evergreen trees, with a minimum height of six feet, planted in a staggered pattern at a maximum distance of 15 feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten foot setback. Screening shall be required when located in or adjacent to a residential zone.
- (10) **Surfacing.** All driveways and off-street parking areas shall be paved with a durable surface such as asphalt or concrete.

- (11) **Signs.** There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs that are required by a federal, state or local agency. Such signs shall not exceed six square feet in area.
- (12) **Number of service providers.** All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three service providers.
- (13) **Lease Agreements.** All option and site lease agreements shall not prohibit the possibility of co-location, and in the case of abandonment, shall include a method that the utility will follow in dismantling and removing the proposed cellular antenna tower including a timetable for removal.
- (14) **Other approvals required.** Approval of the Federal Aviation Administration (FAA) and the Kentucky Airport Zoning Commission (KAZC) or documentation where approval is not required shall be submitted prior to the issuance of a building permit for the construction of the cellular antenna tower.

(F) CRITERIA

Approval or disapproval of the proposal shall be based upon an evaluation of the proposal's agreement with the comprehensive plan and zoning regulations.

- (1) The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning commission requires the applicant to attempt co-location, the applicant shall provide the Planning Commission with a statement indicating that the applicant has:
 - (a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
 - (b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structure such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
 - 1. Identifies the location of the towers or other structures on which the applicant attempted to co-located; and
 - 2. Lists the reasons why the co-location was unsuccessful in each instance.
- (2) The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- (3) The Planning Commission shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that the proposed facility complies with the regulations of the Federal Communications Commission concerning radio frequency emissions.

(G) ABANDONMENT AND DISMANTLING

Any cellular antenna tower including but not limited to guyed, lattice and monopole cellular antenna towers, alternative cellular antenna towers, antennas and related equipment, (hereinafter referred to as "structure") shall be deemed abandoned when such structure is removed from or no longer in service for a period in excess of 30 days. At the point in time any structure is considered to be

abandoned within the meaning of this section, the structure shall be disassembled and removed from the property upon which is located within 60 days thereafter.

(H) AMENDMENTS

Any amendments to plans, except for minor adjustments as determined by the Planning Commission, or its duly authorized representative, shall be made in accordance with the procedure required by subsection (E), subject to the same limitations and requirements as those under which such plans were originally approved.

Chapter 156.058 | Corridor Design Guidelines

(A) GENERAL

- (1) **Intent.** It is the intent of the City of Murray, for these guidelines to assist property owners, developers, architects, and builders by providing design criteria that will enhance community character and quality of the entire community and ensure the aesthetic value and visual appeal of non-residential land uses in the following gateway corridors: from 12th Street from the southern city limits to the northern city limits; along Highway 121 Bypass North at the intersection of North 12th Street, known as US Highway 641, to the western city limits; and Main Street from South 7th Street to Robertson Road.
- (2) **Purpose.** Design performs an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. This subsection regulates design guidelines within certain areas of the City to ensure that they are appropriate, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare. The design guideline regulations of this subsection are intended to balance the following differing, and at times, competing goals:
 - (a) To support the desired character of the City, as expressed in adopted plans, policies, and regulations;
 - (b) To promote an attractive visual environment; Create attractive corridors to Murray and improve the appearance along major roadways in town;
 - (c) To achieve high quality building and site design;
 - (d) To promote a sense of continuity and compatibility along each corridor;

(B) DESIGN GUIDELINES ON CORRIDORS

- (1) **Applicability.** The regulations of this subsection apply to all development within the three corridors. It is the intent of the Design Guidelines to transition from those lots or tracts located fully in the corridor to those lots or tracts not located in the corridor by extending building materials and landscape guidelines to those lots or tracts partially located in the corridors. The requirements of the Corridor Design Guidelines shall not apply to the properties located in the Historic District, Industrial District, Franchises without alternative architectural designs, or existing shopping centers (a minimum of three (3) tenant spaces located in a unified building or a group of buildings on a single lot of record).
- (2) **Compliance.** When the square footage of an existing structure is expanded by more than fifty (50) percent, within a five (5) year period, all of the existing structure shall be brought into compliance with the Design Guidelines. Upon the sale of an existing structure, the established timeframe restriction, for compliance due to expansion, will expire; however, will reset upon future expansion. All new construction shall comply with all of the City of Murray Design Guidelines.

(A) PROVISIONS OF DESIGN GUIDELINES ON CORRIDORS

- (1) Four-sided architecture is required unless rear or side walls are determined not to be visible from a public street or right-of-way.

- (2) Building articulation should be used to create interest in the building base and enhance the pedestrian experience. Material changes may be used in some cases to distinguish the building base. No wall plane may extend more than 40' without horizontal and vertical articulation. Building facades between 40 to 100 feet in length may have either horizontal or vertical articulation. Façade articulations/offsets shall be shown on the elevation drawings along with dimensions verifying that the elevations have met the above requirements as part of the site plan submittal.
- (3) **Primary materials.** All buildings shall be constructed with a minimum 60% masonry, glass, exclusive of doors and windows. Masonry shall consist of brick, stone, or simulated stone, including Architectural concrete masonry units (textured, not smooth) split face, weathered face or sandblasted faced units. Unpainted integral color concrete masonry units are allowed as masonry.
- (4) **Secondary materials.** Secondary materials (maximum 40%) may be EIFS, stucco or dryvit, wood, metal, or other approved material. Either wood or metal/steel or a combination of wood or metal/steel, shall be limited to a maximum of 15% of any building façade per material.
- (5) **Mechanical unit screening.** All mechanical equipment shall be screened from public view. Screening must match building color. Ground-mounted mechanical units may be screened with an evergreen landscape screen. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color.
- (6) **Trash and recycling collection areas.** Trash and recycling collection areas shall be located to minimize visibility. Trash receptacles, recycling receptacles, and trash compactors shall be screened with an eight (8) foot masonry wall of a consistent color and material as the primary building if visible from any public right-of-way or residentially zoned property. Enclosures shall be oriented so that the service opening does not face any public right-of-way or residentially zoned property. The opening shall incorporate a metal or wooden gate to visually screen the dumpster or compactor. The Sanitation Manager shall approve the location of the pad and the dumpster. Gates shall not be allowed to swing into a drive aisle or fire lane.

(B) VIOLATIONS and APPEALS

(1) Violations.

- (a) This chapter of the zoning code shall be enforced under the provisions of Chapter 40 – Code Enforcement. Any person who so violates this zoning code or fails to comply with any of its requirements including the compliance with any official notice of violations, shall be subject to a fine detailed in §40.39.
- (b) The following are examples of violations; however, this list is not all- inclusive:
 - 1. To exceed secondary material limitations;
 - 2. To install, create or erect any structure requiring a permit without such permit;
 - 3. To install, create or erect any structure in a way that is inconsistent with any plan or permit governing such structure or the zoned lot on which the structure is located;
 - 4. To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Zoning Code. A separate civil fine shall be assessed for each day a violation continues.

(3) Appeals.

(a) Appealing a Zoning Official's action or decision.

Appeals to the Board of Zoning Adjustments may be made by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Official. Such appeal shall be made within 30 days after the appellant or his agent receives notice of the action appealed from, by filing with said officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was made and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance and all shall be given the opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Official at least one week prior to the hearing, and shall decide it within 60 days. The affected party may appear at the hearing in person or be represented by an attorney.

(a) Notice of violation appeals. Refer to § 40.35 for further information.

Chapter 156.060 | Application for Zoning Map and Text Amendment

- (A) The intent of this section of the zoning code is to provide for the use of mobile homes and mobile home parks within the city. It is intended to provide a blend between dwellings and mobile homes such that neither will create a nuisance to the other. Because of their unusual characteristics, mobile homes pose special problems in the application of land use control techniques and require special consideration as to their proper location and character in relation to adjacent uses and to the development of the community, and use to the circumstances and conditions under which each use may be permitted. The standards contained in this provision represent an attempt to provide adequate protection for, and consideration of both the community and the mobile home dweller.
- (B) A proposal for a text amendment may originate with any person, the Planning Commission, or the Murray City Council. Regardless of the origin of the proposed text amendment, it shall be referred to the Planning Commission for review prior to a public hearing being scheduled.

Chapter 156.061 | Notice of Public Hearing

- (A) Before voting upon any proposed zoning map or text amendment, notice of the time, place, and reason for holding a public hearing shall be given as required by KRS Chapter 424 and KRS 100.211 and 100.212.
- (B) After notice of the public hearing as provided hereinabove, the Commission shall hold at least one public hearing on the proposed amendment. The hearing will be held in accordance with procedures as outlined in KRS Chapter 100 and the published opinions of the Kentucky Court of Appeals and the Kentucky Supreme Court and any applicable published opinions of the United States Supreme Court, the United States District Courts for the Eastern and Western Districts of Kentucky, and their successors.
- (C) The hearing will be a trial-type hearing with procedures adopted by the Planning Commission pursuant to KRS 100.345 and in compliance with the Planning Commission bylaws. No formal rules of evidence shall be required. The hearing itself shall be as informal as possible, consistent with an orderly determination in a fair and impartial manner of the issues before the Commission.
- (D) Testimony at the public hearing shall be taken under oath administered by the Chairman of the Commission.
- (E) After voting to recommend that an application for amendment to the zoning map be granted or denied, the Commission shall forward its findings of facts and recommendations in writing to the Murray City Council.

Chapter 156.062 | Procedure of Commission for Zoning Map Amendment

The Planning Commission shall follow the procedures as outlined in KRS 100.2111 when making a recommendation to approve or deny a proposed zoning map amendment. The recommendation shall become final and the map amendment shall be automatically implemented subject to the provisions of KRS 100.347, all as set forth in the Planning Commission recommendations of which will be forwarded to the Murray City Council the next business day following the final action by the Planning Commission, unless within 21 days after the final action by the Planning Commission:

- (A) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the legislative body; or
- (B) The legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

Chapter 156.063 | Findings Necessary for Map Amendment

- (A)** Before any zoning map amendment is granted by the Planning Commission it must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the Planning Commission.
 - (1)** The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate.
 - (2)** There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.
- (B)** The findings of fact made by the Commission shall be recorded in the minutes and records of the Commission.
- (C)** The Commission's findings shall not merely parrot the statutory requirements of KRS 100.213. as amended but shall include sufficient findings of adjudicatory facts specific to the property requested to be rezoned and/or the surrounding areas.
- (D)** Once the Planning Commission has made a determination of fact and recommendation to the Murray City Council concerning the disposition of zoning on an individual tract of land, said tract of land, or any portion thereof, shall not be reconsidered by the Planning Commission for reclassification to the same zone for a period of at least six months, except upon application for reclassification initiated by the Planning Commission or Murray City Council.

Chapter 156.064 | Action by Murray City Council on Zoning Map Amendments

- (A)** The final action for a zoning map amendment is made by the Planning Commission. As the legislative body the Murray City Council may choose to file a notice with the Planning Commission to request that the legislative body decide the proposed map amendment. An aggrieved person may also file a written request that the final decision be made by the legislative body.
- (B)** Before any amendment to the zoning map is granted, the Murray City Council must find that the map amendment is in agreement with the comprehensive plan adopted by the Commission, or in the absence of such a finding, that:
 - (1)** The existing zoning classification given to the property was inappropriate or improper, or
 - (2)** There have been major changes of an economic, physical or social nature within the area involved which were not anticipated by the Commission and which have substantially altered the basic character of such area.
- (C)** The City Council's findings shall not merely parrot the statutory requirements of KRS 100.213. as amended or section (B) (1) or (2) above, but shall include sufficient findings of adjudicatory facts specific to the property requested to be rezoned and/or the surrounding area.
- (D)** It shall take a majority of the entire Murray City Council to override the recommendations of the Commission.
- (E)** All procedures for public notice and publication as well as for adoption shall be the same as for the original enactment of a zoning regulation as outlined in KRS 100.211, and the notice of publication

shall include the street address of the property in question, or if one is not available, or if it is not practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property and the names of the two streets on either side of the property which intersect the street on which the property is located. If the property is located at the intersection of two streets, the notice shall designate the intersection by name of both streets rather than name the two streets on either side of the property.

Chapter 156.065 | Recommendation of Commission for Text Amendments

- (A) After voting to recommend that an application for amendment to the text of this zoning code be granted or denied, the Commission shall forward its recommendation in writing to the Murray City Council.
- (B) The Murray City Council shall not act upon a proposed amendment to the text of this zoning code until it shall have received the written recommendation thereon from the Commission. It shall take a majority of the entire Murray City Council to override the recommendation of the Commission.

Chapter 156.075 | Administration and Enforcement

- (A) The provisions of this zoning code shall be administered and enforced by the Code Enforcement Officer and/or Zoning Official, except as otherwise provided herein.
- (B) The Code Enforcement Officer and/or Zoning Official shall promptly investigate complaints of violations and report the findings and actions to complainants. Such enforcement personnel shall use their best efforts to prevent violations and to detect and secure the correction of violations. If they should find any of the provisions of this zoning code are being violated, they shall in writing notify the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The enforcement personnel shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take or cause to be taken any other action authorized by this zoning code to insure compliance with, and prevent violations of, the provisions hereof.
- (C) The Code Enforcement Officer and/or Zoning Official shall make records of all official actions of this office relating to the administration and enforcement of the provisions of this zoning code including but not limited to written records of all complaints and actions taken with regard thereto, all violations discovered with actions taken thereto, and the final disposition of all such matters.

Chapter 156.076 | Building Permits

- (A) No building or other structure shall be erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a building permit reviewed by the Zoning Official. No building permit shall be approved by him or her except in conformity with the provisions of this zoning code unless he or she has a written order from the Board of Zoning Adjustments in the form of an administrative review decision, a conditional use permit, or dimensional variance as provided under the provisions of this chapter.
- (B) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of any existing principal buildings and accessory buildings; the lines within which the proposed building or structure is to be erected or altered; the proposed height; the existing and intended use of each building or part of building; the number of families or housekeeping units the building is designed to accommodate and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this zoning code. One copy of the plans shall be returned to the applicant by the Zoning Official, after he or she shall have marked such copy either as “approved” or “disapproved” and attested to same by signature on such copy. The original, similarly marked, shall be retained by the Zoning Official. The approved plan will have been reviewed and approved by the Fire Marshal prior to permit issuance.

Chapter 156.077 | Certificate of Occupancy

- (A) General provisions. No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged, or moved, wholly or partly, until a certificate of occupancy shall have been issued by the Building Official. Such certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformity with the provisions of this zoning code. It shall be the duty of the Building Official to issue such certificate if he or she finds that all of the provisions of this zoning code have been met, and to withhold such certificate unless all requirements of this zoning code have been met. The Building Official may not require a certificate of occupancy for certain use groups. However, this will be determined at the issuance of the permit.
- (B) Temporary certificates of occupancy. A temporary certificate of occupancy may be issued by the Building Official for a period not exceeding 90 days during alterations or partial occupancy of a building

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pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public. The temporary certificate of occupancy is not renewable.

- (C) Certificate of occupancy for existing uses or structures. Upon written application from the owner or tenant, and upon inspection to determine the facts in the case, the Building Official shall issue a certificate of occupancy for any building, premises, or use, certifying that the building, premises, or use is in conformity with the provisions of this zoning code or that a legal nonconformity exists as specified in the certificate.
- (D) Structures and uses to be as provided in building permits, plans, and certificates of occupancy. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Official or Fire Marshal authorize only the use, arrangement, and construction set forth in such permits, plans, and certificates, and no other. The use, arrangement, or construction at variance with that authorized shall be deemed a violation of this zoning code.

Chapter 156.078 | Complaints Regarding Violations

Whenever a violation of this zoning code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Code Enforcement Officer and/or Zoning Official. He or she shall record properly such complaint, immediately investigate, and take action thereon as provided by this zoning code.

Chapter 156.079 | Applications and Permits

- (A) The Board of Zoning Adjustments shall charge a fee for reviewing all dimensional variance or conditional use applications.
- (B) The Planning Commission shall charge fees for zoning changes at regular Planning Commission meetings, plus additional fees for special called meetings.
- (C) There will be a small fee charged for copies of the zoning code, zoning map, and other planning documents as needed.
- (D) All above fees will be set by the Planning Commission and approved by the City Council.

Chapter 156.080 | Board of Zoning Adjustments

- (A) The Board of Zoning Adjustments as constituted at the time of the adoption of this zoning code shall continue in power. Future appointments shall be made as required by KRS 100.217 and this chapter.
- (B) **Proceedings.** The Board of Zoning Adjustments shall conduct meetings at the call of the Chairman or Zoning Official who shall give written or oral notice to all members of the Board at least seven days prior to the meeting, and the subject or subjects which will be discussed. The Board may at their choosing, meet monthly or more often as desired. A simple majority of the total membership of the Board shall constitute a quorum. The Board of Zoning Adjustments may adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, whether any member is absent or abstains from voting, all of which shall, immediately after adoption, be filed in the city planning office. A transcript of the minutes of a Board of Zoning Adjustments meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.
- (C) **Powers.** The Board of Zoning Adjustments shall have the following powers. The Board may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties. The Board shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States

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- (D) Government, for the purpose of carrying out the provisions of this zoning code. The Board shall have the power to issue subpoenas to compel witnesses to attend its meetings and give the evidence bearing upon the questions before it. The Chairman of the Board of Zoning Adjustments shall have the power to administer oaths to witnesses prior to their testifying before the Board on any issue.
- (E) **Administrative review.** The Board of Zoning Adjustments shall have the power to hear and decide cases where it is alleged by an applicant that there is an error in any order, requirement, decision, grant, or refusal made by the Zoning Official in the enforcement of this zoning code. Appeals under this section must be taken within 60 days of the date of official action by the Zoning Official.
- (F) **Administrative procedure.**
- (1) The Board of Zoning Adjustments will meet at the call of the Zoning Official, Chairman, or on a regular basis, whichever is convenient, and in the wishes of the majority of the Board.
 - (2) Application must be filed by the Zoning Official in order for the Board to hear any questions involving the literal interpretation of this chapter, the exact location of zoning district boundaries, or any other interpretations and decisions specifically delegated to it by the provisions of this chapter.
 - (3) The Zoning Official has initial authority for literal enforcement and interpretation of the zoning code. He or she has no discretionary authority to allow any departure from the literal conformance with this code.
 - (4) Any appeals from decisions made by the Zoning Official shall be appealed only according to § 156.083. This administrative power is intended to correct any possible misinterpretation by the Zoning Official.
 - (5) The circuit court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Zoning Adjustments.
 - (6) An application process is required prior to the Board of Zoning Adjustments hearing any conditional use or dimensional variance requests. Applications shall be obtained from the Zoning Official and properly filled out according to their instructions and returned prior to their consideration. The Zoning Official shall review all applications for their completeness. All applications for a conditional use permit or dimensional variance will require written notice of the date and time of the public hearing, as well as a copy of the application, be given by first class mail to the applicant and all adjoining property owners at least 14 days in advance of the meeting. Adjoining property owners include those include those across a public right-of-way. Notice of the public hearing shall be published at least seven days and not more than 21 days in advance in the *Murray Ledger and Times*. It shall be the duty of the applicant to furnish the names and addresses of the owners of all adjoining properties. A fee as established by the City Council will be charged to all applicants.

Chapter 156.081 | Conditional Use Permits

- (A) The Board of Zoning Adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the planning area of uses which are specifically named in this zoning code which may be suitable only in specific locations in the zone only if certain conditions are met.
- (B) The Board may approve, modify, or deny any application for conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in this zoning code listing the conditional use under consideration. The Board shall have the power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures of uses removed at the cost of the violator and may have judgment in person for such cost.

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- (C) The granting of a conditional use permit does not exempt the applicant from complying with all the requirements of building, housing, and other regulations.
- (D) In any case where a conditional use permit has not been exercised within the time limit set by the Board, or within one year, if no specific time limit has been set, the granting of such conditional use permit shall be reconsidered by the Board of Zoning Adjustments. "Exercised" as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.
- (E) The Zoning Official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all conditions listed on the conditional use permit, the Zoning Official shall report the fact in writing to the Chairman of the Board of Zoning Adjustments. The Board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Zoning Adjustments finds that the facts alleged in the report of the Zoning Official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board may authorize the Zoning Official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- (F) Once the Board of Zoning Adjustments has granted a conditional use permit and all of the conditions required are of such type that they can be completely and permanently satisfied, the Zoning Official, upon request of the applicant, may if the facts warrant, make a determination that the conditions have been satisfied and enter the facts which indicate that the conditions have been satisfied and the conclusion of the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.3681. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.

Chapter 156.082 | Dimensional Variances

- (A) The Board of Zoning Adjustments shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the date of adoption or amendment of this zoning code or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of this zoning code would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.
- (B) Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
 - (2) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant

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- (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (C) The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.
- (D) The Board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by this zoning code in the zone in question, or, to alter density requirements in the zone in question.
- (E) A dimensional variance applies to the property for which it is granted, and not the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

Chapter 156.083 | Appeals

Appeals to the Board of Zoning Adjustments may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Official. Such appeal shall be taken within 30 days after the appellant or his agent receives notice of the action appealed from, by filing with the Officer and with the Board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board any interested person may appear and enter his appearance and all shall be given an opportunity to be heard. The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Official at least one week prior to the hearing, and shall decide it within 60 days. The affected party may appear at the hearing in person or by attorney.

Chapter 156.084 | Planning Commission

The Planning Commission's main function is the adoption and amendments of this chapter. It has primary responsibility in guiding the overall planning activities of the city.

- (A) **Establishment.** The Planning Commission is established as provided by KRS Chapter 100. Appointments and terms are made as provided for by state law and local city ordinances.
- (B) **Proceedings.**
 - (1) The Planning Commission shall conduct monthly meetings on the third Tuesday of each month. The meeting date and time may be changed by mutual agreement of the Planning Commission. The establishment of this regular date does not preclude the Planning Commission from scheduling additional public hearings whenever such meetings are deemed necessary.
 - (2) The Chair of the Planning Commission or Planning staff shall give seven days written or oral notice of a special meeting. The notice shall contain the date, time, and place of the meeting, and the subject or subjects which will be discussed. The Planning commission shall conduct business only when a majority of the total membership is present constituting a quorum. The Commission may adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, determinations, the number of votes for and against each question, whether any member is absent or abstains from voting, all of which shall immediately after adoption, be filed in the city planning office. A transcript of the minutes of the commission meeting shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

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- (C) **Powers.** The Murray Planning Commission shall have the following general powers. The commission may employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties. The Commission shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky, including the United States Government, for the purpose of carrying out the provisions of this zoning code. The Chair of the Planning Commission shall have the power to administer oaths to witnesses prior to their testifying before the Commission on any issue.
- (D) **Other authority.** The Planning Commission, in addition to its other responsibilities concerning adoption and amendment of this chapter, has the authority and responsibility for reviewing all planned development projects. This responsibility, like subdivision plat review, involves guiding the initial disposition of land including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion and is consequently equivalent to the Planning Commission's primary responsibility for subdivision plat review and approval.
- (E) **Administrative procedure.**
- (1) The circuit court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Planning Commission.
 - (2) Applications shall be filed with the Zoning Official for any action to come before the Planning Commission. Applications shall be obtained from the Zoning Official and properly filled out according to their instruction and returned prior to their consideration. The Zoning Official shall review all applications for their completeness. A fee as established by the City Council will be charged for all applications.
 - (3) The Administrative Procedure for a zoning amendment is contained in §§ 156.060 through 156.066.

Chapter 156.090 | Purpose

- (A) Proper storm water management and good water quality are vital in promoting the health, safety and general welfare of the public. It is the intent of this chapter, in an effort to minimize the dangers of flooding to life and property, and to assist in the preservation and protection of the Murray water quality and natural environment and more specifically:
- (1) Regulating the alteration of land and topography;
 - (2) Regulating the removal of vegetation;
 - (3) Requiring re-vegetation, and reducing erosion and sedimentation through control requirements;
 - (4) Reducing pollutants in stormwater discharges; and
 - (5) Prohibiting non-stormwater discharges to the storm sewer drainage system.
- (B) The design criteria for stormwater conveyance, erosion control, and stormwater pollution prevention are outlined in this subchapter.

Chapter 156.091 | Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“80th PERCENTILE RAINFALL EVENT.” The rainfall event, based on historical rainfall records, that represents an event that is equal to or greater than 80% of the rainfall events that would be expected to occur in a typical year.

“AUTHORIZED ENFORCEMENT AGENCY.” Mayor, City of Murray, MS4 Operator or authorized representative.

“BEST MANAGEMENT PRACTICE OR BMP.” Any structural or nonstructural control measure utilized to improve the quality and, as appropriate, reduce the quantity of stormwater run-off. The term includes schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, land use planning, policy techniques, and other management practices.

“CHANNEL.” A natural or man-made watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

“CLEAN WATER ACT.” The Federal regulations (33 U.S.C. §§ 1251 et seq., and as amended) that prohibit the discharge of pollutants to waters of the United States unless such discharge is in accordance with an approved National Pollutant Discharge Elimination System (NPDES) permit.

“CONSTRUCTION ACTIVITY.” Activities subject to NPDES construction permits include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

“CONTIGUITY.” An entity’s proximity to a designated MS4 area in such a way that it allows for direct discharges of stormwater run-off into the regulated MS4 conveyance.

“CONTROLLED RELEASE STRUCTURE.” A facility constructed to regulate the volume of storm water runoff that is conveyed during a specific length of time.

“CONVEYANCE.” Any structure process for transferring stormwater between at least two (2) points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

“CONVEYANCE STRUCTURES.” Water carrying devices or improvements such as channels, ditches, storm sewers, culverts, inlets, and the like.

Section VIII
Stormwater Conveyance, Erosion Control, and Pollution Prevention

“CULVERTS AND CROSS DRAINS.” A short, closed (covered) conduit that passes storm water runoff under an embankment.

“DETENTION” or **“RETENTION.”** Delaying the rate of storm water runoff in a controlled manner, typically by using temporary storage areas and a man-made outlet device.

“DEVELOPED.” Conditions after construction or other manmade change to improved or unimproved (land), including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

“DISPOSAL.” The **1)** discharge; **2)** deposit; **3)** injection; **4)** spilling; **5)** leaking; or **6)** placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

“ERODED.” Weathered or worn away outer layers of soil by the action of water.

“ESCP PLAN.” Erosion and Sediment Control Plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a specific development site or parcel of land during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with this subchapter.

“EXCESS STORM WATER.” That portion of storm water runoff which exceeds the capacity of the storm sewers or natural drainage channels serving a specific watershed.

“EXISTING STORMWATER FACILITY.” Any existing structural feature that slows, treats, filters, or infiltrates runoff after a rainfall event.

“GARBAGE.” All animal solid, vegetable solid, and semisolid wastes resulting from the **1)** processing; **2)** handling; **3)** preparation; **4)** cooking; **5)** serving; or **6)** consumption of food or food materials.

“HAZARDOUS WASTE.” Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

“HOTSPOT.” An area where the land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

“ILLICIT CONNECTIONS.” Either of the following:

- (1)** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allows any non-stormwater discharge including sewage, process wastewater, effluent, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains, washing machines, bathtubs, and sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by any enforcement agency.
- (2)** Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

“ILLICIT DISCHARGE.” Any discharge to an MS4 conveyance that is not composed entirely of stormwater.

“IMPERVIOUS SURFACE.” Asphalt, concrete or any other surface which does not allow measurable infiltration.

“INDUSTRIAL ACTIVITY.” Activities subject to MPDES industrial permits as defined in 40 CFR. § 122.26(b) (14).

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“INLET (STORM DRAIN).” An opening leading to an underground pipe or open ditch for carrying surface runoff.

“(MS4) MUNICIPAL SEPARATE STORM SEWER SYSTEM.” A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) owned or operated by a state, city, town, county, district association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial water, stormwater, or other wastes, that discharge to waters of the United States.

“NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT.” A permit issued by EPA or the Kentucky Department of Environmental Protection that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

“NATURAL DRAINAGE.” Water which follows by gravity in channels formed by the surface topography of the earth prior to changes made by the efforts of man.

“NON-STORMWATER DISCHARGE.” Any discharge to the storm drain system that is not composed entirely of stormwater.

“NOTICE OF INTENT (NOI).” Formal notice to the EPA or a state agency having delegated NPDES authority that a construction project seeking coverage under a general permit is about to begin.

“OFF-SITE.” External to the boundary of a development.

“ON-SITE.” Internal to the boundary of a development.

“PERSON.” Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner’s agent.

“POINT DISCHARGE (OUTFALL).” Release of storm water at a specific location.

“POLLUTANT.” Anything which causes or contributes to pollution. **“POLLUTANTS”** may include, but are not limited to: paints, varnishes, solvents; oil and automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, effluent fecal coliform, E. Coli, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction of a building or structure and noxious or offensive matter of any kind.

“POND.” An inland body of standing water that is usually smaller than a lake.

“PREMISES.” Any building, lot parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“RECEIVING WATERS.” The “water of the Commonwealth” as defined in KRS 224.01-010(33) into which the regulated stormwater discharges (modified EPA CGP).

“REDEVELOPMENT.” The improvement of a lot or lots that have been previously developed.

“REVIEW STAFF.” The City Engineer and/or other designated officials.

“RUBBISH.” Combustible and noncombustible waste materials except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

“RUNOFF.” Rainfall excess after natural losses from infiltration, evaporation, transportation or incidental poundage.

“SEDIMENT.” Solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by erosion.

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“STORM DRAINAGE SYSTEM.” Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and other drainage structures.

“STORM SEWER.” Two or more inlets connected by pipes.

“STORMWATER.” Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

“STORMWATER POLLUTION PREVENTION PLAN.” A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify the source of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters.

“STORM WATER RUNOFF RELEASE RATE.” The rate at which storm water runoff is released from dominant to servient land.

“STORM WATER STORAGE AREA.” An area designed to temporarily accumulate excess storm water.

“STREAM.” For the specific purpose of vegetated buffers, a **“STREAM”** is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow.

“STRUCTURE.” Anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Such construction includes, but is not limited to, objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls.

“SWALE.” Surface-type conveyance for storm water usually designated to carry incidental, localized runoff.

“TMDL.” Total maximum daily load. A **“TMDL”** is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the source(s) of the pollutant.

“TRANSPORTING.” Any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

“VEGETATIVE BUFFER.” A use-restricted vegetated area that is located along the perimeter of streams, ponds, lakes or wetlands, containing natural vegetation and grasses, or enhanced or restored vegetation.

“WASTEWATER.” Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

“WATER QUALITY CONTROL STRUCTURE.” The structures (e.g. grass swales, filter strips, infiltration basins, detention ponds, stormwater wetlands, natural filtration areas, sand filters, and rain gardens, and the like), used to slow runoff, promote infiltration, and reduce sediments and other pollutants in stormwater runoff.

“WATER QUALITY MANAGEMENT FACILITIES.” Structures and constructed features designed to prevent or reduce the discharge of pollution in storm water runoff from a development or redevelopment. **“WATER QUALITY MANAGEMENT FACILITIES”** can often be referred to as BMPs.

“WATER QUALITY MANAGEMENT PLAN.” An engineering plan for the design of water quality management facilities and best management practices within a proposed development or redevelopment. The **“WATER QUALITY MANAGEMENT PLAN”** includes a map showing the extent of the land development activity and location of water quality management facilities and BMPs. design calculations for water quality management facilities and BMPs, and may contain record drawings/certifications and covenants for permanent maintenance of water quality facilities and best management practices.

“WATER QUALITY RUNOFF STANDARDS.” The stormwater volume to be treated through a water quality control structure based on the surface runoff produced by an 80th percentile rainfall event.

“WATER QUALITY STANDARDS.” Administrative regulation promulgated by the State of Kentucky establishing

the designated use of a surface water and the water quality criteria necessary to maintain and protect that designated use (4041 KAR 5:002; 401 KAR 5:031 as amended).

“WETLAND.” An area that is inundated or saturated, by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland determination shall be made by the United States Army Corps of Engineers, and/or the Kentucky Division of Water, and/or the Natural Resources Conservation Service.

Chapter 156.092 | Storm Water Conveyance, Management, and Water Quality Facilities Required

All development occurring within the city and its area of extraterritorial jurisdiction for subdivision regulations shall provide for properly-sized storm water conveyance facilities and shall contain on-site, or provide off-site, storm water management facilities capable of controlling increased runoff relative to its pre-developed condition, and water quality control structures capable of managing the stormwater runoff quality produced from an 80th percentile rainfall event under post-construction conditions (See § 156.094, below). Unless included in exemptions listed in § 156.094(J), no application for a preliminary or final plan of subdivision shall be approved unless it includes either a plan describing the manner in which storm water erosion and sediment resulting from the development will be controlled or managed or a documented request for a waiver thereof. Similarly, unless exempt, no building permit shall be issued for any parcel or lot until either an adequate storm water management plan addressing erosion, sediment and storm water, or a documented request for a waiver thereof, has been approved.

Chapter 156.093 | Storm Water Conveyance Facilities and Water Quality Design Criteria

The following criteria shall control when designing storm water conveyance facilities and water quality control structures:

- (A) Open channels and roadside ditches. The design storm for the design of open channels and roadside ditches shall be a storm with a recurrence frequency of ten year/24-hour duration. The time of concentration for open channel and roadside ditch design should be assumed to be 15 minutes.
- (B) Storm sewers and inlets. The design storm for the design of storm sewers and inlets shall be the 25-year storm/24-hour duration (TR-55 Method and Rational Method). The duration of the peak rainfall event shall be assumed to be equal to the calculated time of concentration. Storm sewers and inlets shall be checked under 25-year storm/24-hour duration (TR-55 Method and Rational Method) loading conditions for ponding limits. The ponding limit for streets with curb and gutter shall be an eight-foot spread measured from gutter to driving lane. Spread calculations shall be based upon an intensity of four inches per hour. Pipes should be sized based upon the actual time of concentration. The minimum time of concentration should be assumed to be eight minutes.
- (C) Entrance pipes and cross drains. The design storm for the design of entrance pipes and cross drains shall be the 25-year storm/24-hour duration (TR-55 Method and Rational Method). The duration of the peak rainfall event shall be assumed to be equal to the calculated time of concentration. The minimum time of concentration shall be assumed to be eight minutes. Entrance pipes and cross drains shall be checked for overtopping of roadways and flood damage to affected areas. Situations requiring pipes larger than 36 inches shall be designed using the culvert criteria in subsection (D) of this section, below.
- (D) Culverts and cross drains. The design storm for the calculation of runoff for culvert design shall be the 25-year storm. The duration of the peak rainfall event shall be assumed to be equal to the calculated time of concentration. The recommended check storm is the 100-year storm. The

maximum headwater under 100-year storm conditions should not be allowed to overtop roads or increase the flooding potential in the affected areas.

- (E) Erosion control. Plans for storm water conveyance systems shall include appropriately designed temporary and permanent erosion-control measures both for the open channel conduits and all disturbed land draining to both open and closed conduits within the system. (Best Management Practices for Construction Activities prepared by the Kentucky Natural Resources and Environmental Protection Cabinet and § 156.36 of this subchapter should be used as design guides for erosion and sediment control).
- (F) Water quality control structures. The design rainfall event for the design of all stormwater quality control structures shall be the surface depth of runoff produced from an 80th percentile precipitation event. Stormwater quality control structures shall be designed, built and maintained to treat filter, flocculate, infiltrate, screen, evapo-transpire, harvest and reuse stormwater runoff, or otherwise manage the stormwater runoff quality for the 80th percentile precipitation event. Green infrastructure devices may be used as water quality control structures if they meet the design criteria.
- (G) Design certification. Design of all storm water conveyance and water quality facilities shall be prepared and stamped by a licensed professional engineer (Kentucky registration required). Design methods shall be in accordance with the Kentucky Department of Highways Manual of Instructions for Drainage Design, latest edition.

Chapter 156.094 | Storm Water Management Facilities Design Criteria

As a minimum, the following criteria shall be followed when designing a storm water management facility.

- (A) The rainfall events shall be analyzed using the Soil Conservation Service TR-55 method, Rational Method or other methods only as pre-approved by the city.
- (B) The storm water discharge point onto adjoining property may not be relocated without the permission of the affected adjoining landowner and the city.
- (C) If the storm water discharge onto adjoining property is of a sheet flow nature before development, the storm water discharge onto adjoining property after development of the property may not be changed to a concentrated discharge point without the written agreement of the affected adjoining landowner.
- (D) The initial reference conditions for an undeveloped site shall be the conditions that existed on that site as of April 1, 1998. This date refers to the aerial photography on file at the City Engineering Department and available on request.
- (E) When a property to be developed experiences upstream storm water runoff onto the property, the effects of that runoff under current conditions shall be included in the storm water analysis. If the off-site runoff onto the property is not isolated from the detention system, the effects of routing the off-site runoff through the detention facilities shall be included in the analysis (Routed Through Design).
- (F) Design storm. Storm water management facilities shall be designed to retain the difference in the pre-development and post-development 5-year, 10-year and 25-year, 24-hour storm event. Stormwater management facilities that discharge to high quality waters shall be designed to retain the difference in the pre-development and post-development 2-year, 24-hour storm event. High quality waters are categorized by the Kentucky Division of Water as high quality pursuant to the requirements of 401 KAR 10:030, § 1(3).
- (G) Emergency spillways. Emergency spillways shall be designed to pass the 100-year storm. The effect of the 100-year storm must be accommodated and documented in the design of all storm water management facilities.

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- (H)** Design Calculations. Design calculations submitted must include, but not be limited to, the following:
- (1)** Contributing drainage area, in acres. Indicate if pre-development and post-development areas differ.
 - (2)** A breakdown of surface type for pre-development and post-development conditions (such as grassed, paved, roofed, and the like).
 - (3)** Stage-storage curve for the proposed storm water management facility.
 - (4)** Stage-discharge curve for the outlet structure of the proposed storm water management facility.
 - (5)** Inflow and outflow hydrographs for pre-development and post-development conditions.
 - (6)** Emergency spillway design calculations.
 - (7)** Embankment design criteria as it relates to slope stability and compaction requirements during construction.
- (I)** Storm water management and water quality plan. The final storm water management and water quality plan shall include, but not be limited to, the following:
- (1)** All calculations, assumptions and criteria used in the design of the storm water management facilities and water quality control structures.
 - (2)** All plans and profiles of proposed storm sewers and open channels including horizontal and vertical controls, elevations, sizes, slopes and materials.
 - (3)** All plans will depict all contributing areas on the plans.
 - (4)** Location, dimensions and design details required for the construction of all facilities.
 - (5)** A description of the operation and maintenance needs for the storm water management facilities and water quality control structures.
 - (6)** All information relative to the design and operation of emergency spillways.
 - (7)** Project specifications relative to erosion and sedimentation control. (Refer to Best Management Practice for Construction Activities prepared by the Kentucky Natural Resources and Environmental Protection Cabinet for design guidelines associated with erosion and sediment control.)
 - (8)** All deed restrictions, easements and rights-of-way.
 - (9)** The ownership and maintenance responsibilities for all storm water management and water quality control structures during and after development. The identity of the responsible individual, corporation, association or other specific entity and the specific maintenance must be outlined on the plan.
 - (a)** Storm water detention facilities and water quality control structures that are not maintained in proper working condition will be subject to corrective action by city forces along with appropriate fees and fines.
 - (b)** The property owner shall be responsible for maintaining the storm water detention facilities and water quality control structures on the property, unless a maintenance agreement exists with multiple property owners for a regional detention facility.
- (J)** Exemptions. Exemptions from the storm water management requirement contained herein shall be granted to the following:
- (1)** All existing residentially subdivided property developments excluding sites to be used or developed as a residential planned development project.

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- (2) Residential subdivisions or residential planned development projects where minimum lot size is greater than five acres.
- (3) Any nonresidential development for which the area paved and under roof is less than 7,500 square feet.
- (4) Waivers may also be granted if, in other cases, the developer can provide sufficient documentation that the proposed development will not result in an adverse impact either upstream or downstream of the proposed site. Waivers shall be granted solely at the discretion of the city plan review staff, based upon interpretation of the documentation presented by the developer in conjunction with staff knowledge of the relationship of the proposed development to the adjacent property.
- (K) Design certification. Design of all storm water management and conveyance facilities and water quality control structures shall be prepared and stamped by a licensed professional engineer (Kentucky registration required).
- (L) Construction certification. Prior to final approval of the development or issuance of certificate of occupancy, the licensed professional engineer must submit certification that the storm water management and conveyance facilities were constructed in accordance with the approved plan. Final approval shall also provide evidence of the recording of all storm water conveyance, management, and water quality facilities deed restrictions, easements and rights-of-way. Any request for deviation from the approved plan during construction shall be submitted to the city plan review staff in writing for approval.
- (M) Ownership, operation and maintenance of detention systems and water quality management facilities:

 - (1) For commercial, industrial and multifamily residential developments, ownership and maintenance responsibilities remain with the property owner/developer.
 - (2) For single family residential subdivisions, the city may at its discretion accept ownership and maintenance responsibilities; provided, that:

 - (a) Construction and certification is in accordance to the approved plan; and
 - (b) Appropriate land dedication and easements are provided, including adequate public ingress and egress from the facility to a public street.
- (N) Additional treatment and monitoring may be required. The City reserves the right to require for new and redeveloped properties superseding or additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall stormwater quality management program objectives or directives under a watershed improvement or total maximum daily load (TMDL) program or KPDES/NPDES permit program as administered by the USEPA or Commonwealth of Kentucky.
- (O) Self-inspection required. The property owner shall provide self-inspection documentation for water quality management facilities. Stormwater management staff will periodically inspect water quality management facilities for the purpose of identifying maintenance and structural deficiencies and if required proof of monitoring. If additional treatment and or monitoring is required, the property owner shall be fully responsible for monitoring their stormwater management and water quality facilities in accordance with the most recent directives under a watershed improvement or Total Maximum Daily Load Program or KPDES/NPDES permit program as administered by the USEPA or Commonwealth of Kentucky.
- (P) In lieu of fee, an off-site mitigation program may be established. The City of Murray Stormwater Management Department may develop a payment-in-lieu program to allow property owners/developers to make payment to the City in lieu of constructing stormwater quality management structures. The in lieu of fee funds shall be applied to public stormwater projects. Another option is to allow the property owner/developer to provide off site mitigation in the same

watershed. Both of these options may be developed by the City of Murray Stormwater Management Department following the permit requirements of the KPDES permit for small municipal separate storm sewer systems.

Chapter 156.095 | Erosion Control

- (A)** Permit required. Prior to any person engaging in a land disturbance activity within the corporate boundaries of the city, they shall possess a city-issued permit for the land disturbance activity. A permit will be issued by the city once a sedimentation and erosion control plan has been submitted and approved.
- (B)** Land disturbance activity within the corporate boundaries of the City of Murray subject to NPDES permit coverage within the provisions of this subchapter shall include but not limited to:
 - (1)** Land disturbing activities including development and re-development activities that disturb an area greater than or equal to one (1) acre. Sites that are smaller than one (1) acre are also covered by this subchapter if they are part of a larger common plan of development or sale.
 - (2)** Land disturbing activities of less than one (1) acre that have the potential to negatively impact local water quality or sensitive areas. This determination will be made at the sole discretion of the Director of Planning and Engineering or his or her designee.
- (C)** Permit coverage requirements. Prior to any person engaging in construction and or land disturbance activity subject to permit coverage within the corporate boundaries of Murray must comply with the following requirements to achieve and maintain coverage under the “National Pollutant Discharge Elimination System” (NPDES) general permit for construction activity:
 - (1)** Develop and submit an erosion and sediment control plan to the City of Murray Planning and Engineering Department.
 - (2)** Develop and submit a “Stormwater Pollution Prevention Plan,” (SWPPP) to the City of Murray Planning and Engineering Department.
 - (3)** Submit an electronic notice of intent (NOI) form to the Kentucky Division of Water at least seven (7) days before construction begins.
 - (4)** Submit a copy of the NOI to the City of Murray Planning and Engineering Department.
 - (5)** All design, testing, installation, and, maintenance of erosion protection and sediment control operations and facilities shall adhere to the criteria, standards and specifications as set forth in the most recent version of the Kentucky Erosion Prevention and Sediment Control Field Guide.
 - (6)** Continue to implement all plans and procedures during construction activity, including inspections every seven (7) days, or every 14 days and after each rainfall event of one-half inch or more.
 - (7)** Submit a signed notice of termination (NOT) form to the Kentucky Division of Water, and the City of Murray Planning and Engineering Department after the site has been stabilized.
- (D)** Contents of erosion and sediment control plan. Plans shall be prepared by a licensed professional engineer, drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and show measures proposed to minimize soil erosion and off-site sedimentation. The permittee shall assure that all clearing, grading, drainage-construction, and development are performed in strict accordance with the approved plan and this subchapter. The ESCP plan shall include the following:
 - (1)** A project narrative.

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- (2) The location of the site in relationship to the surrounding area's watercourses, water bodies, sinkholes, roads, structures, and other significant geographic features vulnerable to erosion from the disturbed site.
- (3) An indication of the scale used.
- (4) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed.
- (5) Contours with a minimum two (2) foot interval for the existing and proposed topography.
- (6) The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.
- (7) A clear and definite delineation of any areas of vegetation or trees to be saved.
- (8) A clear and definite delineation of any wetlands, sinkholes, natural or artificial water storage detention areas, and drainage ditches on the site.
- (9) A clear and definite delineation of any one hundred (100) year floodplain on or near the site.
- (10) Existing and proposed storm drainage systems.
- (11) Standard details for storm water facilities and erosion and sediment control measures.
- (12) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.
- (13) Design details for both temporary and permanent erosion control structures.
- (14) Details of temporary and permanent stabilization measures.
- (E) Review of plan. The City Engineer shall review the erosion and sediment control plan. The plan will be approved and a permit issued if he finds that it complies with the following land disturbance activity standards.

 - (1) Land disturbance activities shall be done in a manner which will minimize soil erosion:

 - (a) The extent of the disturbed area and the duration of its exposure shall be kept within reasonable limits.
 - (b) Cut and fill operations shall be kept to a minimum. Developments calling for excessive cutting and filling may be refused a permit if it is determined that the land use proposed for the site can be reasonably constructed with less alteration of the natural terrain.
 - (2) Land shall be developed in increments of workable size, which can be completed during a single construction season. Erosion and sedimentation control measures shall be coordinated with the sequence of grading, development and construction operations.
 - (3) When feasible, natural vegetation shall be retained, protected and supplemented.
 - (4) Topsoil shall be saved where practical and reapplied to the site after grading has been finished.
 - (5) Provisions shall be provided which minimize the damage from surface water to the cut face of excavations or the sloping surface of fills.
 - (6) Disturbed soils shall be stabilized as quickly as possible; however, no area shall be left disturbed for more than fourteen (14) days.
 - (7) Temporary seeding, mulching or other suitable methods of stabilization shall be used to protect exposed areas which have been disturbed longer than 30 days.

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- (8)** Water runoff shall be minimized and retained on-site, wherever possible, to facilitate groundwater recharge and reduce erosion.
- (9)** Measures shall be taken to contain as much sedimentation as practical on-site:

 - (a)** Sedimentation shall be trapped by the use of debris, basins, sediment basins, silt traps or similar measures approved by the City Engineer until the area has been stabilized.
 - (b)** All required sedimentation and erosion reduction measures and structures shall be in place prior to any land disturbance.
 - (c)** Sedimentation shall be kept out of sinkhole throats/outlets.
 - (d)** All necessary soil erosion and sedimentation control measures installed shall be adequately maintained by the developer until the land has been completely stabilized as verified by the City Engineer.
 - (e)** Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - (f)** No mud, gravel, debris, etc., shall be allowed to accumulate or collect, or be deposited onto public streets or washed into storm drains.
- (10)** The type of stabilization or re-vegetation shall be appropriate for the slope and soil type of the site.
- (11)** Provisions shall be made for reseeded areas which do not vegetate the first time.
- (12)** Difficult areas, such as ditch lines and other slopes, may have to be sodded or stabilized in some other approved manner.
- (13)** The City Engineer shall review the plan within 30 days of its receipt and notify the applicant of his action. In the case of a denial, the reasons for the denial shall also be given. An applicant may appeal a denial of a permit to the Planning Commission. All appeals shall be made in writing within ten days of the denial and the applicant shall be entitled to a hearing before the Planning Commission within 30 days of the date of appeal.
- (14)** A land disturbance/ development permit will be issued on the basis of approved plans. No fee will be charged for the permit.
- (F)** Exemptions from this permit. The following land disturbance activities are specifically exempt from this article.

 - (1)** Land disturbance associated with existing one- and two-family dwelling.
 - (2)** Use of land for home gardening.
 - (3)** Agricultural use of land which is used in accordance with a farm conservation plan approved by the local soil conservation service or which has been determined by said service that such use will not cause excessive erosion or sedimentation.
 - (4)** Land disturbance activities covered under an approved subdivision's sedimentation and erosion control plan. (NOTE: Often these plans will cover only the land disturbance associated with lot arrangement and street development and not the individual lot development.)
- (G)** Existing unvegetated and eroded areas. All existing unvegetated areas within the city shall submit and have approved an erosion and sediment control plan, a SWPPP, and a NOI from the Division of Water as per § 156.095(C). All areas of the city shall be vegetated or stabilized in accordance with this article. The existing unvegetated areas shall institute measures to keep their sedimentation on-site and out of sinkhole outlet areas while the erosion control and revegetation measures are in progress.

Chapter 156.096 | Issuance of Certificate of Occupancy

No certificate of occupancy shall be issued for any development, which is subject to the regulations of this chapter unless, and until all requirements and criteria of this chapter are fully complied with.

Chapter 156.097 | Stormwater Pollution Prevention

- (A) Purpose, intent. The purpose and intent of this section is to ensure the health, safety and general welfare of the inhabitants within the corporate limits of the City of Murray and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the National Pollutant Discharge Elimination System (NPDES) permit process by reducing pollutants in stormwater discharges and by prohibiting non-stormwater discharges to the storm drain system.
- (B) Applicability. This subchapter shall apply to all water entering the storm drainage system and/or receiving waters generated on any developed or undeveloped lands unless explicitly exempted by the authorized enforcement agency.
- (C) Ultimate responsibility. The standards set forth herein and promulgated pursuant to this subchapter are minimum standards: therefore, this subchapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the state caused by the person. This subchapter shall not create liability on the City of Murray, or any agent or employee thereof for any damages that result from any discharger's reliance on this subchapter or any administrative decision lawfully made hereunder.
- (D) Severability. The provisions of this subchapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this subchapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this subchapter.
- (E) Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the storm drainage system and or receiving waters of the Commonwealth, any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standard, other than stormwater. The commencement conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - (1) Waterline flushing, or other potable water sources.
 - (2) Landscape irrigation or lawn watering.
 - (3) Diverting stream flows.
 - (4) Rising ground water or ground water infiltration to storm drains.
 - (5) Uncontaminated pumped ground water.
 - (6) Foundation or footing drains (not including active ground water dewatering systems), and crawl space pumps.
 - (7) Air conditioning condensation.
 - (8) Springs.
 - (9) Non-commercial washing of vehicles.
 - (10) Natural riparian habitat or wetland flows.
 - (11) Firefighting activities.
 - (12) And any other water source not containing pollutants.

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- (13) Dye testing discharge upon verbal notification to the authorized enforcement agency prior to the time of the test.
- (14) Any non-storm water discharge permitted under NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental, Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (15) Discharges specified in writing to the authorized enforcement agency as being necessary to protect public health and safety.
- (F) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this subchapter if the person connects a line conveying sewage, effluent, or biologically contaminated water to the storm drainage system, or allows such a connection to continue. A person is considered to be in violation to this subchapter if the person reinstates a suspended connection to the storm drainage system without prior approval of the authorized enforcement agency.
- (G) Waste disposal prohibitions. No person shall throw, deposit leave, maintain, keep, or permit to be thrown, deposit left, or maintained, in or upon any public or private property, driveway, parking area, street alley, sidewalk, component of the storm drain system, or water of the state, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited adjacent to streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.
- (H) Industrial or construction activity discharges. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the authorized enforcement agency prior to allowing discharges to the MS4.
- (I) Monitoring of discharges.

 - (1) The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as necessary to determine compliance with this section.
 - (2) Persons shall allow the authorized enforcement agency ready access to all parts of the premises for the purpose of inspection, sampling, examination and copying of records that must be kept under the condition of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state law.
 - (3) The authorized enforcement agency shall have the right to set up on any permitted facility such devices as necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The authorized enforcement agency has the right to require the discharger to install, monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to their accuracy.
 - (5) Any temporary or permanent obstruction to the facility being inspected and/or sampled shall be promptly removed by the facility operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the facility operator.

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- (6)** Unreasonable delay and/or denial of access to a permitted facility are violations of a stormwater discharge permit and this ordinance. The authorized enforcement agency is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
- (J)** Requirements to prevent control, and reduce stormwater pollutants. The owner and/or facility operator shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system of watercourses through the use of these structural and non-structural BMPs. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity to the extent practicable shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.
- (K)** Watercourse protection. Every person owning property within a watershed, through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
- (L)** Notifications of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater the storm drainage system, or water of the State said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the authorized enforcement agency in person, by phone, or by facsimile no later than the next business day and written notice given no later than three (3) business days of initial notification. The owner or facility operator shall also retain an onsite written record, for three (3) years, of the discharge and the actions taken to prevent its recurrence.
- (M)** Program enforcement.

 - (1)** Suspension of MS4 access.

 - (a)** In the event of an emergency, the authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to public health, the environment, the MS4. or the waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize the danger to the public, damage to the MS4 or waters of the state.
 - (b)** Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator so they may petition the authorized enforcement agency, for a reconsideration and hearing.
 - (2)** Notice of violation.

 - (a)** Whenever the authorized enforcement agency finds that a person has violated any prohibition or failed to meet any requirements of this ordinance the authorized

enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting.
 2. The elimination of illicit connections or discharges.
 3. That violating discharges, practices, or operations shall cease and desist.
 4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
 5. Payment of penalty to cover administrative and remediation costs, or
 6. The implementation of source control or treatment BMPs.
- (b) If abatement of violation and/or restoration of affected property are required, the notices shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall advise that should the violator fail to remediate or restore within the established deadline; the work will be done by a contractor and all expense shall be charged to the violator.
- (3) Appeal of notice of violation. Any person receiving a notice of violation may appeal in writing, the determination of the authorized enforcement agency. The notice of appeal must be received by the office of Planning and Engineering, within 15 days from the date of the notice of violation.
- (4) Enforcement measures after appeal. If the violation has not been corrected pursuant to the requirements set forth in the violation or deadline, the enforcement agency shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the authorized enforcement agency or its designated contractor to enter upon the premises for the purposes set forth above.
- (5) Cost of abatement. Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with 15 days of notification. If the amount due is not paid within 30 days or by the date expressed by the authorized enforcement agency, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.
- (6) Injunctive relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. If a person has violated or continues to violate the provisions of this subchapter, the authorized enforcement agency may petition the courts for a preliminary or permanent injunction restraining the person from activities which would create further violation or compelling the person to perform abatement or remediation of the violation.
- (7) Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and the like.
- (8) Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of

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this subchapter, is a threat to public's health, safety, and welfare, and is deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

- (9)** Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter 156.999 | Penalty

- (A)** Failure to comply with the provisions of this zoning code for which no other penalty is specifically provided, or failure to comply with any of its requirements (including violations of the conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a violation.
- (1)** Any person who so violates this zoning code or fails to comply with any of its requirements, including the compliance with any official notice of violation, shall be subject to a fine as detailed in § 40.39 and § 115.99, respectively, except as provided in subsection (A)(2) below. A separate civil fine shall be assessed for each day a violation continues.
- (2)** Any person, owner or agent who violates this zoning code shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each lot or parcel which was the subject of sale or transfer or a contract for sale or transfer. KRS 100.991.2
- (B)** Criminal penalties; legal, equitable, injunctive relief.
- (1)** For the purposes of § 156.056, the following definitions of crimes shall apply:
- (a)** A Class A Misdemeanor shall be punished by a term of imprisonment not to exceed twelve (12) months and/or a fine not to exceed five hundred dollars (\$500.00).
- (b)** A Class B Misdemeanor shall be punished by a term of imprisonment not to exceed ninety (90) days and/or a fine not to exceed two hundred fifty dollars (\$250.00).
- (c)** A violation shall be punished by a fine not to exceed two hundred fifty dollars (\$250.00).
- (2)** Each violation of or non-compliance with § 156.056 shall be considered as a separate offense as will each day of continued violation or non-compliance.
- (3)** The city may take any such lawful action to prevent or remedy any violation or non-compliance including but not limited to an equitable action for injunctive relief or an action at law for damages. In such action, attorneys' fees and costs of the City shall be assessed against the Defendant(s).
- (C)** Any person who is subject to the regulations of §§ 156.090 through 156.097 shall be liable to the city for a civil penalty of \$250 per violation per day for as long as the violation continues. In addition to such penalty, the city may recover from the person reasonable attorney fees, court costs and other expenses incurred in any enforcement proceedings.
- (D)** Any person, firm, corporation, partnership, or other entity who is subject to the regulations of §§ 156.100 through 156.103 shall be subject to the penalties in § 110.99.

City of Murray, Kentucky Zoning Code Amendment Inventory

Section I General Provisions

Chapter 156.001	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.002	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.003	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.004	Am. Ord. 90-925, passed 7-26-90; Am. Ord. 91-952, passed 7-25-91; Ord. 92-970, passed 2-27-92; Am. Ord. 94-1031, passed 9-22-94, Am. Ord. 95-1065, passed 11-21-95; Am. Ord. 97-1128, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2005-1373, passed 3-24-05; Am. Ord. 2008-1457, passed 2-28-08; Am. Ord. 2012-1597, passed 12-13-12; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2023-1844, passed 4-18-23; Am. Ord. 2024-1868, passed 6-24-24; Am. Ord. 2024-1872, passed 12-12-24

Section II General Zone and District Regulations

Chapter 156.010	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.011	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 92-977, passed 5-28-92
Chapter 156.012	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 91-952, passed 7-25-91; Am. Ord. 95-1070, passed 12-28-95
Chapter 156.013	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 95-1070, passed 12-28-95
Chapter 156.014	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 91-952, passed 7-25-91; Am. Ord. 92-977, passed 5-28-92; Am. Ord. 95-1070, passed 12-28-95; Am. Ord. 2001-1250, passed 7-26-01; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2023-1844, passed 4-18-23; Am. Ord. 2024-1872, passed 12-12-24
Chapter 156.015	Ord. 794, passed 12-22-83
Chapter 156.016	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.017	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90

Section III Establishment of Zoning Districts

Chapter 156.025	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2009-1480, passed 2-26-09
Chapter 156.026	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90

Section IV Zoning District Regulations

Chapter 156.035	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 92-970, passed 2-27-92; Am. Ord. 97-1127, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2007-1438, passed 3-22-07; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2024-1868, passed 6-24-24
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Chapter 156.036	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 97-1127, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2024-1868, passed 6-24-24
Chapter 156.037	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 91-952, passed 7-25-91; Am. Ord. 93-1006, passed 7-22-93; Am. Ord. 97-1127, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2005-1373, passed 3-24-05; Am. Ord. 2008-1457, passed 2-28-08; Am. Ord. 2012-1597, passed 12-13-12; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2023-1844, passed 4-18-23, Am. Ord. 2024-1868, passed 6-24-24; Am. Ord. 2024-1872, passed 12-12-24
Chapter 156.038	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2024-1868, passed 6-24-24
Chapter 156.039	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 97-1127, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2008-1457, passed 2-28-08; Am. Ord. 2012-1597, passed 12-13-12; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2024-1868, passed 6-24-24; Am. Ord. 2024-1872, passed 12-12-24
Chapter 156.040	(Reserved)
Chapter 156.041	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2024-1868, passed 6-24-24
Chapter 156.042	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2019-1789, passed 10-24-19; Am. Ord. 2024-1868, passed 6-24-24
Chapter 156.043	Ord. 794, passed 12-22-83; Am. Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90
Chapter 156.044	Ord. 2008-1475, passed 11-13-08; Am. Ord. 2009-1480, passed 2-26-09; Am. Ord. 2019-1789, passed 10-24-19
Chapter 156.045	Ord. 2019-1789, passed 10-24-19; Am, Ord. 2023-1844, passed 4-18-23; Am. Ord. 2024-1868, passed 6-24-24, Am. Ord. 2024-1872, passed 12-12-24

Section V Special Regulations

Chapter 156.050	Ord. 794, passed 12-22-83; Am. Ord. 89-896, passed 6-22-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 92-971, passed 2-27-92; Am. Ord. 92-979, passed 6-25-92; Am. Ord. 93-1011, passed 9-10-93; Am. Ord. 97-1112, passed 7-10-97; Am. Ord. 97-1131, passed 10-23-97; Am. Ord. 2005-1373, passed 3-24-05; Am. Ord. 2006-1417, passed 8-24-06; Am. Ord. 2006-1418, passed 8-24-06; Am. Ord. 2008-1457, passed 2-28-08; Am. Ord. 2018-1756, passed 5-24-18; Am. Ord. 2018-1765, passed 11-20-18; Am. Ord. 2023-1844, passed 4-18-23, Am. Ord. 2024-1872, passed 12-12-24
Chapter 156.051	Ord. 794, passed 12-22-83; Am. Ord. 9-925, passed 7-26-90; Am. Ord. 94-1031, passed 9-22-94; Am. Ord. 95-1065, passed 11-21-95; Am. Ord. 96-1091, passed 11-4-96
Chapter 156.052	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 95-1066, passed 11-21-95
Chapter 156.053	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.054	Ord. 89-890, passed 4-27-89; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 98-1174, passed 12-28-98; Am. Ord. 2007-1438, passed 3-22-07; Am. Ord. 2023-1844, passed 4-18-23

Chapter 156.055	Ord. 97-1128, passed 9-26-97; Am. Ord. 98-1174, passed 12-28-98
Chapter 156.056	Ord. 98-1174, passed 12-28-98
Chapter 156.057	Ord. 2005-1375, passed 4-28-05
Chapter 156.058	Ord. 2023-1840, passed 4-27-23

Section VI Amendments

Chapter 156.060	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2016-1710, passed 8-11-16
Chapter 156.061	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2016-1710, passed 8-11-16
Chapter 156.062	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2005-1373, passed 3-24-05; Am. Ord. 2016-1710, passed 8-11-16
Chapter 156.063	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2008-1468, passed 7-24-08; Am. Ord. 2016-1710, passed 8-11-16
Chapter 156.064	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2016-1710, passed 8-11-16
Chapter 156.065	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2016-1710, passed 8-11-16

Section VII Administration, Enforcement, and Violations

Chapter 156.075	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2016-1692, passed 2-25-16
Chapter 156.076	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.077	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.078	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2016-1692, passed 2-25-16
Chapter 156.079	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.080	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2008-1457, passed 2-28-08
Chapter 156.081	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.082	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Am. Ord. 2005-1373, passed 3-24-05
Chapter 156.083	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90
Chapter 156.084	Ord. 794, passed 12-22-83; Am. Ord. 2023-1844, passed 4-18-23

Section VIII Stormwater Conveyance, Erosion Control, and Pollution Prevention

Chapter 156.090	Ord. 2001-1253, passed 8-23-01; Am. Ord. 2014-1636, passed 4-10-14
Chapter 156.091	Ord. 2001-1253, passed 8-23-01; Am. Ord. 2014-1636, passed 4-10-14
Chapter 156.092	Ord. 2001-1253, passed 8-23-01; Am. Ord. 2014-1636, passed 4-10-14
Chapter 156.093	Ord. 2001-1253, passed 8-23-01; Am. Ord. 2014-1636, passed 4-10-14
Chapter 156.094	Ord. 2001-1253, passed 8-23-01; Am. Ord. 2005-1373, passed 3-24-05; Am. Ord. 2006-1429, passed 11-21-06; Am. Ord. 2014-1636, passed 4-10-14
Chapter 156.095	Ord. 2001-1253, passed 8-23-01; Am. Ord. 2005-1373, passed 3-24-05; Am. Ord. 2014-1636, passed 4-10-14
Chapter 156.096	Ord. 2001-1253, passed 8-23-01
Chapter 156.097	Ord. 2014-1636, passed 4-10-14

Transient Business Regulations

*entire section removed and added to Chapter 115: Solicitors and Peddlers, specifically 115.07

Chapter 156.100	Ord. 2008-1458, passed 2-28-08; Am. Ord. 2019-1779, passed 6-27-19, Removed Ord. 2023-1852, passed 8-10-23
Chapter 156.101	Ord. 2008-1458, passed 2-28-08; Am. Ord. 2019-1779, passed 6-27-19; Removed Ord. 2023-1852, passed 8-10-23
Chapter 156.102	Ord. 2008-1458, passed 2-28-08; Am. Ord. 2012-1580, passed 6-28-12; Am. Ord. 2019-1779, passed 6-27-19; Removed Ord. 2023-1852, passed 8-10-23
Chapter 156.103	Ord. 2008-1458, passed 2-28-08; Am. Ord. 2012-1580, passed 6-28-12; Am. Ord. 2016-1697, passed 4-28-16; Am. Ord. 2019-1779, passed 6-27-19; Removed Ord. 2023-1852, passed 8-10-23

Section IX Penalties for Violations

Chapter 156.999	Ord. 794, passed 12-22-83; Am. Ord. 90-925, passed 7-26-90; Ord. 98-1174, passed 12-28-98; Ord. 2001-1253 passed 8-23-01; Am. Ord. 2012-1580, passed 6-28-12; Am. Ord. 2014-1636, passed 4-10-14; Am. Ord. 2016-1692, passed 2-25-16; Am. Ord. 2019-1779, passed 6-27-19
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PLANNING AND ZONING FEES

Administrative Appeal	\$50.00
Board of Zoning Adjustments Special Called Meeting	\$580.00
Conditional Use Application	\$100.00
Dimensional Variance Application	\$100.00
Conditional Use & Dimensional Variance Recording (County Clerk's Fee)	\$50.00
Planning Commission Special Called Meeting	\$700.00
Zoning Map Amendments or Changes (Non-Refundable)	\$450.00
Planned Development Project (Total Fees)	\$486.00
Sign Permit	\$50.00
Bond Posted for Removal of Temporary Sign	\$25.00
Minor Subdivision Plat Review (if reviewed by the Planning Commission)	\$25.00
Subdivision Preliminary Plat Review	\$150.00
Subdivision Final Plat Review	\$150.00
Recording of Plat (County Clerk's Fee)	\$50.00
Zoning Ordinance with Zoning Map	\$20.00
Subdivision Regulations	\$20.00

AREA AND DIMENSION REGULATIONS FOR ALL ZONING DISTRICTS

	RESIDENTIAL DISTRICTS						BUSINESS DISTRICTS				PROF. OFFICE	IND.	AGRI.
	R-1	R-2	R-3	R-3A	R-4	R-5	B-1	B-2	B-3	B-4			
MINIMUM LOT AREA: SINGLE-FAMILY: MULTI-FAMILY:	15,000'	10,000'	7,500' 7,500' ¹	7,500' 7,500' ¹	7,500' 7,500' ²	5,000' 5,000' ²	NO LIMIT- ATION	NO LIMIT- ATION	NO LIMIT- ATION	NO LIMIT- ATION	7,500'	NO LIMIT- ATION	NO LIMIT- ATION
MINIMUM LOT FRONTAGE ON PUBLIC STREET ³ SINGLE-FAMILY: MULTI-FAMILY:	100'	75'	75' 80'	75' 80'	75' 75'	75' 75'	75'	75'	75'	75'	75'	75'	75'
MINIMUM FRONT YARD: ⁴	40'	30'	25'	25'	25'	25'	35'	50'	NO LIMIT- ATION	35'	35'	50'	80'
MINIMUM SIDE YARD:	15'	10'	10'	10'	10'	10'	NO LIMIT- ATION ⁷	NO LIMIT- ATION ⁷	NO LIMIT- ATION ⁷	10' ⁷	10' ⁷	NO LIMIT- ATION ⁷	25'
MINIMUM REAR YARD:	25'	25'	25'	25'	25'	25'	25' ⁷	25' ⁷	NO LIMIT- ATION ⁷	25' ⁷	25'	35' ⁶	25'
MAXIMUM LOT COVERAGE:	35%	35%	50%	50%	50%	50%	NO LIMIT- ATION	NO LIMIT- ATION	NO LIMIT- ATION	NO LIMIT- ATION	35%	NO LIMIT- ATION	---
MAXIMUM HEIGHT:	35'	35'	35'	35'	35'	35'	35'	35'	75'	35'	35'	50' ⁶	NO LIMIT- ATION
ACCESSORY BUILDINGS: ⁵	5'	5'	5'	5'	5'	5'	---	---	---	---	---	---	---

FOOTNOTES:

¹ Plus 3,000 square feet for each additional dwelling unit after the first up to four units.

² Plus 2,000 square feet for each additional dwelling unit after the first up to four units.

³ All lots shall front on a public street for the minimum distance as designated except that lots which front on the turnarounds of permanent dead-end streets shall be permitted to front on such turnarounds for a minimum distance of twenty-five (25) feet.

⁴ The front yard on corner lots shall be as designated for the front yard facing the principal street and twenty-five (25) feet for the front yard facing the secondary street.

⁵ Accessory buildings are permitted only in rear yards and shall be located at above distances from all lot lines.

⁶ The Board of Zoning Adjustments may, upon application by the zoning official, reduce the required rear yard footage or increase the building height accordingly.

⁷ All non-residential uses which are located on lots adjacent to a residential district shall maintain a minimum setback requirement for all structures of twenty-five (25) feet in the side or rear yards adjacent to the residential district.