

TITLE AND SUMMARY  
OF  
ORDINANCE 13-021  
AMENDING ORDINANCE 008-87  
CITY OF MUNFORDVILLE, KENTUCKY

TITLE

AN ORDINANCE OF THE CITY OF MUNFORDVILLE, KENTUCKY TO SET FORTH ZONING REGULATIONS IN ACCORDANCE WITH THE HART COUNTY COMPREHENSIVE PLAN FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, PROSPERITY, AND GENERAL WELFARE OF THE CITY OF MUNFORDVILLE, HART COUNTY, KENTUCKY.

SUMMARY OF ORDINANCE

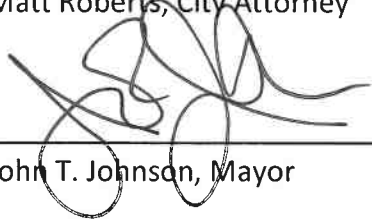
Ordinance 13-021, Establishes the Zoning Ordinance for Munfordville, Kentucky to create an orderly, responsible way to plan for the future of the city investments and governance and to provide guidance for private property owners upon approval of the Munfordville City Council. The effective date of the Ordinance is upon passage and publication. This Ordinance is directed to be published by summary.

The full text of ordinance 13-021 is available for examination in the office of the City Clerk of the City of Munfordville, Kentucky, at 111 Main Street, Munfordville, Kentucky 42765.



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Matt Roberts, City Attorney



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John T. Johnson, Mayor



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Neva F. Brent, City Clerk



# CITY OF MUNFORDVILLE, KENTUCKY

## ZONING ORDINANCE

### ARTICLE 1

#### ENACTING CLAUSE & DEFINITIONS

##### 1.1 – ENACTING CLAUSE

With the adoption of this Ordinance, the City of Munfordville is exercising the authority granted by the Kentucky Constitution, and the Kentucky Revised Statutes, Chapter 100, Sections 100.201 through 100.271 to a legislative body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, that the City of Munfordville be divided into districts as hereinafter described, and that the regulations, restrictions and boundaries of districts shall be established, enforced and amended as provided in this Ordinance.

##### 1.2 – TITLE

This Ordinance shall be known as the “Zoning Ordinance for Munfordville, Kentucky.”

##### 1.3 – ZONING MAP

The map, known herein as the “Munfordville Zoning District Map,” adopted by the Hart County Planning Commission on \_\_\_\_\_, and adopted by the City of Munfordville City Council by First Reading of the Munfordville Zoning Ordinance on \_\_\_\_\_, and by Second Reading of the Munfordville Zoning Ordinance on \_\_\_\_\_ is adopted with this ordinance. The map may be updated from time to time as set forth in KRS 100.211.

##### 1.4 – PURPOSE

The zoning regulations and districts as set forth in this Ordinance have been made in accordance with the Hart County Comprehensive Plan for the purposes of promoting the public health, safety, prosperity, and general welfare of the community. They have been designed to create an orderly, responsible way to plan for the future of city investments and governance and to provide guidance for private property owners.

## **1.5 – INTERPRETATION**

The provisions in this Ordinance shall be interpreted uniformly so as to implement and protect the purposes for which they are enacted. In the interpretation and application of this Ordinance, the provisions shall be held to be of the minimum or maximum requirements (as stated); adopted for the promotion of the health, safety, morals, comfort, prosperity, well-being and general welfare. It is not intended by this Ordinance to repeal, abdicate, annul or in any way impair or interfere with any private restrictions placed upon property such as covenants, deeds or recorded plats; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires greater lot areas, larger yards or other open spaces, than are imposed by such private restrictions, the provisions of the Ordinance shall control.

## **1.6 – SEPARABILITY**

If any clause, sentence, subdivision, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

## **1.7 – DEFINITIONS**

For the purpose of this Ordinance, the following words are defined as follows. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular; the word “person” includes association, firm, partnership, trust, governmental body, corporation, organization, as well as an individual; the word “structure” includes building; the word “occupied” includes arranged, designed or intended to be occupied; the word “used” includes arranged, designed or intended to be used; the word “shall” is always mandatory and not merely directive; the word “may” is permissive; and the word “lot” includes plot or parcel.

As used in this chapter, the following terms shall have the meanings indicated as follows:

**ACCESSORY AGRICULTURAL ACTIVITIES** – Noncommercial agricultural activities such as gardening and the raising of flowers and ornamental plants conducted by the occupants of a residence primarily for their own use or consumption. These activities shall not include any use that is

defined as animal husbandry, commercial agriculture, or the keepings of pigs, chickens, or fowl. The excess products of this activity may be sold so long as the volume of sales does not result in excessive noise, traffic, or other adverse impacts on the neighborhood or constitute a commercial operation that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return.

**ACCESSORY STRUCTURE** – A structure detached from a principal building on the same lot and incidental and subordinate to the principal building.

**ACCESSORY USE** – A use of land or a building or a portion thereof which is incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**AGRICULTURE** – The use of land primarily for the cultivation of crops or animals.

**AIRPORT, COMMERCIAL** – A facility used for landings and takeoffs by commercial and private fixed-wing or rotary-wing aircraft. Such a facility typically includes aircraft parking and service facilities.

**AIRPORT, PRIVATE** – A tract of land used for landings and takeoffs by fixed-wing or rotary-wing aircraft belonging to the owner or lessor of the land or to a third party using the tract of land with the permission of the owner or lessor of the land.

**ALTERATION** – A change or rearrangement in the structural parts of a building or structure or in the means of egress or an enlargement, whether by an extension on a side or by an increase in height, or the moving from one location or position to another.

**ALLEY** – Any public or private way set aside for travel which is twenty (20) feet or less in width.

**ANIMAL FEEDLOT** – A commercial agricultural establishment consisting of confined feeding areas and related structures used for the finishing of livestock in accordance with USDA regulations. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

**ANIMAL HUSBANDRY - LIVESTOCK, ACCESSORY** – The breeding and/or raising of livestock, not including poultry (as defined herein), for noncommercial purposes in conjunction with a residence.

**ANIMAL HUSBANDRY - POULTRY, ACCESSORY** – The breeding and/or raising of poultry for noncommercial purposes in conjunction with a residence.

**ANIMAL HUSBANDRY, COMMERCIAL** – The commercial breeding and/or raising of livestock. Animal husbandry does not include any activity that is defined as a kennel, stable, animal feed lot, or the keeping of pigs, chickens, and fowl for commercial purposes. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

**APARTMENT** – Any dwelling unit contained in a multi-unit structure designed to be rented, leased, let, or hired out to be occupied.

**APARTMENT HOUSE** – Any building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than two families living independently of each other.

**AQUACULTURE** – The commercial growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**AQUIFER** – A geologic formation, group of formations or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies. Aquifer includes both bedrock aquifers and stratified drift aquifers.

**ART CENTER** – A facility for the display and/or sale of objects of art, the teaching of art, or the creation of works of art.

**AUTOMOBILE CAR WASH** – A facility equipped for washing cars manually or automatically.

**AUTOMOBILE SERVICE STATION** – Any building or premises used primarily for the retail sale of gasoline and lubricants but which may also provide for the incidental servicing of motor vehicles and small engine repair, including grease racks, tire repairs, battery charging, handwashing of automobiles and the sale of merchandise and supplies related to the servicing of motor vehicles, but excluding body and fender work, engine overhauling, painting, storage of autos not in operating condition or other work involving noise, fumes, glare or smoke.

**BASEMENT** – Any area of a building having its floor subgrade on all sides.

**BED AND BREAKFAST** – An owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner's family, not more than four (4) individual sleeping rooms, without cooking facilities, for the purpose of providing to the general public, for compensation, lodging, bathroom facilities and breakfast to overnight patrons only and for no longer than two (2) consecutive weeks. Bed and breakfast is a conditional use in all residential and business zones.

**BOARDING HOUSE** – An owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner's family, not more than four (4) individual sleeping rooms, without cooking facilities, for the purpose of providing to the general public, for compensation, lodging, bathroom facilities and breakfast to overnight patrons only and for longer than two (2) consecutive weeks. Boarding houses are conditional uses in R-2 and B-2 zones.

**BUFFERING** – The use of landscaping (other than grass on flat terrain), or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstructs the view.

**BUILDABLE AREA** – That portion of a building site, exclusive of the required yard areas, on which a structure or building improvement may be erected.

**BUILDING** – Any structure designed or intended for the support, enclosure, shelter or protection of persons, domestic animals, chattels or property. For purposes of determining exterior measurements or footprint in order to locate the setback line, "building" shall include all attached structures such as open or closed porches, carports, garages, balconies, stairways and other similar structures.

**BUILDING CODE** – Refers to the Kentucky Building Code.

**BUILDING FOOTPRINT** – The total area of the ground surface enclosed within the foundation of a building or within the downward projection of the exterior walls of a building.

**BUILDING HEIGHT** – The vertical distance from the mean grade elevation (average grade around the perimeter of the building) to the mean roof elevation [one-half (1/2) of the vertical distance from eave to ridge].

**BUILDING PERMIT** – All building construction projects, except single-family dwellings, shall be submitted to the Division of Building Codes Enforcement for review and approval prior to the start of a construction project. Single-family dwellings are required to meet the Kentucky Residential Code. The building inspector shall determine if review and approval is required for accessory structures.

A building permit is issued by the building inspector and allows a property owner or his or her agent to construct, alter, or remove a building, or engage in similar activity which would alter the character of the lot in question. Neither building permits nor certificates of occupancy for structures are issued by the city, but by the building inspector or his or her administrative office.

**BUSINESS SERVICES** – Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment service, management and consulting services, protective services, office equipment rental and leasing, commercial research, development and testing, photo finishing and personal supply services.

**CAMPGROUND** – Any area or tract of land used or designed to accommodate two (2) or more camping parties, including tents, camping trailers, recreation vehicles or other camping outfits, and includes the necessary accessory uses normally associated with such use.

**CARETAKER APARTMENT** – A dwelling unit that is incorporated into, and is accessory to, a nonresidential use and is occupied by an owner or an employee of the business occupying the principal use and having a gross floor area of less than two thousand (2,000) square feet.

**CATEGORY OF USE** – Any use listed in ARTICLE 3 as a permitted or conditional use in a zoning district.

**CELLULAR ANTENNA** – Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes; and omnidirectional antennas, such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television, AM or FM radio stations or for citizens' band or amateur radio use. Examples of cellular telecommunications or personal communications services include, but are not limited to, cellular telephones, paging, public safety, data transmission, specialized mobile radio, enhanced specialized mobile radio, and other commercial private radio services.

**CELLULAR ANTENNA TOWER** – Any structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than fifteen (15) feet constructed on the top of another building, along with any separate building on the lot used to house any supporting electronic equipment.

**CERTIFICATE OF OCCUPANCY** – A document issued by the building inspector allowing occupancy and certifying that the structure has been constructed in compliance with all the applicable municipal and state



codes and ordinances. A certificate of occupancy is required for all activities that require a building permit. See ARTICLE 2.

**CERTIFICATE OF ZONING APPROVAL** – A document issued by the Zoning Administrator stating the property is approved for its intended use in compliance with this Ordinance. A Certificate of Zoning Approval is required for all activities that require a zoning permit and/or a building permit. See ARTICLE 2.

**CINEMA** – A motion picture theater.

**CLUB** – A building or portion thereof used by a group of people organized as a nonprofit organization for a common purpose to pursue common goals, interests or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. A club includes the facilities occupied by a fraternal or similar organization.

**COMMERCIAL AGRICULTURE** – The use of land for commercial agricultural purposes including tilling of the soil, raising of crops, pasturage, and including the necessary accessory structures and uses normally associated with such uses. Commercial agriculture includes the raising of flowers but does not include any activity that is defined as animal husbandry, an animal feedlot, a plant nursery, or the keeping of pigs, chickens, and fowl. Any activity that requires the filing of Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

**COMMERCIAL USE** – A nonresidential use operated for profit or compensation.

**COMMON OPEN SPACE** – Land within or related to a subdivision that is set aside to conserve natural resource, scenic, cultural, historic, or archeological values, provide active or passive recreation, or accommodate support facilities related to the subdivision, and that is restricted from significant development or intensive use except for approved recreational or support facilities and protected in perpetuity in a substantially undeveloped state through legally binding fee ownership or conservation easements.

**COMMUNITY CENTER** – A building that accommodates recreational, educational, entertainment, and/or cultural activities primarily for use by residents of a subdivision or by residents of the community at large.

**CONDITIONAL USE** – Those uses which because of peculiar characteristics or because of size, technological processes or equipment

or because of the exact location with reference to surroundings, streets and existing improvements or because of demands upon public facilities, require a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same area.

**CONDITIONAL USE PERMIT** – An authorization to conduct a conditional use when such authorization is required by these regulations and when established according to the procedures outlined in ARTICLE 2 of these regulations. Conditional use permits are issued by the Munfordville Board of Zoning Adjustment and consists of two parts:

- (a) Date of the factual determination by the Munfordville Board of Zoning Adjustment which justifies the issuance of the permit; and
- (b) A statement of the specific conditions which must be met in order for the use to be permitted.

**CONDOMINIUM** – A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional undivided basis. Condominiums shall be considered a subdivision and reviewed accordingly.

**CONFERENCE CENTER** – A facility used for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms. If sleeping accommodations are part of the facility, transients that are not attending activities at the center may occupy not more than fifty percent (50%) of the accommodations at any time.

**CONSUMER AND PERSONAL SERVICES** – Outlets which provide non-auto-related repair, grooming, business, fitness centers, financial or non-auto-related maintenance services for the consumer, either onsite or at another location. Businesses providing for the repair of personal and business property such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; small engines and equipment; and similar items but not including the repair of motor vehicles, boats, or heavy equipment. Retail sales of parts and supplies shall be allowed provided such sales are accessory to the repair service.

**CONTIGUOUS** – Touching at a point or along a boundary; adjoining.

**CONVENIENCE STORE WITH GASOLINE SALES** – A retail store that includes the retail sales of gasoline and similar petroleum products but provides no other automobile services such as repairs or washing.

**CRAFTSHOP WITH ACCESSORY PRODUCTION** – A studio of a craftsperson or group of craftspeople. A craft shop may include the sale of crafts and the production of crafts for sale on the premises.

**DAYCARE CENTER** – A principal use of a lot containing a facility that employees licensed care and supervision of unrelated individuals for a fee for up to twelve (12) continuous hours separated by a minimum of eight (8) hours. The supervision shall comply with all federal, state, and local laws and regulations. Daycare centers are conditional uses in R-2, B-2 and B-3 zones.

**DAYCARE HOME** – Incidental and secondary use of a primary dwelling unit for the provision of care during part of the 24-hour day to six (6) or fewer children, under 12 years of age or three (3) or fewer adults, who are not related to the operator by blood, marriage or adoption. Family home daycare is a conditional use in residential districts. Daycare centers are conditional uses in R-2, B-2 and B-3 zones.

**DEVELOPER** – An owner, the owner's agent, or any other person, firm or organization with authorization from the owner, who intends to improve or to construct improvements upon his or her property.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

**DISTURBED AREA** – An area in which natural vegetation is removed, exposing the underlying soil.

**DRIVE-THRU FACILITY** – A service facility designed for the convenience of the motoring public that is intended to enable the customer to transact business with a person located within a structure or a machine without exiting the motor vehicle.

**DRIVEWAY** – A private, vehicular access connecting a house, parking area, garage or other building with the street.

**DWELLING UNIT** – One (1) or more rooms arranged, designed or used for residential purposes for one (1) household and containing independent sanitary and cooking facilities. The presence of cooking and sanitary facilities conclusively establishes the intent to use for residential purposes.

**EDUCATIONAL FACILITIES** – A building or part thereof principally used, designed or adapted for educational use or instruction and operated by an educational institution authorized under Kentucky Revised Statutes and Kentucky Administrative Regulations.

**ENTRY, LIMITED BY AGE** – The use of any lot or structure that restricts entry based on minimum age requirements. This includes sexually related businesses regulated under Chapter 115 of the Munfordville Code of Ordinances.

**EXCAVATION** – A land area that is used, or has been used, for the commercial taking of earth, including all slopes. This includes removal from its natural location of soil, sand, gravel, rock, topsoil, loam, clay, peat, or other mineral deposits. This does not include the excavation of material incidental to approved construction of buildings, driveways, or parking areas; or the excavation of material incidental to and at the site of construction or repair of streets.

**FAMILY** – One or more persons occupying a premise and living as a single nonprofit housekeeping unit.

**FINANCIAL INSTITUTION** – A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, free-standing Automatic Teller Machines (ATMs), and check-cashing facilities.

**FLOOR AREA, GROSS** – The sum of the areas of all floors of a building as measured from the exterior dimensions, but not including cellars, attics, porches, garages or areas occupied by heating and ventilating equipment.

**FLOOR AREA, HABITABLE** – Heated areas used daily for living, eating, cooking or sleeping, including bathrooms and bedroom closets; but excluding garages, circulation areas (stairways, hallways, corridors), storage areas, (including but not limited to attics, unfinished basements, and utility rooms). For the purposes of this chapter, "habitable floor area" is deemed to be seventy percent (70%) of the gross floor area of a given building unless evidence sufficient to rebut that presumption in the form of complete floor plans drawn to a standard scale is submitted to the Munfordville Zoning Administrator. This presumption shall not apply in any instance where the owner or occupant(s) of the building allow inspection and measurement of such interior floor areas by the Zoning Administrator. It is recognized that, under this definition, it is possible for the "habitable floor area" to exceed 70% of the gross floor area.

**FORESTRY** – Forestry shall include the growing, stocking, cutting, or selling of forest trees of any size for habitat management, for producing timber, or for other forest products; and pre-commercial silvicultural activities including but *not* limited to timber stand improvement.

**FOUNDATION, PERMANENT** – A continuous perimeter foundation of masonry or concrete constructed in accordance with the Kentucky Building Code.

**FRONTAGE** – See "LOT FRONTAGE."

**FUNERAL HOME** – An establishment where the dead are prepared for burial or cremation and where wakes and funerals may be held. A funeral home may include a chapel and/or facilities for the storage of vehicles used in the business.

**GALLERY** – A business involving the display and sale of objects of art such as paintings, sculptures, assemblies, and collages. A gallery may include the studio of one or more artists.

**GARAGE** – An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.

**GARAGE, PUBLIC** – A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

**GARAGE, STORAGE** – A building or portion thereof designed or used exclusively for housing four (4) or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangement and not to transient, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired or sold.

**GOVERNMENT FACILITY** – A structure or parcel of land the use of which is governmental. The use, construction or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, or by a county, city, school district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

**GOVERNMENT USE** – The use or development of a parcel of land or building by a governmental body, agency, or organization or by a quasi-governmental agency or organization carrying out a recognized governmental function.

**GROUNDWATER** – All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.

**GROUNDWATER RECHARGE** – The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

**HOME OCCUPATION** – Any occupation maintained and conducted entirely within a dwelling by a resident of that dwelling and is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Home occupations include only those which meet the following performance standards:

- (a) Home occupations shall be incidental to the principal residential use and shall not occupy more than twenty-five percent (25%) of the total floor area.
- (b) Home occupations shall result in no exterior evidence, except a permitted sign not to exceed two (2) square feet, that the dwelling is used for nonresidential use.
- (c) Home occupations shall not generate any atmospheric pollution, flashing lights, odor, noise, vibration, additional parking beyond existing areas, or truck or other heavy traffic, nor result in any change of the residential character of the dwelling.

**HOSPITAL** – An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**HOTEL** – A building containing one (1) or more individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities for stays of less than two (2) consecutive weeks, to the general public for compensation, with or without meals, and usually providing on-site recreational services, function rooms, housekeeping, laundry and related services. Access to rooms is provided by interior corridors.

**INDUSTRY, HEAVY** – Those industries which produce the omission of any atmospheric pollutant, light flashes or glare, odor, noise, or vibration which may be heard, seen, or felt off the premises and those industries which constitute a fire or explosion hazard.

**INDUSTRY, LIGHT** – Those industries which do not produce or constitute any of the above conditions.

**INTERSTATE COMMERCIAL BUSINESS** – Commercial uses which are located within two thousand (2,000) feet of the center of an interchange on Interstate 65.

**JUNKYARD** – An area where junk is stored, bought, or received and processed for resale, in part or whole. A lot, land or structure or part thereof used primarily for the collecting, processing, storage, salvaging, purchasing or sale of waste, scrap, salvaged or discarded goods, including vehicles not in working or running condition and whose usable parts are sold to the public.

**KARST** – A landscape generally underlain by limestone or dolomite, in which the topography is chiefly formed by dissolving the rock and that may be characterized by sinkholes, sinking streams, closed depressions, subterranean drainage, and caves.

**KEEPING OF CHICKENS AND FOWL FOR COMMERCIAL PURPOSES-** The commercial breeding and/or raising of chickens, ducks, turkeys, and similar fowl. Any activity that requires the filing of a Schedule F as part of the owner's or operator's federal income tax return shall constitute a commercial operation.

**KENNEL** – An establishment where three (3) or more small animals are kept or boarded or where dogs or small animals are bred or raised on a commercial basis.

**LANDSCAPE BUFFER** – A permanent landscaped buffer of solid evergreen plant material or a solid wall or fence or other suitable enclosure of a minimum height of five (5) feet shall be required on all rear and side yards of commercial abutting any residential district.

**LANDSCAPING** – Some combination of planted, living trees, shrubs, hedges, vines, groundcover and flowers suitable for the climate, exposure and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs, rock and such structural features as foundations, pools, artworks, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this provision. The selected combination of objects and plans for landscaping purposes shall be arranged in a manner compatible with the building and its surroundings.

**LIBRARY** – A place in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints are kept for reference or reading.

**LIVESTOCK** – Horses, ponies, mules, donkeys, oxen, cattle, sheep, goats, swine, buffalo, llamas, emus, ostriches, alpacas, and any other large animals raised primarily outdoors or in unheated structures and that serve as a beast of burden or a source of meat or wool.

LOCAL HISTORIC DISTRICT (LHD) – The Munfordville Local Historic District encompasses a cohesive group of historic commercial and residential buildings and sites that are historically significant and include those buildings and sites listed in the National Register of Historic Places. The Munfordville Historic Preservation Ordinance # 2000-08 was formally adopted by the Munfordville City Council on April 9, 2001. A map showing the boundaries of this district is on file with the Munfordville Zoning Administrator.

LOT – A legally recorded and defined parcel of land or two (2) or more contiguous parcels to be used as a unit under the provisions of these regulations.

LOT AREA – The total horizontal area within the confines of the boundary lines of a lot. The "lot area" shall not include any part of a public right-of-way which it fronts or abuts.

LOT, CORNER – A lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred and thirty-five (135) degrees. A "corner lot" shall be considered to be in that block in which the lot fronts.

LOT COVERAGE – The aggregate gross ground floor area of all buildings on a lot expressed as a percentage of the total lot area, excluding parking facilities, sidewalks and driveways.

LOT FRONTAGE – A lot line dividing the lot from a street right-of-way.

#### LOT LINE:

1. LOT FRONT – The front property line of a lot shall be determined as follows:
  - (a) CORNER LOT – The front property line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both. Where such front property line is not obviously evident, the Munfordville Zoning Administrator shall determine the front property line.
  - (b) INTERIOR LOT – The front property line of an interior lot shall be the line bounding the street frontage.



- (c) THROUGH LOT – The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block.
2. LOT REAR – The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to a line tangent to the front property line at its midpoint.
3. LOT SIDE – The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

MAINTENANCE – The replacing or repair of a part or parts of a building or structure which have been made unusable, unsafe, or unsightly, or have been damaged by ordinary wear or tear or by the weather.

MANUFACTURED HOUSING – A manufactured building designed for long-term single-family residential use having the following features or characteristics: (1) mass produced in a factory, (2) designed and constructed for transportation to a site for installation and use when connected to required utilities, and (3) an independent, individual building on the site; i.e. any structure fabricated in an offsite manufacturing facility for installation at the building site as a permanent structure with transport features removed, bearing a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Code as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283 and 42 USC Section 5401, as mandated by the United States of America and as administered by the United States Department of Housing and Urban Development and commonly referred to as the HUD Code. Such single-family structures must meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) Commonly known as the HUD (U. S. Department of Housing and Urban Development) code, as well as the Kentucky Building Code structural and installation requirements. Any manufactured home less than twenty (20) feet in width or forty (40) feet in length must be in a manufactured housing park. Manufactured housing larger than twenty (20) feet in width and forty (40) feet in length, and meeting all other applicable regulations, are allowed in R-2 and B-2 zones.

MANUFACTURED HOME PARK – Any site or tract of land, under single ownership, upon which three (3) or more manufactured or homes used for habitation are parked, either free of charge or for revenue purposes;

including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A manufactured home park may only be located in a B-2 or B-3 zone as a conditional use approved by the Munfordville Board of Zoning Adjustment and as prepared and approved according to the procedures set forth ARTICLE 2 of this Ordinance.

**MEDICAL CLINIC** – A structure or group of structures occupied by one or more medical practitioners for the purpose of providing health services to people on an outpatient basis.

**MINING** – Activities performed in the extraction of minerals including the excavation of pits, removal of minerals, removal of dimension stone, removal or quarrying for the production of construction aggregate, disposal of overburden, and the construction of roads for the haulage of mining materials but not including removal activities that are part of development projects that have received site plan or subdivision approval or that are undertaken only for the purpose of improvement of or use on the owner's property in which there will be no removal of materials from the site.

**MODULAR HOME** – Manufactured housing as defined in this section which includes a set of standards which clarify the difference between manufactured homes and modular housing units and meets the following conditions:

- (a) A building permit is obtained.
- (b) Size shall be a minimum of twenty (20) feet wide and forty (40) feet long and restricted to R-2 and B-2 zones.
- (c) The home has a minimum size of eight hundred (800) square feet and is manufactured according to standards set by the most current regulations of the Department of Housing and Urban Development.
- (d) The home is attached to a solid continuous foundation of concrete, or continuous foundation of properly laid concrete blocks with footers.
- (e) The home is veneered to the roofline with brick and/or stone and/or appropriate and acceptable siding materials from the foundation line.
- (f) The home is manufactured with a gable roof built over the entire unit with the pitch of at least two-and-one-half (2 ½) inches from the peak to the eave or other acceptable industry standards.
- (g) All conditions established by utility companies for all other standard housing units must be met and all utilities must be permanently attached to the modular home

- (h) The above conditions must be met within ninety (90) days from the date of permit issuance and the performance bond of ten percent (10%) of the value of the home shall be required with surety acceptable to the city.

**MOTEL** – A building containing one (1) or more individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities for stays of less than two (2) consecutive weeks, to the general public for compensation, with or without meals, and usually providing onsite recreational services, function rooms, housekeeping, laundry and related services. Access to individual guest rooms is provided directly from the outside or from exterior corridors, walkways, or balconies.

**MOTOR VEHICLE SERVICE FACILITY** – A business that provides service, maintenance, and repairs for motor vehicles, including the accessory sale of parts and supplies. This use includes muffler, transmission, and brake shops; tune-up centers; repair garages; and similar uses but shall not include operations involving body work, painting, structural repairs or alterations.

**MULTI-BUILDING DEVELOPMENT** – A development with the construction of two or more buildings on a single lot which is under single ownership and which will not be divided and sold into smaller parcels.

**MUSEUM** – A nonprofit institution operated principally for the purpose of preserving, acquiring, and exhibiting objects of historical, cultural, scientific, or artistic interest and which may also engage in the incidental retail sales of items related to its principal purpose.

**NEW AND USED MOTOR VEHICLE SALES AND SERVICE** – The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers, recreation vehicles, motorcycles, or similar motorized vehicles. This use may include repair facilities for such vehicles.

**NONCONFORMING BUILDING** – A structure or building, the size, dimensions and location of which were lawful prior to the adoption, revision or amendment of the Munfordville Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**NONCONFORMING LOT** – A lot, the area, dimensions and location of which were lawful prior to the adoption, revision or amendment of the Munfordville Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**NONCONFORMING USE** – A lawful use of a building, other structure or use of land which predated the adoption of the zoning use regulations now and/or previously in effect and which would not be a use authorized in the district designation currently applied to that site.

**NONMUNICIPAL WELL** – Any well not owned and operated by a local government or its agent.

**NURSERY OR PRESCHOOL** – A school for children primarily between the ages of three and five that provides preparation for elementary school.

**NURSING HOME** – A facility licensed by the State of Kentucky as a nursing home and that provides intermediate and/or skilled nursing care to individuals, who by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**OCCUPANCY** – The predominant use classification of a building, structure or land.

**OFFICE, BUSINESS** – A place of business where activities such as general management, bookkeeping, accounting, telephone sales, and telecommunications take place, but where no “walk-in” consumer retail sales of physical products occur. A business office may include research and development activities, software development, and information transfer and management activities but shall not include the production of physical products for sale or distribution.

**OFFICE, PROFESSIONAL** – A building containing one (1) or more offices in which there is no display of unrelated stock or wares in trade commodity sold, nor any commercial use conducted other than the professional offices of a doctor, dentist, lawyer, architect, engineer and related laboratories, insurance agent, realtor or other similar professional services, but excluding barbershops, beauty salons or similar services.

**OPEN SPACE** – Land such as, but not limited to, recreational areas, playgrounds, and conservation land that contains no structures other than those incidental to recreation or agriculture.

**OWNER** – An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

**PARKING SPACE** – A space within or without a building, exclusive of driveways, meeting the minimal requirements of this chapter, used to temporarily park a motor vehicle and having access to a public street or driveway.

**PERENNIAL STREAM** – A stream that, under normal circumstances, runs year-round.

**PERMITTED USE** – A use specifically permitted or analogous to those specifically permitted as set forth in the Table of Uses or the zoning district standards.

**PLACE OF WORSHIP** – Building(s) that people regularly attend to participate in or hold religious services, meetings, and other activities.

**PLANT NURSERY** – The commercial cultivation and/or raising of flowers, ornamental and greenhouse plants, and other vegetation including the necessary accessory structures and uses normally associated with such uses. A plant nursery may include the retail sale of plant materials raised on the premises together with related accessory items.

**PLANNED DEVELOPMENT PROJECT** – A planned development project may depart from the literal conformance with the regulations for individual lot development. A planned development project may be permitted in any district in accordance with this Ordinance. See ARTICLE 4.

**POULTRY** – For the purpose of this Ordinance the term “poultry” refers to chickens and turkeys only.

**PREMISES** – A lot, parcel, tract, or plot of land together with the buildings and structures thereon. Premises may be further defined as the principal use dwelling unit/residence, or nonresidential building, and any accessory structures to that principal use, where there are multiple principal buildings on a single lot.

**PRIMARY BUILDING LINE** – The setback from the reference line.

**PRINCIPAL USE** – The primary or predominant use to which the property is or may be devoted and to which all other uses on the premises are accessory.

**PROHIBITED USE** – A use which is not specifically permitted.

**PUBLIC FACILITY** – Libraries, hospitals, recreational facilities, schools, parks, and similar operated by a unit of government.

**PUBLIC UTILITY** – A public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services

shall include, but are not limited to, water supply, electric power, telephone, television cable, gas and transportation for persons and freight.

**PUBLIC WAY** – A road, sidewalk, footpath, trail, or navigable waterway accessible to the public.

**RECREATIONAL FACILITY, INDOOR** – A building or structure enclosed by walls and a roof designed and equipped for the conduct of indoor sports, leisure activities, and other customary and usual recreational activities. These include, by way of example only, skating rinks, gymnasias, bowling alleys, fitness centers, shooting ranges, and arcades.

**RECREATIONAL FACILITY, OUTDOOR** – A place or structure designed and equipped for the conduct of outdoor sports, leisure activities, and other customary and usual outdoor recreational activities. An outdoor recreational facility shall not involve the use of individual motorized vehicles, all-terrain vehicles, off-highway recreational vehicles, motorized rides, or firearms. Outdoor recreation facilities include, by way of example only, miniature golf courses, cross-country ski centers, stadia, tennis courts, and ball fields.

**RECREATIONAL PLAYING FIELDS, OUTDOOR** – Noncommercial outdoor playing fields for organized practices like soccer, field hockey, baseball and similar outdoor sports. No structures allowed except for necessities like small sheds for maintenance and portable toilets. No lighting, voice amplification equipment or paved parking lots or areas shall be permitted.

**RECREATIONAL VEHICLE** – A vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light-duty truck; and (4) designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

**RECYCLING BUSINESS OR CENTER** – One that meets the same criteria as a junkyard except it does not include vehicles in whole or part.

**RESIDENTIAL CARE FACILITY** – A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities as defined in KAR 20:078. Residential care facilities are conditional uses in zone R-2.

**RELIGIOUS USE/FACILITY** – A structure or place in which worship ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**REPAIR** – Work conducted to restore an existing legal structure by partial replacement of worn, broken, or unsound parts or to fix a specific defect,

during which all of the exterior dimensions are intact and remain so during construction.

**RESIDENCE, DUPLEX** – A building and accessories thereto principally used, designed or adapted with two (2) dwelling units, each of which is completely separate. Duplex residences are allowed in R-2 and B-2 zones.

**RESIDENCE, MULTI-UNIT** – A building and accessories thereto principally used, designed or adapted with three (3) or more dwelling units. A multi-unit residence includes “townhouse,” “apartment,” and “condominium” styles of attached dwelling units even if the units are separated by a fire wall. Multi-unit residences are conditional uses in R-2 and B-2 zones.

**RESIDENCE, SINGLE-FAMILY** – A building and accessories thereto principally used, designed or adapted as a single dwelling unit.

**RESTAURANT** – A commercial establishment open to the general public where food and beverage are prepared, served and consumed primarily within the principal building. Adequate seating shall be provided.

**RESTAURANT, CARRYOUT** – A commercial establishment open to the general public which, by design of physical facilities or by service or packaging procedures, permits or encourages the purchase, either within or outside the premises, of prepared ready-to-eat foods intended to be consumed either on or off the premises.

**RESTAURANT OR CAFETERIA ACCESSORY TO AN OFFICE BUILDING** – A food service establishment that primarily serves occupants and other users of an office building or complex rather than the general public.

**RETAIL SALE OF FARM PRODUCTS** – The sale directly to the consumer of agricultural products grown or raised on the premises or on other land that is part of the same agricultural business including processed products that are made from products grown or raised on the premises or related land.

**RETAIL STORE** – An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**SETBACK** – The required horizontal distance, in feet, from a lot line to any structure.

**SIGN** – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The definition includes interior signs

that are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods for sale displayed in a business window. Also, the definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product, or service and which are not a trademark or logo for a business, product, or service. See ARTICLE 5 of this Ordinance for a complete listing of related definitions. Permits for all allowed signs shall be issued by the Munfordville Zoning Administrator.

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

**SITE PLAN** – A plan of a lot, tract or parcel of land showing the specific location of all existing and proposed features, such as buildings, other structures, driveways, parking, landscaping, easements, utilities, drainage, etc.

**STORAGE UNITS** – Also known as self-service storage units, “mini storage” – Rooms, lockers, containers, also known as “storage units,” that are rented for the purpose of storing personal property. Rented units may not be used as places of residence or for business activity, merchandising, or sales. Storage units are conditional uses in zones B-2 and I-1.

**STREET, PUBLIC** – A dedicated public right-of-way for vehicles which affords a principal means of access to abutting properties.

**STRUCTURE** – That which is built or constructed with a fixed location on the ground or attached to something having a fixed location on the ground. "Structures" include but are not limited to a building, swimming pool, mobile home, billboard, pier, wharf, septic system, parking space/parking lot and deck. It shall not include a minor installation such as a fence under six (6) feet high, a mailbox, a flagpole, or an accessory shed.

**SUBDIVISION** – The division of the parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots of five (5) acres or more and not involving a new street should not be deemed a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.



**SURFACE PARKING** – A parking lot or other at-grade, uncovered facility for the parking of five (5) or more motor vehicles.

**TEMPORARY** – A period of less than ninety (90) days when in reference to a time frame and not having or requiring permanent attachment to the ground when in reference to structures.

**THEATER** – A building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

**TOWING AND RECOVERY BUSINESS** – A lot, land, or part thereof used primarily for the storing of vehicles brought to the property by a towing wrecker or other means for the purpose of storing vehicles until claimed by the owner or sold for storage fees incurred in accordance with state laws.

**TOXIC OR HAZARDOUS MATERIAL** – Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant actual or potential hazard to water supplies or other hazard to human health. "Toxic or hazardous materials" include, but are not limited to volatile organic chemicals; petroleum products; heavy metals; radioactive materials; infectious materials or wastes; acids; alkalis; products such as pesticides, herbicides, solvents and thinners; or such other substances as defined generally in KRS 224 and 401 KAR 31:005.

**TRUCKING AND DISTRIBUTION FACILITY** – A facility for the short-term storage and transshipment of materials or goods including express delivery, common carriers, oil terminals, moving companies, and similar operations.

**USE** – The specific purpose for which a building or lot is arranged, intended, designed, occupied or maintained.

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

**VETERINARY CLINIC/GROOMING** – A facility where animals or pets are given medical or surgical treatment or where animals and pets are groomed, and in which the boarding of animals is short term and incidental to the medical care or grooming.

**WAREHOUSE** – A building for the storage of commercial goods and materials.

**WAREHOUSE, MINI STORAGE** – Any self-service storage building housing individual storage units or lockers, each of which is accessible through a private entrance, and rented to the public for storage of personal or business belongings.

**WHOLESALE SALES** – Trade that involves the storage and sale of merchandise, in bulk or large quantities, exclusively to retailers for resale or to industrial, commercial, or institutional users.

**YARD** – Any open space that lies between the principal building or group of buildings and the nearest lot line and is unoccupied by any structure, unless specifically permitted, and is further defined as front yard, side yard, and rear yard.

**ZONING ADMINISTRATOR** – Any person authorized to administer any provision of this Ordinance.

**ZONING PERMIT** – A zoning permit is required for all new structures, additions to structures, demolition, or moving of structures and any other change to a property which involves this Ordinance. Zoning permits are issued to ensure compliance with the Munfordville Zoning Ordinance and Munfordville Map. This document is issued by the Munfordville Zoning Administrator as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance therefrom. This permit must be obtained at city hall by the property owner or contractor prior to the start of work.

## ARTICLE 2

### ADMINISTRATION & PERMITS

#### 2.1 – ADMINISTRATION

The Munfordville Zoning Administrator shall administer and enforce this Ordinance. The Munfordville Zoning Administrator shall have the authority to make inspection of buildings and premises necessary to carry out their duties in administration and enforcement of this Ordinance.

Nothing in this section or other sections of this Ordinance shall be construed to exempt any applicant for a permit from compliance with all local, state and federal codes, statutes and regulations.

#### 2.2 – ZONING PERMITS REQUIRED

**2.2.1 Required Prior to Construction or Alteration** – It shall be unlawful to commence the demolition, excavation for or the construction or placement of any building, including signs, accessory buildings or fences, or to commence the moving or exterior alteration of any buildings, including accessory buildings, or any other work on property covered by this Ordinance until the Munfordville Zoning Administrator has issued a zoning permit for such work.

**2.2.2 Exceptions** – No zoning permits shall be required in the following cases:

**2.2.2a** Recurring maintenance work.

**2.2.2b** Installation of required improvements according to an approved subdivision plat.

#### 2.3 – ZONING PERMIT ISSUANCE AND FEE

**2.3.1 Application** – In applying to the Munfordville Zoning Administrator for a zoning permit, the applicant shall submit a to-scale plan indicating lot dimensions, shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot or parcel. It shall be stated as to the existing and intended use of all such buildings and supply such other information, as may be required by the Munfordville Zoning Administrator, for determining whether the provisions of the Ordinance are being observed and upheld.

**2.3.2 Issuance** – If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this chapter and other

ordinances of the city then in force, the Munfordville Zoning Administrator shall issue a permit for such excavation. If a zoning permit is refused, the Munfordville Zoning Administrator shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The Munfordville Zoning Administrator shall grant or deny the permit within fourteen (14) calendar days from the date the application is submitted.

**2.3.3 Validity** – The issuance of a permit shall, in no case, be construed as waiving any provision of this chapter.

**2.3.4 Duration** – A zoning permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein. A zoning permit may be renewed without fee upon review by the Munfordville Zoning Administrator before it becomes void.

**2.3.5 Fee Required** – Application for a zoning permit shall be accompanied by a fee as required by this Ordinance. The fee shall be paid into the General Fund of the city to be used to help defray the costs associated with processing of applications. See fee schedule in ARTICLE 7.

**2.3.6 Permanent File** – The Munfordville Zoning Administrator shall keep a permanent file of all applications with accompanying plans and all permits issued.

## **2.4 – BUILDING PERMITS REQUIRED**

A building permit is required to construct, alter, or remove a building or engage in similar activity which would alter the character of the lot in question.

A building permit is issued by the Munfordville Zoning Administrator and allows a property owner or his or her agent to construct new residential single-family, single-family manufactured/modular, two-family, multi-family, business, commercial and industrial structures. A building permit may also be required to alter or engage in similar activity on existing structures.

## **2.5 – CERTIFICATE OF OCCUPANCY REQUIRED FOR ALL STRUCTURES THAT REQUIRE A BUILDING PERMIT**

No person shall use or allow the use of any structure which requires the issuance of a building permit as required by Section 2.4 of this Ordinance until a certificate of occupancy has been issued by the Munfordville Zoning Administrator or his or her administrative office.

## **2.6 – CERTIFICATE OF ZONING APPROVAL REQUIRED FOR ALL ACTIVITIES THAT REQUIRE A ZONING AND/OR BUILDING PERMIT**

No person shall use or allow the use of any structure or premises, wholly or in part, for which a zoning permit has been issued by the Munfordville Zoning Administrator until a Certificate of Zoning Approval has been issued by the Munfordville Zoning Administrator. Such certificate shall show that the use, or the premises, or the affected part thereof, are in conformance with the provisions of this Ordinance, and to withhold such certificates unless all requirements of this Ordinance have been met.

**2.6.1 No Occupancy Permitted** – No person shall occupy or allow occupancy of any building or premises until the Munfordville Zoning Administrator has been notified by the building inspector that the details of water, electricity, and where applicable, sanitary sewer and natural gas are completed in such a fashion that such utilities are available for use on the property in question.

## **2.7 – AUTHORIZED USE**

Building permits, zoning permits or Certificates of Zoning Approval and Certificates of Occupancy issued on the basis of plans and applications approved by the Munfordville Zoning Administrator and building inspector authorize only that use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

## **2.8 – COMPLAINTS REGARDING VIOLATIONS**

Any person may file a written complaint alleging violation of the provisions of this Ordinance. Such complaint shall state fully the cause and base thereof and shall be filed with the Munfordville Zoning Administrator. The Munfordville Zoning Administrator shall properly record and investigate such complaint and take action thereon as provided by the Ordinance.

## **2.9 – PENALTIES FOR VIOLATION**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violation of the conditions and safeguards established in connection with granting of variances or conditional uses) shall constitute a violation of this Ordinance.

Any person who so violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each

offense. Each day of violation shall constitute a separate offense. Any person shall, upon conviction, be fined not less than fifty dollars (\$50) but not more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer, where such sale or transfer, or contract therefore, constitutes a violation of this Ordinance.

## **2.10 – MAP AMENDMENT PROCEDURES**

A proposal for amendments to the Munfordville Zoning District Map may originate only with the Hart County Planning Commission, the Munfordville City Council or the owner of the subject property. An owner of property may delegate his or her authority to request a zoning map amendment to his or her agent by written document.

Regardless of the origin of the proposed amendment, an application must be filed with the Hart County Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this Ordinance and the Bylaws of the Hart County Planning Commission. At the time of filing the amendment, a nonreturnable filing fee shall be required as set forth in Article 6 in this Ordinance; however, there shall be no filing fee for an amendment requested by the Munfordville City Council, the Hart County Planning Commission or any other governmental agency. Upon filing of an application for a map amendment by a governmental body, the Commission shall promptly notify the owner of the subject property as required by Kentucky Revised Statutes Chapter 100.

**2.10.1 Pre-Application Conference** – Prior to filing an application for a zoning map amendment, the applicant is encouraged to meet with the Munfordville Zoning Administrator to discuss the proposed amendment. The purpose of this conference is to discuss, at the earliest stages, the requirements, procedures and issues related to the proposed amendment. It is intended that this conference will help to alleviate possible conflicts by early recognition of existing conditions, necessary facilities, recommendations of the adopted Hart County Comprehensive Plan and other issues related to the proposed amendment.

**2.10.2 Commission Procedure** – Upon the filing of an application for an amendment to the Munfordville Zoning District Map, the Hart County Planning Commission shall direct the Munfordville Zoning Administrator to review the application, make whatever studies the Hart County Commission deems necessary and report his or her findings at a public hearing. In addition, the Hart County Planning Commission may require the applicant to submit further information subsequent to the filing of an application, if necessary, to make a recommendation.

**2.10.3 Notice** – 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 (Kentucky Revised Statutes, Chapter 100), except as provided:

Notice of the time, place, and reason for public hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the Hart County Planning Commission secretary or other officer of the Hart County Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish the Hart County Planning Commission the names and addresses of the owners of all adjoining property, including tracts across a road or street. Records maintained by the Hart County Property Valuation Administrator may be relied upon to determine the identity and address of the owner.

**2.10.4 Posting Subject Property** – When a map amendment (zone change) is proposed, an appropriate sign stating the proposed amendment and the time, date and location of the public hearing shall be posted on the property in question, or where more than one piece of property is involved, the sign shall be posted in a central and conspicuous location. The sign shall be posted at least fourteen (14) days consecutively before the public hearing. An affidavit shall be supplied to the Hart County Planning Commission secretary at the public hearing affirming that such actions have occurred as required.

**2.10.5 Public Hearing** – Upon receipt of a completed application, receipt of fee, notice of map amendment on the subject property and notification of interested parties, the Hart County Planning Commission shall hold a public hearing on the proposed amendment, per Kentucky Revised Statutes, Chapter 100.

**2.10.6 Recommendation of Commission for Zoning District Map Amendments** – Before making recommendations to the Munfordville City Council on a proposed map amendment, the Hart County Planning Commission shall make Findings of Fact, as required by Kentucky Revised Statutes, Chapter 100. Findings of Fact made by the Hart County Planning Commission shall be recorded in the minutes and records of the Hart County Planning Commission. After voting to recommend that an application for an amendment to the zoning map be granted or denied, the Hart County Planning Commission shall forward its Findings of Fact and recommendation in writing to the Munfordville City Council.

**2.10.7 Necessary Findings for Map Amendments\*** (As required by KRS 100.213) – Before any map amendment is granted, the Hart County Planning Commission, and/or the Munfordville City Council, must find that:

**2.10.7.1** The map amendment is in agreement with the city's comprehensive plan, or,

**2.10.7.2** In the absence of such a finding, that one or more of the following apply and such findings shall be recorded in the minutes and records of the Hart County Planning Commission or the Munfordville City Council:

**2.10.7.2a** That the existing zoning classification given to the property was inappropriate and the proposed zoning classification is appropriate; and/or

**2.10.7.2b** That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the city's comprehensive plan and which have substantially altered the basic character of such area.

The Hart County Planning Commission or the Munfordville City Council must make findings to support these conclusions. A simple restatement of the above conditions does not constitute proper findings of fact. The evidence adduced at the public hearing must support the findings of the Hart County Planning Commission or the Munfordville City Council.

## **2.11 – ZONING TEXT AMENDMENTS**

Amendments to this Ordinance shall be performed in the same manner as adoption of the original Ordinance and in conformance with Kentucky Revised Statutes, Chapter 100.

## **2.12 – MUNFORDVILLE BOARD OF ZONING ADJUSTMENT**

A Munfordville Board of Zoning Adjustment is hereby established in accordance with Kentucky Revised Statutes, Chapter 100. There shall be five (5) citizen members appointed by the Munfordville City Council for four-year terms ending on the first month of the designated year. No more than two (2) members of the Munfordville Board of Zoning Adjustment shall be current members of the Munfordville City Council. The terms shall be staggered so that the terms of no more than two (2) members expire in any year. Vacancies on the Munfordville Board of Zoning Adjustment shall be filled within sixty (60) days. If the vacancy is not filled at that time, the Hart County Planning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

**2.12.1 Officers** – The Munfordville Board of Zoning Adjustment shall annually elect a chairman, vice chairman, secretary, and any other officers



it deems necessary. Any officer so elected shall be eligible for reelection at the expiration of the term.

**2.12.2 Meetings** – Meetings of the Munfordville Board of Zoning Adjustment shall be held at the call of the chairman, or any two (2) members of the Munfordville Board of Zoning Adjustment, who shall give written notice seven (7) days prior to the meeting, and at such other times as the Munfordville Board of Zoning Adjustment may determine. All meetings of the Board shall be open to the public. The Munfordville Board of Zoning Adjustment shall adopt Bylaws and shall keep records of applications and action thereon, which shall be of public record.

**2.12.3 Quorum and Conflicts of Interest** – A simple majority of the total membership of the Munfordville Board of Zoning Adjustment as established by regulation or agreement shall constitute a quorum. Any member of a Munfordville Board of Zoning Adjustment who has any direct or indirect financial interest in the outcome of any question before the body (to include actions deemed beneficial to family members through first cousin) shall disclose the nature of the interest and shall disqualify himself or herself from voting on the question, and shall leave the room for the duration of the discussion of the particular matter.

**2.12.4 Minutes** – The Munfordville Board of Zoning Adjustment shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed with the office of the Munfordville Board of Zoning Adjustment. If the Munfordville Board of Zoning Adjustment has no office, such records shall be kept in custody of the city or county clerk, whichever the Munfordville Board of Zoning Adjustment designates, and shall be available to the general public.

**2.12.5 Powers** – The Munfordville Board of Zoning Adjustment shall have the following powers as allowed under the Kentucky Constitution and Chapter 100 of the Kentucky Revised Statutes, including but not limited to:

**2.12.5a** The right to employ or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

**2.12.5b** To receive, hold and spend funds which it may legally receive from any and every source in and out of the Commonwealth of Kentucky.

**2.12.5c** To issue subpoenas, and to hear and decide applications for conditional use permits, variances, and nonconforming uses.

**2.12.5d** To review administrative actions in enforcement of this Ordinance.

**2.12.5e** To grant and revoke conditional use permits.

**2.12.5f** To grant dimensional variances on lots of record.

**2.12.6 Bylaws** – The Munfordville Board of Zoning Adjustment shall adopt Bylaws for its own government.

**2.12.7 Administrative Review** – The Munfordville Board of Zoning Adjustment shall have the power to hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, determination, or refusal made by the Munfordville Zoning Administrator or other administrative official in the carrying out or enforcing of any of the provisions of this regulation and/or for interpretation of the Munfordville Zoning Map.

## **2.13 – CONDITIONAL USES**

**2.13.1 Power to Issue Conditional Use Permits** – The Munfordville Board of Zoning Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community for uses which are specifically named in the Munfordville Zoning Regulations. Conditional uses may be suitable only in specific locations in the zone only if certain conditions are met.

**2.13.1a Procedure** – In applying for a conditional use permit, the applicant shall submit a plan to the Munfordville Board of Zoning Adjustment or its representative as set forth in subsection 2.3.1, outlining procedure for zoning permit applications.

**2.13.1b Notice** – Within thirty (30) days of the receipt of a conditional use permit request, the Munfordville Board of Zoning Adjustment shall hold a public hearing in accordance with the provisions of Kentucky Revised Statutes, Chapter 424. When a conditional use is proposed, an appropriate sign stating the proposed conditional use, the property involved, and the time, date and location of the public hearing shall be posted on the property ten (10) days prior to the public hearing. An affidavit shall be supplied to the Munfordville Board of Zoning Adjustment secretary at the public hearing affirming that such actions have occurred as required.

**2.13.1c Action** – The Munfordville Board of Zoning Adjustment may approve, modify, or deny any application for a conditional use permit. If it approves such a 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 of the Munfordville Zoning Ordinance listing the conditional use under consideration.

**2.13.1d Filing** – All conditional use permits approved by the Munfordville Board of Zoning Adjustment shall be recorded at the expense of the applicant in the office of the Hart County Court Clerk.

**2.13.2 Revocation of Conditional Use Permit** – The Munfordville Board of Zoning Adjustment may revoke a conditional use permit if the landowner does not comply with the conditions therein. Furthermore, the Munfordville Board of Zoning Adjustment shall have the power to compel the offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

### **2.13.3 Annual Review Procedure**

**2.13.3a Review Procedure-** The Munfordville Zoning Administrator shall review all conditional use permits, except those for which all conditions have been satisfied, at least once annually, to determine if the conditions in the permit are being met.

**2.13.3b Annual Review-** The Munfordville Zoning Administrator shall review any conditional use permits, except those for which all conditions have been satisfied, on the request of the Munfordville Board of Zoning Adjustment to determine if the land violates any laws or regulations.

**2.13.4 Power to Inspect** – The Munfordville Zoning Administrator 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 the conditions which are listed on the conditional use permit, or to ascertain if the land is being used for illegal purposes.

**2.13.5 Report of Violation** – If the landowner is not complying with all of the conditions listed on the conditional use permit, the Munfordville Zoning Administrator shall report the fact, in writing, to the chairman of the Munfordville Board of Zoning Adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the Munfordville Board of Zoning Adjustment.

**2.13.6 Public Hearing** – The Munfordville Board of Zoning Adjustment shall hold a hearing on the report within thirty (30) days, and a notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing.

**2.13.7 Action of Munfordville Board of Zoning Adjustment** – If the Munfordville Board of Zoning Adjustment finds that the facts alleged in the report of the Munfordville Zoning Administrator 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 Munfordville Board of Zoning Adjustment may authorize the Munfordville Zoning Administrator 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.

**2.13.8 Time Limit** – In any case where a conditional use permit has not been exercised within one (1) year from its date of issuance, such conditional use shall not revert to its original designation unless there is a public hearing. Once there is a public hearing, the conditional use permit shall revert to its original use unless the Munfordville Board of Zoning Adjustment issues a new conditional use permit. (“Exercised” as set out in this section shall mean that binding contracts for the construction of the main building or other improvements 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 is 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 designated in the permit.)

## **2.14 – VARIANCES**

The process for filing a variance request with the Munfordville Board of Zoning Adjustment is as follows:

1. Meet with the Zoning Administrator to discuss the guidelines and hearing process regarding variances and the content of the required development plan.
2. File an application for variance accompanied by the required fee. See Article 6 of this Ordinance for filing deadlines and fees. A development plan, if required, must accompany this application.
3. Attend the Board of Zoning Adjustment public hearing to provide additional information that may not be provided in the development plan and/or your application.
4. You will be notified in writing of the action taken, along with any

conditions that may be placed on an approved variance. The Land Use Restriction Certificate is filed in the office of the Hart County Clerk.

The Munfordville Board of Zoning Adjustment may grant dimensional variances in accordance with the following requirements:

**2.14.1 Conditions Which Warrant a Variance** – The Munfordville Board of Zoning Adjustment shall have the power to hear and decide applications for dimensional variance on a lot of record. A variance can be granted where, because of unusual shape, smallness of size or other extraordinary physical conditions, the property owner is deprived of a reasonable capacity to use the land in a manner equivalent to the use permitted to other landowners in the same zone. The conditions which warrant a variance must have existed at the time this regulation was adopted.

**2.14.2 Variances Which Are Prohibited** – The Munfordville Board of Zoning Adjustment shall not possess the power to grant a variance to permit a use or alteration or extension of any land, building, or structure which is not permitted in the zoning district in question; to alter density requirements in the zone in question; or to permit a use not authorized by this Ordinance.

**2.14.3 Granting a Variance** – Before any variance is granted, the Munfordville Board of Zoning Adjustment 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 Munfordville Board of Zoning Adjustment shall consider whether:

**2.14.3a** The specific conditions in detail are unique to the applicant's land (such special circumstances do not generally apply to land in the general vicinity) and do not exist on other land in the same zone;

**2.14.3b** The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone, or would create an unnecessary hardship on the applicant;

**2.14.3c** The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of the Munfordville Zoning Ordinance; and

**2.14.3d** The variances will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood.

**2.14.4 Findings of Fact Required** – Findings of fact relative to the above statements shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance.

**2.14.5 Conditions May Be Imposed** – In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in the furtherance of the purposes of this regulation.

#### **2.14.6 Procedure for Appeals to the Munfordville Board of Zoning Adjustment**

**2.14.6.1 Who May Appeal** – Any appeal to the Munfordville Board of Zoning Adjustment may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Munfordville Zoning Administrator based in whole or in part upon the provisions of this regulation.

**2.14.6.2 Time Limitation** – Such an appeal shall be made by filing with the Board of Zoning Adjustment a notice of appeal, specifying the grounds thereof. Said notice of appeal shall be filed within thirty (30) days from the date upon which the notice of refusal of zoning permit or certificate of compliance is mailed by the Munfordville Zoning Administrator. Failure to file notice of appeal within thirty (30) days shall constitute a waiver of the right to appeal.

**2.14.6.3 Establishing Meeting Date** – The Munfordville Board of Zoning Adjustment shall set a date not more than thirty (30) days after receiving the above records for hearing of the appeal.

**2.14.6.4 Notice** – Public notice shall be given in accordance with Kentucky Revised Statutes Chapter 424 and all interested parties shall be notified of the pending hearing. The appellant will be given notice at least one week prior to the hearing.

An appropriate sign will be posted on the property for which the variance is requested at least ten (10) days before the public hearing. The sign will describe the variance requested and the meeting date, time and place. An affidavit shall be supplied to the Munfordville Board of Zoning Adjustment secretary at the public hearing affirming that such actions have occurred as required.

**2.14.6.5 Evidence of Hardship** – The applicant must present evidence that the property will not yield a reasonable return if used in compliance with the regulation; that the conditions causing the hardship are unique and not shared by neighboring property in the same zone; that the granting of the appeal will not conflict with the Munfordville Zoning Regulation. The Munfordville Board of Zoning Adjustment shall use this evidence, and any other evidence presented in accordance with Kentucky Revised Statutes, Chapter 100, in granting a variance in accordance with ARTICLE 6 of this regulation.

**2.14.6.6 Notice of Decision** – The Munfordville Board of Zoning Adjustment shall decide the appeal within sixty (60) days and give written notice to the Munfordville Zoning Administrator and the appellant of its decision.

## **2.15 – VARIANCE RUNS WITH LAND**

A dimensional variance applies to the property for which it is granted and may be transferred with the land. It may not be transferred to another site.

## **2.16 – FEES**

A schedule of fees and a collection procedure shall be established by the Munfordville Board of Zoning Adjustment. No action shall be taken by the Munfordville Board of Zoning Adjustment on any application or appeal unless the appropriate fees have been paid.

## **2.17 – CLARIFICATION OF ADMINISTRATIVE JURISDICTIONS**

The following is a recapitulation of the administrative agencies, with jurisdiction and the extent of their jurisdictions concerning the administration of this Ordinance:

**2.17.1** The Munfordville Zoning Administrative Officer has initial authority for the literal enforcement of this Ordinance. He or she has no discretionary authority to allow any departure from the literal conformance with this regulation.

**2.17.2** The Munfordville Board of Zoning Adjustment has authority to hear appeals from decisions by the Munfordville Zoning Administrator and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Munfordville Zoning Administrator. The Munfordville Board of Zoning Adjustment also has the power to make only those departures from a literal conformance with this Ordinance which is specifically delegated to it.

**2.17.3** The Hart County Circuit Court has jurisdiction to determine all questions and issues brought before it on appeal from the decisions of the Munfordville Board of Zoning Adjustment or the Hart County Planning Commission.



## ARTICLE 3

### ZONING DISTRICT REGULATIONS

#### 3.1 – RESIDENTIAL DISTRICTS

The following regulations shall apply in residential districts:

##### 3.1.1 Permitted Uses in R-1 Zones

**3.1.1a** Single-family dwellings and planned developments as described in Section 4.5 of this Ordinance

##### 3.1.2 Conditional Uses in R-1 Zones

**3.1.2a** Home occupations as defined by ARTICLE 1 of this Ordinance

**3.1.2b** Home daycare

**3.1.2c** Public or nonprofit private facilities such as schools, nursing homes, philanthropic institutions, places of worship, cemeteries, libraries, recreational facilities, hospitals. The Munfordville Board of Zoning Adjustment may attach restrictions – including required parking – as deemed necessary to protect the character of residential districts.

**3.1.2d** Bed and breakfast

##### 3.1.3 Dimension and Area Requirements in R-1 Zones

**3.1.3a** Minimum lot area: 18,500 square feet

**3.1.3b** Minimum lot width at building line: One hundred (100) feet

**3.1.3c** Minimum front setback from right-of-way: Forty (40) feet

**3.1.3d** Minimum rear yard: Twenty-five (25) feet

**3.1.3e** Minimum side yard: Twelve (12) feet

**3.1.3f** Maximum units per gross acre: 2.35 units

**3.1.3g** Accessory structures permitted only in side and rear yards: Five (5) foot minimum setback

##### 3.1.4 Permitted Uses in R-2 Zones

**3.1.4a** Single-family dwelling and planned developments as described in Section 4.5 of this Ordinance

**3.1.5 Conditional Uses in R-2 Zones**

**3.1.5a** Home occupations as defined by ARTICLE 1 of this Ordinance

**3.1.5b** Home daycare

**3.1.5c** Public or nonprofit private facilities such as schools, nursing homes, philanthropic institutions, places of worship, cemeteries, libraries, recreational facilities, hospitals. The Munfordville Board of Zoning Adjustment may attach restrictions, including required parking, as deemed necessary to protect the character of residential districts.

**3.1.5d** Bed and breakfast

**3.1.6 Dimension and Area Requirements in R-2 Zones**

**3.1.6a** Minimum lot area: 10,000 square feet

**3.1.6b** Minimum lot width at building line: One hundred (100) feet

**3.1.6c** Minimum front setback from right-of-way: Forty (40) feet

**3.1.6d** Minimum rear yard: Twenty-five (25) feet

**3.1.6e** Minimum side yard: Ten (10) feet

**3.1.6f** Maximum units per gross acre: 4.35 units

**3.1.6g** Accessory structures permitted only in side and rear yards: Five (5) foot minimum setback

**3.1.6h** Accessory structures permitted only in side and rear yards: Five (5) foot minimum setback

**3.1.7 Permitted Uses in R-3 Zones**

**3.1.7a** Single-family dwellings

**3.1.7b** Multi-family dwellings

**3.1.7c** Planned developments as described in Section 4.5 of this Ordinance.

**3.1.8 Conditional Uses in R-3 Zones**

### **3.1.8a** Home occupations as defined by ARTICLE 1 of this Ordinance

Other conditionally permitted uses within an R-3 zone may include an office in the residence of a physician, dentist, lawyer, engineer, architect, realtor, insurance agent; the studio of an artist; a teacher of music (limited to one pupil at a time); handicrafts; dressmaking; laundering; beauty and barber shops; etc. With the exception of handicrafts, no more than twenty percent (20%) of the revenue of the home occupations shall be derived from the sale of items at retail. Such uses must comply with ARTICLE 1 of this ordinance.

### **3.1.8b** Home daycare

**3.1.8c** Public or nonprofit private facilities such as schools, nursing homes, philanthropic institutions, places of worship, cemeteries, libraries, recreational facilities, and hospitals. The Munfordville Board of Zoning Adjustment may attach restrictions, including required parking, as deemed necessary to protect the character of residential districts.

### **3.1.8d** Bed and breakfast

## **3.1.9 Dimension and Area Requirements in R-3 Zones**

**3.1.9a** Minimum lot area for single-family dwellings: 8,000 square feet

**3.1.9b** Minimum lot area for multi-family dwellings: 6,000 square feet for the first unit and 2,000 square feet for each additional dwelling unit

**3.1.9c** Minimum single-family lot width at building line: Eighty-five (85) feet

**3.1.9d** Minimum multi-family lot width at building line: One hundred (100) feet

**3.1.9e** Minimum front setback from right-of-way: Twenty-five (25) feet

**3.1.9f** Minimum rear yard: Twenty-five (25) feet

**3.1.9g** Minimum side yard: Ten (10) feet

**3.1.9h** Maximum building height above grade: Thirty-six (36) feet or three (3) stories

**3.1.9i** Maximum single-family units per gross acre: 5.37 units

**3.1.9j** Maximum multi-family units per gross acre: 19.78 units

**3.1.9k** Accessory structures permitted only in side and rear yards: Five (5) foot minimum setback

**3.1.9l** Accessory structures permitted only in side and rear yards: Five (5) foot minimum setback

### **3.1.10 Permitted Uses in R-4 Zones**

**3.1.10a** Single-family dwellings

**3.1.10b** Multi-family dwellings

**3.1.10c** Planned developments as described in Section 4.5 of this Ordinance

**3.1.10d** Manufactured home parks in accordance with Section 4.4.2 of this Ordinance

### **3.1.11 Conditional Uses in R-4 Zones**

**3.1.11a** Home occupations as defined by ARTICLE 1 of this Ordinance

Other conditionally permitted uses within an R-4 zone may include an office in the residence of a physician, dentist, lawyer, engineer, architect, realtor, insurance agent; the studio of an artist; a teacher of music (limited to one pupil at a time); handicrafts; dressmaking; laundering; beauty and barber shops; etc. With the exception of handicrafts, no more than twenty percent (20%) of the revenue of the home occupations shall be derived from the sale of items at retail. Such uses must comply with ARTICLE 1 of this ordinance.

**3.1.11b** Home daycare

**3.1.11c** Public or nonprofit private facilities such as schools, nursing homes, philanthropic institutions, places of worship, cemeteries, libraries, recreational facilities, and hospitals. The Munfordville Board of Zoning Adjustment may attach restrictions, including required parking, as deemed necessary to protect the character of residential districts.

**3.1.11d** Bed and breakfast

### **3.1.12 Dimension and Area Requirements in R-4 Zones**

**3.1.12a** Minimum lot area for single-family dwellings: 6,000 square feet

**3.1.12b** Minimum lot area for multi-family dwellings: 6,000 square feet for the first unit and 2,000 square feet for each additional dwelling unit

**3.1.12c** Minimum single-family lot width at building line: Sixty (60) feet

**3.1.12d** Minimum multi-family lot width at building line: Eighty-five (85) feet

**3.1.12e** Minimum front setback from right-of-way: Twenty (20) feet

**3.1.12f** Minimum rear yard: Twenty (20) feet

**3.1.12g** Minimum side yard: Nine (9) feet

**3.1.12h** Maximum building height above grade: Thirty-six (36) feet or three (3) stories

**3.1.12i** Maximum single-family units per gross acre: 7.26 units

**3.1.12j** Maximum multi-family units per gross acre: 19.78 units

**3.1.12k** Accessory structures permitted only in side and rear yards: Five (5) foot minimum setback

**3.1.12l** Accessory structures permitted only in side and rear yards: Five (5) foot minimum setback

### **3.1.13 Accessory Structures and Uses Permitted in All Residential Zones**

**3.1.13a** Garages as defined in ARTICLE 1

**3.1.13b** Swimming pools accessory to dwelling units and not intended for use by the general public

**3.1.13c** Recreational facilities and structures accessory to dwelling units and not intended for use by the general public

**3.1.13d** Storage buildings

## **3.2 – COMMERCIAL DISTRICTS**

The following regulations shall apply in Commercial Districts:

### **3.2.1 Commercial District General Regulations**

**3.2.1a** General regulations for B-1 and B-2 zones

**3.2.1a.1** All development in commercial zones shall conform to ARTICLE 4 of this Ordinance.

**3.2.1a.2** There shall be no outdoor storage of merchandise or materials and no outdoor processing in B-1 zones. Outdoor storage and processing in B-2 zones shall be permitted as a conditional use.

**3.2.1a.3** Screening – where a commercial lot adjoins a residential lot, a well-maintained compact hedge, a solid fence, or similar solid screening device at least six (6) feet in height shall be installed to screen the business use from the adjoining lot in the residential district, the screen shall begin at the front building line and extend along the common side lot line to the rear property line. The screen shall be subject to approval of the Zoning Administrator. Should adjoining property owners agree to waiver of this requirement, no screen would be required.

**3.2.1a.4** All structures in B-2 zones on corner lots shall meet the provisions of ARTICLE 4 of this ordinance.

**3.2.1a.5** All uses in B-1 and B-2 zones shall exhibit performance standards equal to or greater than those defined under light industry.

**3.2.1a.6** Plans for building construction, vehicle and pedestrian circulation parking areas, landscaping and other items shall be approved by the Munfordville Zoning Administrator or other designated person.

**3.2.1a.7** Public facilities such as libraries, parks, recreational facilities, and hospitals shall be allowed as conditional uses in all commercial zones.

**3.2.2 B-1 Central Business District** – The purpose of the Central Business District is to encourage renewal while maintaining the existing character and overall appearance of the core business area of the community. A variety of business, institutional, public, quasi-public, cultural, residential, and other related uses are encouraged in an effort to provide the mix of activities necessary to maintain the historical and cultural significance inherent to the area. Compatibility with the existing structures and uses is the primary goal of the district, while enhancing the overall appearance and function as an actively used district.

**3.2.2a** Permitted uses in B-1 zones

**3.2.2a.1** Retail sales

**3.2.2a.2 Restaurants**

**3.2.2a.3 Consumer and personal services**

**3.2.2a.4 Business services**

**3.2.2a.5 Professional offices**

**3.2.2a.6 Financial institutions**

**3.2.2a.7 Galleries and museums**

**3.2.2a.8 Off-street parking facilities**

**3.2.2a.9 Any accessory use or building customarily incidental to the above-permitted uses**

**3.2.2a.10 Signs according to ARTICLE 5 of this Ordinance**

**3.2.2b Prohibited uses in B-1 zones**

**3.2.2b.1 Restaurants with drive-thru facilities**

**3.2.2b.2 Daycare centers**

**3.2.2b.3 Funeral homes**

**3.2.2b.4 Any business which is primarily of a wholesale storage or a warehouse nature**

**3.2.2b.5 Motels**

**3.2.2b.6 Coal, lumber, or building supply yards**

**3.2.2b.7 Fertilizer bulk plants**

**3.2.2b.8 Feed mills**

**3.2.2b.9 Dairies**

**3.2.2b.10 Bottling works**

**3.2.2b.11 Electric welding**

**3.2.2b.12 Gasoline, oil or alcohol storage above ground in excess of 500 gallons**

**3.2.2b.13** Ice plants

**3.2.2b.14** Self-storage units

**3.2.2b.15** New and used motor vehicle sales and service

**3.2.2b.16** Farm implement and trailer sales

**3.2.2b.17** Any other use which is not specifically permitted

**3.2.2c** Conditional uses in B-1 zones

**3.2.2c.1** Apartments, townhouses, single-family homes

**3.2.2c.2** Bed and breakfast

**3.2.2c.3** Public or nonprofit private facilities such as schools, cemeteries, libraries, recreational facilities, hospitals, places of worship

**3.2.2c.4** Other uses which would not be incompatible with the purposes of the B-1 zone

**3.2.2c.5** The Board of Adjustment may attach such conditions to its approval as are deemed essential to the preservation of the character of the district as a historical area.

**3.2.2d** Dimension and area requirements subject to the requirements of Section 4.2 for B-1 zones

**3.2.2d.1** Minimum lot area: NA

**3.2.2d.2** Minimum lot width at building line: Fifty (50) feet

**3.2.2d.3** Minimum front yard setback: NA

**3.2.2d.4** Minimum rear yard setback: NA

**3.2.2d.5** Minimum side yard setback: NA

**3.2.2d.6** Maximum building height: Thirty (30) feet

**3.2.2d.7** Maximum lot coverage: One hundred percent (100%)

**3.2.2d.8** Accessory structures: Subject to Section 4.2



**3.2.2d.9** Apartment and townhouses: density as required in Section 3.1 for R-4 zones

**3.2.3 B-2 General Commercial Districts** – The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services. The uses in this district may be characterized by medium to large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of retail store, large in this Ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for use in the downtown commercial district.

**3.2.3a** Permitted uses in B-2 zones

**3.2.3a.1** All uses in B-1 zones

**3.2.3a.2** Retail sales

**3.2.3a.3** Consumer and personal services

**3.2.3a.4** Professional offices

**3.2.3a.5** Business services and offices

**3.2.3a.6** Financial institutions

**3.2.3a.7** Restaurants with drive-thru facilities

**3.2.3a.8** New and used car sales

**3.2.3a.9** Farm implement, supplies, and trailer sales

**3.2.3a.10** Hotels

**3.2.3a.11** Motels

**3.2.3a.12** Motor vehicle service facilities

**3.2.3a.13** Plant nurseries

**3.2.3a.14** Mini storage

**3.2.3a.15** Kennels

**3.2.3a.16** Galleries and museums

**3.2.3a.17** Off-street parking facilities

**3.2.3a.18** Signs according to ARTICLE 5

**3.2.3a.19** Any accessory use or building customarily incidental to the above-permitted use

**3.2.3b** Prohibited uses in B-2 zones

**3.2.3b.1** Any business which is primarily of a wholesale storage or a warehouse nature

**3.2.3b.2** Coal supply yards

**3.2.3b.3** Fertilizer bulk plants

**3.2.3b.4** Feed mills

**3.2.3b.5** Dairies

**3.2.3b.6** Bottling works

**3.2.3b.7** Electric welding

**3.2.3b.8** Ice plants

**3.2.3b.9** Metal buffing or polishing

**3.2.3b.10** Any other use which is not specifically permitted

**3.2.3c** Conditional uses in B-2 zones

**3.2.3c.1** Building supply dealers

**3.2.3c.2** Public or storage garages

**3.2.3c.3** Towing and recovery (max 10 vehicles)

**3.2.3c.4** Drive-in theaters

**3.2.3c.5** Indoor or outdoor recreational facilities

**3.2.3c.6** Nursing homes

**3.2.3c.7** Bed and breakfast

**3.2.3c.8** Boarding house

**3.2.3c.9** Single- and multi-unit residential

**3.2.3c.10** Places of worship, parish houses

**3.2.3c.11** Daycare centers and nurseries

**3.2.3c.12** Funeral homes

**3.2.3c.13** Public or nonprofit private facilities such as schools, parks and noncommercial recreational facilities, cemeteries, libraries, recreational facilities, hospitals, philanthropic institutions and clubs

**3.2.3c.14** Other uses which would not be incompatible with the purposes of the B-2 zone

**3.2.3d** Dimension and area requirements subject to the requirements of Section 4.2 for B-2 zones

**3.2.3d.1** Minimum lot area: N/A

**3.2.3d.2** Minimum lot width at building line: N/A

**3.2.3d.3** Minimum front yard setback: Twenty-five (25) feet

**3.2.3d.4** Minimum rear yard setback: N/A unless lot bounds on an alley where there shall be a rear depth sufficient for loading, unloading, and access for emergency vehicles

**3.2.3d.5** Minimum side yard setback: N/A

**3.2.3d.6** Maximum building height: Fifty (50) feet

**3.2.3d.7** Maximum lot coverage: 40%

**3.2.3d.8** Accessory structures: subject to Section 4.2

**3.2.3d.9** Residential: density as required in Section 3.1 for R-4 zones

### **3.3 – INDUSTRIAL DISTRICTS**

The following regulations shall apply in Industrial Districts:

### **3.3.1 Industrial District General Regulations**

#### **3.3.1a General regulations for industrial districts**

**3.3.1a.1** All development in industrial districts shall conform to ARTICLE 4.

**3.3.1a.2** On lots adjacent to the residential district, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet on the side adjoining the residential property.

Loading docks – where possible, loading docks should be located so as not to front on a public way or roadway.

Storage facilities – no materials or supplies shall be stored or permitted to remain on any part of the property outside of the buildings constructed thereon without proper screening and adequate distance from adjoining properties.

Waste disposal – no waste material or refuse may be dumped upon or be permitted to remain upon any part of an industrial site outside the buildings erected thereon except as may be required for pretreatment of waste prior to its being discharged into the municipal sewage system. No property shall be used for industrial purposes unless the city agrees to accept its sewage, or the industry constructs its own approved facilities.

**3.3.1a.3** Plans for building construction shall be approved by the building inspector. Plans for vehicle and pedestrian circulation, parking areas, and other items shall be approved by the Munfordville Zoning Administrator or other designated person.

**3.3.1b** Dimension and area regulations for industrial districts – The regulations on the dimensions and area of lots and structures are set forth below in section 3.3.2d.

#### **3.3.2 Permitted Uses in I-1 Zones**

**3.3.2a.1** Permitted uses include any manufacturing activities: assembly, fabrication, or processing which does not, by its nature, create a public nuisance. A new industry locating in an industrial district must furnish to the Commission, through the Zoning Administrator, assurances that it will comply with all federal, state, and local regulations with regard to air pollution, noise pollution, and solid and hazardous waste disposal prior to the issuance of building and construction permits.

**3.3.2a.2** Sales lots, display, and stocking areas for the following types of business: automobiles, trailers, mobile homes, farm implements, lumber and building materials, and wholesale or jobbing firms

**3.3.2a.3** Service establishments: automobile rental agencies, animal hospitals, veterinary clinics and associated kennels, motorcycle repair, and carpet cleaning

**3.3.2a.4** Warehouse and storage facilities

**3.3.2a.5** Public water and sewage treatment plants and other public facilities

**3.3.2a.6** Signs according to ARTICLE 5

**3.3.2a.7** Any accessory use or building customarily incidental to the above-permitted uses

**3.3.2b** Prohibited uses in industrial districts

**3.3.2b.1** Uses which constitute a fire hazard or emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties shall not be allowed

**3.3.2c** Conditional uses in I-1 zones

**3.3.2c.1** The following manufacturers require the written approval of the Board of Adjustment for conditional permit in an industrial zone: abattoirs; acids; acetylene gas; refining; blast furnaces; bricks; charcoal; chemical; creosote treatment and production; exterminator or insect poisons; rendering; fertilizer; leather curing and tanning; lime; monuments; plaster of Paris; quarrying; rock crushing; sawmills; sulphur, sulphuric acid and derivatives; tar distillation; terra cotta; refuse dumps; scrap iron and salvage yards; junk car lots; coal washing; and wrecking material yards.

**3.3.2c.2** Other industrial uses not listed above which can be classified as industry according to the definitions in ARTICLE 1

**3.3.2d** Dimension and area requirements subject to the requirements of Section 4.2 for industrial districts

**3.3.2d.1** Minimum lot area: N/A

**3.3.2d.2** Minimum lot width at building line: N/A

**3.3.2d.3** Minimum front yard setback: Forty (40) feet

**3.3.2d.4** Minimum rear yard setback: Twenty-five (25) feet

**3.3.2d.5** Minimum side yard setback: Twenty-five (25) feet

**3.3.2d.6** Maximum building height: N/A

**3.3.2d.7** Maximum lot coverage: N/A

**3.3.2d.8** Accessory structures: same setbacks as with primary structure

**3.3.2d.9** No yard shall be required for that part of a lot which abuts a railroad siding.

### **3.4 – OFFICE AND PROFESSIONAL BUILDING DISTRICT, O-1**

#### **3.4.1a** Permitted uses in O-1 zones

**3.4.4a.1** Diagnostic clinics, hospitals, and health clinics; architectural, engineering, realtor, management, insurance, accounting, and financial institutions; medical offices for treatment by physicians, dentists, and other licenses practitioners; museums, art galleries, and libraries; and allied or similar uses to include the sale of consumer items such as drugs, medical supplies or appliances, office equipment and supplies, etc.

**3.4.4a.2** Signs according to ARTICLE 5

**3.4.4a.3** Any accessory use or building customarily incidental to the above-permitted uses

**3.4.4b** Conditional uses in O-1 zones – The following uses shall require a conditional use permit, unless in conflict with any other regulation of the city.

**3.4.3b.1** Apartments and townhouses, industry, school, and philanthropic institutions and clubs

**3.4.4c** Dimension and area requirements subject to the requirements of Section 4.2 for O-1 zones

**3.4.4c.1** Minimum lot area: N/A

**3.4.4c.2** Minimum lot width at building line: N/A

**3.4.4c.3** Minimum front yard setback: Twenty-five (25) feet

**3.4.4c.4** Minimum rear yard setback: Twenty-five (25) feet

**3.4.4c.5** Minimum side yard setback: Ten (10) feet

**3.4.4c.6** Maximum building height: N/A

**3.4.4c.7** Maximum lot coverage: N/A

**3.4.4c.8** Accessory structures: same setbacks as with primary structures

### **3.5 – AGRICULTURAL DISTRICTS**

**3.5.1 Intent** - This district is intended to classify the land situated on the fringe of the urban area that is used for agricultural purposes but will be undergoing urbanization in the future. Many tracts in this district will be in close proximity to residential, commercial and industrial uses. Therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

#### **3.5.2 Permitted Uses in Agriculture Districts**

**3.5.2a** Agricultural crops, plant nurseries, greenhouses, commercial kennels, riding stables, and fishing lakes

**3.5.2b** Accessory Uses Permitted: Accessory buildings which are not a part of the main buildings, including barns, sheds and other farm buildings, private garages and accessory buildings which are part of the main buildings; private swimming pools; and tennis courts

**3.5.3 Conditional Uses in Agriculture Districts** – The following uses may be permitted as conditional uses in an agriculture district.

**3.5.3a** Churches and other places of worship, Sunday School buildings, parish homes, hospitals, sanitariums, convalescent or nursing homes; public and parochial schools; colleges and private schools for academic instruction; public building and properties; public parks; public utilities; quarries and gravel pits; public and private

sewage disposal plants; garbage and/or refuse disposal sites; and wireless transmitting stations

**3.5.3b** Other uses which are consistent with these permitted and conditional uses

### **3.5.4 Dimension, Area Regulations, & Exceptions for Agricultural Districts**

#### **3.5.4a Dimension and Area Regulations**

**3.5.4a.1** Lot area: Minimum 1 acre

**3.5.4a.2** Lot width: 100 feet

**3.5.4a.3** Front yard setback: 40 feet

**3.5.4a.4** Rear yard setback: 25 feet

**3.5.4a.5** Side yard setback: 25 feet

**3.5.5 Prohibited Uses:** Within the city limits, the following agricultural activities are prohibited: animal husbandry, egg and poultry production, dairying, farrowing, and other agricultural activities which constitute noise and or waste nuisances

## **ARTICLE 4**

### **GENERAL REGULATIONS**

#### **4.1 – ORDINANCE GENERAL REGULATIONS**

**4.1.1 Coordination with Subdivision Regulations** – In all cases where land is divided for the purpose of eventual development of lots of any kind, the provisions of the Hart County/Munfordville Subdivision Regulations shall apply in addition to the provisions of this Ordinance.

**4.1.2 Conditional Use Regulations** – Conditional uses may be permitted in districts as designated under each zoning district, but only when



specifically approved by the Munfordville Board of Zoning Adjustment as per the standards and procedures laid out in ARTICLE 2 of this Ordinance.

**4.1.3 Nonconforming Uses and Structures** – The lawful use of a building or premises, existing at the time of adoption of this zoning regulation may be continued, except as otherwise provided herein, although such use does not conform to the provisions of such regulations.

Nonconforming structures are subject to the following regulations:

**4.1.3a Extension** – A nonconforming structure, or structure containing a nonconforming use, shall not be enlarged, replaced or structurally altered except as provided in 4.1.3b and 4.1.3f.

**4.1.3b Alteration** – No structure containing a nonconforming use shall hereafter be altered in a manner that would tend to prolong the nonconforming use except for ordinary repairs, except in accordance with ARTICLE 2.

**4.1.3c Discontinuance** – No nonconforming use may be reestablished after it has been discontinued for a period of six (6) consecutive months, except when government action or structural damage prevents such use. Vacating of premises or building or non-operative status shall be evidence of discontinuance.

**4.1.3d Prior Approval** – Proposed structures for which permits have been issued prior to their designation as nonconforming by the adoption or amendment of this Ordinance may be completed and used as originally intended, provided they are completed and in use one (1) year after the date on which the permit was issued.

**4.1.3e Use Change** – No nonconforming use may be changed to any other nonconforming use unless the Munfordville Board of Zoning Adjustment shall find that the proposed nonconforming use has the same impact or less on the district than the existing nonconforming use of the property. The Munfordville Board of Zoning Adjustment may specify such appropriate conditions and safeguards as may be required in connection with such change and shall require the owner to meet all other specifications of this regulation. This section does not allow for the expansion of a nonconforming structure containing old or new nonconforming uses.

**4.1.3f Repairs and Maintenance** – On any nonconforming structure or portion of a 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 floor area or cubic content of the nonconforming structure or portion shall not be increased. Nothing in the Munfordville Zoning Ordinance shall be deemed to prevent the strengthening, repairing or restoring to a safe condition of any structure or part thereof.

A nonconforming structure, or a structure containing a nonconforming use, may be modified as long as it complies with all setbacks for the zoning district. A nonconforming structure must continue to comply with all building codes.

**4.1.3g Restoration** – Whenever the nonconforming use of any structure or premises is halted because of the damage, destruction or demolition of the structure by any means, the structure involved may be reconstructed or repaired in conformance with the Munfordville Zoning Ordinance and the nonconforming use resumed, provided that such nonconforming use is not extended beyond the scope and area of its operation as it existed prior to such damage, destruction or demolition.

**4.1.3h Zoning Interpretation** – In the case of a single lot of record which is unevenly divided by a zoning district line, the entire lot will be zoned with the majority. In cases where a single lot is evenly divided by a zoning district line, then the Munfordville Board of Zoning Adjustment shall determine the lot zoning district according to ARTICLE 2 of this Ordinance.

**4.1.4 Approved Sewerage Disposal for Buildings** – It shall be unlawful to construct any building for human occupancy and use without sewerage disposal facilities approved by the County Health Department. Wherever sewer mains are accessible (within 500 feet), buildings shall be connected to such mains. In every other case, individual sewerage disposal must meet the requirements set by the State Plumbing Inspector. The Hart County Health Officer's review for proposed sewerage facilities or certificate approving completed sewerage facilities must accompany applications for zoning permits and certificates of occupancy and zoning compliance for uses that require a zoning permit.

**4.1.5 Sinkholes** – Sinkholes and other similar depressions and the area within fifty (50) feet horizontally from the rim of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, street or any other improvement shall be made within the given area around a sinkhole. The Hart County Planning Commission shall have the power to increase the preservation area around the sinkhole if drainage conditions warrant such action.

## **4.2 – GENERAL REGULATIONS FOR LOTS AND YARDS**

**4.2.1 Obstruction to Vision at Street Intersections on Corner Lots** – A sight triangle shall be established for corner lots in all zone except B-1 central business zones. This sight triangle shall be determined by a straight line intersecting the two right-of-way lines at a point thirty (30) feet from the intersection. Within this sight triangle there shall be no obstruction to vision between a height of two-and-one-half (2.5) feet and twelve (12) feet above the average elevation of the existing street surfaces.

**4.2.2 Building Setback Lines** – A front yard building setback line for all zones except B-1 central business zones shall be established to provide a front yard for all buildings and structures at the minimum distance found in the schedule of Lot Dimensions and Area Regulations.

All front yard setback lines shall be established at a distance of twenty-five (25) feet from the street right-of-way. Except in cases of corner lots, variances may be granted according to ARTICLE 2 of this Ordinance for a lot where adjoining development does not meet this requirement, but in no case shall the setback distance be less than fifteen (15) feet.

**4.2.3 Setback Requirements for Corner Lots** – In residential districts, if the required building front yard setback is greater than twenty-five (25) feet from the street right-of-way, a corner building either along its front or side, shall not be closer than the distance established for the building setback line in that district.

On a corner lot, within the area formed by the center one of the intersecting street and a line joining points on such center lines at a distance of ninety (90) feet, there shall be no obstruction to vision between a height of three-and-one-half (3.5) feet and a height of ten (10) feet above the average elevation of the existing surfaces of each street, at the center line thereof.

**4.2.4 Regulations for Double-Frontage Lots** – Double-frontage lots shall, on both adjacent streets, meet the front yard requirements of the district in which they are located.

**4.2.5 Application of Yards to One Building Only** – No part of a front yard required for any building may be included as fulfilling the front yard requirements for an adjacent building.

**4.2.6 Use of Yards for Accessory Buildings** – No accessory buildings are permitted in the front yards. They are permitted only in rear or side yards according to the dimension and area regulations. An accessory

building in a residential district shall not be used for, or be involved with the conduct of any business, trade, or industry on the premises.

**4.2.7 Reductions in Lot Area Prohibited** – No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this regulation are not maintained.

### **4.3 – GENERAL REGULATIONS FOR VEHICLES**

**4.3.1 Required Off-Street Parking** – Off-street parking spaces with access to a public right-of-way shall be required for all land uses according to this Ordinance so that there will be no generation of automobile parking on any street. For purposes of computing the number of spaces available in a given area, a standard vehicle parking space shall be computed as an area measuring 10 x 20 feet. Additional area will be required in order to provide vehicle maneuvering space, access and egress.

#### **4.3.1a Required parking calculations**

**4.3.1a.1 Single-family dwelling** – Two (2) spaces per dwelling unit

**4.3.1a.2 Two-family dwelling** – Two (2) spaces per dwelling unit

**4.3.1a.3 Apartment house** – One-and-one-half (1.5) spaces per unit

**4.3.1a.4 Nursing home** – One (1) space for every two (2) rooms

**4.3.1a.5 Hotels and motels** – One (1) space per unit plus one (1) space per each three (3) employees

**4.3.1a.6 Auditorium, theater, stadium or other similar use** – One (1) parking space for each five seats available at maximum capacity

**4.3.1a.7 Place of worship** – One (1) space for each three (3) seats available at maximum capacity

**4.3.1a.8 Restaurant** – One (1) space for each three seats available at maximum capacity. Employee parking shall be provided at the ratio of one space for each three (3) employees

**4.3.1a.9 Commercial uses** – Four (4) spaces for the first 1,000 square feet of floor space used and usable in the sale of merchandise, and one (1) additional space for each additional 250 square feet of such floor space

**4.3.1a.10 Manufacturing and warehousing** – One (1) space for each two (2) employees at maximum facility employment on a single shift plus one car space for each truck operated by the business-the Hart County Planning Commission may require additional space if it deems necessary

**4.3.2 Existing Parking Spaces** – Existing off-street parking spaces provided for any building or use at the time of the enactment of this Ordinance shall not thereafter be reduced unless it exceeds the requirements of this regulation. Any existing building or use not providing the amount of off-street parking required by this Ordinance shall provide the required off-street parking upon any building alteration or expansion of the use.

**4.3.3 Parking Requirements for Change in the Principal Structure or Use** – When the principle use is changed to a use for which additional parking space is required under the provisions of this Ordinance, it shall be unlawful to begin or maintain such altered use until such time as the required off-street parking is provided.

**4.3.4 Minimum Design and Maintenance Requirements for Parking Areas** – Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:

**4.3.4a** Off-street parking areas shall equal or exceed the number of spaces required and shall be of usable shape and surface and have convenient ingress and egress. Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served.

**4.3.4b** All driveways shall be a minimum of five (5) feet from the property line except single-family residential units or as otherwise provided for in this Ordinance.

**4.3.4c** Any lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses or private rights-of-way.

**4.3.4d** Any off-street parking area having more than 1,800 square feet of area and/or used by eight (8) or more vehicles shall be landscaped and screened with appropriate plant material or fencing.

**4.3.4e** All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable

outfall may be required. See ARTICLE 10 of the Hart County/Munfordville Subdivision Regulations for guidelines.

**4.3.4f** Parking areas shall be paved with an asphalt, concrete, brick, or other properly bound surface, so as to be durable and dustless.

**4.3.4g** Each parking space shall be physically delineated on the surface of the parking area.

**4.3.4h** All driveway aprons shall be paved.

**4.3.4i** All parking spaces located along the perimeter of a parking area or adjacent to any structure on the lot shall be provided with concrete or other wheel protection for any landscape materials and sidewalks.

**4.3.4j** Fire lanes shall be at least twenty (20) feet in width with the pavement edge closest to the building and at least ten (10) feet from the building. The designation, use, and maintenance of fire lanes on private property shall be accomplished as specified by the Munfordville Fire Department.

**4.3.5 Off-Street Loading and Unloading Regulations for Trucks –** Except in B-1 zones, 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.

#### **4.3.6 Additional Parking, Loading and Unloading Regulations**

**4.3.6a Arrangement of Off-Street Parking Space -** Off-street parking space required for any building or use may be located within 400 feet from the premises it serves, but detached there from, or may be consolidated into a large parking area serving other buildings and uses. Either arrangement must be approved by the Hart County Planning Commission. Such parking space, if allowed, shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

**4.3.6b Proof of Availability -** The Hart County Planning Commission may require a plat, deed, or any other proof necessary to show that the required parking space, if located off the premises it serves, is controlled by and available to the applicant prior to the granting of a zoning permit.

### **4.4 – SPECIAL REGULATIONS**

#### **4.4.1 Manufactured Housing**

**4.4.1a Permitted** – Single-family manufactured or modular housing with minimum dimensions of twenty (20) feet wide and forty (40) feet long shall be allowed in all residential zones, subject to the conditions as defined in ARTICLE 1 of this Ordinance, and subject to all requirements of those zones as stated in ARTICLE 3 of this Ordinance.

**4.4.1b Foundation** – All manufactured housing must be placed either on concrete foundations or mortared concrete blocks. The bottom of the manufactured housing unit must not be more than four (4) feet above the ground at any point. A solid form of permanent material must be built between the ground and the bottom outside edge of the manufactured housing unit.

#### **4.4.2 Manufactured Home Parks**

**4.4.2a Manufactured Home Parks** – No manufactured home park shall be permitted on an area of less than one (1) acre in size. The developer may be permitted to develop the park in stages as long as he or she complies with the overall approved plan for the entire tract. The number of manufactured housing units permitted in the park shall not exceed a density of twelve (12) manufactured housing units per net acre. A net acre being the land to be subdivided into lots after streets and other required improvements have been installed.

All units less than twenty (20) feet wide and forty (40) feet long must be located in manufactured home parks.

**4.4.2b Lot Requirements** – Individual lots within a manufactured home park shall not be less than three thousand (3,000) square feet in area and on a sewerage disposal system approved by the Hart County Health Department. In no instance shall more than one (1) manufactured housing unit be permitted on a single lot. The minimum lot width shall be forty (40) feet.

**4.4.2c Setback** – No manufactured housing unit or structure shall be located closer to any public street than the minimum front yard setback for permanent residential structures in the residential zone in which the park is located. No manufactured housing unit shall be located closer than twenty-five (25) feet to any building or street within the park or to any property line of the park.

**4.4.2d Frontage** – All manufactured home parks shall front on a public street or road for at least one hundred (100) feet.

**4.4.2e Spacing** – No manufactured housing unit shall be located within twenty-five (25) feet of another manufactured housing unit except that a minimum end-to-end clearance of not less than ten (10) feet shall be permitted, and in instances where the sides opposite the entrance of two manufactured housing units may be reduced to not less than twenty (20) feet.

**4.4.2f Streets** - All manufactured housing spaces shall abut upon a street within the trailer park and shall have a right-of-way of not less than twenty-five (25) feet and a pavement of not less than twenty (20) feet. Each park shall have at least one street which gives access to a public street. Such access streets in either a single manufactured home park or parks, shall not be less than 100 feet apart nor be less than 125 feet from an intersection of two or more public streets. All streets within the park shall be paved, hard surfaced and well-drained and well-lighted as specified in Section 5.3 of the Hart County Subdivision Regulations. The owner of the manufactured home park shall maintain the streets within the park. No streets in a manufactured home park shall be eligible for dedication to the city.

**4.4.2g Parking** - One paved automobile parking area shall be provided on every manufactured housing lot, plus one-quarter (1/4) parking space for each manufactured home lot. This additional parking may be in a central location, but in no case more than three hundred 300 feet from the manufactured housing unit for which it is provided.

**4.4.2h Utilities** - All lots within the manufactured home park shall be provided with water, sewer and electrical facilities meeting the standards specified by city, county and state regulations, and each manufactured housing unit shall be properly connected with said utilities.

**4.4.2i Accessory Structures** - No accessory structures including patios and pads shall be located within five (5) feet from any manufactured housing lot line. The maximum floor area shall be 100 square feet and the maximum height shall be no greater than 10 feet. Such structures shall be built in compliance with the Kentucky State Building Code.

**4.4.2j Foundation** - All manufactured housing must be placed either on concrete foundation or mortared concrete blocks. All manufactured housing shall have their wheels removed. The bottom of a manufactured housing unit shall not be more than four (4) feet above the ground at any point. A solid form of permanent material must be built between the ground and the bottom outside edge of the mobile home.



**4.4.2k Anchorage and Tie-Down** - Every space for manufactured units shall be provided with devices for anchoring the unit to prevent overturning or uplift. The owner shall be responsible for causing the unit to be anchored. Where concrete platforms are provided for the parking of manufactured units, anchorage shall be provided with eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required by the Kentucky Building Code.

**4.4.2l Connecting Structures** - Only porches, stairs, and other open structures may be attached to a manufactured housing unit and must be easily removable. No structure for human occupancy shall be built on or added to the manufactured home.

**4.4.2m Procedure** - In applying for a zoning permit for a manufactured home park, the applicant shall first submit his or her plan to the Munfordville Zoning Administrator and the Munfordville Board of Zoning Adjustment for approval of a conditional use permit. If such conditional use is approved, the applicant shall then provide his or her plan in accordance with the Preliminary Plat/Development Plan requirements of the Hart County/Munfordville Subdivision Regulations to the Hart County Planning Commission for its review and approval. At a minimum, the plan shall show the following information:

**4.4.2m.1** Plat or plan of the entire park property

**4.4.2m.2** Subdivision of the property, including all streets, dimensions of streets, and lots, access to public streets, and public areas such as visitor parking spaces, recreational areas, swimming pools, etc., if such areas are proposed

**4.4.2m.3** Location and layout of all utilities, including pipe sizes, meter locations, valves, fire hydrants, sanitary sewer connections, manholes, and connections to the existing public utilities

**4.4.2m.4** Large-scale plan of one (1) typical manufactured housing lot showing home location, parking, etc.

**4.4.2m.5** Location of landscape planting or as required for buffer as a special condition of the Munfordville Board of Zoning Adjustment conditional use approval

**4.4.2n Issuance of Zoning Permit** – The Munfordville Board of Zoning Adjustment may attach reasonable special conditions to its approval of a manufactured home park. The Munfordville Board of Zoning

Adjustment may direct the Munfordville Zoning Administrator to issue a zoning permit when the applicant presents a valid construction permit from the building inspector and the Kentucky State Department of Health, as required by Kentucky Revised Statutes 219.150. The applicant shall present all other information required by this Ordinance and the Hart County Planning Commission. The Munfordville Zoning Administrator shall not issue the zoning permit until he or she has received written authorization from the Hart County Planning Commission and the Munfordville Board of Zoning Adjustment, and until the valid construction permit is presented.

**4.4.2o Issuance of Certificate of Occupancy** – The Munfordville Zoning Administrator shall issue a Certificate of Zoning Approval in accordance with Section 2 of this Ordinance only after he or she has determined that the manufactured home park has been prepared according to previously approved plans and special conditions and all applicable state regulations and only after the applicant presents a valid permit to operate from the State Department of Health as required by Kentucky Revised Statutes.

**4.4.2p Enforcement** - The Munfordville Zoning Administrator shall insure that all manufactured home parks maintain valid permits to operate and maintain conformance with all applicable regulations of the zoning regulation and all special conditions.

**4.4.2q Nonconforming Use** - All existing manufactured housing units within the planning unit which complied with all existing regulations at the time of passage of this Ordinance shall be allowed to remain in their present location.

**4.4.2r Conflict of Regulations** - All parts of any existing regulation in conflict herewith are hereby repealed.

#### **4.4.3 Junk Yards and Recycling Centers**

**4.4.3a Classification** - Junk yards and recycling centers are conditional uses only in the I-1 industrial zone. Applications for conditional use for junk yards shall follow the requirements of SECTION 2 of this Ordinance. All junk yards and recycling center shall comply with the following regulations:

**4.4.3a.1** All junk yards and recycling centers must be completely screened from the surrounding property with said screening being not less than eight (8) feet in height. The Munfordville Zoning Administrator shall approve the type of screening used.

**4.4.3a.2** Any junk yard located closer than 2,000 feet from a center line of any public road must comply with the Kentucky Revised Statutes, Chapter 177. The Munfordville Zoning Administrator shall ensure that all junk yards comply with city and state regulations.

**4.4.3a.3** No junk or recycling material shall be left outside of the screened area for more than twenty-four (24) hours.

**4.4.3a.4** No junk yard or recycling center shall be within 1,000 feet of any residential zone.

**4.4.3a.5** The Munfordville Zoning Administrator shall have the power to determine if a parcel is or is not being used for a junk yard or recycling center. An occupational license, sign, words, or written agreements shall not be evidence alone as to whether a parcel of a land is being used for a junk yard or recycling center.

**4.4.3a.6** As junk yards or recycling centers can be a threat to the public health and safety through groundwater contamination, insect breeding grounds, eyesores, etc., any junk yard or recycling center must meet federal and state standards in order to continue to operate. Those found to be in violation shall be notified and be instructed to be brought into compliance.

**4.4.3a.7** All existing junk yards and recycling centers must comply with this Ordinance within two (2) years and receive a conditional use permit from the Munfordville Board of Zoning Adjustment or cease to operate within two (2) years from the date of passage of this ordinance.

#### **4.5 – PLANNED DEVELOPMENT PROJECT REGULATIONS**

**4.5.1** A planned development project which may depart from the literal conformance with the regulations for individual lot development may be permitted in any district in accordance with this Ordinance. All planned development projects shall be subject to the following regulations:

**4.5.1a Procedure** – When a planned development project is proposed, the procedure for subdivision approval as set forth in the Hart County Subdivision Regulations and the most recent Hart County Comprehensive Plan shall be followed in its entirety.

A preliminary plat and final plat, both approved by the Hart County Planning Commission shall be required for every planned development project. The project shall be developed according to the approved final plat. Zoning and building permits shall be required before construction

and certificates of occupancy and zoning approval are required according to ARTICLE 2 of this Ordinance.

**4.5.1b Uses** – The uses of premises in a planned development project shall conform with the permitted uses of the zoning district in which it is located. Mixed uses are only permitted in districts specifically zoned for “planned development.” The Munfordville Board of Zoning Adjustment retains sole review and discretion for any conditional use in planned development projects.

**4.5.1c Standards** – In any planned development project, although it is permissible to depart from the literal conformance with these regulations and lot dimensions, there shall be no diminution of the total equivalent lot area. The Hart County Planning Commission may allow reductions in lot size, parking requirements, street widths, and loading and unloading areas upon proof by the developer that efficiencies of large-scale development may permit such reductions. These efficiencies could include offering open space in the development, provision of other amenities, and/or the protection of scenic, natural, or historic resources.

**4.5.1d Special Conditions** – The Hart County Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Ordinance. The planned development project shall conform with all such conditions. Because a planned development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects must be flexible.

#### **4.6 – WALLS AND FENCES**

**4.6.1** Front walls and fences in R-1, R-2, R-3, R-4, and B-2 zones shall not be permitted any closer to the street than the front yard setback as established by the Munfordville Zoning Ordinance or subdivision plat filed or any closer than the house/principle structure, except for permitted schools, cemeteries, government buildings and agricultural uses. Permitted side and rear yard fencing and walls in R-1, R-2, R-3, and R-4 zones shall not exceed eight (8) feet in height and shall not contain any barbed wire.

**4.6.2** Where a lot in a residential or commercial zone abuts a publicly dedicated alley, a wall or fence shall be permitted to be located on the property line in the yard that abuts the alley, provided any gate swings in toward the property.

**4.6.3** Walls and fences shall be permitted in any yard in an industrial zone. The maximum height of such fences shall not exceed the maximum height for permitted structures. Any barbed wire fence shall be not less than six (6) feet above ground level.

## **4.7 – EXCEPTIONS**

**4.7.1 Use Exceptions** – Several types of structures and uses are permitted in all districts even though they are not listed as permitted uses under the zoning district regulations. No zoning permit or certificate of compliance is required for the following structures and uses:

**4.7.1a** Local public utility distributing and collecting structures, such as pipe and transmission lines, transformers and meters.

**4.7.1b** Public streets and all official appurtenances necessary for traffic direction and safety. All streets and traffic control signs shall conform to the code established and adopted by the Kentucky Department of Transportation.

**4.7.1c** Private drive, private parking areas, and the parking of vehicles incidental to the principal use on the same premises.

**4.7.2 Height Exceptions** – Height regulations apply to buildings occupied regularly by persons or their activities. They do not apply to structures or portions of buildings such as radio towers, ornamental spires, water towers, smokestacks, silos, and flag poles which are not occupied regularly by persons except for maintenance, unless otherwise stipulated in this Ordinance. The Munfordville Board of Zoning Adjustment shall interpret whether or not height regulations apply upon application by the Munfordville Zoning Administrator in doubtful cases. The Kentucky Airport Zoning Commission and the Federal Aviation Agency height regulations in the vicinity of an airport shall take precedence over all other height regulations.

## **4.8 – REGULATIONS FOR CELLULAR ANTENNA TOWERS**

**4.8.1 PURPOSE** – The purpose of the Cellular Antenna Tower 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 the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.

**4.8.2 APPLICABILITY** – Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a completed uniform application to the planning commission. The planning commission shall not regulate the placement of antennas or related equipment on an existing structure.

**4.8.2.a Pre-application conference** – Applicants are encouraged to notify the planning commission to discuss proposals, allow for early coordination and to identify those items which are in conformance or nonconformance with the comprehensive plan, zoning ordinance, and the provisions of these regulations.

**4.8.3 DEFINITIONS** – For the purposes of these regulations, the following definitions shall apply:

**CELLULAR ANTENNA TOWER** – A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

**CELLULAR TELECOMMUNICATIONS SERVICE** – A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

**CO-LOCATION** – Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

**PERSONAL COMMUNICATION SERVICE** – Meaning as defined in 47 U.S.C. sec. 332(c).

**UNIFORM APPLICATION** – An application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.987 and KRS.100.9865.

**UTILITY** – Meaning as defined in KRS 278.010(3).

**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.

**4.8.4 GENERAL** – Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after 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.

**4.8.5 APPLICATION REQUIREMENTS** – Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

**4.8.5.a** Two (2) copies of all information that the applicant is required to submit to the planning commission per the requirements of the uniform application.

**4.8.5.b** The full name and address of the applicant.

**4.8.5.c** The applicant's articles of incorporation, if applicable.

**4.8.5.d** A geotechnical investigation report signed and sealed by a professional engineer registered in Kentucky that includes boring logs and foundation design recommendations.

**4.8.5.e** 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.

**4.8.5.f** Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.

**4.8.5.g** 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.

**4.8.5.h** The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.

**4.8.5.i** Eight (8) copies of a site-development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements

and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.

**4.8.5.j** A vertical profile sketch of the tower, signed by a professional engineer registered in Kentucky, indicating the height of the sealed tower and the placement of all antennas.

**4.8.5.k** 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.

**4.8.5.l** A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.

**4.8.5.m** A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

- Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;
- Given the telephone number and address of the local planning commission; and
- Informed of his or her right to participate in the planning commission's proceedings on the application.

**4.8.5.n** A statement that:

- A written notice, of durable material at least two (2) feet by four (4) 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 and shall remain in a visible location on the proposed site until final disposition of the application; and
- A written notice, at least two (2) feet by four (4) 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 public road nearest the site.

**4.8.5.o** A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.

**4.8.5.p** 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.

**4.8.5.q** 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.

**4.8.5.r** 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.

**4.8.5.s** 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:

- All of the planning unit's jurisdiction; and
- A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

**4.8.6 APPLICATION FEE** – An applicant for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall pay an application fee in the amount of

\$2,500 upon submission of a uniform application, with \$2,500 being the maximum aggregate amount for application and any applicable building permit fees.

**4.8.7 PROCESSING OF APPLICATION** – Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

**4.8.7.a** At least one (1) 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 a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

**4.8.7.b** Notice of the proposal shall be posted by the applicant and shall remain in a visible location on the proposed site until final disposition of the application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) 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.

**4.8.7.c** Notice of the proposal shall be posted by the applicant and shall remain on the public road nearest the site until final disposition of the application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) 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.

**4.8.7.d** Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said 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 commission'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 such property is in

condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which 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.

**4.8.7.e** Upon holding such hearing, the planning commission shall, within sixty (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 sixty (60) days, and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision. It shall be presumed that the planning commission has approved the utility's uniform application. In the event the application is filed in a timely manor where the planning commission's regular scheduled monthly meeting will not accommodate a public hearing, the planning commission will request a written agreement between said commission and the applicant to extend the sixty (60) day deadline.

**4.8.8 DESIGN STANDARDS** – The applicant shall provide information demonstrating compliance with the following requirements. 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 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.

**4.8.8.a** All structures except fences shall be located a minimum distance from the property or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but in no instances shall be less than fifty (50) feet.

**4.8.8.b** A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred fifty (250) feet regardless of the maximum height requirements listed in the specific zoning district This also applies to any tower taller than fifteen (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 two hundred fifty (250) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Section 4.8.9.

**4.8.8.c** The cellular antenna tower shall be constructed in compliance with the current ANSI/EIATIA 222-F standards and other applicable state standards.

**4.8.8.d** Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.

**4.8.8.e** The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.

**4.8.8.f** Woven wire or chain link eighty percent (80%) open or solid fences made from wood or other materials less than fifty percent (50%) open shall be used to enclose the site. Such fences shall not be less than six (6) feet in height nor more than eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.

**4.8.8.g** Screening shall be provided by evergreen trees, with a minimum height of six (6) feet at time of planting, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line and a ten (10) foot setback.

**4.8.8.h** Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities shall be at least five thousand (5,000) square feet in area.

**4.8.8.i** Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.

**4.8.8.j** There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

**4.8.8.k** All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

**4.8.8.I** All option and site lease agreements shall not prohibit the possibility of co-location.

#### **4.8.9 Approval Criteria**

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

**4.8.9.b** 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:

(1) Successfully attempted to co-locate on towers designed to host multiple wireless service provider's 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

(2) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's 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 towers or other structures on which the applicant attempted to co-locate and lists the reasons why the co-location was unsuccessful in each instance.

**4.8.9.c** 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.

**4.8.9.d** 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 radiofrequency emissions.

**4.8.10 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 section 4.8.5 of these regulations, subject to the same limitations and requirements as those under which such plans were originally approved.

**4.8.11 CONFIDENTIALITY** – From the time that a uniform application is received by the planning commission, 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 antenna 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, or when and to the extent that confidentiality is waived in writing by the applying utility. The planning commission will request that the applicant waive confidentiality on the contents of the uniform application, with the exception of any information that indicates the general position of future proposed construction sites for new cellular antenna towers as discussed in Section 4.8.5 of these regulations.

## **ARTICLE 5**

### **SIGN REGULATIONS**

#### **5.1 – INTENT**

**5.1.1** This article provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities while promoting signs that:

**5.1.1a** Reduce intrusions and protect property values;

**5.1.1b** Minimize undue distractions to the motoring public;

**5.1.1c** Protect the tourist industry by promoting a pleasing community image; and

**5.1.1d** Enhance and strengthen economic stability.

#### **5.2 – SCOPE**

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within the City of Munfordville.

#### **5.3 – EXEMPT SIGNS**

**5.3.1** The following signs are exempt from the provisions of this Article and are, therefore, exempt from the requirement to obtain a sign permit.

**5.3.1a** Signs not visible beyond the boundaries of the property upon which they are located.

**5.3.1b** Government signs that are placed by government officers in the performance of their professional/elected duties.

**5.3.1c** Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.

**5.3.1d** Vehicle signage when painted directly on a vehicle or attached magnetically.

**5.3.1e** Temporary signage of three (3) square feet or smaller placed on or after April 15 and removed by the last day of May. Temporary signage of three (3) square feet or smaller placed on or after the first day of October and removed by November 15.

**5.3.1f** Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.

**5.3.1g** Signage placed by realtors in the performance of their professional duties.

**5.3.1h** Window signage.

#### **5.4 – PERMIT REQUIREMENTS**

**5.4.1** No sign regulated by this Ordinance (except those specifically exempted in Section 5.4.6 below) shall be displayed, erected, relocated, or altered unless all necessary permits have been issued by the Munfordville Zoning Administrator. Applicants shall submit an application form to the department before any permit may be issued.

**5.4.2** The City of Munfordville has created a local historic district overlay. Applicants shall obtain a Certificate of Appropriateness from the Munfordville Board of Architectural Review for signage proposed within the Local Historic District Overlay (HDO). Applications are available at Munfordville City Hall and online at the city's website.

**5.4.3** Signs shall only be erected or constructed in compliance with the approved permit.

**5.4.4** Applicants shall obtain a building permit for the footer of freestanding and monument signs. Applicants shall also obtain an electrical permit for signs that require electrical service.

**5.4.5** Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

**5.4.6** Signs exempt from permit requirements – The following signs shall not require a permit.

**5.4.6a** Incidental signs

**5.4.6b** Historic markers



**5.4.6c** Change of copy on any sign where the framework or other structural elements are not altered

## **5.5 – NONCONFORMING SIGNS**

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition.

**5.5.1** These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

**5.5.1a** Changed to another nonconforming sign except where only the face or copy is changed

**5.5.1b** Structurally altered so as to increase the degree of nonconformity of the sign

**5.5.1c** Expanded or enlarged

**5.5.1d** Reestablished after its removal

**5.5.1e** Moved to a new location on the building or lot

## **5.6 – ILLEGAL SIGNS**

All illegal signs shall be subject to immediate enforcement action as outlined in ARTICLE 6 of the Munfordville Zoning Ordinance.

## **5.7 – GENERAL REQUIREMENTS**

All signs in all zones shall meet the following requirements:

**5.7.1** Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.

**5.7.2** No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.

**5.7.3** No sign shall be attached to or painted on the surface of any tree, utility pole, or streetlight.

**5.7.4** Projecting signs shall have at least seven (7) feet of clearance above a road or sidewalk.

**5.7.5** Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a “halo” effect, or where it is used indirectly. Neon lighting shall not be used to outline buildings, structures, or ornamental features.

**5.7.6** No sign, except for government signs, shall be located within the sight triangle of any intersection. Refer to design standards of the Hart County/Munfordville Subdivision Regulations.

**5.7.7** No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.

**5.7.8** Freestanding, monument, and projecting face sign area shall be computed as follows:

**5.7.8a** Double-faced signs shall have only one face counted in calculating the area.

**5.7.8b** Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two (2).

**5.7.8c** The area enclosing the perimeter of each cabinet shall be calculated to determine the area.

**5.7.8d** The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.

**5.7.8e** Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign’s base.

**5.7.9** Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

## **5.8 – PERMITTED SIGNS CENTRAL BUSINESS DISTRICT (B-1)**

The following signs shall be permitted:

**5.8.1** One (1) wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is thirty-two (32) square feet or fifteen percent (15%) of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to

the wall area of the portion of the building occupied by the individual business.

**5.8.2** One (1) wall sign per tenant or lessee not exceeding two (2) square feet in area.

**5.8.3** Portable sign – One (1) portable sign shall be permitted for each business entrance subject to the following restrictions:

**5.8.4** Maximum surface area of the sign shall be six (6) square feet per face, maximum height of the sign shall be three (3) feet, and maximum width of the sign shall be two (2) feet

**5.8.5** A minimum thirty-six (36) inches wide pedestrian travel-way shall be maintained on the sidewalk. Signs may be designed with a changeable face and shall be removed from the public sidewalk when the business is closed.

**5.8.6** Temporary signs – Shall include banners, streamers, tethered balloons, and inflatable signs and objects. One (1) temporary sign per street frontage shall be allowed subject to the following conditions:

**5.8.6a** Shall not exceed fifty (50) square feet per sign where non-rigid materials are used

**5.8.6b** Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used

**5.8.6c** Shall comply with the applicable regulations for the zone in which they are located

**5.8.6d** Shall not remain in place for a period of more than fourteen (14) continuous days

**5.8.6e** Shall not be displayed for more than a total of eight (8) times in any calendar year

**5.8.6f** Shall not be placed within the public right-of-way or the sight triangle at intersections

**5.8.7** - Electronic message display systems are prohibited on all signs in B-1 zones

## **5.9 – PERMITTED SIGNS IN B-2 AND I-1 ZONES**

The following signs shall be permitted:

**5.9.1** One (1) freestanding or monument sign per street frontage with a maximum of two (2) signs per lot

**5.9.2** Freestanding signs shall not exceed seventy-five (75) square feet in area, twenty-five (25) feet in height, and shall have a minimum setback of ten (10) feet. When street frontage permits two (2) signs, the two freestanding signs may be combined into one (1) freestanding sign that shall not exceed fifty (50) square feet in area. For buildings with more than one occupying business this freestanding sign may list all businesses within the building.

**5.9.3** Monument signs shall not exceed sixty (60) square feet in area, eight (8) feet in height, and shall have a minimum setback of ten (10) feet.

**5.9.4** One (1) wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is thirty-two (32) square feet or fifteen percent (15%) of the wall area to which the sign, canopy or awning is attached, whichever is greater. Awnings shall have at least seven (7) feet of clearance when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to the wall area of the portion of the building occupied by the individual business.

**5.9.5** One (1) wall sign per tenant or lessee not exceeding two (2) square feet in area

**5.9.6** One (1) attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed thirty-two (32) square feet in area and eight (8) feet in height.

**5.9.7** One (1) menu board for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed fifty-five (55) square feet in area and shall have a maximum height of eight (8) feet.

**5.9.8** Temporary signs shall include banners, streamers, tethered balloons, and inflatable signs and objects. One (1) temporary sign per street frontage shall be allowed subject to the following conditions:

**5.9.8a** Shall not exceed fifty (50) square feet per sign where non-rigid materials are used

**5.9.8b** Shall not exceed thirty-two (32) square feet per sign where rigid materials, such as wallboard or plywood, are used

**5.9.8c** Shall comply with the applicable regulations for the zone in which they are located

**5.9.8d** Shall not remain in place for a period of more than fourteen (14) continuous days

**5.9.8e** Shall not be displayed for more than a total of eight (8) times in any calendar year

**5.9.8f** Shall not be placed within the public right-of-way or the sight triangle at intersections

**5.9.9** One (1) marquee per theatre

**5.9.9a** A marquee shall not exceed thirty-two (32) square feet in area, shall not project more than eight (8) feet from the building face to which it is attached, and shall have a minimum clearance of eight (8) feet.

**5.9.10** Electronic message display systems may be incorporated into one (1) freestanding or wall sign for each property located within the B-2 zone.

## **5.10 – MANUFACTURED HOME PARKS**

**5.10.a** One (1) freestanding sign per park entrance. Sign shall not exceed thirty-two (32) square feet in area, eight (8) feet in height, and shall have a minimum setback of twenty (20) feet from any street.

**5.10.b** One (1) nameplate wall sign per mobile home that shall not exceed one (1) square foot in area

## **5.11 – PROHIBITED SIGNS IN ALL ZONES**

**5.11.1** The following signs and/or sign features shall be prohibited in all zones:

**5.11.1a** Mobile signs

**5.11.1b** Roof signs that extend higher than the top of the roof

**5.11.1c** Rotating or moving signs

**5.11.1d** Abandoned signs

**5.11.1e** Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign

**5.11.1f** Any sign which emits any noise or odor

**5.11.1g** Freestanding signs which overhang any part of a building

**5.11.1h** Flashing or blinking signs

**5.11.1i** Billboards with an electronic message display system

**5.11.1j** Signs in a public right-of-way

**5.11.1k** Handbills

**5.11.1l** Billboards or signs over 200 square feet

## **5.12 – SIGNS REQUIRING A CONDITIONAL USE PERMIT IN ALL ZONES**

**5.12.1** Signs painted directly on a building.

## **5.13 – SIGNS ALLOWED WITH CONDITIONAL USES**

**5.13.1** Buildings used for religious or educational activities

**5.13.1a** One (1) freestanding sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height

**5.13.1b** One (1) two-sided bulletin board with moveable type, not exceeding twelve (12) square feet in area and eight (8) feet in height

**5.13.1c** One (1) wall sign per building not exceeding thirty-two (32) square feet in area

**5.13.1d** Incidental signs which shall not exceed two (2) square feet in area and do not require sign permits

**5.13.2** Home occupation – One (1) wall sign not exceeding six (6) square feet in area

## **5.14 – ADVERTISING ON INTERSTATE HIGHWAYS**

No billboard shall be permitted adjacent to interstate or limited-access highways except in conformance with the setback requirements established by the Federal Bureau of Public Roads, the Kentucky Transportation Cabinet, and the requirements of this Ordinance with respect to the zoning district involved.

## **5.15 – MAINTENANCE STANDARDS**

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times. When a business ceases to exist (closed for six (6) months), all signs related to the business must be removed, painted over and maintained, or covered and maintained.

#### **5.16 – PENALTIES FOR VIOLATION**

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in ARTICLE 6 for violation of this Ordinance.

#### **5.17 – SUBSTITUTION CLAUSE**

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

#### **5.18 – DEFINITIONS**

The definitions contained in this section shall be applied in the interpretation of all sections within ARTICLE 5 of this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

**ABANDONED SIGN** – Signage that has been neglected and fallen into disrepair.

**ATTRACTION BOARD** – Copy is changed manually or electronically on a regular basis.

**AWNING SIGN** – Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.

**BANNER SIGN** – Made of non-rigid material with no enclosing framework.

**BILLBOARD** – Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.

**BULLETIN BOARD** – Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.

**CANOPY SIGN** – Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.

**DOUBLE-FACED SIGN** – Two (2) faces either set parallel or up to a 45-degree angle. Any two sign faces set at an angle greater than forty-five (45) degrees shall be considered two (2) separate signs.

**ELECTRONIC MESSAGE DISPLAY SYSTEM** – Copy which uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs), liquid crystal diodes (LCDs), or other digital devices and is changed by a central computer.

**FARM** – A tract of at least ten (10) contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards, and wineries.

**FLASHING OR BLINKING** – Intermittent or sequential illumination for the purpose of attracting attention to the sign.

**FREESTANDING SIGN** – Attached to the ground by columns, poles, braces, or other means and not attached to any building.

**GOVERNMENT SIGN** – Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.

**HANDBILL** – Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.

**ILLEGAL SIGN** – Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.

**ILLUMINATED SIGN** – Emits or reflects artificial light from any source.

- (a) **DIRECTLY ILLUMINATED** – Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.
- (b) **INDIRECTLY ILLUMINATED** – Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.



(c) INTERNALLY ILLUMINATED – Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.

INCIDENTAL SIGN – Not exceeding two (2) square feet in area.

INTERSTATE SIGN – Sign that is designed to be seen from an interstate highway.

MARQUEE SIGN – Used in conjunction with a theatre, is attached to the building, and projects from the building.

MENU BOARD – Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.

MOBILE SIGN – Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

MONUMENT SIGN – Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.

NONCONFORMING SIGN – Legally erected but does not comply with the current regulations for the zone in which it is located.

NON-ILLUMINATED SIGN – Does not emit or reflect artificial light from any source.

PORTABLE SIGN – Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A-frame.

PROJECTING SIGN – Attached to a building, extends more than twenty-four (24) inches.

ROOF SIGN – Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline.

**ROTATING OR MOVING SIGN** – Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.

**SIGN** – Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.

**SIGN CLEARANCE** – The vertical distance between the lowest point of any sign and the grade at the base of the sign.

**SIGN COPY** – Any word, figure, number, symbol, or emblem affixed to a sign.

**SIGN HEIGHT** – The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.

**SIGN SETBACK** – The horizontal distance between any street right-of-way and a sign. The measurement shall be taken at the closest point between the right-of-way and any part of the sign.

**SIGN SURFACE** – That part of the sign on which the message is displayed.

**SQUARE FOOT** – A unit of area equal to one (1) foot by one (1) foot square.

**STREET FRONTAGE** – Property line that lies adjacent to street right-of-way.

**TEMPORARY SIGN** – A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than fourteen (14) continuous days or more than eight (8) times per calendar year.

**VEHICLE SIGNAGE** – Signage painted directly on a vehicle or attached magnetically.

**WALL SIGN** – Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not project above the roofline.

**WINDOW DISPLAY** – Merchandise or other objects placed inside a building to be viewed from outside the building.

**WINDOW SIGN** – Attached to or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure.

## ARTICLE 6

### ADMINISTRATION: JURISDICTION – VIOLATIONS – FEES

#### 6.1 – ZONING ADMINISTRATOR

A Zoning Administrator designated by the city shall enforce the provisions of this Ordinance.

The Zoning Administrator shall keep accurate records in a permanent file for the issuance of Building Permits, Certificates of Occupancy, inspections, violations, stop orders, and condemnations. If the Administrator finds any provision of this ordinance being violated, the person or persons responsible for such violations shall be notified by the Administrator through registered mail said notification shall order the discontinuation of any illegal use of land, building and/or structures.

In the event of the issuance of a discontinuation order the Zoning Administrator shall be required to inform the planning commission of his action. Said information shall be in writing and shall be issued to the planning commission on or before each monthly meeting.

Any permit or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

The appointment and remuneration of the Zoning Administrator is provided for in the Munfordville Personnel Classification Plan and the Munfordville Personnel Pay Plan.

#### 6.2 – CLARIFICATION OF ADMINISTRATIVE JURISDICTIONS

The following is a recapitulation of the administrative agencies, with jurisdiction and the extent of their jurisdictions concerning the administration of this Zoning Regulation:

**6.2.a** The Munfordville Zoning Administrator has initial authority for the literal enforcement of this Ordinance. She or he has no discretionary authority to allow any departure from the literal conformance with this Ordinance.

**6.2.b** The Munfordville Board of Zoning Adjustment has authority to hear appeals from decisions by the Administrative Officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the Munfordville Administrative Officer. The Munfordville Board of Adjustment also has the authority to make only

those departures from a literal conformance which is specifically delegated to it.

**6.2.c** The Hart County Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from the decisions of the Board of Zoning Adjustment or the Hart County Planning Commission.

### **6.3 – BUILDING PERMITS REQUIRED PRIOR TO CONSTRUCTION OR ALTERATION**

It shall be unlawful to commence the excavation for or the construction of any building, including accessory building, or to commence the building or alteration of any building, including accessory buildings before the Zoning Administrator has issued a permit for such work. All building permit applications must meet all applicable requirements. Fees shall be doubled for construction started prior to obtaining a building permit. Legal action will also be undertaken to require any work to cease. There may also be fines for illegal construction

**6.3.1 Exceptions** No building permit or certificate of occupancy shall be required in the following cases:

**6.3.1a** Recurring maintenance.

**6.3.1b** Installation of required improvements in accordance with the approved plan.

#### **6.3.2 Procedures**

**6.3.2a Applications** – In applying to the Zoning Administrator for a building permit, the application shall meet all requirements of this and other applicable ordinances. The city or County Health Officer's Certificate approving the water and sewage facilities must accompany the application.

**6.3.2b Issuance** – If the proposed construction or alteration conforms with all applicable ordinances and regulations and has been approved by the appropriate body, the Zoning Administrator shall issue a building permit authorizing construction or alteration.

If the proposed construction or alternation fails to conform, the Zoning Administrator shall refuse to issue a building permit, and shall cause delivery of written notice to the applicant stating the reason for refusal.

The Zoning Administrator shall act upon all applications for building permits within two (2) weeks from the date of their submission.

**6.3.3 Restraint of Construction Without Permit** – If no permit has been issued, and a builder begins, or continues to build, a order enjoining restraining order may be obtained upon application to the appropriate court, and evidence of the lack of a building permit shall a prima facie case for the issuance of the order.

**6.3.4 Validity** – The issuance of a building permit shall not waive any provisions of this ordinance.

**6.3.5 Duration** – A building permit shall become void one (1) year from the date of issuance unless substantial progress has been made by the date on the construction or alteration authorized therein.

#### **6.4 – CERTIFICATE OF OCCUPANCY**

No land or building or part thereof hereafter erected or altered shall be used until the Zoning Administrator shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof, are found to be in conformity with the provision of this Ordinance. Within three (3) days after notification that a building or premises, or part thereof is ready for occupancy or use it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this Ordinance; or if such certification is refused, to state in writing the cause for such refusal to the applicant at the address indicated on the application.

#### **6.5 – VIOLATIONS**

**6.5.1 Remedies** - In case any building or structure is, or is proposed to be erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is, or is proposed to be used in violation of this regulation, the Munfordville Zoning Administrator, or any other appropriate party who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the work or occupancy of such building, structure or land, in any court of competent jurisdiction.

**6.5.2 Penalties** - Any person, or group of persons, including a member of legislative and administrative body of the city violating any provision of this Regulation shall, upon conviction, be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.

## 6.6 – SCHEDULE OF FEES

**6.6.1** A schedule of fees, charges and expenses and a collection procedure for appeals from the Munfordville Board of Zoning Adjustment action, variances, conditional use permits, zoning and sign permits, certificates of compliance, and requests for zone changes, may be established by the Munfordville City Council. No action shall be taken on any item pending at the Hart County Planning Commission or the Munfordville Board of Adjustment unless or until preliminary charges and fees have been paid in full.

**6.6.2** The Hart County Planning Commission and Munfordville Board of Adjustment requests must be accompanied by the Hart County Clerk filing fee to file the Certificate of Land Use Restriction. Contact the Hart County Clerk's office for a list of fees.

**6.6.3** Zoning Administrator Required Review Fee Schedule – The fees below are for the City of Munfordville's review and approval process. The Hart County Planning Commission may charge additional fees when their review is required. All fees subject to change in accordance with local, state and federal laws.

- **ZONING ADMINISTRATOR REVIEW: Developments + Additional fee for Planning Commission review may be required for these types of developments.**

Commercial Developments	\$ 100.00
Industrial Parks	\$ 100.00
Residential Development	\$ 100.00
Mobile Home Parks	\$ 100.00

- **ZONING ADMINISTRATOR REVIEW: Buildings + Building, Plumbing, HVAC, and/or Electrical Inspection fees may be required.**

Dwellings	\$ 100.00
Rooms Added	\$ 50.00
Garage	\$ 50.00
Commercial Building	\$ 100.00

- |  |                     |
|--|---------------------|
| Move Structure (+performance bond)                 | \$ 10.00            |
| • ZONING ADMINSTRATOR REVIEW ONLY: Signs and Misc. |                     |
| Utility Building                                   | \$100.00            |
| Permanent Signs or Billboards                      | \$ 100.00/\$300.00  |
| Portable Signs                                     | \$ 50.00            |
| Demolitions (+ performance bond)                   | \$ 100.00           |
| Porch, Deck  | Review Only, No Fee |
| • BOARD OF ADJUSTMENT REVIEW:                      |                     |
| Zoning Ruling Appeal                               | \$ 125.00           |
| Variance Request                                   | \$ 100.00           |
| Conditional Use Permit                             | \$ 100.00           |

**ARTICLE 7**  
**LEGAL STATUS**

**7.1 – CONFLICT WITH OTHER ORDINANCES AND PRIVATE DEEDS**

In case of conflict between this Ordinance, and any part thereof, and the whole or part of any existing or future ordinance of the city of the whole or part of any existing or future private covenants of deeds, the most restrictive in each case shall apply.

**7.2 – SEVERABILITY**

If any section, clause, provision or portion of this Ordinance shall be held to be invalid, or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the Ordinance which not in itself unconstitutional.

**7.3 – EFFECTIVE DATE**

This Ordinance No. \_\_\_\_\_ shall take effect after its passage and upon publication, with the effective date of \_\_\_\_\_. Duly adopted on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and having been read on \_\_\_\_\_ (FIRST READING) and \_\_\_\_\_ (SECOND READING).

  
Juan A. Bent