

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.

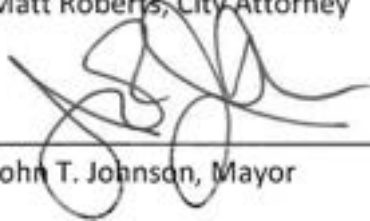
SUMMARY OF ORDINANCE

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.



Matt Roberts, City Attorney



John T. Johnson, Mayor



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.