

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.l 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.