

ORDINANCE 2005-1373

AN ORDINANCE AMENDING ORDINANCE NUMBER 794, CODIFIED AS SECTION 156 OF THE CITY OF MURRAY CODE OF ORDINANCES.

WHEREAS, in order to bring the Zoning Ordinance up to date with the progress Murray has made, the Murray Planning Commission has reviewed and revised the Zoning Ordinance; and

WHEREAS, the Murray Planning Commission has held two public hearings to review and discuss the proposed changes; and

WHEREAS, the Murray Planning Commission has recommended to the City Council the adoption of the following revisions to the Zoning Ordinance; and

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to the City of Murray Zoning Ordinance and believe that the proposed changes are reasonable and necessary to promote and support the health and safety issues of the residents of the City of Murray;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURRAY, KENTUCKY AS FOLLOWS:

Section 1.

Section I, Article 2, Definitions, (codified as §156.004), is amended and shall read as follows:

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

1. **ABUT OR ABUTTING:** Having a common border with, or being separated from such common border by an alley or easement.
2. **ACCESS:** Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles.
- 3.[4] **ACCESSORY BUILDING:** A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure. Accessory structures shall not be constructed prior to the principal structure. On residential and agricultural property, accessory structures shall not contain kitchen facilities. [~~A detached building, the use of which is customarily incidental to that of the principal building on the same lot.~~]

- ~~2.] **ACCESSORY USE:** A use customarily incidental to the principal use of the property.~~
- 4.~~3.] **ADULT ORIENTED BUSINESS:** See Section III, Article 7 for definitions relating to adult oriented businesses.~~
- 5.~~4.] **AGRICULTURE OR AGRICULTURAL:** The use of land for the cultivation of crops or the raising of animals or for preservation of land in its natural state.~~
- 6.~~5.] **ALLEY:** Any public or private way set aside or dedicated for public travel twenty (20) feet or less in width.~~
- 7.~~6.] **ALTERATION ALTERED:** Any change or addition to the load-bearing members or the foundation of a structure.~~
8. **ANTENNA:** Electronic devices, whose purposes is to receive or transmit signals directly from ground based sources, which are freestanding or mounted to a structure.
9. **ATTIC:** The non-habitable part of a building immediately below, and wholly or partly within, the roof framing.
10. **AUTHORIZED AGENT OR OWNER:** The person or persons who have the right or legal title, beneficial interest in, or a contractual right to purchase a lot or parcel of land.
- 11.~~7.] **BAKERY:** A place where products such as bread, cake and pastries are baked and sold as the principal use of the establishment with the number of inside seats to be limited to ten (10).~~
12. **BASEMENT:** The lowest habitable story of a building usually below, or partially below, ground level.
13. **BEDROOM:** A room marketed, designed, or otherwise likely to function primarily for sleeping.
- 14.~~8.] **BOARDINGHOUSE AND OR LODGING HOUSE:** A building other than a hotel where, for compensation and by prearrangement of a definite period, meals or lodging and meals are provided for three (3) or more persons, but not exceeding ten (10) persons.~~
15. **BUFFER:** A unit of land, together with a specified amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them.
- 16.~~9.] **BUILDING:** Any structure for the shelter or enclosure of persons, animals, plant materials or property.~~

- ~~17.~~^[40.] **BUILDING AREA:** The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building but not including uncovered entrance platforms, terraces and steps.
18. **BUILDING FRONTAGE:** The exterior wall of a building that faces a front lot line of the lot.
- ~~19.~~^[41.] **BUILDING HEIGHT:** The vertical distance measured from the established mean grade at the front building line to the highest point of the building.
- ~~20.~~^[42.] **BUILDING LINE:** A line across a lot beyond which no building may extend, as established by ordinance or developer. A building line in some instances may coincide with the property line.
- ~~21.~~^[43.] **BUILDING PERMIT:** A permit which may be required by appropriate authority in connection with the location, construction, alteration, demolition, or relocation of structures within the area of jurisdiction.
22. **CALIPER:** A measurement of the size of a tree equal to the diameter of the trunk as measured six (6) inches above the ground up to and including trees of four (4) inch caliper size; and twelve (12) inches above the ground for trees of greater than four (4) inch caliper size; unless otherwise specified.
23. **CANOPY:** A roof-like cover extending over a pedestrian way or right of way as a shelter or a shield. This definition shall include the term “awning” and shall apply regardless of the materials used in its construction.
24. **CARPORT:** An unenclosed paved and covered space for the private use of the owner or occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature. It is considered an accessory structure, and therefore shall be allowed only in a rear yard.
25. **CARRIER/PROVIDER:** See Wireless Communication Service Provider.
26. **CELLAR:** An uninhabited room used for storage, usually beneath the ground or under a building.
27. **CERTIFIED SURVEY:** Scaled drawing of a parcel or lot, showing property lines, dimensions, building locations, and other features of a property, which has been signed and sealed by a professional surveyor licensed in the Commonwealth of Kentucky.
28. **CHURCH:** A building used for regular religious worship services, by the congregation or parts thereof, of an organized religion.
- ~~29.~~^[44.] **COMMISSION:** Murray Planning Commission.

- 30.^[15.] **CONDITIONAL USE:** A use which is essential to or would promote the public health, safety or welfare in one or more districts but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning ordinance.
- 31.^[16.] **CONDITIONAL USE PERMIT:** Legal authorization to undertake a conditional use which has been authorized in conformance with the zoning ordinance.
- 32.^[17.] **CONDOMINIUM:** Form of multi-unit housing in which the owner owns the area between the walls and ceiling. A condominium can take many physical forms - it can be a townhouse, an apartment, or part of a free-standing duplex house. The owner owns a fee simple interest in the actual dwelling unit and is entitled to all the rights of a fee simple holder. The owner is also given an undivided joint interest in all of the common areas of the building.
33. **CONVENIENCE STORE:** A retail establishment selling food for off-premises consumption and a limited selection of groceries and sundry items (and possibly gasoline, but not required).
34. **CURB CUT:** Vehicular entrance onto a public right-of-way.
- 35.^[18.] **DAY CARE CENTER:** Any place, home or institution which receives four (4) or more children, conducted for cultivating the normal aptitude for exercise, play, observation, imitation, and construction.
36. **DEDICATION:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee interest, including an easement.
37. **DENSITY GROSS:** The quotient of the total number of dwelling units divided by the gross site area of the site, expressed as dwelling units per acre.
- 38.^[19.] **DIMENSIONAL VARIANCE:** A departure from the terms of the zoning ordinance pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where owing to conditions peculiar to the property because of its size, shape or topography and not as a result of the actions of the applicant, the literal enforcement of the zoning ordinance would result in unnecessary and undue hardship.
- 39.^[20.] **DORMITORY:** A building occupied by and maintained as a place of residence exclusively for students affiliated with an academic or professional college or university when approved and regulated by such institution. The word “dormitory” shall not be construed to include dwellings, boarding or rooming houses, fraternity or sorority houses or any building designed for transient residence.

40. **DRAINAGE:** The removal of surface water or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or for the prevention or alleviation of flooding.
41. **DRAINAGEWAY:** Minor watercourses, natural or manmade, that are defined either by soil type or the presence of intermittent or perennial streams.
- 42.[21.]**DWELLING:** A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.
- 43.[22.]**DWELLING UNIT:** One or more rooms in a dwelling or apartment house designed for residential purposes, and having a kitchen.
44. **EXTERIOR STORAGE:** Unroofed storage area, whether fenced or not.
- 45.[23.]**FAMILY:** One or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood,(immediate family members only), marriage, operation of law or adoption [~~occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, fraternity, sorority, or similar dwelling for group use~~], or having evidenced a stable family relationship. A family shall also be deemed to include domestic servants employed by said family, and foster or boarded children whose room and board is paid by a recognized child care agency.
46. **FLOODPLAIN:** For the purposes of this Ordinance, "Floodplain" shall mean areas adjacent to a river, stream or other drainage way which lie within the 100 year flood elevation contour, as established by Flood Insurance Rate Maps or by certified survey.
- 47.[24.]**FLOOR AREA:** The total floor area of all stories including halls, stairways, elevator shafts, and other related uses measured to outside faces of exterior walls.
- 48.[25.]**FRATERNITY OR SORORITY HOUSE:** A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.
49. **GARAGE:** A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.
50. **GARDEN CENTER:** A place of business where garden-related products and produce is sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, bring in most items offered for sale from other locations. These items may include plants, nursery items and stock, fertilizers, potting soil, hardware, power equipment and machinery, manual garden and farm tools and utensils.

51. **GASOLINE SERVICE STATION:** Buildings and premises where gasoline, oils, greases, batteries, tires, and automobile accessories may be supplied and dispensed at retail (or in connection with private operation) where no part of the premises is used for paint spraying, body or fender repair, or the storage of dismantled or wrecked vehicle parts, and also where minor services are rendered; such as sale and servicing of spark plugs, batteries, and distributors; tire repair and servicing, but no recapping; replacement of minor items of equipment such as mufflers and tail pipes, water hoses, fan belts, and fluids; radiator cleaning and flushing; minor servicing of carburetors; car washing and waxing.
- 52.[26.] **HOME OCCUPATION:** Any business, professional or commercial activity that is conducted or petitioned to be conducted from and performed on property that is zoned for residential use.
- 53.[27.] **HOSPITAL:** An institution providing health services of a medical, surgical or obstetrical nature to ill or injured human patients and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
54. **HOTEL:** A building or portion of a building, containing sleeping units, which are occupied on a daily or short term basis. A hotel may include a restaurant and banquet or ballrooms.
55. **IMPERVIOUS SURFACE:** A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any surface of concrete or asphalt are impervious surfaces.
- 56.[28.] **INDUSTRY (HEAVY):** Those industries whose processing of products may result in the emission of any atmospheric pollutant, light flashes or glare, [~~odor~~], noise or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.
- 57.[29.] **INDUSTRY (LIGHT):** Those industries whose processing or products results in none of the conditions described for heavy industry.
- 58.[30.] **JUNKYARD, AUTOMOBILE:** A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of motor vehicles not in running condition, or for the sale of parts thereof.
- 59.[34.] **KENNEL:** Commercial business for the sale or temporary boarding of dogs and cats, but not including the ownership and occasional sale of dogs and cats at, in, or adjoining a private residence.
- 60.[32.] **LAND AREA:** The total land area within the property lines.

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

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

A. **LOT AREA:** The area contained within the boundary lines of a lot.

B.~~[A.]~~ **LOT LINE:** The boundary dividing a lot from a right-of-way, adjoining lot, or other adjoining tract of land.

C.~~[B.]~~ **LOT, CORNER [~~CORNER LOT~~]:** A lot which abuts on two intersecting streets at their intersection.

D.~~[C.]~~ **LOT, DOUBLE FRONTAGE [~~DOUBLE FRONTAGE LOT~~]:** Any lot other than a corner lot which abuts on two streets.

E.~~[D.]~~ **LOT OF RECORD:** A lot which is duly recorded in the office of the county clerk.

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

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

65. **MINI-WAREHOUSE:** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized stalls of lockers for the “dead” storage of a customer’s goods or wares. No sales, service, or repair activities other than the rental of “dead” storage units are permitted on the premises.

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

67.~~[36.]~~ **MOBILE HOME OR MANUFACTURED HOME:** Any trailer or similar portable structure without its own motive power, having no integral foundation other than wheels, jacks, or skirting and used, designed or constructed to be transported on the public

streets and designed or constructed to permit occupancy, either permanent or temporary. Removal of the means of conveyance from a mobile home does not change the nature of a mobile home as defined in this zoning ordinance. The term mobile home does not include travel trailers without their own motive power, pickup campers or coaches, and dwellings with their own motive power.

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

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

70.~~[39.]~~ **NON-RETAIL SALES AND SERVICES:** Sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail sales includes wholesaling, warehousing, trucking terminals and similar enterprises.

71. **NURSERY:** An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but no power equipment such as gasoline or electric lawnmowers or farm implements) directly related to their care and maintenance. The accessory items normally sold include, pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

72.~~[40.]~~ **OPACITY:** Opacity is the concealment of office, institutional, business and industrial development from the view of adjacent residential or agricultural properties.

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

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

75.~~[41.]~~ **PARKING SPACE:** An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred ~~sixty-two (162)~~ ~~[eighty (180)]~~ square feet, exclusive of driveways, and shall have direct access to a street or alley. Except on lots occupied by single-family and two-family dwellings, parking spaces shall be so arranged as to provide for both ingress and egress by forward motion of vehicles using parking spaces.

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

- 77.~~[42.]~~ **PLAT:** A map, plan or chart of a tract of land or property which is drawn to scale and shows the existing or proposed location of boundary lines, buildings, structures, uses or any other required data or information.
78. **POND:** Natural or artificial body of water which retains water year round and is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.
79. **PUBLIC RIGHT OF WAY:** All town, state and federal highways and the land on either side as covered by statutes.
- 80.~~[43.]~~ **PUBLIC SERVICE BUILDING:** Any building necessary for the operation and maintenance of a utility.
- 81.~~[44.]~~ **PRINCIPAL BUILDING:** Any ~~[The]~~ building in which is conducted the principal use of the lot on which it is situated.
- 82.~~[45.]~~ **PROCESSING:** Manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to the fabrication of structures.
- 83.~~[46.]~~ **PROPERTY LINE:** The recorded boundary of a lot or other tract of land under one ownership.
84. **RECREATIONAL VEHICLE:** A vehicle of unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers and motor homes. Recreational vehicles shall not be permanently affixed to the ground or any structure.
85. **RECREATIONAL VEHICLE PARK:** A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sales of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including, but not limited to, roads, clubhouse or recreational facilities, and buffers are privately owned or owned in common by members of a condominium association.
- 86.~~[47.]~~ **RESTAURANT:** An eating establishment whose primary use is designed to permit or facilitate the service of meals, sandwiches, ice cream, beverages, or other food served directly to, or permitted to be consumed by patrons within the building, in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site or outside the main building.

~~87.[48.]~~ **RETAIL SALES:** Sale of any product or merchandise to customers for their own personal consumption and use, not for resale.

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

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

~~90.[49.]~~ **SHOPPING CENTER:** A unified grouping in one or more buildings or retail shops and stores which are planned, developed, owned and managed as a unit and related in size (gross floor area) and type of shops to the trade area that the unit serves.

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

~~92.[50.]~~ **SIGN:** Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land, in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

A. **ADVERTISING SIGN:** A sign which directs attention to a business product, service or activity generally conducted, sold or offered elsewhere than on the premises where such sign is located.

B. **BANNER:** Any sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure.

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

~~D.[B.]~~ **BUSINESS SIGN:** A sign which directs attention to a business profession, product, activity or entertainment, sold or offered upon the premises where such sign is located.

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

~~E.[C.]~~ **FASCIA SIGN:** A wall sign.

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

H.~~[E.]~~ **IDENTIFICATION SIGN:** A sign which indicates only the name and address of the building and/or management, and has no direct advertising value.

I.~~[F.]~~ **ILLUMINATED SIGN:** Any sign designed to emit artificial light.

J.~~[G.]~~ **INDIRECTLY ILLUMINATED SIGN:** Any sign designed to reflect artificial light from any source.

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

L. **MONUMENT TYPE SIGN:** Monument type signs shall be signs that are permanently attached to or supported by the ground and where the base of said sign is no higher than two (2) feet above grade. A monument type sign shall include a supporting base composed of stone, brick, architecturally treated wood or similar materials. All monument type signs shall be complimented by landscaping.

1. Said signs shall not exceed fifty-five (55) square feet of sign area, except as provided for in Section III, Article I, C, 2, E.

2. Said signs shall be accented with a minimum of landscaping equal to one (1) foot for every one (1) square foot of sign face.

M.~~[I.]~~ **NON-ILLUMINATED SIGN:** Any sign which is not artificially lighted either directly or indirectly.

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

O.~~[J.]~~ **PROJECTING SIGN:** A sign which is attached directly to a canopy, marquee or wall of a building or other structure and which extends horizontally outward from such canopy, marquee or wall more than twelve (12) inches.

- P. **ROOF SIGN:** A sign attached to the part of a building considered to be the roof. The roof being that part of a building that protects the interior portion of said building.
- Q.~~[K.]~~ **SURFACE AREA OF SIGN:** The entire aggregate area of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one (1) side of a double-faced sign structure shall be used in computing total surface area. (See Illustration No. 4, Section III, Article 1).
- R.~~[L.]~~ **TEMPORARY SIGN:** Any sign or display, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames intended to be displayed for a limited period of time only.
- S.~~[M.]~~ **TRACT SIGN:** A temporary sign advertising the original sale of property.
- N. ~~**DIRECTIONAL SIGN:** Any non-commercial sign of an instructional nature, bearing no business advertising and displayed for the convenience of the public.~~
- T.~~[O.]~~ **WALL SIGN:** Any sign including a fascia sign which is attached parallel to the face of the wall of a building or other structure.
- U. **WINDOW SIGN:** Any sign, picture or symbol that is attached to the interior or exterior of a window or window frame, not to exceed twenty five (25) percent of the window area.
- 93.~~[51.]~~ **SCREENING:** Screening is defined as decorative fences or walls, evergreen vegetation, or landscaped areas, which are set forth for the purpose of concealing the view of office, institutional, business and industrial properties from adjacent residential or agriculture properties.
94. **SITE PLAN:** A plan drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including buffers, parking, landscaping and drainage facilities.
95. **STEEP SLOPE:** Land area where the inclination of the land's surface from the horizontal is thirty (30) percent or greater. Slope is determined from on-site topographic surveys with a two (2) foot contour interval.
- 96.~~[52.]~~ **SLEEPING ROOM:** A single room rented for dwelling purposes but without amenities for separate and independent housekeeping.
97. **STREAM , PERENNIAL:** A natural watercourse which contains flowing water year round.

98. **STREET, CENTERLINE:** That line surveyed, monumented and designated by the City as being the center of a street right of way.

99.[53.] **STREET, PRIVATE:** A private vehicular way providing access to two (2) or more lots, permitted as a sole means of access to any such lots if the following conditions are met:

A. ~~Such street shall not serve more than twenty (20) dwelling units.~~

A.[B.] Such street shall be approved by the planning department and the street department as adequate in width, design, improvement and location with respect to the lots it is intended to serve, other adjacent lots, and public street intersections.

B.[C.] All easements required are provided in a manner, scale and location acceptable to the city.

C.[D.] Satisfactory arrangements are made for permanent private maintenance in good condition.

100.[54.] **STREET, PUBLIC:** A thoroughfare which affords the principal means of access to abutting property.

101.[55.] **STRUCTURE:** Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

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

103. **STRUCTURE, PRINCIPAL:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. Two or more structures connected by a breezeway or other similar construction, shall not constitute a single or principal structure.

104. **SUBDIVISION:** Any division or redivision of a tract, parcel, or lot into two (2) or more parts by means of platting of boundaries in accordance with the City of Murray Subdivision Regulations.

105. **TELECOMMUNICATION FACILITIES, WIRELESS:** Any and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment, sheds, guy wires, etc.) installed, used or intended for use in conjunction with any of the following:

A. **CELLULAR COMMUNICATIONS FACILITIES:** Low power transmitters used to transmit signals in a cell of cellular radio-telephone services (cellular phones), personal communications services (PCS), enhances specialized mobile radios (ESMRO, trunk mobile cellular phones, paging services and similar cellular based communications to the general public.

B. **COMMERCIAL SATELLITE FACILITIES:** Satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.

C. **MICROWAVE RELAY FACILITIES (REPEATER):** Used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

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

A. **MONOPOLE TOWERS:** Cylindrical self-supporting towers constructed as a single spire.

B. **SELF-SUPPORTING OR LATTICED TOWERS:** Self-supporting towers with multiple sides of open-frame supports.

C. **GUYED TOWERS:** Towers anchored with guy wires.

D. **CAMOUFLAGED TOWERS:** Self-supporting towers concealed so that they blend with their surroundings. Such towers may be constructed to resemble objects, such as a tree or a street light, or may be concealed within another structure, such as a clock tower, church steeple or lamp post.

107.^[56-] **TOWNHOUSE:** Form of multi-unit housing in which the owner owns the area in the unit and also owns the land on which the unit is located.

108.^[57-] **USE:** Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

A. **ACCESSORY:** An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use; (2) is subordinate in area, extent, and purpose to the principal structure or use served; (3) is located on the same development site as the principal structure or use served; and (4) is customarily incidental to the principal structure or use.

B. **PRINCIPAL**: The specific primary purpose for which land is used.

C. **TEMPORARY**: A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

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

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

111.[58-] **YARD**: The open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this zoning ordinance. Yards are further defined as follows:

A. **FRONT YARD**: That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated at the front yard line.

B. **REAR YARD**: That portion of the yard extending the full width of the lot and measured between the rear lot line and parallel line tangent to the nearest part of the principal building.

C. **SIDE YARD**: Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building.

112.[59-] **ZONING OFFICIAL**: Director of Planning or his/her designee(s).

Section 2.

Section II, Article 4, Business Zoning District (codified as §157.037 (C)(2)) is hereby amended to read as follows:

B-4 MEDIUM DENSITY BUSINESS DISTRICT

B. PERMITTED PRINCIPAL USES

1. Any use permitted in the B-1 business district.

2. [±]. Banks and savings and loans.

3. ~~[2]~~. Barber & Beauty Shops
4. [3]. Bakeries.
5. ~~[4]~~. Drugstores.
6. [5]. Shoe repair shops.
7. [6]. Antique Shops.
8. [7]. Clothing stores.
9. [8]. Radio/television sales and repair shops.
10. [9]. Professional, business and government offices and laboratories.
11. [10]. Churches and related activities.
12. Convenience Store.

Section 3.

Section III, Article I, Special Regulations, Signs (codified as §156.050(B)), is hereby amended to read as follows:

B. SIGNS FOR R-1, R-2, R-3, R-3A, R-4 and R-5 ZONES

1. Only traffic signs and temporary signs are allowed in the residential zoning districts.
2. Real estate signs are allowed not exceeding six and a quarter (6.25) [four (4)] square feet on residential properties of less than one (1) acre in size. Real estate signs may not exceed twelve (12) square feet on properties from one (1) to ten (10) acres in size. All residential properties greater than ten (10) acres in size shall be allowed real estate signage up to thirty -two (32) square feet. All real estate signs are considered temporary for the period of the sale of the property.
3. Yard sale signs are permitted only on property of the sale and only on the day before and the days of the sale. No yard sale sign shall be attached to a tree, fence or public utility pole. No other advertising, except for the yard sale, will be allowed on the sign.
4. Temporary signs may be placed for special events subject to placement of a bond to assure their removal as outlined in the general sign regulations.
5. One (1) unlighted sign not over two (2) square feet in area identifying home occupations permitted as a conditional use on the premises. The sign location shall be subject to control by the Board of Zoning Adjustments.

6. One (1) sign, not over eight (8) square feet in area, identifying the fraternity or sorority house on the premises shall be permitted.

Section 4.

Section III, Article I, Special Regulations, Signs (codified as §156.050 (C)), is hereby amended to read as follows:

C. SIGNS FOR B-1, B-2, B-3, B-4 & INDUSTRIAL ZONES.

2. The following regulations for business signs (non-illuminated, indirectly illuminated, or directly illuminated) shall apply:
 - (A) The total number of business signs on a lot shall not exceed three (3) [~~two (2)~~].
 - (B) Only one (1) free-standing business sign shall be permitted with the size to be determined as follows: .5 sq. ft. per lineal foot of street frontage not to exceed 80 square feet. Small lots with under 60 feet of street frontage will be allowed a 30 square foot sign if desired. The outer edge of the sign shall be set back at least ten (10) feet from the side lot line. All permitted free standing signs shall not exceed a height of 24 feet from mean property level. All freestanding signs are to be placed in a landscaped area, with a ratio of one (1) square foot of landscaping to equal one (1) square foot of sign area up to a maximum of eighty (80) square feet.
 - (C) One (1) wall business sign mounted on the face of the building for each tenant or lessee mounted on the face of the building with the size to be determined as follows: 5% of square footage of face of building if the building is located up to 100 feet from the street, and an additional 5% of square footage of face of building for each 100 feet thereafter, not to exceed 10%. For double frontage or corner lots, two (2) wall business signs for each tenant or lessee mounted on the face of the building which fronts on both a primary and secondary street with the size to be determined as above. No flat wall sign shall project above the roof or parapet line.
 - (D) Projecting signs are only allowed in the B-3 zone where the right-of-way does not permit a free standing sign. One (1) sign shall be permitted, provided it does not exceed a surface area of twelve (12) sq. ft. It shall be at least 9 feet above ground level, but shall not project above the roof or parapet line. The front edge of a projecting sign must not project closer than two (2) feet inside the street curb.
 - (E) Monument type signage shall be required in place of free standing signage along the Twelfth Street corridor from the southern city limits to the northern city limits. The size of a monument type sign shall be determined as follows: .5 square feet per lineal foot of street frontage not to exceed fifty-five (55) square feet except on lots with a frontage road or a shopping center with four (4) or more businesses in

which case such sign shall not exceed eighty (80) square feet excluding base and columns. The maximum height of a monument type sign shall not exceed ten (10) feet except on lots with a frontage road or a shopping center with four (4) or more businesses in which case such sign shall not exceed fourteen (14) feet in height with height being measured from mean property level. All monument type signs shall be placed in a landscaped area.

(F) Real estate signs are allowed not exceeding six and a quarter (6.25) square feet on commercial properties less than one (1) acre in size. Real estate signs may not exceed twelve (12) square feet on properties from one (1) to ten (10) acres in size. All commercial properties greater than ten (10) acres in size shall be allowed real estate signage up to thirty-two (32) square feet.

(G) Electronic reader boards are allowed in B-2, B-3, B-4 and Industrial Zones. Electronic changeable copy shall be permitted for all signs, which shall conform to the following: Non-flashing mode, with electronic changeable copy displaying only on-premises messages or public service messages. Changes in copy shall be limited as follows:

(1) Size shall not exceed 30% of allowable sign area

(2) Amber in color

(3) No more than one (1) electronic message board per business

(4) A single message or segment of a message shall have a display time of at least two (2) seconds including the time needed to move the message onto the sign board, with all segments of the total message to be displayed within ten (10) seconds.

(5) A message consisting of one (1) segment may remain on the signboard any amount of time in excess of two (2) seconds. An electronic sign requiring more than four (4) seconds to change from one (1) single message to another shall be turned off during the change interval.

(6) A display traveling horizontally across the signboard shall move between sixteen (16) and thirty-two (32) light columns per second. A display may scroll onto the signboard but shall hold for two (2) seconds including the scrolling time.

(7) A display shall not include an art animation or graphic that portrays motion, except for movement of a graphic onto or off of the signboard.

Section 5.

Section III, Article I, Special Regulations, Signs (codified as §156.050(F)), is hereby amended to

read as follows:

F. GENERAL SIGN REGULATIONS.

9. Any business sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold on the premises, and any advertising sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold, or activity or campaign being conducted, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found within forty five (45) [~~ten (10)~~] days after written notification from the Zoning Official. Upon failure to comply with such notice within the time specified in such order, the Zoning Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached.
12. All temporary signs shall be removed within five (5) [~~ten (10)~~] days after the completion of the activity being advertised, and the posting of a performance bond with the zoning official shall be required to insure such removal.
14. Permitted temporary signs may be erected or posted for a period not to exceed fourteen (14) [~~fifteen (15)~~] days for any quarter of a year. Any sign posted for a longer period must meet the requirements for permanent signs.
16. Business announcement signs may consist of wall signs, banners and other similar signs approved by the City Zoning Official. Mobile signs, pennants, streamers, and any moving, rotating or flapping signs are prohibited. Signs are limited to two (2) per proprietor, not to exceed 32 square feet each. A \$10.00 permit fee and a sign permit issued by the planning office are required. The following time limitations also apply:
 - (A) “Going out of business” and “grand opening” signs may be erected for a period of 30 days and only once per year per proprietor.
 - (B) Temporary signs for “special sale”, “under new management” and similar announcements may be erected for a period of fourteen (14) days and only once every three (3) [~~four (4)~~] months per proprietor.
17. Window signage is defined as any sign, picture or symbol that is attached to the interior or exterior of a window or window frame. Said signage is not to exceed twenty five (25) percent of the window area. Said signage shall not require a sign permit. Existing businesses will have one hundred and twenty (120) days to come into compliance with this ordinance.

Section 6.

Section III, Article I, Special Regulations, Signs (codified as §156.050(G)), is hereby amended to

read as follows:

G. SIGNS PERMITTED IN ALL ZONES AND DISTRICTS.

3. One temporary real estate sales or rental sign indicating only sales or rental of the premises are allowed, not exceeding six and a quarter (6.25) [four (4)] square feet of surface area or as provided [it is] for in Article I, B and C in this section. The sign shall be placed flat against the building or [set] back from the street not less than ten (10) feet.
4. Political campaign signs provided they are kept on private property, shall be [not erected more than forty five (45) days prior to the election and removed within fourteen (14) days after the election]. Signs must be limited to eight (8) square feet and one (1) sign per candidate, per lot with the bottom of the sign no higher than two (2) feet from ground level. Placement of campaign signs on public property such as traffic signs, utility light poles or buildings is prohibited and if found, will be removed at the cost of the candidate.
7. Temporary signs associated with community festivals or events of a cultural or educational nature, not to be displayed more than [fifteen (15)] fourteen (14) consecutive days. Only two (2) signs allowed per event with the size not to exceed 32 square feet each and the posting of a performance bond with the Zoning Official shall be required to insure such removal.

Section 7.

Section III, Article I, Special Regulations, Signs (codified as §156.050(H)), is hereby amended to read as follows:

SIGNS PROHIBITED IN ALL ZONES AND DISTRICTS.

9. Billboards as defined in Section I, Article 2.
12. Signs lettered in a crude or amateurish fashion.
13. Inflatable signs and tethered balloons.
14. Vehicles or trailers (operable or inoperable), which contain advertising and are not used in the daily conduct of business.
15. Off-premises signage as defined in Section I, Article 2

Section 8.

Section III, Article I, Special Regulations, Signs (codified as §156.050(K)), is hereby amended to

read as follows:

K. APPEALS

Appeals to the Board of Zoning Adjustments may be taken by any person, or entity claiming to be injuriously affected or aggrieved by an official action or decision of the zoning official. Such appeal shall be taken within thirty (30) days after the appellant or his agent received notice of the action appealed from, by filing with said officer and with the board a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties or record. Said officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the board any interested person may appear and enter his appearance and all shall be given an opportunity to be heard. The board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the zoning [building] official at least one (1) week prior to the hearing, and shall decide it within sixty (60) days. The affected party may appear at the hearing in person or by attorney.

Section 9.

Section III, Article 8, Special Regulations, (adopted as Ordinance Number 2001-1253 on August 23, 2001) is hereby amended to read as follows:

STORMWATER CONVEYANCE AND EROSION.

E. STORMWATER MANAGEMENT FACILITIES DESIGN CRITERIA

10. Exemptions. Exemptions from the Stormwater management requirement contained herein shall be granted to the following:

(C) Any nonresidential development for which the area paved and under roof is less than 7,500 [5,000] square feet.

(1) ~~Construction or substantial improvements to any vehicular use area less than 2,500 S.F. (including gravel).~~

F. EROSION CONTROL

5. Existing unvegetated and eroded areas.

~~Within six (6) months of the passing of this article, A[a]ll existing unvegetated areas within the city shall submit and have approved a sedimentation and erosion control plan and possess a land disturbance permit. Within eighteen (18) months of the passage of this article, A[a]ll areas of the city shall be vegetated or stabilized in accordance with this article. The existing unvegetated areas shall institute measures to keep their sedimentation on-site and out of sinkhole outlet~~

areas while the erosion control and revegetation measures are in progress.

Section 10.

Section IV, Article 1, Amendments, (codified as §156.063), is hereby amended to read as follows:

PROCEDURE OF COMMISSION FOR ZONING MAP

1. Before recommending to the City Council that an application for amendment to the zoning map be granted or denied, the following procedure shall take place:
 - (A) A notice shall be give in accordance with KRS 100.212 which states:
 - (2) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first-class mail [~~registered mail or by certified mail, return receipt requested~~] to the owners of all property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property.

Section 11.

Section IV, Article 3, Board of Zoning Adjustments, (codified as §156.082), is hereby amended to read:

E. DIMENSIONAL VARIANCES.

1. The board shall have the power to hear and decide on applications for dimensional variances where, by reasons of the exceptional narrowness, shallowness, or unusual shape of a site on the date of adoption or amendment of this zoning ordinance or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of this zoning ordinance would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same zone. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.
2. Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a

nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether all of the following which shall be recorded along with any imposed conditions or restrictions in minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

- (A) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
- ~~(A) The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.~~
- (B) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- ~~(B) The manner in which the strict application of the provisions of this zoning ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners in the same zone.~~
- (C) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- ~~(C) That the unique conditions and circumstances are not the results of actions of the applicant taken subsequent to the adoption or amendment of this zoning ordinance.~~
- ~~(D) Reasons that the variance will preserve, not harm the public safety and welfare, and will not alter the essential character of the neighborhood.~~

3. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

4. [3.] The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning ordinance in the zone in question, or, to alter density requirements in the zone in question.

5. [4] A dimensional variance applies to the property for which it is granted, and not the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

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

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

H. THOMAS RUSHING, MAYOR

ATTEST:

HARLA McCLURE, CITY CLERK

Introduced by the City Council on March _____, 2005.

Adopted by the City Council on March _____, 2005.

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