

**TITLE XV: LAND USAGE**

Chapter

**150. BUILDING REGULATIONS**

**151. UNSAFE AND UNFIT STRUCTURES**

**152. ZONING CODE**

**153. SIGNS, BILLBOARDS, AND OTHER ADVERTISING  
STRUCTURES**

**154. EROSION PREVENTION AND SEDIMENT CONTROL**



## **CHAPTER 150: BUILDING REGULATIONS**

### Section

- 150.01 Adoption of Kentucky Building Code and Standards of Safety; enforcement agents
- 150.02 Appeals
- 150.03 International Property Maintenance Code
  
- 150.99 Penalty

### **§ 150.01 ADOPTION OF KENTUCKY BUILDING CODE AND STANDARDS OF SAFETY; ENFORCEMENT AGENTS.**

(A) The Kentucky Building Code, as contained in Chapter 7, Title 815 of the Kentucky Administrative Regulations; the Kentucky Plumbing Code, as contained in Chapter 20, Title 815 of the Kentucky Administrative Regulations; the Kentucky Standards of Safety, as contained in Chapter 10, Title 815 of the Kentucky Administrative Regulations, together with any amendments, are hereby adopted by reference as if fully set forth in this code of ordinances. Copies of the above codes and any amendments thereto shall be placed on file in the office of the City Clerk/Treasurer where they shall be available for public inspection during normal business hours.

(B) The Building Official hired by the city shall be designated as the local enforcement agent for the Kentucky Building Code.

(C) The Chief of the Volunteer Fire Department and all other designated officers, agents, and employees of the city are hereby charged with the enforcement of the provisions of the Standards of Safety.

(D) The County Plumbing Official is charged with the enforcement of the provisions of the Kentucky Plumbing Code.  
Penalty, see § 150.99

### **§ 150.02 APPEALS.**

Appeals from decisions made by the Building Inspector under this chapter may be taken to the State Board of Housing, Buildings and Construction unless and/or until a local board of housing appeals, as set forth in KRS Chapter 198B, is established to hear such appeals.

Statutory reference:

Appeals procedure, see KRS 198B.070

**§ 150.03 INTERNATIONAL PROPERTY MAINTENANCE CODE.**

(A) That a certain document, three (3) copies of which are on file in the office of the Muldraugh City Clerk of City of Muldraugh, being marked and designated as the *International Property Maintenance Code, 2006 edition*, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Muldraugh, in the State of Kentucky for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures are herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Muldraugh are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) The following sections are hereby revised:

**Section 103.5:** The fees for activities and services performed by the city in carrying out its responsibilities under this code shall be established by a resolution of the Muldraugh City Council.

**Section 302.4:** Maximum weed height is six inches.

**Section 304.14:** Insect screens are required beginning April 1 and ending November 1.

**Section 602.3: Heat supply.** Landlord to supply heat from October 1 to April 30.

**Section 602.4: Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65°F (18° C) during the period the spaces are occupied.

(Ord. 287, passed 7-13-09)

**§ 150.99 PENALTY.**

Any person who violates any provision of the state codes adopted in § 150.01 shall be subject to the following penalties:

(A) Violators of the State Building Code shall, upon conviction, be subject to a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each offense. (KRS 198B.990(1))

(B) Violators of the State Standards of Safety shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), imprisonment for not more than sixty (60) days, or both, for each offense. (KRS 227.990(1))

(C) Violators of the State Plumbing Code shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), imprisonment for not more than ninety (90) days, or both, for each offense. (KRS 318.990)

## **CHAPTER 151: UNSAFE AND UNFIT STRUCTURES**

### Section

#### ***General Provisions***

- 151.01 Standard housing code
- 151.02 Buildings unfit for habitation
- 151.03 Powers of city; authority of Building Inspector
- 151.04 Procedure when petition of complaint filed
- 151.05 Determination by Building Inspector; notice
- 151.06 Service of complaints or orders
- 151.07 Noncompliance with order; placard to be posted; removal of structure
- 151.08 Costs for removal; lien upon property
- 151.09 Personal liability
- 151.10 Eviction
- 151.11 Appeals

#### ***Minimum Standards***

- 151.20 Adoption of minimum standards
  - 151.21 Definition
  - 151.22 Certain conditions determine unfit structure
  - 151.23 Compliance
  - 151.24 Minimum standards for basic equipment; facilities
  - 151.25 Minimum standards for light, ventilation and heating
  - 151.26 Minimum space; use and location requirements
  - 151.27 Rooming houses
  - 151.28 Structural requirements
  - 151.29 Responsibility of occupants and owners
- 151.99 Penalty

#### ***GENERAL PROVISIONS***

### **§ 151.01 STANDARD HOUSING CODE.**

Fitness for human habitation, occupancy, or use shall be determined in accordance with the criteria established in the most current edition of the Kentucky Building Code. Any building or structure which fails to meet such criteria or has any defects set forth therein shall be deemed unfit for human habitation, occupancy, or use.

(Ord. 173, passed 4-21-98)

**§ 151.02 BUILDINGS UNFIT FOR HABITATION.**

(A) All buildings or structures within the city which are found to be a source of filth through the accumulation of rubbish or excessive growth thereon of weeds or grass or to be dangerous or injurious to the health, safety, and morals of the occupants of the structure, the occupants of neighboring structures, or other residents of the city shall be deemed a public nuisance and unfit for human habitation, occupancy, or use.

(B) It shall be unlawful in the city for the owner of a property to permit any structure upon the property to become unfit and unsafe for human habitation, occupancy, or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures or other residents of the city. (KRS 381.770(4))

(C) Conditions declared to be hazardous; nuisances. The following conditions are determined to be hazardous and shall warrant a finding that a building or its premises are unsafe and/or constitute a nuisance.

(1) Structure hazards.

(a) Any door, aisle, passageway, stairway or other means of exit not of sufficient width or size, or not so arranged as to provide safe and adequate means of exit in case of fire or panic for all persons housed or assembled therein who would be required to, or might use such door, aisle, passageway, stairway or other means of exit.

(b) A stress in any material element, member or portion thereof, due to all dead and live loads, which is greater than the working stresses allowed by the building code currently in force in the city.

(c) Damage to any portion of a building by earthquake, wind, fire, flood or by any other cause, in such a manner that the structural stability, or strength thereof, is appreciably less than the minimum requirements set forth in this code and other applicable ordinances for a new building or structure of similar size, construction, location and use.

(d) Likelihood of any portion or member or appurtenance of a building to fall, or become dislodged or detached, or to collapse, and thereby cause bodily injury or property damage.

(e) Settling of any building or portion thereof to such an extent that walls or other structural portions have been displaced or distorted and rendered structurally unstable or dangerous, or that the basic function of such element has been impaired.

(f) The building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or structure or portion thereof, or other cause is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give away.

(g) The building or structure, or any portion thereof, is for any reason whatsoever manifestly unsafe for the purpose for which it is used or intended to be used.

(h) The exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity of that wall or structural member does not fall inside the middle third of the base.

(i) The building or structure, exclusive of the foundation, shows 33% or more of damage of deterioration to the member or members or 50% of damage or deterioration of a non-supporting enclosing or outside wall or covering.

(j) The building or structure has been so damaged by fire, wind, earthquake, flood, or has become so dilapidated or deteriorated, from any cause whatsoever, as to become an attractive nuisance to children who might play therein to their danger or as to afford a harbor for vagrants, criminals, or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

(k) Any building or structure which has been constructed or now exists or is maintained in violation of any specific requirement or prohibition applicable to the building code currently in force in the city or of any law or ordinance of this state or city relating to the location, use and physical condition of buildings or structures.

(l) Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, because of dilapidation, deterioration, damage or other cause, is so weakened or defective as to have in any nonsupporting part, member or portion, less than 50%, or in any supporting member less than 66%, of the strength, fire-resisting qualities or characteristics required by law or ordinance in the case of a newly constructed building or structure of similar size, use and location.

(2) Faulty weather protection.

(a) Deteriorated, crumbling or loose plaster.

(b) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.

(c) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

(d) Broken, rotted, split or buckled exterior walls or roof coverings.

(3) Faulty materials of construction. All materials of construction, except those which are specifically allowed or approved by local codes and ordinances and which have been adequately maintained in good and safe condition.

(4) Fire Hazards. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as is likely to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(5) Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions that constitute fire, health or safety hazards or constitute a nuisance as defined by this code or any other applicable ordinances of the city.

## 8 Muldraugh - Land Usage

(6) Improper occupancy. All buildings or portions thereof occupied for purposes for which they were not designed or intended to be used.

### (7) Hazardous wiring.

(a) Exposed electric wire or wire with deteriorated or damaged insulation.

(b) Switch outlet plates missing or improperly fastened.

(c) Short circuit or break in electric line.

(d) Obvious shock hazards.

(e) Temporary wiring, except extension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie underneath floor-covering materials or extend through doorways, transoms or other similar openings through walls or ceiling.

### (8) Hazardous plumbing.

(a) Plumbing that permits contamination of the water supply through back flow, back-siphonage or any other method of contamination.

(b) Water supply inlets below the flood level of any sink lavatory, bathtub or other fixture, and submerged inlets except those with a vacuum breaker complying with the plumbing code currently in force in the city.

(c) The waste line or a water-using fixture that is not tapped.

### (9) Hazardous heating equipment.

(a) Fuel supply connection of material other than pipe or tubing of solid metal not permanently fastened in place.

(b) Equipment or vents so close to a wall of combustible materials or so lacking in insulation that there is danger of combustion.

(c) Equipment burning liquid or solid fuel which are not connected to chimneys or flues, or which are connected to vents suitable for gas only.

(Ord. 173, passed 4-21-98)

## § 151.03 POWERS OF CITY; AUTHORITY OF BUILDING INSPECTOR.

(A) It is deemed to be in the best interest of the residents that the city, from time to time, and as necessary, exercise its police power to repair, close or demolish such structures in the manner provided by this chapter, which is adopted pursuant to the authority granted in KRS 82.082.

(B) A Building Inspector shall be appointed for the city. The Building Inspector shall have the authority to exercise any powers as are necessary or convenient to carry out and effectuate the purposes



and provision of this chapter, including the following powers in addition to others herein granted:

(1) To investigate the structural conditions in the city in order to determine which structures therein are unfit for human habitation, occupancy, or use.

(2) To administer oaths, affirmations, examine witnesses, and receive evidence.

(3) (a) The Building Inspector shall enforce the provisions of this chapter, and he, or his duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of that property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

(b) The Building Inspector shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of those buildings and of the general public. For the purpose of making inspections, the Building Inspector, or his agent, is authorized to enter, examine, and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the Building Inspector free access to the residential building and its premises at all reasonable times for the purpose of inspection, examination, and survey.

(4) To appoint and fix the duties of any officers, agents, and employees as he deems necessary to carry out the purposes of the ordinances.

(5) To delegate any of his functions and powers under the ordinances to those officers and agents as he designates.

(Ord. 75, passed 10-7-74; Am. Ord. 173, passed 4-21-98)

#### § 151.04 PROCEDURE WHEN PETITION OF COMPLAINT FILED.

(A) Whenever a petition is filed with the City Building Inspector by a public official or by at least five residents of the city charging that any structure (dwelling) is unfit for human habitation, occupancy, or use, or whenever it appears to the City Building Inspector (on his own motion) that any structure is unfit for human habitation, occupancy, or use, the Building Inspector shall, if his preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of such structure, a complaint stating the charges in that respect.

(B) The complaint shall state that a hearing will be held before the Building Inspector or his designated agent at a place fixed in the complaint not less than thirty (30) days after the serving of the complaint; that the owner and parties in interest may file an answer to the complaint and appear in person, or otherwise, and give testimony at the time and place stated in the complaint; and that the Kentucky Rules of Procedure shall not be controlling to the hearing.

(Ord. 75, passed 10-7-74; Am. Ord. 173, passed 4-21-98)

## 10 Muldraugh - Land Usage

### § 151.05 DETERMINATION BY BUILDING INSPECTOR; NOTICE.

If after notice and hearing, the Building Inspector determines that the structure under consideration is unfit for human habitation, occupancy, or use, according to the standards herein adopted, the Building Inspector shall state in writing the findings of fact, in support of that determination and shall issue and cause to be served upon the owner thereof an order requiring the owner to perform the following:

(A) Within the time specified in the order, to repair, alter or improve the structure (dwelling) to render it fit for human habitation, if the repair, alteration, or improvement of the structure can be made at a cost that is not more than 50% of the value of the structure.

(B) Within the time specified in the order to remove or demolish the structure if the repair, alteration, or improvement of the structure cannot be made at a cost that is not more than 50% of the value of the structure.

(Ord. 75, passed 10-7-74; Am. Ord. 173, passed 4-21-98)

### § 151.06 SERVICE OF COMPLAINTS OR ORDERS.

Complaints or orders issued by the Building Inspector under this subchapter shall be served upon persons either personally or by certified (registered) mail. If the Building Inspector is unable to locate the person, and makes an affidavit to that effect, the serving of the complaint or order may be made by publication. A copy shall be posted on the premises and recorded in the office of the County (Ord. 75, passed 10-7-74; Am. Ord. 173, passed 4-21-98)

### § 151.07 NONCOMPLIANCE WITH ORDER; PLACARD TO BE POSTED; REMOVAL OF STRUCTURE.

(A) If the owner fails to comply with an order to repair, alter, or improve, or at the option of the owner to vacate and close the structure (dwelling), the Building Inspector may cause the structure to be repaired, altered or improved, or to be vacated and closed. The Building Inspector may cause to be posted on the main entrance of any structure (dwelling) so closed, a placard with the following words:

“This building is unfit for human habitation, occupancy or use; the use or occupancy of this building for human habitation, occupancy, or use is prohibited and unlawful.”

(B) If the owner fails to comply with an order to remove or demolish the structure, the Building Inspector may cause the structure to be removed or demolished.

(Ord. 75, passed 10-7-74; Am. Ord. 173, passed 4-21-98)

### § 151.08 COSTS FOR REMOVAL; LIEN UPON PROPERTY.

The amount of the costs of repairs, alterations, or improvements, or vacating and closing, removal, or demolition, shall be a lien upon the real property upon which cost was incurred. If the structure is removed or demolished by the Building Inspector, he shall sell the material of the structure and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the circuit court by the Building Inspector, shall be secured in such manner as may

be directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

(Ord. 75, passed 10-7-74; Am. (Ord. 173, passed 4-21-98)

§ 151.09 PERSONAL LIABILITY.

In addition to the remedy prescribed in § 151.08 above or any other remedy authorized by law, the owner of a property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties, and shall have the same remedies as provided for the recovery of a debt owed.

(Ord. 173, passed 4-21-98)

§ 151.10 EVICTION.

When the Building Inspector has condemned as unfit for human habitation, occupancy, or use, any structure in accordance with this subchapter has ordered same to be vacated, the Building Inspector may, upon ten days' notice to the occupants, apply to the appropriate district court for an order of eviction directing the Sheriff or other authorized law enforcement official to remove the occupants and their belongings from the structure.

(Ord. 173, passed 4-21-98)

§ 151.11 APPEALS.

(A) (1) Any person affected by an order issued by the Building Inspector may, within ten days after the posting and service of the order, petition the Appeal Committee for a determination on the merits of the case.

(2) The Appeal Committee shall be composed of three members of the Planning and Zoning Committee appointed by the Chairman of Planning and Zoning to sit on the particular appeal and three members of the City Council appointed by the Mayor to sit on the particular appeal and shall be chaired by the Chairman of Planning and Zoning.

(3) The Appeal Committee shall hear the evidence of the Building Inspector and the evidence of the property owner. The Appeal Committee may, at the discretion of the Chairperson, make a viewing of the property. A final vote shall be taken to uphold or overturn the decision of the Building Inspector. It shall take a vote of five to overturn the decision of the Building Inspector. The Chairperson shall not vote.

(4) The Appeal Committee shall issue findings of fact if it upholds a decision of the Building Inspector.

(B) Any person affected by an order issued by the Building Inspector and upheld by the Appeal Committee, may, within 30 days after the posting and service of the order, petition the circuit court for an injunction restraining the Building Inspector pending the final disposition of the cause. Hearings shall be had by the court on that petition within 20 days, or as soon thereafter as possible. In all proceedings the

## 12 Muldraugh - Land Usage

findings of the Appeal Committee as to facts, if supported by evidence, shall be conclusive.  
(Ord. 173, passed 4-21-98)

### MINIMUM STANDARDS

#### § 151.20 ADOPTION OF MINIMUM STANDARDS.

The following minimum standards and conditions of dwelling units within the city are hereby adopted and must be maintained by all property owners and tenants within the city.  
(Ord. 79, passed 5-12-75)

#### § 151.21 DEFINITION.

For the purpose of this subchapter, DWELLING UNIT shall mean any structure, facility, or mobile home used for living space by one family, including all structural components, interior, utilities, fixtures, equipment, and grounds surrounding the facility.  
(Ord. 79, passed 5-12-75)

#### § 151.22 CERTAIN CONDITIONS DETERMINE UNFIT STRUCTURE.

The Building Official may determine that a dwelling is unit for human habitation or that any building is unsafe, if he finds that conditions exist in such dwelling or other building which are dangerous or injurious to the health, safety or morals of the occupants of neighboring buildings or the general public. In making such determinations he shall be guided (without limiting the generality of the foregoing) by the standards and conditions established herein.  
(Ord. 79, passed 5-12-75) Penalty, see § 151.99

#### § 151.23 COMPLIANCE.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, rooming house or rooming unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the requirements of this chapter, nor shall any person use as owner or user or let to another for use of any kind, any building which is unfit and unsafe as determined by the standards of this chapter.  
(Ord. 79, passed 5-12-75)

#### § 151.24 MINIMUM STANDARDS FOR BASIC EQUIPMENT; FACILITIES.

(A) Every dwelling unit shall contain a kitchen sink in good working condition.

(B) Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition.

(C) Every dwelling unit shall contain within a room which affords privacy to a person within the room, a bathtub or shower in good working condition.

(D) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this subchapter shall be properly connected with both hot and cold water lines.

(E) Every dwelling shall have supplied water-heating facilities which are properly installed according to applicable laws and regulations of the city and state, properly connected with the hot water lines required under the provisions of this subchapter and all capable of heating water to such temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120o F. Such supplied water-heating facilities shall be capable of meeting the requirements of this division when the dwelling or dwelling unit heating facilities required under the provisions of this subchapter are in operation.

(F) Every dwelling, dwelling unit and rooming house shall be supplied with a potable water supply.

(G) All plumbing fixtures installed within a dwelling unit shall be properly connected to sewer lines that discharge into a public sewerage system, or if no public system is available, into a private or jointly owned system meeting the requirements of the County and State Health Departments.

(H) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(I) Every dwelling unit shall have safe, unobstructed exits leading to safe and open space at ground level, as required by the laws and regulations of the state and city.  
(Ord. 79, passed 5-12-75) Penalty, see § 151.99

#### § 151.25 MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING.

(A) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of that room. Whenever walls or other portions of structures face a window of any room and the light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of that room, the total window area of the skylight shall equal at least 15% of the total floor area of the room.

(B) Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal at least 45% of the minimum window area size or minimum skylight-type window size, as required in this subchapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

(C) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in division (A) above, except that no window or skylight shall be required where the bathrooms and water closet compartments are equipped with a ventilation system which provides ventilation equivalent to that in division (A) above.

## 14 Muldraugh - Land Usage

(D) Where there is electric service available from power lines, which are not more than 300 feet away from a dwelling, every habitable room of the dwelling shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

(E) Every public hall and stairway in every multiple dwelling containing five or more dwelling units, shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units, may be supplied with conveniently-located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(F) Every dwelling shall have heating facilities which are properly installed, and maintained in accordance with the Kentucky Standards of Safety, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70o F., at a distance three feet above floor level, when the outside temperature is 0o F. Fuel-burning space heaters located in sleeping rooms or rooms generally kept closed, shall be connected to a suitable chimney, flue or gas vent. There shall be provided an adequate air supply for the combustion through one or more openings to the exterior, or by means of fixed openings to interior spaces which open to the exterior.

### (G) Screens.

(1) From May 15 to October 15 every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation shall likewise be supplied with screens.

(2) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

(Ord. 79, packed 5-12-75) Penalty, see § 151.99

## § 151.26 MINIMUM SPACE; USE AND LOCATION REQUIREMENTS.

(A) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(B) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one occupant thereof shall contain at least 50 square feet of floor space for each occupant thereof, except that for children under seven years of age, such sleeping room may contain 35 square feet of floor space per child.

(C) At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet, shall not be considered as part of the floor area in computing the total area of the room for the purpose of determining the maximum permissible occupancy thereof.  
(Ord. 79, passed 5-12-75) Penalty, see § 151.99

§ 151.27 ROOMING HOUSES.

(A) No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this subchapter.

(B) No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Building Inspector in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the Building Inspector for such permit, which shall be issued by the Building Inspector. Upon compliance by the operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferrable. Every person holding such a permit shall give notice in writing to the Building Inspector within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding the ownership or control of the rooming house. Every rooming house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(C) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Building Official and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such required facilities shall be located so as to be more than one floor removed from any rooming unit.

(D) The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(E) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

(F) Every rooming unit shall have safe, unobstructed exits leading to safe and open space at ground level, as required by the laws of this city and this state.

(G) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the

entire structure or building is leased or occupied by the operator.  
(Ord. 79, passed 5-12-75) Penalty, see § 151.99

§ 151.28 STRUCTURAL REQUIREMENTS.

No person shall occupy as owner - occupant or shall let to another for occupancy any dwelling, rooming unit, rooming house, dwelling unit, which does not comply with the following minimum standards for safe and sanitary maintenance.

(A) Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, watertight, and rodent-proof; all exterior walls shall be made impervious to the adverse effects of weather by periodic application of paint or a similar protective coating and shall be kept in a sound condition and good repair. All foundation walls and exterior roofs shall be maintained in a safe manner, and capable of supporting the loads which normal use may cause to be placed thereon.

(B) Interior floor, walls and ceilings. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(C) Windows and doors. Every window, exterior door, and basement or cellar door and hatchway shall be substantially weather-tight, water-tight and rodent-proof; and shall be kept in sound working condition and good repair.

(D) Stairs, porches and appurtenances. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(E) Bathroom floors. Every bathroom floor, surface and water closet compartment floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this code shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

(G) Drainage. Every yard shall be properly graded so as to obtain thorough draining and so as to prevent the accumulation of stagnant water.

(H) Egress. Every dwelling unit shall be provided with means of egress as required by the Building Code.

(I) Cellars and basements.

(1) No cellar shall be used for living purposes.

(2) No basement shall be used for living purposes unless the floors and walls are substantially watertight, the total window area, total openable area and ceiling height are equal to those required for habitable rooms, the required minimum window area of every habitable room is entirely



above grade adjoining such window area, not including stairwells or access ways.  
(Ord. 79, passed 5-12-75) Penalty, see §151.99

§ 151.29 RESPONSIBILITY OF OCCUPANTS AND OWNERS.

(A) Definition. For the purposes of this section, an ABANDONED MOTOR VEHICLE is defined as one that is in a state of disrepair and incapable of being moved under its own power.

(B) The responsibilities of the occupants are as follows:

(1) To keep the dwelling, dwelling unit and premises he controls and occupies in a clean and sanitary condition.

(2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulations.

(3) To hang and remove screens provided by the owner except where the owner has agreed to supply such services.

(4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.

(5) To exterminate in the following cases:

(a) The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on premises.

(b) The occupant of a single dwelling unit in a multiple unit structure is responsible for extermination of any insects, rodents, or other pests if his unit is the only unit infested.

(6) Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat-proof or reasonable insect-proof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.

(7) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items, as listed above, including but not limited to weeds, dead trees, trash, garbage and the like upon notice from the Building Inspector.

(C) The responsibilities of the owner are as follows:

(1) To have dwelling in a clean, sanitary, habitable condition, to be free from infestation before renting, to paint walls and ceilings and to clean, repair and exterminate if needed to meet aforesaid requirements before offering for rent.

(2) To provide every door opening directly from a dwelling unit to outdoor space with

## 16B Muldraugh - Land Usage

screens and a self-closing device; and every window or other device openings to outdoor space, used or intended to be used for ventilation with screen.

(3) To exterminate in the following cases:

(a) When infestation exists in two or more units of a multi-unit structure.

(b) When infestation exists in shared or public areas of a multi-unit structure.

(c) When infestation exists in a single-unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat-proof and reasonably insect-proof condition.

(4) To perform the responsibilities of the occupant when premises are vacant.

(Ord. 79, passed 5-12-75) Penalty, see § 151.99

### § 151.99 PENALTY.

(A) Any person violating the provisions of this section shall be fined in an amount not less than twenty dollars (\$20.00) nor more than two hundred fifty dollars (\$250.00); each day the violation is continued shall constitute a separate offense.

(B) Any person violating §§ 151.01 through 151.11 may also be found guilty of a civil offense. The civil fine shall be not less than twenty dollars (\$20.00) nor more than two hundred fifty dollars (\$250.00). The civil fine shall be paid directly to the city. If the fine is not paid within thirty (30) days from the date of notification, then the city may recover said fine in a civil action in a court of proper jurisdiction. The city may also obtain injunctions or abatement orders to insure compliance with these sections or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

(Ord. 173, passed 4-21-98)

(C) Any person, firm or corporation who violates any provision of this chapter for which no other penalty is provided, shall be guilty of a misdemeanor and shall be fined not more than \$500 for each violation.

## **CHAPTER 152: ZONING CODE**

### Section

#### **General Provisions**

- 152.001 Title
- 152.002 Authority
- 152.003 Purpose
- 152.004 Definitions
- 152.005 General requirements
- 152.006 Fee schedule

#### **Boundaries; Zoning Map**

- 152.015 Adoption of Zoning Map by reference
- 152.016 District boundary interpretations

#### ***Districts***

- 152.025 Establishment of districts
- 152.026 R-1 Single-Family Residential District
- 152.027 R-2 Two-Family Residential District
- 152.028 R-3 Multi-Family Residential District
- 152.028.1 R-4 Manufactured or Mobile Home Communities
- 152.029 Commercial Districts
- 152.030 C-1 Central Business District
- 152.031 C-4 Highway Commercial District
  
- 152.032 Industrial Zone Districts
- 152.033 I-1 Light Industry District
- 152.034 Cons. - Conservation District
- 152.035 Agricultural District
- 152.036 C-5 Highway Commercial District

#### ***Nonconforming Uses, Structures and Lots***

- 152.045 Scope; area
- 152.046 Discontinuance of nonconforming use
- 152.047 Nonconforming structures
- 152.048 Nonconforming lots

#### ***Permitted Uses***

- 152.060 Uses permitted in the districts
- 152.061 Parking requirements
- 152.062 Conditional uses

**Muldraugh - Land Usage**

- 152.063 Home occupations
- 152.064 List of permitted uses

***Off-Street Parking and Loading***

- 152.075 Scope
- 152.076 Duty of owner; operator to provide and maintain off-street parking space
- 152.077 Location of off-street parking space
- 152.078 Number of spaces for group of businesses on same site
- 152.079 Amount of off-street parking space required
- 152.080 Off-street loading requirements
- 152.081 Location of off-street loading space
- 152.082 Amount of off-street loading space required

***Manufactured and Mobile Home Community Regulations***

- 152.092 Definition
- 152.093 Purpose
- 152.094 Administration by Planning Commission
- 152.095 Approval of plat required; location in appropriate zoning district
- 152.096 Submission of plat application
- 152.097 Information required for plat
- 152.098 Planning Commission review; procedures
- 152.099 Required certifications for submission of application
- 152.100 Minimum design and improvement standards
- 152.101 Fees

***Amendments***

- 152.110 Procedure for amendment
- 152.111 Public hearing; notice
- 152.112 Map amendment

***Administration and Enforcement***

- 152.125 Planning Commission
- 152.126 Administrative Official
- 152.127 Board of Adjustment
- 152.128 Limitations on all land and structures
- 152.129 Limitations on sales and rentals of all land and structures and nonconforming structures
- 152.130 Zoning certificate to erect or alter structures
- 152.131 Stop work permit
- 152.132 Liability of Commission; Board of Adjustment
- 152.133 Violations

- 152.999 Penalty
- Appendix: Zoning Districts

**GENERAL PROVISIONS**

**§ 152.001 TITLE.**

This chapter shall be known and may be cited as the “Zoning Code” for Muldraugh, Kentucky. (Ord., passed 12- -84)

**§ 152.002 AUTHORITY.**

Pursuant to the authority granted to cities and counties by KRS 100.201 to 100.213, the rules and regulations contained herein shall apply within the corporate limits of the city. (Ord., passed 12- -84)

**§ 152.003 PURPOSE.**

The purpose of these regulations is to promote the public health safety and general welfare of the citizens of Muldraugh by facilitating orderly and harmonious development through the regulation of population density, and intensity and type of land use. (Ord., passed 12- -84)

**§ 152.004 DEFINITIONS.**

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

**ACCESSORY STRUCTURE.** A permanent or temporary, detached structure, the use of which is incidental and subordinate to that of the principal building on the same lot; and is not utilized for the purpose of commercial interests in residential zones. Accessory buildings may not exceed two (2) in number on any given lot and must conform to all other relevant regulations.

**ACCESSORY USE.** A use incidental to the use of the principal building. An office for home occupations, as defined in this section, shall be deemed an accessory use.

**ADMINISTRATIVE OPERATION.** The use of a parcel of land for agricultural purposes, regardless of size, as defined in KRS Chapter 100.

**ALLEY.** Any public or private way used for public travel which is 20 feet or less in width.

**APARTMENT BUILDING.** A building arranged, designed or intended to be occupied by three or more families living independently of one another.

**BOARD OF ADJUSTMENT.** The Board of Adjustment of the City of Muldraugh.

**BUILDING (PRINCIPAL).** A building in which is conducted the principal use of the lot on which

the building is located.

**BUILDING HEIGHT.** The vertical distance from the average elevation of the finished grade at the front of the building to the highest point of the building.

**BUILDING LINE.** The line extended across a lot; generally parallel to the street on which the lot faces.

**BUILDING PERMIT.** The permit required for the construction, alteration or relocation of a building.

**COMMISSION.** The City Planning Commission.

**CONDITIONAL USE.** A use which is essential to, or would promote the public health, safety and welfare in one or more zones, but which would impair the integrity and character of the zone or adjoining zones in which it is located unless restrictions on location, size, extent and character of performance are imposed, in addition to those required in this chapter.

**CONDITIONAL USE PERMIT.** Legal authorization by the Board of Adjustments to undertake a conditional use, based upon the following criteria:

(1) A statement of the factual determination by the Board of Adjustment which justifies issuance of the permit; and

(2) A statement of specific conditions which must be met in order for the permit to be issued.

**DIMENSIONAL VARIANCE.** A departure from dimensional terms of the Zoning Regulation pertaining to the height, width or location of structures and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 through 253.

**DWELLING.** A building providing shelter, sanitation, and the amenities for permanent habitation. It does include manufactured and modular homes, but does not include mobile homes, temporary lodging, or sleeping rooms. A dwelling unit means the dwelling accommodation designed for one individual or family unit maintaining separate or independent housekeeping.

**FLOODPLAIN.** The area adjoining the channel of a river, stream, watercourse, lake or body of water which has been or may be covered by flood waters.

**FLOOD-PRONE AREA.** All land subject to periodic flooding by the overflow of natural waterways.

**HOME OCCUPATION.** The keeping of professional offices, studios, personal service facilities or rental sleeping rooms within a personal dwelling, provided such activities are incidental to the principal residential use; involve the employment of no more than one person not residing in the dwelling and occupy no more than 25% of the total floor area of the dwelling. The selling of merchandise is not a home occupation.

**JUNKYARD.** Any place where two or more junked, wrecked or non-operative automobiles, vehicles, machines and other similar scrap or salvage materials are deposited, parked, placed or otherwise located.

**LOT.** A parcel of land devoted to a common use or occupied by a single principal building and its accessory structures and the front lot line shall be determined by the postal address.

**LOT, CORNER.** A lot situated at the intersection of two or more streets or roads.

**LOT, DEPTH.** The distance between front and rear lot lines measured along the median distance between the two side lot lines.

**LOT, WIDTH.** The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**MANUFACTURED HOME.** A single family residential dwelling constructed after June 15, 1976, in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401, *et seq.*, as amended, and designed to be used as a single-family residential dwelling with or without permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning, and electrical systems contained therein. Buildings the construction of which is not preempted by the federal act are subject to building code requirements of KRS Chapter 198B.

**MANUFACTURED OR MOBILE HOME COMMUNITY.** A parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the Public Health Department of the cabinet.

**MOBILE HOME.** Per KRS 227.550(10), as amended, a structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401. *et seq.*, as amended, and rules and regulations issued thereunder, that usually is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connection with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems.

**MODULAR HOME.** An industrialized building system which is designed to be used as a residence and which is not a manufactured or mobile home, that is constructed in accordance with the Kentucky Residential Building Code or the Industrialized Systems Code.

**NONCONFORMING USE.** An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

**PLANNED UNIT DEVELOPMENT.** A complex of structures and uses designed as an integral unit of development rather than as single units on individual lots.

**QUALIFIED MANUFACTURED HOME.** A manufactured home that meets all of the following criteria:

- (1) Is manufactured on or after July 15, 2002;

## **Muldraugh - Land Usage**

(2) Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;

(3) Has a width of at least twenty (20) feet at its smallest width measurement or is two (2) stories in height and oriented on the lot or parcel so that its main entrance door faces the street;

(4) Has a minimum total living area of nine hundred (900) square feet; and

(5) Is not located in a manufactured home land-lease community.

### ***SELF-SERVICE STORAGE FACILITY.***

(1) A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

(2) A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customers' goods or wares.

***SPECIAL USE.*** A use which must receive approval by the Board of Zoning Adjustment in order to be permitted in a particular zoning district, including conditional uses and variances.

***STREET.*** Any public right-of-way which affords the primary means of access to adjoining property.

***STRUCTURE.*** Any man-made object which is erected or constructed and requires location on the ground or which is attached to another object which is in turn attached to the ground. A structure shall include such items as porches, stairs, gazebos, utility and storage buildings, as well as any other buildings. The preceding examples are not to preclude other items which are structures but only to be used as examples.

***VARIANCE.*** A departure from the strict compliance with the dimensional and area requirements of this chapter which must be granted by the Board of Adjustment.

***WAREHOUSE.*** A building used primarily for the storage of goods and materials.  
(Ord., passed 12- -84; Am. Ord. 140, passed 2-8-93; Am Ord. 163, passed 10-14-96; Am. Ord. 171, passed 12-9-97; Am. Ord. 303, passed 6-16-11)

### **§ 152.005 GENERAL REQUIREMENTS.**

(A) No land shall be used and no structure shall be erected, altered or used except in conformity with all the provisions of this chapter.

(B) No person, firm or corporation shall sell, lease or attempt to sell or lease any land or structure upon the representation, falsely made, that such land or structure may be used in a manner or for a use prohibited by this chapter.

(C) No permit, certificate, document or oral approval, the use of which may be subject to the provisions of this chapter, shall be issued until the Commission shall have certified that the use made



of the permit, certificate, document or oral approval is in full compliance with the provisions of this chapter.

(D) No structure shall be erected or altered until a building permit has been issued by the Administrative Official.

(E) No lot shall be reduced in such a manner that the total lot area, yards or open spaces shall be smaller than prescribed by this chapter.

(F) No part of a required yard or open surface for one structure shall be included as part of the yard or open space for another structure.

(G) Every building shall be erected on one lot and in no case shall there be more than one principal building and its accessory buildings on one lot.  
(Ord., passed 12- -84) Penalty, see § 152.999

**§ 152.006 FEE SCHEDULE.**

(A) Rezoning request.

- (1) Any other district to any residential district or agricultural \$ 75.00
- (2) Any other zoning district to any commercial district 150.00
- (3) Changing within any residential or commercial zoning districts 75.00
- (4) Any zoning districts to an industrial zone 250.00

(B) Building permit - all buildings (per square foot) .04  
(The minimum building permit charge shall be \$15.00)

(C) Conditional use permit - renewable annually 50.00

(D) Variance request 50.00

(E) All other city permits 15.00

(Ord., passed 12- -84; Am. Ord. 171, passed 12-9-97)

***BOUNDARIES; ZONING MAP***

**§ 152.015 ADOPTION OF ZONING MAP BY REFERENCE.**

(A) The city is hereby divided into zones or districts as described in § 152.025 and is shown on the Zoning District Map(s) which is hereby adopted by reference and declared to be a part of this chapter.

(B) A complete and accurate copy of the official Zoning District Map(s) shall be filed and available for inspection in the Commission Office. A copy of the official map as originally adopted shall be filed and available for public inspection in the offices of the City Clerk/Treasurer.  
(Ord., passed 12- -84)

**§ 152.016 DISTRICT BOUNDARY INTERPRETATIONS.**

(A) Where a zoning district boundary follows an alley, street, railroad, stream or body of water, the centerline of such feature is the boundary of the district.

(B) Where a zoning district boundary approximately follows a lot or property line, the line is the boundary of the district.

(C) Where a zoning district boundary does not clearly follow any of the features indicated in divisions (A) or (B) of this section, the exact location on the ground shall be determined by measurement in accordance with the map scale.

(D) Where the area is divided into two (2) or more districts, the entire area may be used in conformity with and is subject to the regulations established for the district in which is located one-half of the area of the entire lot.  
(Ord., passed 12- -84)

***DISTRICTS***

**§ 152.025 ESTABLISHMENT OF DISTRICTS.**

In order to implement the intent of this chapter, the city is hereby divided into the following classes of districts as listed below with the specifically permitted and conditionally permitted uses as listed in §§ 152.060 through 15.064.

(A) *R-1.* Single-family low density residential district, designed to encourage the building of well developed residential areas and allowing certain specified home occupations and qualified manufactured homes.

(B) *R-2.* Single- and two-family residential district, allowing certain home occupations and secondary uses, and qualified manufactured homes.

(C) *R-3.* Primarily a multi-family or apartment district, but including single- and two-family structures and certain secondary uses.

(D) *R-4.* Manufactured or mobile home communities.

(E) *C-1.* A district composed primarily of retail trade and services located in the central business area and serving the needs of the entire community.

(F) *C-4.* Primarily retail and wholesale activities that are dependent upon automobile traffic.

(G) *C-5*. Primarily retail and wholesale activities that are dependent upon automobile traffic, including sexually oriented businesses.

(H) *I-1*. A district composed of manufacturing, assembling and fabricating industries as well as warehousing and wholesale businesses.

(I) *Conservation (Cons.)*. A district composed of open or undeveloped land subject to flooding as determined by maps of the Federal Emergency Management Agency. Also included in this zone are sinkholes and recreational areas. Land with improper drainage may be developed if corrective actions are taken.

(J) *Agriculture (Ag)*. This district is composed of open or undeveloped land in agricultural or pasture use as defined by KRS Ch. 100.  
(Ord., passed 12- -84; Am. Ord. 242, passed 4-19-04; Am. Ord. 303, passed 6-16-11)

**§ 152.026 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

(A) *Description of district*. This district is composed of single-family low-density residential areas, plus certain open areas where similar residential development is desired. The regulations for this district are designed to stabilize and protect the essential characteristics desired in the district, to promote and encourage a suitable environment for family life, and to promote orderly planning and development by prohibiting incompatible uses. Public and private parks and schools are permitted within the district provided that they serve the residents of the district and that they are a part of a development unit approved by the Planning Commission.

(B) *Permitted structures*. Each lot shall have at least one (1) front property line and shall be occupied only by one (1) single-family dwelling unit structure and such accessory buildings as are clearly incidental and normal and are operated and maintained by the owner of the lot; provided, however, that it shall not be a residence.

(C) *Permitted uses*. In the R-1 District, those uses specified under R-1 in the List of Permitted Uses set forth in § 152.064 will be permitted, in addition to the following home occupations.

(D) *Permitted home occupations*.

- (1) Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishings.
- (2) Foster family home [not more than four (4) children simultaneously].
- (3) Office — Any office in which goods or merchandise are not created, exchanged or sold.
- (4) Tutoring [not more than four (4) children simultaneously].
- (5) Fine arts studio in which only individual works of art are created.

(E) *Dimensional requirements*. The lot for each structure shall comply with the following dimensional area requirements.

**Muldraugh - Land Usage**

(1) *Lot area* — The lot area shall be not less than ten thousand (10,000) square feet when served by public sanitary sewer, and not less than twenty thousand (20,000) square feet when not served by a public sanitary sewer; and shall provide not less than fifty percent (50%) of the lot area as unobstructed open space.

(2) Each lot shall be not less than eighty (80) feet wide at the front building line with that line being established from the point of the structure nearest the front lot line and extending to the side lot line.

(3) *Minimum required front yard.* All buildings shall be constructed so that no portion thereof falls within twenty-five (25) feet of the nearest front lot line or as required in other ordinances whichever is the greater.

(4) *Minimum side yards.* All structures shall have two (2) side yards, in no case less than ten (10) feet or ten percent (10%) of lot width measured at the front building line whichever is less, except that any side yard abutting a street shall be at least twenty-five (25) feet unless other ordinances require a greater setback for street widening or for other purposes.

(5) *Minimum rear yard requirements.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.

(6) *Maximum height.* No building hereinafter erected or structurally altered shall exceed two and one-half stories or thirty (30) feet in height, excluding basements.

(7) *Fences and accessory buildings.* Fences of any type up to seventy-two (72) inches in height may be erected along any boundary of the rear or side yard from the rear of the lot forward to the front of the main structure. A fence up to forty-eight (48) inches in height may be erected along the side yards from the front of the main structure forward and along the property line. Any fence or screen constructed in the required front or side yards must be no higher than forty-eight (48) inches and must have not less than fifty percent (50%) visibility from any cross street. If plant material is used as a fencing element along the front lot line, it must meet the relevant height restrictions; however, due to the nature of the material, full coverage will be allowed, unless such coverage impedes the view of and to any intersecting street.

(a) In all residential zones accessory structures may be allowed as long as the listed conditions are met:

1. Shall not be placed any closer than five (5) feet from any property line within the rear yard setback.

2. Not be located in a side-yard setback or front-yard setback.

3. Not be allowed in easement areas unless the applicant has authorization from the organization(s) for whom the easement has been reserved.

(b) Accessory buildings located within residential zones may not exceed two (2) in number on any given lot and must conform to all other relevant regulations.

(c) Accessory buildings in residential zones may not be utilized for commercial purposes.

(F) *Off-street parking.* Each single-family lot shall provide at least two (2) off-street parking spaces. The provision of off-street parking requirements shall be in full force and effect in this district.

(G) *Corner visibility.* On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street at the centerline; except that street name signs, fire hydrants, street lighting poles, and associated appurtenances shall be permitted within this area.

(H) *Permitted signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.

(Ord., passed 12- -84; Am. Ord. 152.026.1, passed 9-13-93; Am. Ord. 163, passed 10-14-96; Am. Ord. 165, passed 3-10-97; Am. Ord. 210, passed 1-8-01; Am. Ord. 296, passed 6-23-10)

**§ 152.027 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.**

(A) *Description of district.* The R-2 district is comprised mainly of areas containing single- and two-family dwellings (duplexes) plus certain open areas where this type of development is designed. It is intended for quite medium density family living and certain prescribed home occupations controlled by specific regulations, plus certain uses which are conducive to residential areas; such as schools, parks, churches and certain public facilities.

(B) *Permitted structures.* Each lot shall have at least one (1) front property line and shall be occupied by only one (1) principal structure which may be a single- or a two-family dwelling structure and such accessory buildings as are clearly incidental and are operated and maintained by the owner or renter as provided in the rental agreement. This accessory building must not be used as a residence.

(C) *Permitted uses.* In the R-2 district only those uses specified under R-2 in the List of Permitted Uses set forth in § 152.064 will be permitted, except for the following home occupations.

(D) *Permitted home occupations.*

(1) Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishings.

(2) Laundering and pressing.

(3) Foster family home [not more than four (4) children simultaneously].

(4) Any office in which chattels or goods, wares or merchandise are not created, exchanged

(5) Tutoring [not more than four (4) students simultaneously].

(6) Fine arts studio in which only individual works of art are created.

(E) *Dimensional requirements.* The lot for each structure shall comply with the following dimensional area requirements.

**Muldraugh - Land Usage**

(1) *Lot area.* The lot area shall not be less than ten thousand (10,000) square feet when served by public sanitary sewer and not less than twenty thousand (20,000) square feet when not served by public sanitary sewer and shall provide not less than fifty percent (50%) of the lot area as unobstructed open space. A lot of record in this district which is less than seven thousand, five hundred (7,500) square feet may not be used for a two-family structure.

(2) *Minimum lot width.* Each lot shall not be less than seventy-five (75) feet wide at the front building line with that line being established from the point of the structure nearest the front lot line and extending to the side lot lines.

(3) *Minimum required front yard.* All structures shall be set back so that no portion thereof falls within twenty-five (25) feet of the nearest front lot line point.

(4) *Minimum side yards.* All lots with structures shall have two (2) side yards of not less than ten percent (10%) of the width of the lot at the front building line, but in no case shall it be less than ten (10) feet as measured from that point of the structure lying nearest the side lot line, with fifteen (15) feet the maximum required, except that any side yard abutting a street shall be at least twenty (20) feet unless under other ordinances a greater setback is required for the purpose of street widening or for other reasons.

(5) *Minimum rear yard requirements.* There shall be a rear yard having a depth of not less than twenty-five (25) feet.

(6) *Maximum height.* No building hereafter erected or structurally altered shall exceed two and one-half stories or thirty (30) feet in height, excluding basements.

(7) *Fences and accessory buildings.* Fences of any type up to seventy-two (72) inches in height may be erected along any boundary of the rear yard or side yard from the rear of the lot forward to the front of the main structure. A fence up to forty-eight (48) inches in height may be erected along the side yards from the front of the main structure forward along the property line. Any fence or screen constructed in the required front yard or side yard must be no higher than forty-eight (48) inches and must have not less than fifty percent (50%) visibility from any cross street. If plant material is used as a fencing element along the front lot line, it must meet the relevant height restrictions; however, due to the nature of the material, full coverage will be allowed, unless such coverage impedes the view of and to any intersecting street.

(a) In all residential zones accessory structures may be allowed as long as the listed conditions are met:

1. Shall not be placed any closer than five (5) feet from any property line within the rear yard setback.
2. Not to be located in a side-yard setback or front-yard setback.
3. Not to be allowed in easement areas unless the applicant has authorization from the organization(s) for whom the easement has been reserved.

(b) Accessory buildings located within residential zones may not exceed two (2) in number on any given lot and must conform to all other relevant regulations.

(c) Accessory buildings in residential zones may not be utilized for commercial purposes.

(F) *Off-street parking.* Each dwelling unit shall provide at least two (2) off-street parking spaces. Any two-family dwelling unit in this district shall be required to provide four (4) off-street parking spaces. The provisions of the Off-Street Parking Requirements set forth in §§ 152.075 through 152.079 shall be in full force and effect in this district.

(G) *Corner visibility.* On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street lighting poles, and associated appurtenances thereto shall be permitted within this area.

(H) *Permitted signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.

(Ord., passed 12- -84; Am. Ord. 163, passed 10-14-96; Am. Ord. 165, passed 3-10-97; Am. Ord. 210, passed 1-8-01; Am. Ord. 296, passed 6-23-10)

### **§ 152.028 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.**

(A) *Description of district.* This district is comprised of multi-family or apartment residences, but can include single- and two-family structures plus certain open areas of the city where such residential development is desired. The regulations for this district are designed to protect the residential character of the areas, to promote a neighborhood environment suitable for family life, and to provide open areas for the residents. Certain uses such as schools, parks, churches and certain public and quasi-public facilities are also permitted.

(B) *Permitted structures.* Each lot shall have at least one (1) front property line and shall be occupied by only one (1) principal structure, which may be a multi-family, two-family or single-family dwelling structure and such accessory buildings as are clearly incidental and normal and are operated and maintained by the owner of the lot; provided, however, that no accessory building may be used as a residence.

(C) *Permitted uses.* In the R-3 district, only those uses specified under R-3 in the List of Permitted Uses set forth in § 152.064 will be permitted, in addition to those home occupations listed as permitted in the R-1 and R-2 zones.

(D) *Dimensional requirements.* The lot for each structure shall comply with the following dimensional area requirements.

(1) *Lot area.* The lot area when served by a public sanitary sewer for a single-family structure shall not be less than seven thousand, two hundred (7,200) square feet and for a two-family structure shall not be less than four thousand (4,000) square feet, and for a multi-family structure shall not be less than three thousand, five hundred (3,500) square feet each for the first three (3) dwellings in the multi-family structure plus one thousand, five hundred (1,500) square feet for each dwelling unit with less than four (4) stories. If the structure is four (4) stories or more, for each dwelling unit in addition to the first three (3) add six hundred (600) square feet per unit. The lot area when not served by public sanitary sewer shall not be less than twenty thousand (20,000) square feet and may only be used for single-family and two-family structures. A multi-family may not be constructed on a lot not served by a public sanitary sewer.

**Muldraugh - Land Usage**

(2) *Minimum lot width.* Each lot shall not be less than sixty (60) feet wide at the front building line with that line being established from the point of the structure nearest the front lot line and extending to the side lot lines.

(3) *Minimum required front yard.* All structures shall be constructed so that no portion falls within twenty-five (25) feet of the nearest front lot line point; provided, however, that where the height exceeds forty-five (45) feet, the front yard setback distance shall be increased one (1) foot for each increment of two (2) feet in increased structure height above forty-five (45) feet up to the maximum permitted.

(4) *Minimum side yards.* For a single and two-family structure there shall be two (2) side yards to each lot with no less than ten (10) feet the minimum required, except that any side yard abutting a street shall be at least twenty (20) feet unless under other ordinances a greater set-back is required for the purpose of street widening or for other reasons. For multi-family and other permitted use structures there shall be a side yard of the structure of not less than ten (10) feet. For buildings more than forty-five (45) feet or three (3) stories in height, the side yard, in addition to complying with the preceding requirements, shall add in height above forty-five (45) feet.

(5) *Minimum rear yard requirements.* There shall be a rear yard having a depth of not less than twenty-five (25) feet and structures more than forty-five (45) feet or three (3) stories in height, in addition to complying with the preceding requirements shall add one (1) foot for each increment of two (2) feet in increased structure height above forty-five (45) feet up to the maximum permitted height.

(6) *Maximum height.* No building hereafter erected or structurally altered shall exceed three (3) stories or forty-five (45) feet in height; provided, however, that where the provisions of the yard requirements are complied with, the building may be increased in height, provided that no building shall exceed a height of seventy-five (75) feet.

(7) *Location of fences and accessory buildings.* Fences of any type up to seventy-two (72) inches in height may be erected along any boundary of the side yard or rear yard from the rear of the lot forward to the front of the main structure. A fence up to forty-eight (48) inches in height may be erected along the side yards from the front of the main structure forward along the property line. Any fence or screen constructed in the required front or side yards must be no higher than forty-eight (48) inches and must have not less than fifty percent (50%) visibility from any cross street. If plant material is used as a fencing element along the front lot line, it must meet the relevant height restrictions; however, due to the nature of the material, full coverage will be allowed, unless such coverage impedes the view of, and to any intersecting street.

(a) In all residential zones accessory structures may be allowed as long as the listed conditions are met:

(1) Shall not be placed any closer than five (5) feet from any property line within the rear yard setback.

(2) Not to be located in a side-yard setback or front-yard setback.

(3) Not be allowed in easement areas unless the applicant has authorization from the organization(s) for whom the easement has been reserved.



(b) Accessory buildings located within residential zones may not exceed two (2) in number on any given lot and must conform to all other relevant regulations.

(c) Accessory buildings in residential zones may not be utilized for commercial purposes.

(E) *Off-street parking.* Each dwelling unit shall provide at least two (2) off-street parking spaces. The provisions of the Off-Street Parking Requirements set forth in §§ 152.075 through 152.079 shall be in full force and effect in this district.

(F) *Corner visibility.* On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street at the centerline except that street and other required legal signs shall be permitted within this area.

(G) *Permitted signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.

(H) *Home occupations.* Home occupations as permitted in the R-2 district will be permitted in the R-3 district, subject to all applicable regulations and restrictions. (Ord., passed 12- -84; Am. Ord. 163, passed 10-14-96; Am. Ord. 165, passed 3-10-97; Am. Ord. 210, passed 1-8-01; Am. Ord. 296, passed 6-23-10)

**§ 152.028.1 R-4 MANUFACTURED OR MOBILE HOME COMMUNITIES.**

(A) *Description of district.* This district is comprised of manufactured or mobile homes within manufactured or mobile home communities.

(B) *Permitted structures.* Manufactured, qualified manufactured and mobile homes within manufactured or mobile home communities.

(C) *Permitted uses.* In the R-4 District, those uses specified under R-4 in the List of Permitted Uses set forth in § 152.064 will be permitted, in addition to the following home occupations.

(D) *Permitted home occupations.*

(1) Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishings.

(2) Foster family home (not more than four (4) children simultaneously).

(3) Office - any office in which goods or merchandise are not created, exchanged, or sold.

(4) Tutoring (not more than four (4) children simultaneously).

(5) Fine arts studio in which only individual works of art are created.

(E) *Dimensional requirements.* The lot for each structure shall comply with the following dimensional area requirements.

**Muldraugh - Land Usage**(1) *Area and density.*

(a) No manufactured or mobile home community shall be developed on an area of less than one (1) acre. The developer shall be permitted to develop the park in stages. However, the first stage shall contain a minimum of ten (10) developed lots.

(b) No manufactured or mobile home community shall be permitted a density of more than ten (10) manufactured or mobile home lots per acre.

(2) *Mobile home lots.*

(a) Each lot shall be designed for the occupancy of one manufactured mobile home unit and shall have an area of not less than four thousand, five hundred (4,500) square feet and a minimum width of forty-five (45) feet.

(b) Each lot shall contain an appropriately sized pad or other foundation. The location of the pad on each lot shall be at least ten (10) feet from the nearest lot boundary.

(3) *Lot setback and separation requirements.*

(a) All manufactured, qualified manufactured or mobile homes shall be located a minimum of twenty-five (25) feet from the boundaries of adjacent property.

(b) All manufactured, qualified manufactured or mobile homes shall be located a minimum of twenty (20) feet from the edge of internal streets.

(c) Manufactured, qualified manufactured or mobile homes shall be separated from each other by a minimum of twenty (20) feet.

(F) *Off-street parking.*

(1) A minimum of two (2) parking spaces shall be provided for each lot.

(2) Each designated space shall have a minimum dimension of nine (9) feet by twenty (20) feet.

(G) *Corner visibility.* On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of twenty-five (25) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average grade of each street lighting poles, and associated appurtenances thereto shall be permitted within this area.

(H) *Permitted signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.

(Ord. 303, passed 6-16-11)

**§ 152.029 COMMERCIAL DISTRICTS.**

(A) *General regulations.* Commercial Zone Districts - Certain areas of the city are designated as commercial districts. These districts are designed to permit the transactions of various types of

business in separate areas, and in surroundings conducive to the particular type of business, without interference with surrounding areas and developed to avoid traffic congestion, traffic hazards and to provide ample parking. It is intended that each commercial district should provide for good traffic and pedestrian circulation, eliminating all possible conflicts between the two, and for the development of open spaces and green belts of sufficient size and number to enhance each business and create business centers that are attractive and provide the services offered in a convenient and safe location.

(B) *Commercial district designation.* The designation of an area as a C-1 or C-4 district may be accomplished by action initiated by the Planning Commission, City Council or owner of the affected property. If a person or persons wishes to change the designation of a piece of property to C-1 or C-4 they must present six (6) copies of a Commercial Development Plan plus supplementary material and fees to the Administrative Official at least seven (7) days prior to the public hearing at which it is to be reviewed. Should a change in zone designation be granted, all conditions and requirements relating to commercial districts shall come into full force and effect.

(C) *Contents of the Development Plan.* The following information shall be included on the Commercial Development Plan plat: the name and address of the owner and the developer and the name of the development; the location of the tract in relation to the community and community facilities; the boundary lines and dimensions of the proposed development; the name and address of each adjacent property owner; the gross acreage of the target; the location of all existing streets, roads, wet and dry weather water courses, wooded areas, sink-holes and other significant physical features within the tract and two hundred (200) feet beyond the property boundaries; the location of all existing structures within the area that will be retained; the location, size elevation and direction of flow of surface water, sanitary sewer and storm drainage systems on and adjacent to the tract; the elevation of high and low points and sufficient contour data to indicate the slope and drainage of the tract. Contour data must extend two hundred (200) feet beyond the boundaries of the tract. Elevation and contour data from USGS topographic maps are acceptable. Also to be shown are the location and dimension of all proposed structures and setbacks, landscaping, parking lots, rights-of-way, utility easements, signs and any other proposed physical improvement. In addition, a narrative-detailing the use intended for the tract and describing the proposed structure including building materials and height must be included, either as part of the Plan plat or as supplementary material. Building elevations, while not required are strongly recommended.

(D) *Review.* All submitted Development Plans shall be reviewed for completeness by the Administrative Officer. If the Plans are found to be complete and all requirements met, they shall be forwarded to the Planning Commission.

(1) *Disposition.* After completing its review of a Development Plan, the Commission shall return one approved copy of the Plan and all pertinent data together with a notice of recommendation to the applicant.

(2) *Registration.* Upon approval of the Development Plan, the Commission shall register a copy among its records.

(3) *Exception to lot widths.* On a lot of record shown on a plat or deed prior to the adoption of this Zoning Code, or where the lot is adjoined on one side by a street and on the other by a lot with a structure, the minimum lot width at the building line and minimum lot area may be waived by the Planning Commission, providing that the intended structure is in full compliance with all other requirements of this chapter, in no case, however, shall a lot width of less than twenty (20) feet be permitted or a lot area of less than two thousand, five hundred (2,500) square feet be permitted.

**Muldraugh - Land Usage**

(E) In the commercial and industrial zones, accessory structures may be allowed as long as the following conditions are met:

(1) Shall not be placed any closer than ten (10) feet from any property line within the rear yard setback.

(2) Not to be located in a side-yard setback or front-yard setback.

(3) Not to be allowed in easement areas unless the applicant has authorization from the organization(s) for whom the easement has been reserved.

(4) Accessory buildings may not exceed two (2) in number on any given lot and must conform to all other relevant regulations.

(Ord., passed 12- -84; Am. Ord. 163, passed 10-14-96)

**§ 152.030 C-1 CENTRAL BUSINESS DISTRICT.**

(A) *Description of district.* This district is comprised of certain land and structures used primarily to provide retailing and community service to the residents of the city and outlying areas. The volume of pedestrian traffic is expected to increase as more of the population realizes the benefits of a centrally located business area. The catalyst for the rejuvenation of the district should be the costs of fuel required to get to more out-of-the-way retail trade centers. This district is located at the area of convergences of the main arterial highways and rail transit lines. In the future, this area will need to expand and provide for more varied commercial uses. These regulations are designed to permit a highly concentrated, intensive development of the permitted facilities but not to the extent which would result in an unattractive environment. Because several transportation routes intersect here and because the provision of off-street parking can be a recognized separate business entity, the regulations do not require the furnishing of off-street parking space; but, in the interest of the individual business venture and the central business district as a whole, businesses or the city are encouraged to provide adequate off-street parking sufficient for the district to prosper. Where extensions, redevelopment or new areas of the C-1 district are proposed, and if they exceed one hundred thousand (100,000) square feet in total site area, then the owner and developer shall submit a complete development plan, as provided for in the Commercial Zone General Regulations set forth in § 152.029(A). Although existing downtown areas have developed without benefit of setbacks, off-street parking areas or landscaping, all owners and tenants in the C-1 district are encouraged to incorporate these improvements in any individual or group redevelopment of lots in the C-1 district.

(B) *Permitted structures.* Each lot shall have at least one (1) front lot line and shall be occupied only by structures containing permitted uses.

(C) *Permitted uses.* In the C-1 district, only those uses specified under C-1 in the List of Permitted Uses set forth in § 152.064 will be permitted.

(D) *Dimensional requirements.* The lot for each permitted use shall comply with the following dimensional and area requirements.

(1) *Lot area.* The lot area shall not be less than two thousand, five hundred (2,500) square feet.

(2) *Lot width.* Each lot shall not be less than twenty-five (25) feet wide at the front building line, with that line being established from the point of principal structures nearest the front lot line and extending to the side lot lines.

(3) *Minimum front yard.* There shall be no front yard requirements for a C-1 district other than the following:

(a) Where other ordinances require a setback.

(b) In compliance with the provisions of an adjoining district where a part of the frontage is in a district requiring a front yard.



(4) *Minimum side yards.* No side yard shall be required under this chapter but they shall be provided if required under other ordinances or in compliance with the provisions of an adjoining district when a part of the side yard is in that district. If a side yard or yards are provided, they shall not be less than five feet.

(5) *Minimum rear yard requirements.* No rear yard is required in this district except where a rear yard abuts a residential district. In this case a setback of not less than ten feet is required.

(6) *Maximum height.* No building hereafter erected or structurally altered shall exceed 60 feet in height; provided, however, that church spires, flag poles, antennas, chimneys, vents, accessory water towers, air conditioning towers, and elevator shafts, which are clearly necessary to the structure shall be permitted to exceed this height limitation upon the approval of the Planning Commission; 25 feet and that no illuminated sign, name, display, or advertising device of any kind whatsoever shall be inscribed or attached to any portion of any structure exceeding the height limitations.

(E) *Off-street parking.* The provisions of the Off-Street Parking Regulations set forth in §§ 152.075 through 152.079 shall not be in effect in the C-1 district, unless otherwise indicated.

(F) *Off-street loading requirements.* The provisions of the Off-Street Loading Requirements set forth in §§ 152.080 through 152.082 shall be in full force and effect in this district.

(G) *District designation and development plan provisions.* The provisions of the General Regulations for Commercial Districts set forth in § 152.029 shall be in full force and effect in the C-1 district.

(H) *Permitted signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.  
(Ord., passed 12- -84)

**§ 152.031 C-4 HIGHWAY COMMERCIAL DISTRICT.**

(A) *Description of district.* This district is comprised of lots that should be a minimum of one-half acre (21,780 square feet) in size and structures used primarily to provide retail and wholesale trade that is dependent upon vehicular traffic to supply both its merchandise and customers. The location of this district shall be located along arterial thoroughfares within the city limits. Due to its highly intensive use, this district should not be located near residential districts without the use of adequate buffer zones.

(B) *Permitted structures.* Each lot shall have at least one front property line and shall be occupied only by structures containing permitted uses and such accessory buildings that are incidental or required for the proper functioning of the permitted uses.

(C) *Permitted uses.* In the C-3 district only those areas specified under C-4 in the List of Permitted Uses set forth in § 152.064 shall be permitted.

(D) *Dimensional requirements.* The lot for C-4 commercial district shall comply with the following dimensional and area requirements.

(1) *Lot area.* The lot area shall not be less than 21,780 square feet of which 50% shall remain as unobstructed open space; provided, however, that this open space may be used for parking and landscaped areas.

**Muldraugh - Land Usage**

(2) *Lot width.* Each lot shall not be less than 100 feet wide at the front building line with that line being established from the point of the structure nearest the front lot line and extending to the side lot lines.

(3) *Minimum required front yard.* All structures shall be setback a distance of not less than 40 feet from each front property line, or as required in other ordinances, whichever is the greater.

(4) *Side yards.* All structures shall have two side yards of not less than five feet on both sides except where the zone abuts a residential area in which case a side yard of 15 feet is required on the side or sides abutting the residential area; provided, however, that where the zone abuts a street, the side yard setback established for that street shall be maintained, or as required by other ordinances, whichever is the greater.

(5) *Minimum rear yard requirements.* There shall be a rear yard having a depth of not less than 20 feet where it abuts a residential zone except that where the rear lot line abuts an alley and the property on the other side of the alley is not within a residential zone, then the minimum rear yard requirement shall be a depth of not less than 15 feet. Where the rear lot line abuts onto a street, the rear building line shall be the building setback line established by the primary zone abutting the street.

(6) *Maximum height.* No building hereafter erected or structurally altered shall exceed three and one-half stories, or 45 feet in height; provided, however, that cooling towers, elevator shafts and other structural units necessary for the functioning of the use shall be permitted to exceed this height.

(7) *Location of accessory buildings and fences.* No accessory buildings shall be located in any required front or side yard, or within ten feet of any lot line, that is not a street line. Fences 96 inches in height shall be erected on those C-4 lots where a great portion of the merchandise is stored outside or where heavy equipment is operated. These fences shall be erected along the rear yard and side yard boundaries extending to the front building line and must be made of material which will block the view from adjoining lots. Any fence or screen constructed in the required front yard must have approval of the Planning Commission.

(8) *Screens.* All C-4 uses shall provide a screen between abutting residential areas of at least 96 inches in height not to exceed 120 inches so as to protect these areas from unreasonable disturbance by movement of people or vehicles and from lights, noises, or exposure to a view not compatible with residential areas. Such screen shall be pleasing in design, and of a substantial material, easily maintainable and sufficient to block the view from adjoining lots.

(E) *Off-street parking.* The provisions of the Off-Street Parking Requirements set forth in §§ 152.075 through 152.079 shall be in full force and effect in the C-4 district.

(F) *Corner visibility.* On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of 25 feet from their intersection, there shall be no obstruction to vision between a height of two feet and a height of ten feet above the average grade of each street name signs, fire hydrants, street lighting poles, and associated appurtenance shall be permitted within this area.

(G) *District Development Plan Provisions.* The provision of the General Regulations for Commercial Districts inclusive shall be in full force and effect in the C-4 district.



(H) *Permitted signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.  
(Ord., passed 12- -84)

### § 152.032 INDUSTRIAL ZONE DISTRICTS.

(A) *Description of the Industrial Districts.* Certain areas of the city are designated as industrial zone districts. These areas are established in locations where they will not interfere with other types of districts and will provide suitable sites for development of clean industrial uses. The standards developed are intended to protect industrial uses and to insure the continuing stability of land values by:

- (1) Providing ample, uncongested space and circulation for all industrial users.
- (2) Protecting each owner or tenant so that he may obtain maximum convenience, safety, economy, view, identity, and amenity in relation to adjacent sites and in relation to the industrial zone district as a whole.
- (3) To provide for adequate space for access parking, off-street loading, internal circulation, utilities, for insulation of noise and vibration, and for police and fire protection.
- (4) To provide for safe and uncongested traffic and pedestrian movements both on and off the lots.
- (5) To provide through careful landscaping, a pleasant environment in which to work to provide shade, windbreaks and protection from sun and light glare.

(B) *Limitation on External Effects of Uses.* Within not more than two years from the date on which this Zoning Code becomes effective, every use shall be made to comply with the following limitations:

(1) *Enclosure of Uses.* Every use, unless expressly exempted by this chapter, shall be operated in its entirety within a completely enclosed structure; the exemption of a use from the requirement of enclosure will be indicated by a symbol appearing after any use exempted. For all uses exempted from total enclosure the lot will be developed and screened so that it will present an attractive appearance from all approaches.

(2) *Protection from Pollution.* All lots and structures will be developed and operated in a manner that will to the greatest extent practicable protect surrounding lots from the emission of sound, vibration, heat, glare, radiation and fumes emitted from any operation, and in no case shall any of these nuisances be emitted to a dangerous degree.

(3) *Outdoor Storage and Waste Disposal.* No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision. Where the permitted industry, by its nature, requires storage of flammable or explosive liquids, solids or gases, it shall locate only in this district and shall meet all of the distance requirements specified below:

(a) Liquid petroleum gas, where permitted, shall be stored no closer to any boundary line of a lot on which they are located than the following minimum distances:

**Muldraugh - Land Usage**

<b><i>Gallons Per Container</i></b>	<b><i>If Stored Underground</i></b>	<b><i>If Stored Above Ground</i></b>
Less than 125 gallons	10 ft.	10 ft.
125 - 500 gallons	10 ft.	10 ft.
501 - 2,000 gallons	25 ft.	25 ft.
Over 2,000 gallons	50 ft.	50 ft.

(b) Flammable liquids where permitted shall be stored no closer to any boundary line of a lot on which they are located than the following minimum distances:

<b><i>Above Ground Capacity</i></b>	<b><i>Minimum Distance</i></b>
1 - 1,000 gallons	25 ft.
1,000 to 3,000 gallons	50 ft.
3,000 to 35,000 gallons	100 ft.
Over 35,000 gallons	120 ft.

<b><i>Underground Capacity</i></b>	<b><i>Minimum Distance</i></b>
500 gallons	6 ft.
2,000 gallons	10 ft.
5,000 gallons	20 ft.
15,000 gallons	30 ft.
20,000 gallons	40 ft.
35,000 gallons	50 ft.

(c) Explosives, where permitted, shall be stored no closer to any boundary line of the lot on which they are located than the following distances:

<b><i>Pounds</i></b>	<b><i>Minimum Distance</i></b>
2 - 5	70 ft.
5 - 10	90 ft.
10 - 20	110 ft.
20 - 25	125 ft.
Over 25	Not allowable without a permit issued by the city.

(d) Railroad right-of-ways abutting a lot may be part of the required setback.

(4) The following regulations shall apply to all industrial zone districts.

(a) All outdoor storage facilities for fuel, raw materials and products, wrecking, storage or dismantling of vehicles for parts, junkyards and uses of a similar nature shall be enclosed by a screen fence or wall adequate to conceal such facilities from adjacent property and from public streets and highways.

(b) No materials or wastes shall be deposited upon a lot in any form or manner that they may be transferred off the lot by natural causes or forces and shall not be allowed to pollute any water course, stream, lake or underground water supply.

(c) All materials or wastes which could result in fumes, dust or create a fire hazard, or which may be edible by or attract rodents or insects shall be stored outdoors only in closed containers.

(C) *Conditions for Site Development.* No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except for the permitted uses and lawful accessory uses of the industrial district. Any permitted use shall observe all of the following conditions:

(1) All yards and open areas shall be properly graded for drainage and surfaced with concrete or asphalt, grass, or any other appropriate dust-free surfacing and shall be maintained in good condition, free of dust, trash and debris.

(2) Lots shall be provided with barriers of such dimension that occupants of adjacent structures are not unreasonably disturbed either by day or by night, by the movement of vehicles, machinery, equipment, or supplies.

(3) Lots shall be provided with entrances and exits so located as to minimize traffic congestion. Where entrances and exits are intended for use by trucks, lanes shall be at least 12 feet wide and the radius of curve at the pavement edge of the entrance or exit shall be at least 36 feet.

(4) Lots shall be provided with sufficient internal circulation and turning space so that no vehicle will have to maneuver on any public right-of-way in order to gain access to or exit from any lot, for any reason.

(5) Lots shall be provided with a well maintained landscaped strip at least ten feet wide along

all street property lines, exclusive of drives and walks. Such landscaping should not interfere with or block needed views of buildings or their identification.

(6) Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent properties nor interfere with traffic.

(D) *Accessory Uses.* An accessory use shall be only incidental to a permitted use and must comply with all of the following conditions concerning an accessory use:

(1) Is clearly incidental and commonly associated with the operation of the permitted use.

(2) Is operated and maintained under the same ownership or by the lessees occupying the permitted use.

(3) Does not include residential occupancy except by caretakers and watchmen.

(4) The accessory use shall be limited to a gross floor area of not more than 20% of the gross floor area of the principal structure.

(E) *Permitted Encroachment on Setback Requirements.* Belt courses, sills, lintels, cornices, eaves, gutters, stoops and building accessories designed and intended to control light and glare entering the building, and not being a permanent part of such buildings by being supported from the ground, may extend three feet into any setback space without being considered in violation of the setback requirements of the industrial zone district.

(F) *Limitations on Signs in Industrial Districts.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.  
(Ord., passed 12- -84)

### **§ 152.033 I-1 LIGHT INDUSTRY DISTRICT.**

(A) *Description of District.* This district is comprised of areas of the city where industrial location is desired. Since light industry is defined as the manufacturing of products resulting in minimal amounts of noise, smoke, heat, or other industrial byproducts, they can and should be located near or adjacent to any C-4 zoned district. This district is intended to provide suitable and attractive sites for industrial use and to encourage a high standard of industrial development.

(B) *General Conditions.* The general conditions applying to all zone districts and the general conditions applying to Industrial Zone Districts shall be in full force and effect in the I-1 district.

(C) *Permitted Structures.* Each lot shall have at least one front property line and shall be occupied only by structures containing permitted uses and such accessory buildings as are clearly incidental and normal to the structure and are operated and maintained by the owner or tenant of the permitted use; provided, however, that it shall not be a residence.

(D) *Permitted Uses.* In the I-1 district only those uses specified under I-1 in the List of Permitted Uses set forth in § 152.064 will be permitted.

(E) *Dimensional Requirements.*

(1) *Minimum Required Front Yard.* All structures shall be constructed so that no portion falls within 50 feet of the nearest front lot line point. Where the height of any main structure exceeds 35 feet as permitted under these regulations, the front yard setback shall be increased one foot for each increment of five feet increased structure height up to 50 feet, the maximum permitted.

(2) *Minimum side yards.* There shall be two side yards to each lot; the minimum required side yard width shall be not less than 30 feet as measured from the point of the structures lying nearest the side lot line, except that any side yard abutting a street shall be at least 35 feet, unless under other ordinances a greater setback is required for the purpose of street widening or for other reasons. Where the height of any structure exceeds 35 feet as permitted, the side yard setback shall be increased one foot for each increment of five feet increased structure height up to 50 feet, the maximum permitted.

(F) *Off-Street Parking.* The provisions of the Off-Street Parking Requirements set forth in §§ 152.075 through 152.079 shall be in full force in the I-1 district.

(G) *Off-Street Loading Requirements.* The provisions of the Off-Street Loading Requirements set forth in §§ 152.080 through 152.082 shall be in full force and effect in the I-1 district.

(H) *Corner Visibility.* On a corner lot, within the areas formed by the right-of-way lines of intersecting streets and a line joining points on such right-of-way lines at a distance of 25 feet from their intersection, there shall be no obstruction to vision between a height of two feet and a height of ten feet above the average grade of each street at the centerline, except that street name signs, fire hydrants, street lighting poles, and associated appurtenances shall be permitted within this area.

(I) *Permitted Signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.  
(Ord., passed 12- -84)

**§ 152.034 CONS. — CONSERVATION DISTRICT.**

(A) *Description of District.* This district is comprised of lands which have flooding problems, improper drainage, sinkhole or similar problems; or public lands such as schools, parks, and the like. The district is established to protect the public health and to reduce the financial burden imposed on unknowing individuals locating in such zones. The boundaries of these lands are established by the Planning Commission, U.S. Army Corps of Engineers, Soil Conservation Service, or Federal Emergency Management Agency. In this district, it is felt that the problems of water table, improper drainage and overflow can be solved through natural or man-made improvements that must be approved by the City Engineer or Planning Commission before any building will be allowed. Under no conditions will the filling of sinkhole or other geological formations be allowed nor will it be permitted to build upon, over, or within 35 feet of a sinkhole opening, unless the lots are served by a public sanitary sewer. If the residents are using on site sewerage systems then the residences must be located on closer than 300 feet from the sinkhole. Once conditions of drainage have been solved and demonstrated beyond a doubt, then all structures erected must comply with all regulations applying to the type of building, its use, and the surrounding district characteristics.

(B) *Development Plan Required.* Prior to the issuance of a building permit for any construction in a Conservation Zone, a Preliminary Development Plan must be submitted to the Planning Commission.

The developer shall submit six copies of the plat and other appropriate supplementary material and fees to the Administrative Official seven days prior to the meeting at which it is to be considered. The following information shall be included on the plat. The name and address of the owner and the developer and the proposed name of the development; the location of the tract in relation to the community and facilities; the boundary lines and dimensions of the proposed development; the name and address of each adjacent property owner; the gross acreage of the tract; the location of all existing streets, roads, wet and dry weather water courses, wooded areas, sinkhole and other significant physical features within the tract and 200 feet beyond the property boundaries; the location of all existing structures within the area that will be retained; the location, size elevation and direction of flow of existing water, sanitary sewer and storm-drainage systems on and adjacent to the tract; the elevation of high and low points and sufficient contour data to indicate the slope and drainage of the tract. Contour data shall extend 200 feet beyond the boundaries of the tract. Elevation and contour data from USGS topographic maps are acceptable. In addition, the location of all proposed structures, rights-of-way, utility easements, vegetation and any other proposed facility shall be shown. If approved by the Planning Commission, a certified copy of the approved plat shall be filed for recording, at the developer's expense, in the office of the County Clerk within 60 days after final approval. The Commissioner's approval is void if the approved final plat is altered in any manner, except for Commission requirements, between the dates of Commission approval and recording of the plat. If the plat is not approved, the developer may resubmit a revised plan incorporating modifications specified by the Planning Commission at least seven days prior to the Commission meeting at which the revised plat is to be considered. Upon approval of the revised plat, recording requirements as previously stated shall be followed.

(C) *Permitted Uses.* In the Cons. district only those uses specified under Cons. in the List of Permitted Uses set forth in § 152.064 will be permitted.

(D) *Uses By Temporary Permit.* The Planning Commission may grant a Temporary Use Permit to an applicant applying for such. This permit shall state the length of time the Temporary Use Permit is in effect. The following uses may be operated as Uses By Temporary Permit upon acceptance and issuance of the permit.

- (1) Bazaar, carnival, circus.
- (2) Parking lot used only for special events.
- (3) Sale of Christmas trees and wreaths.

(E) *Structure Setback.* All structures must conform to appropriate residential, commercial, or industrial setback requirements as determined by the Planning Commission and stated in the appropriate section of this chapter.

(F) *Permitted Signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.  
(Ord., passed 12- -84)

### **§ 152.035 AGRICULTURAL DISTRICT.**

(A) *Description of District.* This district is comprised of land used primarily for agricultural purposes as defined by KRS Ch. 100 and is subject to regulations and restrictions as stated in those statutes and in this chapter.

(B) *Permitted Structures.* Each lot shall have at least one front property line and shall be occupied by only one principal structure and any other buildings that are required to produce agricultural products.

(C) *Permitted Uses.* In an Agricultural District only those uses under Agriculture in the List of Permitted Uses set forth in § 152.064 will be permitted.

(D) *Permitted Signs.* Refer to Chapter 153 for provisions on signs, billboards and other advertising structures.

(Ord., passed 12- -84)

### § 152.036 C-5 HIGHWAY COMMERCIAL DISTRICT.

(A) *Findings.* Taking into consideration the city's geographical size; the number of sites currently available to sexually oriented businesses; where those sites are located; the fact that two sexually oriented businesses are currently in existence in the city; the fact that there is not a strong effort to open new additional sexually oriented businesses in the city; the fact that there now exists one sexually oriented businesses for approximately every 600 residents of the city; the overwhelmingly residential nature of the city; the unique location of the city in that it is geographically surrounded by the Fort Knox United States Army Military Reservation; the fact that there are already sufficient number of sexually oriented businesses to meet the community's needs; the fact that there are reasonably sufficient alternative avenues of communication for people wishing to purchase, view or provide adult entertainment in the vicinity of the city; the city finds that such considerations are sufficient to restrict the location and proximity to other zones of the C-5 zone. The city finds that such restrictions are reasonable in light of legal decisions such as those rendered in *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41(1986); *Boss Capital Inc. v. City of Casselberry*, 2002 U.S. Distr. Lexis 21806; *David Vincent, Inc. v Broward County, Florida*, 200 F.3d 1325 (Eleventh Cir. 2000); and *Southern Entertainment Co. of Fla. Inc. v City of Boynton Beach*, F 36F Supp. 1094 (S.D. Fla. 1990); among others.

(B) *Description of district.* This district is comprised of lots that should be a minimum of one-half acre (21,780 square feet) in size and structures used primarily to provide retail and wholesale trade that is dependent upon vehicular traffic to supply both its merchandise and customers. The location of this district shall be located along arterial thoroughfares within the city limits. Due to its highly intensive use. This district should not be located near districts without the use of adequate buffer zones.

(C) *Permitted structures.* Each lot shall have at least one front property line and shall be occupied only by structures containing permitted uses and such accessory buildings that are incidental or required for the proper functioning of the permitted uses.

(D) *Permitted uses.* In the C-5 district only those areas specified under C-5 in the list of permitted uses set forth in § 152.064 and sexually oriented businesses shall be permitted.

(E) *Dimensional requirements.* The lot for C-5 commercial district shall comply with the following dimensional and area requirements.

(1) Lot area. The area shall not be less than 21,780 square feet of which 50% shall remain as unobstructed open space; provided, however, that this open space may be used for parking and landscaped areas.

**Muldraugh - Land Usage**

(2) Lot width. Each lot shall not be less than 100 feet wide at the front building line with that line being established from the point of the structure nearest the front line and extending to the side lot lines.

(3) Minimum required front yard. All structures shall be setback a distance of not less than 40 feet from each front property line, or as required in other ordinances, whichever is the greater.

(4) Side yards. All structures shall have two side yards of not less than five feet on both sides except where the zone abuts a residential area in which case a side yard of 15 feet is required on the side or sides abutting the residential area; provided, however, that where the zone abuts a street, the side yard setback established for that street shall be maintained, or as required by other ordinances, whichever is the greater.

(5) Minimum rear yard requirements. There shall be a rear yard having a depth of not less than 20 feet where it abuts a residential zone except that where the rear lot line abuts an alley and the property on the other side of the alley is not within a residential zone, then the minimum rear yard requirement shall be a depth of not less than 15 feet. Where the rear lot line abuts onto a street, the rear building line shall be the building setback line established by the primary zone abutting the street, building line shall be the building setback line established by the primary zone abutting the street.

(6) Maximum height. No building hereafter erected or structurally altered shall exceed three and one-half stories, or 45 feet in height; provided, however, that cooling towers, elevator shafts and other structural units necessary for the functioning of the use shall be permitted to exceed this height.

(7) Location of an accessory buildings and fences. No accessory buildings shall be located in any required front or side yard, or within ten feet of any lot line, that is not a street line. Fences 96 inches in height shall be erected on those C-5 lots where a great portion of the merchandise is stored outside or where heavy equipment is operated. These fences shall be erected along the rear yard and side yard boundaries extending to the front building line and must be made of material which will block the view from adjoining lots. Any fence or screen constructed in the required front yard must have approval of the Planning Commission.

(8) Screens. All C-5 uses shall provide a screen between abutting residential areas of at least 96 inches in height not to exceed 120 inches so as to protect these areas from unreasonable disturbance by movement of people or vehicles and from lights, noises, or exposure to a view not compatible with residential areas. Such screen shall be pleasing in design, and of a substantial material, easily maintainable and sufficient to block the view from adjoining lots.

(F) *Off-street parking.* The provision of the off-street parking requirements set forth in §§ 152.075 through 152.079 shall be in full force and effect in the C-5 district.

(G) *Corner visibility.* On a corner lot, within the areas formed by the right-of-way lines of intersecting street and a line joining points on such right-of-way lines at a distance of 25 feet from their intersection, there shall be no obstruction to vision between a height of two feet and a height of ten feet above the average grade of each street name signs, fire hydrants, street lighting poles, and associated appurtenance shall be permitted within this area.



(H) *District development plan provisions.* The provision of the general regulations for commercial districts inclusive shall be in full force and effect in the C-5 district.

(I) *Permitted signs.* Refer to Chapter 119 and Chapter 153 for provisions on signs, billboards and other advertising structures.  
(Ord. 243, passed 4-19-04)

**NONCONFORMING USES, STRUCTURES AND LOTS**

**§ 152.045 SCOPE; AREA.**

A nonconforming use shall not be extended or enlarged beyond the scope and area of its operation at the time of adoption of the Zoning Code or other regulation which makes such use nonconforming. Area shall mean the structure and/or lot within or upon which the nonconforming use is being operated.  
(Ord., passed 12- -84)

**§ 152.046 DISCONTINUANCE OF NONCONFORMING USE.**

Whenever a nonconforming use of any structure or lot has been discontinued for a period of 12 months, the structure or lot must thereafter be used in conformance with the regulations contained in this chapter relating to the zone in which the affected property is located.  
(Ord., passed 12- -84)

**§ 152.047 NONCONFORMING STRUCTURES.**

(A) A nonconforming structure shall not be enlarged, replaced, or structurally altered except in conformance with this chapter. Any structure may be restored to a safe condition, however, if declared unsafe by a public official with jurisdiction, except as provided elsewhere in this chapter.

(B) A nonconforming structure for which restoration to a safe condition would cost more than 70% of its replacement value shall not be restored except in conformance with this chapter.

(C) Proposed structures for which building permits have been issued prior to their designation as nonconforming by the adoption of or amendment to this chapter may be completed as originally intended provided the structure is completed and in use within one year after the issue date of the building permit.  
(Ord., passed 12- -84) Penalty, see § 152.999

**§ 152.048 NONCONFORMING LOTS.**

(A) A lot of record which has received final plat approval by the Commission at the date of adoption or amendment to the Zoning Code but which does not conform to the width or area requirements shall be considered a legal nonconforming lot.

(B) Any subdivision which has received preliminary plat approval by the Commission shall be reviewed and may be considered as legal nonconforming lots if it is found that each lot may be reasonably used as a building site for any structure or use permitted within the district without requiring a dimensional variance.  
(Ord., passed 12- -84)

### ***PERMITTED USES***

#### **§ 152.060 USES PERMITTED IN THE DISTRICTS.**

Within each district as indicated on the Zoning Map, no land, building or structure shall be used and no building or structure shall be erected except those which are marked with an "X" in the appropriate space in the List of Permitted Uses in § 152.064. If there are any questions concerning the meaning of interpretation of this List, the final determination shall be made by the Planning Commission guided by the purpose and intent of this chapter which is to promote the public health, safety and general welfare of the citizens of the city. Where a specific use is not listed, the Planning Commission shall determine the appropriate zoning district and shall list this use in the district by means of an amendment.  
(Ord., passed 12- -84)

#### **§ 152.061 PARKING REQUIREMENTS.**

Each use shall provide off-street parking in accordance with the provisions of the Off-Street Parking Requirements and other requirements contained in this chapter. The type of parking required for each use is indicated by a number in the parking type column which refers to § 152.075 through 152.079.  
(Ord., passed 12- -84)

#### **§ 152.062 CONDITIONAL USES.**

Certain uses may be permitted in specific districts on a conditional basis. The Board of Adjustment shall determine the appropriateness of the intended use of a particular lot in the specific zoning district. The Board of Adjustment may approve or disapprove only those Conditional Uses that are indicated by a "C" in the appropriate column of the List of Permitted Uses in § 152.064.  
(Ord., passed 12- -84)

#### **§ 152.063 HOME OCCUPATIONS.**

Certain home occupations as defined § 152.004 are allowed in residential areas.  
(Ord., passed 12- -84)











































**OFF-STREET PARKING AND LOADING****§ 152.075 SCOPE.**

The requirements herein set forth shall apply and govern in all districts except the C-1 district, where these regulations shall not be enforced.

(Ord., passed 12- -84)

**§ 152.076 DUTY OF OWNER; OPERATOR TO PROVIDE AND MAINTAIN OFF-STREET PARKING SPACE.**

It shall be the duty and responsibility of the operator and owner of the use and the land on which the structure is located to provide the parking area as specified. No use on the land shall be permitted nor operated unless the off-street parking requirements are met. From the effective date of the ordinance, any use which is enlarged or changed must meet applicable off-street parking requirement.

(Ord., passed 12- -84)

**§ 152.077 LOCATION OF OFF-STREET PARKING SPACE.**

Off-street parking area shall be located on the same lot as the use.

(Ord., passed 12- -84)

**§ 152.078 NUMBER OF SPACES FOR GROUP OF BUSINESSES ON SAME SITE.**

Where off-street parking space is required for a group of businesses all located on the same site, then the total floor area of all businesses will be used to determine the number of parking spaces.

(Ord., passed 12- -84)

**§ 152.079 AMOUNT OF OFF-STREET PARKING SPACE REQUIRED.**

The following amounts of off-street parking space shall be provided. plus an area of adequate egress and ingress which shall not be used in the computation of parking spaces except that single-family residences may utilize this area in their computation of parking area. The minimum dimensions of one parking space shall be 10 by 20 feet or 200 square feet.

(A) *Parking Type One, Single-Family Residential.* Each single-family dwelling shall be provided two (2) parking spaces or four hundred (400) square feet.

(B) *Parking Type Two, Multi-Family.* For each dwelling unit there shall be provided two (2) parking spaces or four hundred (400) square feet.

(C) *Parking Type Three, Recreational Areas.* An area one-quarter the size of the total recreation area shall be provided for parking.

(D) *Parking Type Four, Commercial-Retail, District C-4.*

(1) If the gross floor is 7,500 square feet or less, an area equal to one-half the gross floor area shall be provided.

(2) If the gross floor area is 7,500 square feet up to and including 11,000 square feet, an area equal to three-quarters of the gross floor area shall be provided for parking.

(3) If the gross floor area is more than 11,000 square feet, an area equal to the gross floor area shall be provided for parking.

(4) If the gross floor area is more than 15,000 square feet, an area equal to one and one-half times the gross floor area shall be required.  
(Ord., passed 12- -84)

(E) *Parking Type Five, Industrial, Wholesaling.* For each three employees regularly present at the same time, 200 square feet shall be provided for parking, but in no event less than an area equal to one-tenth of the gross floor area.  
(Ord., passed 12- -84; Am. Ord. 296, passed 6-23-10)

**§ 152.080 OFF-STREET LOADING REQUIREMENTS.**

The duty to provide off-street loading space shall be the joint responsibility of the owner and operator of the structure for which off-street loading space is required. No structure shall be designed, erected, altered, used or occupied unless the required off-street loading space set herein is met. Where off-street loading space is not provided at present, and the buildings are occupied and used on the effective date of this Zoning Code, these requirements will not be in effect unless such structure is enlarged or the use enlarged. The new increment will be the only part of the building used for determining the amount of off-street loading space.  
(Ord., passed 12- -84) Penalty, see § 152.999

**§ 152.081 LOCATION OF OFF-STREET LOADING SPACE.**

Off-street loading space shall be located on the same lot as the structure for which provided.  
(Ord., passed 12- -84)

**§ 152.082 AMOUNT OF OFF-STREET LOADING SPACE REQUIRED.**

The following amounts of off-street loading space shall be provided plus an area or means adequate for ingress and egress.

(A) For structures containing less than 25,000 square feet of gross floor area, one berth for each 12,500 square feet of gross floor area. Each berth shall have a net of not less than 160 square feet.

(B) For structures larger than 25,000 square feet of gross floor area, the number of berths are specified in the following table. Each berth shall be at least ten feet wide, 35 feet long and 15 feet high.

**Muldraugh - Land Usage**

<b><i>Square Feet of Gross Floor Area</i></b>	<b><i>Number of Berths</i></b>
10,000 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
For each 100,000 over 400,000	1 Additional

***MANUFACTURED AND MOBILE HOME COMMUNITY REGULATIONS*****§ 152.092 DEFINITION.**

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

***MANUFACTURED OR MOBILE HOME COMMUNITY.*** A parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the Public Health Department of the cabinet. (Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11)

**§ 152.093 PURPOSE.**

These regulations establish rules and standards guiding manufactured and mobile home community developments within the city in order to promote the safety, convenience and general welfare of the citizenry. (Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11)

**§ 152.094 ADMINISTRATION BY PLANNING COMMISSION.**

These regulations shall be administered by the City Planning Commission. All applications, maps, documents and fees relating to manufactured and mobile home community approval shall be submitted to the Administrative Official seven (7) days prior to the Planning Commission meeting at which it is to be considered. (Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11)



**§ 152.095 APPROVAL OF PLAT REQUIRED; LOCATION IN APPROPRIATE ZONING DISTRICT.**

No land within the city shall be developed as a manufactured or mobile home community until a final plat of the proposed park has been approved by the Planning Commission and a plat recorded in the office of the County Clerk. All manufactured and mobile home communities shall be located in the appropriate zoning district and henceforth no mobile home will be allowed on individual lots in any zone, or be allowed anywhere outside of an approved mobile home park.  
(Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11) Penalty, see § 152.999

**§ 152.096 SUBMISSION OF PLAT APPLICATION.**

Prior to the preparation of the plat, the developer should consult with the Administrative Official to insure compliance with these regulations and other applicable ordinances. The developer shall submit an application along with six copies of the plat and other supplementary material and fees to the Administrative Official at least seven days prior to the Planning Commission meeting at which it is to be considered.  
(Ord., passed 12- -84)

**§ 152.097 INFORMATION REQUIRED FOR PLAT.**

(A) The name and address of the owner and developer and the proposed name of the manufactured or mobile home community.

(B) The location of the tract in relation to the city.

(C) The boundary lines and dimensions of the proposed manufactured or mobile home community.

(D) The name and address of each adjacent property owner.

(E) The gross average of the tract.

(F) The location of all existing streets, roads, wet and dry weather water courses, wooded areas and other significant physical features within the tract and 200 feet beyond the property line.

(G) The approximate location of all existing structures within the proposed tract that will be retained.

(H) The location, size, elevation and direction of flow of existing water, sanitary sewer and storm drainage systems on the adjacent to the tract.

(I) The elevation of the high and low points and sufficient contour data to indicate the slope and drainage of the tract. Contour data shall extend 200 feet beyond the boundaries of the tract. Elevation and contour data from USGS topographic maps are acceptable.  
(Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11)

**§ 152.098 PLANNING COMMISSION REVIEW; PROCEDURES.**

If approved by the Planning Commission, a certified copy of the approved plat shall be filed for recording, at the developer's expense, in the office of the County Clerk within sixty (60) days after approval is voided if the approved final plat is altered in any manner, except for Commission requirements, between the dates of Commission approval and recording of the plat. If the plat is not approved the developer may resubmit a revised plat incorporating modifications specified by the Planning Commission meeting at which the revised plat is to be considered. Upon approval of the revised plat, recording requirements as previously outlined shall be followed.

(Ord., passed 12- -84)

**§ 152.099 REQUIRED CERTIFICATIONS FOR SUBMISSION OF APPLICATION.**

All certifications and exhibits required for submission of an application for a manufactured or mobile home community shall be the same as for any subdivision except that, in addition, an approved construction permit from the Cabinet for Human Resources must be submitted.

(Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11)

**§ 152.100 MINIMUM DESIGN AND IMPROVEMENT STANDARDS.***(A) Area and Density.*

(1) No manufactured or mobile home community shall be developed on an area of less than one acre. The developer shall be permitted to develop the park in stages. However, the first stage shall contain a minimum of ten developed lots.

(2) No manufactured or mobile home community shall be permitted a density of more than ten mobile home lots per acre.

*(B) Manufactured or Mobile Home Lots.*

(1) Each lot shall be designed for the occupancy of one mobile home unit and shall have an area of not less than four thousand, five hundred (4,500) square feet and a minimum width of forty-five (45) feet.

(2) Each lot shall contain an appropriately sized pad or other foundation. The location of the pad on each lot shall be at least ten (10) feet from the nearest lot boundary.

*(C) Lot Setback and Separation Requirements.*

(1) All manufactured and mobile homes shall be located a minimum of twenty-five (25) feet from the boundaries of adjacent property.

(2) All manufactured and mobile homes shall be located a minimum of twenty (20) feet from the edge of internal streets.

(3) Manufactured and mobile homes shall be separated from each other by a minimum of twenty (20) feet.

(D) *Internal Streets.*

(1) All manufactured and mobile home communities shall be provided with convenient and safe vehicular access. Entrances shall be approved by the appropriate jurisdictional authority.

(2) Entrances and internal streets shall be of adequate width to accommodate anticipated traffic and parking needs. Minimum widths of street pavements shall be as follows:

<b>Street Type</b>	<b>Minimum Pavement Width</b>
Entrance	
First 50 feet	24 feet
Beyond 50 feet	20 feet
Internal Streets	18 feet

(E) *Parking Requirements.*

(1) A minimum of two (2) parking spaces shall be provided for each lot.

(2) Each designated space shall have minimum dimensions of nine (9) feet by twenty (20) feet.

(F) *Water System.*

(1) Where a public water supply is reasonably accessible, the developer shall construct a completely looped distribution system adequate to serve the park with a connection for each lot and with hydrants spaced a maximum of six hundred (600) feet apart.

(2) Where a public water supply is not within a reasonable distance or is otherwise unavailable, the developer shall be required to construct a distribution system in accordance with division (A) of this section and connect it to an alternate water supply approved by the appropriate health agency having jurisdiction.

(G) *Sanitary Sewer System.*

(1) Where a public sanitary sewer system is reasonably accessible, the developer shall construct a complete collection system, including a lateral connection for each lot and, if necessary, lift or pumping stations.

(2) Where a public sanitary sewer system is not accessible, the developer shall construct such a system and must get approval of the appropriate agency having jurisdiction. Septic systems are not acceptable.

(H) *Electric and Telephone Utilities.* All electric and telephone lines shall be installed underground unless unnecessary hardship can be demonstrated. (Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11)

**§ 152.101 FEES.**

The fee for filing a preliminary plat for a manufactured or mobile home community shall be the same as for any subdivision.  
(Ord., passed 12- -84; Am. Ord. 303, passed 6-16-11)

***AMENDMENTS*****§ 152.110 PROCEDURE FOR AMENDMENT.**

(A) For the purposes of this section, ***ADMINISTRATIVELY COMPLETE*** means that a proposal for a zoning map amendment is accurate and complete by meeting all the applicable requirements of this chapter and any other applicable administrative regulatory requirements or approvals formally required by the local legislative body or applicable state law.

(B) A proposal for a zoning map amendment may originate with the Commission, with the City Council, or with an owner of the property in question. The proposed amendment shall be referred to the Commission before adoption. The Commission shall hold at least one public hearing after notice as required by this chapter and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the City Council.

(C) (1) The Planning Commission shall make its recommendation within sixty (60) days of the date of the receipt of the administratively complete proposed amendment.

(2) The originator of the proposed map amendment may waive the sixty (60) day requirement for the recommendation.

(3) If the Planning Commission fails to make a recommendation upon the proposal within sixty (60) days of its receipt of the administratively complete proposed amendment and the time has not been waived by the originator, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval.

(D) Notwithstanding the provisions of division (C) of this section:

(1) The Planning Commission of a consolidated local government shall make its recommendation within one hundred twenty (120) days of the date of the receipt of the administratively complete proposed amendment;

(2) The originator of the proposed map amendment may waive the one hundred twenty (120) day requirement for the recommendation; and

(3) If the Planning Commission of a consolidated local government fails to make a recommendation upon the proposal within one hundred twenty (120) days of its receipt of the administratively complete proposed amendment, and the time has not been waived by the originator, the application shall be forwarded to the legislative body of the consolidated local government without a recommendation of approval or disapproval.

(E) Notwithstanding the provisions of division (C) of this section:

(1) The legislative body of the jurisdiction that created the Planning Commission may, via ordinance, extend the provisions of division (C) of this section to either ninety (90) or one hundred twenty (120) days; or

(2) The legislative bodies which are members of a joint planning commission may, via ordinances passed separately, extend the provisions of division (C) of this section to either ninety (90) or one hundred twenty (120) days.

(F) The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the Commission for a period not to exceed 30 days, at the end of which if the tie has not been broken, the application shall be forwarded to the City Council without a recommendation of approval or disapproval. It shall take a majority of the entire City Council to override the recommendation of the Commission and it shall take a majority of the entire City Council to adopt a zoning map amendment whenever the Commission forwards the application to the City Council without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire City Council votes to override the Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Commission, the ordinance of the City Council adopting the zoning map amendment shall be deemed to have passed by operation of law.

(G) A proposal to amend the text of any zoning regulation which must be voted upon by the City Council may originate with the City Planning Commission or with City Council. Regardless of the origin of the proposed amendment, it shall be referred to the Commission before adoption. The Commission shall hold at least one public hearing after notice as required by KRS Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed amendment originating with City Council, the Commission shall make its recommendation within 60 days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the City Council to adopt the proposed amendment.

(H) Procedures prescribed in KRS 100.207 applicable to the publication of notice also shall apply to any proposed amendment to a zoning regulation text or map; provided that:

(1) Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two streets on either side of the property which intersect the street on which the property is located; and

(2) When the property in question is located at the intersection of two streets, the notice shall designate the intersection by name of both streets rather than name the two streets on either side of the property.

(I) When a property owner proposes to amend the zoning, the provisions of KRS 100.212 shall apply in addition to the requirements and procedures prescribed in division (H) of this section.

(J) In addition to the public notice requirements prescribed in division (H) of this section, when the Commission or City Council originate a proposal to amend the zoning map of the city, notice of

the public hearing before the Commission or City Council shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.

(K) The City Council shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the Commission takes its final action upon such proposal.  
(KRS 100.211)

### **§ 152.111 PUBLIC HEARING; NOTICE.**

When a public hearing is scheduled for a proposal to amend the Zoning District Map or Zoning Code, the following shall be given in addition to other notices required by other local regulations or ordinances.

(A) Notice of the public hearing shall be posted conspicuously on the affected property in question, for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:

(1) The sign shall state "Zoning Change" and the proposed classification change in letters three (3) inches in height. The time, place and date of the hearing shall be in letters at least one inch in height.

(2) The sign shall be constructed of durable material and shall state the telephone number of the Commission.

(B) Notice of the hearing shall be given at least (fourteen) 14 days in advance of the hearing by registered or certified mail, return receipt requested, to the owners of the property adjoining the property in question proposing the amendment to furnish the Commission the names and addresses of the owners of all adjoining property.  
(Ord., passed 12- -84)

### **§ 152.112 MAP AMENDMENT.**

The Commission and City Council must find before any map amendment is granted that the proposed amendment is in agreement with the Comprehensive Plan, or, in the absence of such a finding that one or more of the following apply and such findings shall be recorded in the minutes and records of the Commission and City Council:

(A) That the original zoning classification given the property was inappropriate or improper, or

(B) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of the area.  
(Ord., passed 12- -84)

**ADMINISTRATION AND ENFORCEMENT**

**§ 152.125 PLANNING COMMISSION.**

The duties and powers of the Commission shall include:

(A) Enforcement of this chapter.

(B) Undertaking investigations and surveys to determine compliance or noncompliance with the provisions of this chapter.

(C) Making written orders requiring compliance with the provisions of this chapter. Such orders shall be served by registered mail upon the person deemed by the Commission to be violating the provisions of this chapter. The date of mailing shall be deemed the date of service of any order served by registered mail.

(D) Institution, in courts of proper jurisdiction, proceeding for the enforcement of the provisions of this chapter. The Commission Attorney shall be the City Attorney.  
(Ord., passed 12- -84)

**§ 152.126 ADMINISTRATIVE OFFICIAL.**

(A) The Commission shall designate, with the concurrence of the City Council, an Administrative Official to be charged with and provided the authority to enforce the orders, ordinances and regulations of the Commission.

(B) The duties and powers of the Administrative Official include:

(1) Proposing and recommending to the Commission the enactments of amendments to this Zoning Code for the purpose of improving administration and enforcement.

(2) Proposing and recommending to the Commission the enactments of amendments to the official maps as necessary by judicial or administrative proceedings or as deemed desirable because of changing conditions.

(3) Review of all applications and, upon compliance with this chapter, approval and issuance of building permits.

(4) Receiving all applications for amendments to this Zoning Code and the official map, referral of such applications to the appropriate agencies for examination and submission of all applications, with recommendations, to the Commission.

(5) Administering rules and regulations established by the Commission.

(6) Maintenance of a map or maps showing the current zoning classification of all land within the jurisdiction of the Commission.

(7) Maintenance of a current register of all nonconforming uses, variances and conditional use permits.

(8) Recording with the City Clerk/Treasurer and/or the County Clerk all matters required to be recorded by the Commission.

(9) Maintenance of written records of all actions taken by the Commission under this chapter.

(10) Preparation of an annual financial report for submission to the Commission, Fiscal Court and City Council.  
(Ord., passed 12- -84)

### **§ 152.127 BOARD OF ADJUSTMENT.**

(A) A Board of Adjustment shall be appointed pursuant to the provisions of KRS 100.217 before this Zoning Code shall have legal effect.

(B) The Board of Adjustment shall conduct meetings at the call of the Chairperson who shall give written notice to all members at least 14 days prior to the meeting. The notice shall contain the date, time and place for the meeting and the subject or subjects to be discussed. The Board shall also give notice to the public of such meetings as required in KRS Ch. 424 and shall give notice by registered mail to affected adjoining property owners.

(1) A simple majority of the total membership of the Board of Adjustment shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the Board shall disclose the nature of the interest and shall disqualify himself from voting on the question.

(2) The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, determinations, the number of votes for and against each question, members absent and members abstaining from voting.

(C) The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in this chapter pursuant to the provisions of KRS 100.237.

(D) The Board of Adjustment shall have the power to hear and decide on applications for dimensional variances pursuant to the provisions of KRS 100.217 through 100.263. The findings necessary for granting a variance by the Board of Adjustment shall include all of the following:

(1) The specific conditions in detail which are unique to the applicant's land and do not exist on other land in the same zone.

(2) The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other land owners in the same zone.

(3) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Zoning Code.



(4) That the variance will preserve and not harm the public safety and welfare or alter the essential character of the neighborhood.

(E) That appeals to the Board of Adjustment may be taken by any person or entity claiming to be injuriously affected or aggrieved by any official action or decision of the Commission or Administrative Official within 30 days after notification of the action. The procedure for all appeals to the Board of Adjustment shall be pursuant to the provisions of KRS 100.261. The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice in accordance with KRS Ch. 424, provide written notice to the appellant and Administrative Official at least one week prior to the hearing and shall decide it within 60 days. The appellant may appear at the hearing in person or by attorney.

(Ord., passed 12- -84)

**§ 152.128 LIMITATIONS ON ALL LAND AND STRUCTURES AND NONCONFORMING STRUCTURES.**

(A) No land shall be used or occupied no structures shall be designed, erected, altered, or occupied except in conformity with all regulations established and upon performance of all conditions set forth in this chapter.

(B) *Definition of a nonconforming use.* Any activity, building, sign or structure which lawfully existed before the adoption of the zoning regulation, but which does not conform to all regulations contained in the zoning regulation which pertain to the zone in which it is located shall be defined as a nonconforming use. Thus a building may be nonconforming by virtue of the land use activities which occur within it or by virtue of its placement on a lot.

(C) *General standards.*

(1) All nonconforming uses shall be treated in conformity with the provisions of KRS 100.253.

(2) In the event that there is a cessation of operation of any nonconforming use for a period of 180 consecutive days, said use shall be considered abandoned and its nonconforming status lost. A nonconforming structure shall not be enlarged, replaced or structurally altered except in conforming with this ordinance.

(3) Generally, a structure or use of land which is nonconforming shall not be enlarged or extended beyond the scope and area existent when it became nonconforming. However, changes merely incidental to its continued use may be permitted as long as it is not converted into a new or substantially different structure. If the extension or enlargement is found to be within the scope and area, then the structure may be enlarged to encompass only an additional four hundred (400) square feet above the existing building size at the time when it became nonconforming. See also sections C(6) and C of this article.

(4) Structures which are nonconforming due to the manner in which they are sited upon their respective lots may not be enlarged or expanded unless they are brought into conformity with this ordinance via a variance from the Board of Adjustment or through some other proper means.

(5) Nonconforming uses may change use types if the Board of Adjustments finds that the new proposed use is no more nonconforming than the previous nonconforming use and that the other provisions of this section will not be violated.

(6) In the case of total or partial destruction, non-conforming uses may be repaired, rebuilt, or reconstructed as long as the following conditions are met:

(a) Such repair or reconstruction is substantially completed within twelve (12) calendar months of the date of destruction, and a building permit to begin such repair or reconstruction is applied for within ninety (90) days of the destruction.

(b) The repaired or reconstructed portion of the non-conforming structure contains no more square feet of building area than the nonconforming structure prior to the destruction.

(c) The reconstructed building shall be placed no closer to any property line than the previous structure if said distance is less than that required under the specific zoning of the site; unless a dimensional variance has been authorized by the Board of Adjustments.

(7) Structural changes and/or improvements to non-conforming structures required by governmental agencies for the purpose of protecting the health, safety or general welfare of the community's citizens shall be allowed.

(D) *Replacement of non-conforming mobile homes.* Residential mobile homes sited on lots which are not in manufactured and mobile home communities shall be considered non-conforming uses and thus have certain specific regulations applied to them which differ from the typical non-conforming regulations.

(1) A mobile home may be replaced with manufactured or qualified manufactured home as long as the mobile home is dimensionally the same as the unit being replaced while still meeting all side yard and set back provisions.

(2) The replacement manufactured home shall be newer than the mobile home it is replacing and not more than ten (10) years old.

(3) The lot or stand shall not remain vacant for more than one hundred eighty (180) consecutive days; any mobile home stand which remains vacant for more than one hundred eighty (180) consecutive days shall be considered to have been abandoned and its non-conforming status lost.

(4) Before any person replaces a residential manufactured or mobile home on a lot which is not in a manufactured or mobile home community, the owner of the lot shall provide the city with information regarding the size and model of the manufactured home, location of the lot upon which the manufactured home is to be placed and the approximate time that the lot/stand has been vacant. Replacement of older manufactured mobile homes shall only be allowed if the specific conditions are met. If replacement is allowed, the city shall revise the owner's mobile home permit to reflect the information regarding the mobile home. Failure of a mobile lot/stand owner to comply with the permit requirement of this ordinance shall be grounds for refusal to issue future permits.

(Ord., passed 12- -84; Am. Ord. 163, passed 10-14-96; Am. Ord. 189, passed 7-12-99; Am. Ord. 303, passed 6-16-11) Penalty, see § 152.999

#### **§ 152.129 LIMITATIONS ON SALES AND RENTALS OF ALL LAND AND STRUCTURES.**

No persons, firm or corporation and no employee thereof shall sell, rent, or lease or attempt to do any of the aforementioned upon the representation that such land or structure may be used or occupied in a manner or for a use prohibited in the zoning district in which said structures or land is

located. Any failure to notify the intended purchaser of any real estate of the zoning clarification and restrictions thereof will be the fault of the seller and not the Planning Commission, Board of Adjustments or the city.  
(Ord., passed 12- -84) Penalty, see § 152.999

**§ 152.130 ZONING CERTIFICATE TO ERECT OR ALTER STRUCTURES.**

No structure shall be erected or altered until a Building Permit for such erection or alteration shall have been issued by the Planning Commission or Administrative Official.  
(Ord., passed 12- -84) Penalty, see § 152.999

**§ 152.131 STOP WORK PERMIT.**

Should any persons or group of persons fail to comply with the specifications approved on the building permit, or knowingly deceive the Planning Commission through the application of a false building permit, the Planning Commission shall have the right to place a Stop Work Order on the premises of the alleged infraction at which time all work must be stopped and the violator must come before the Planning Commission for review and advisement on the illegal project.  
(Ord., passed 12- -84)

**§ 152.132 LIABILITY OF COMMISSION; BOARD OF ADJUSTMENT.**

Any member of the Commission or Board of Adjustment or any employee thereof shall not render himself liable personally in the discharge of his duties. Any suit brought against any member of the Board of Adjustment, Commission or any employee because of such act performed by him in the enforcement of any provision of this chapter shall be defended by legal representation of the Commission until the final termination of the proceedings.  
(Ord., passed 12- -84)

**§ 152.133 VIOLATIONS.**

The Administrative Official or Commission Chairperson shall issue written notice to violators of all provisions of this chapter and order such violations to cease. If necessary, the Commission through the City Attorney or any property owner or occupant who would be damaged by a violation may institute appropriate action in court.  
(Ord., passed 12- -84)

**§ 152.999 PENALTY.**

(A) Any person who shall violate the provisions of the zoning code shall be guilty of a misdemeanor and shall be fined not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) for each offense. Where the violation is of a continuing nature, every day on which the violation exists shall constitute a separate offense.

(B) Any person violating this chapter may also be guilty of a civil offense. The civil fine shall not be less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00). The civil fine shall be paid directly to the city. If the fine is not paid within thirty (30) days from the date of notification, then the city may recover said fine in a civil action in a court of proper jurisdiction. The city may also obtain injunctions or abatement orders to ensure compliance with this chapter or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.  
(Ord., passed 12- -84; Am. Ord. 163, passed 10-14-96)

**APPENDIX: ZONING DISTRICTS**

[Insert "Zoning Districts" Map here]



## CHAPTER 153: SIGNS, BILLBOARDS AND OTHER ADVERTISING STRUCTURES

### Section

- 153.01 Definitions
- 153.02 Application and Procedures
- 153.03 Exemptions
- 153.04 Permits
- 153.05 General Regulations
- 153.06 Residential Districts
- 153.07 Commercial and Industrial Districts
- 153.08 Compliance
  
- 153.99 Penalties

### § 153.01 DEFINITIONS.

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

**ERECT.** The act of building, constructing, attaching, hanging, suspending, affixing, or the painting of walls with a message.

**FACING.** The surface area of the sign upon, against or through which the message is displayed or illustrated on the sign.

**OWNER.** Including and being synonymous with **MANAGER, LESSEE, TENANT,** and **SUPERVISOR.**

**SIGN.** A representation of any kind for the purpose of advertising, excluding guy wires, chains or other connectors, and shall include billboards, projection signs, roof signs, temporary signs and wall signs.

(1) **GROUND SIGN.** A sign supported by one or more poles, steel structures or other base placed on the ground.

(2) **PROJECTION SIGN.** Any sign which is all or in part supported by or attached to a vertical portion of a building and extending beyond the surface of the building to which it is attached with or without ground support.

(3) **ROOF SIGN.** Any sign erected wholly upon or wholly over the roof of any building with the principal support on the roof structure.

(4) **TEMPORARY SIGN.** Any sign displayed on an interim basis for a period of time not to exceed 30 days.

(5) **WALL or FACIA SIGN.** Any sign painted upon or secured and affixed to a building.  
(Ord. 110, passed 8-18-86)

### § 153.02 APPLICATION AND PROCEDURES.

Each applicant for any type retail business or other commercial sign will secure a sign permit application from the City Clerk for the privilege of erecting a sign. The application will contain the following information:

- (A) Name of application and location of the business.
- (B) Size specifications of the proposed sign.
- (C) Materials to be used for construction of the sign.
- (D) Proposed location of the sign on the building or property.
- (E) Sketch of the proposed sign and wording to be used.

(Ord. 110, passed 8-18-86)

### § 153.03 EXEMPTIONS.

The provisions of this chapter shall not apply to the following signs:

(A) Unlighted real estate signs not exceeding eight square feet which advertise the availability for sale, rental or lease of the property.

(B) Unlighted interior window signs.

(C) Professional nameplates not exceeding three square feet.

(D) Signs denoting the name of the residence not exceeding two square feet.

(E) Public building or church signs not exceeding ten square feet.

(F) Signs denoting the architect, engineer or contractor at a construction site not exceeding 32 square feet.

(G) Traffic or other municipal or state-owned signs, legal notices, railroad crossing, danger, emergency or temporary signs.

(H) Non-advertising decorative lights and signs for a holiday season.

(I) Informational or directional signs for on-premise use regarding an on-premise service facility not exceeding four in number and three square feet of facing per sign. However, the square footage shall be included in the computation of the facing limitations of the permitted ground sign.



(J) On-premise signs denoting operating instructions or menus for drive-in theaters, drive-in restaurants and drive-through car washes wherein the lettering does not exceed 1½ inches in height. (Ord. 110, passed 8-18-86)

#### **§ 153.04 PERMITS.**

A sign permit shall be required for all signs, except as specified in § 153.03, for the erection of all signs. A fee of \$15 shall be required for all sign permits. Sign permit applications shall be made upon forms provided by the Administrator or City Clerk. All signs shall comply with the provisions of this chapter and it shall be the duty of the Administrator to examine the specifications and the premise involved for compliance of all applications. (Ord. 110, passed 8-18-86)

#### **§ 153.05 GENERAL REGULATIONS.**

The following requirements shall apply within any zoning district:

(A) No sign shall be erected at any location where by reason of its position, wording, illumination, size, shape or color may obstruct, impair, obscure or interfere with the view of or be confused with any authorized traffic sign, signal or device.

(B) All signs shall be erected in conformity with the required side and rear yard setbacks.

(C) Flashing signs or intermittent illumination shall be permitted in commercial buildings.

(D) No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead or confuse traffic.

(E) No rotating sign shall exceed eight rounds-per-minute (RPM) and no direct beam of light shall rotate or revolve.

(F) Signs may be illuminated by internal lighting or from an exterior source provided the beam of light from an external source shall be effectively concealed from view.

(G) No sign shall project over any public right-of-way.

(H) The setback, spacing and facing area of billboards along all state or municipal highways shall be in compliance with all applicable state and/or federal regulations.

(I) A temporary sign shall not be suspended across public streets or at other public places without written permission issued by the Administrator.

(J) No signs, placards or notices shall be attached to poles, stanchions or supports constructed primarily for other purposes or functions which would under this chapter constitute a ground or projection sign.

(K) All abandoned signs or signs relating to an abandoned use shall be removed within thirty days after abandonment and such removal shall be the responsibility of the owner of the sign.

(L) All signs shall be maintained in a good state of repair. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts and transformers shall be kept in a safe condition. The Administrator may order the removal of any sign which becomes a public hazard due to lack of maintenance or repair.

(Ord. 110, passed 8-18-86; Am. Ord. 189, passed 7-12-99)

### **§ 153.06 RESIDENTIAL DISTRICTS.**

The following requirements shall apply within all residential districts:

(A) Only one ground sign shall be permitted per street frontage including a structure containing two or more dwelling units.

(B) All signs shall be set back a minimum of ten feet from the street or highway right-of-way.

(C) No sign facing shall exceed eight square feet.

(D) No sign shall exceed three feet in height.

(E) All signs shall be indirectly illuminated or unilluminated.

(F) Identification signs for multiple-family dwellings, not to exceed 12 square feet, may be permitted; however, the sign shall indicate nothing other than the name and address of the premise and the name of the management.

(G) No billboards or projection, wall or roof signs shall be permitted.

(Ord. 110, passed 8-18-86)

### **§ 153.07 COMMERCIAL AND INDUSTRIAL DISTRICTS.**

The following regulations shall apply within commercial and industrial zoned districts:

(A) Only one ground sign shall be permitted per street frontage including a shopping center or a building containing two or more businesses.

(B) A property having frontage on more than one street may have one ground sign for each frontage of one sign located at the corner of the two frontages.

(C) One wall or one projection sign shall be permitted for each business in addition to the allowable ground sign.

(D) No sign shall be placed upon nor protrude or project over any street or highway right-of-way.

(E) No sign facing shall exceed:

- (1) 250 square feet for ground signs.
- (2) 32 square feet for projection sign.
- (3) 30% of the facia or wall area for facia or wall signs.

(F) No ground sign shall exceed 35 feet in height.

(G) No roof sign shall extend beyond the edge of the roof nor extend ten feet beyond the highest point of the building to a maximum height not to exceed 35 feet.

(H) No projection sign shall extend for more than ten feet outwardly nor extend above the height of the building.

(I) Projection signs shall maintain a clear height of ten feet above any sidewalk, paved or ground surface.

(J) No illuminated sign shall be permitted within 25 feet of a resident district unless the sign is designed to not shine or reflect light onto the residential property.  
(Ord. 110, passed 8-18-86; Am. Ord. 128, passed 11-20-89)

**§ 153.08 COMPLIANCE.**

All signs existing at the time of the enactment of this chapter and not conforming with its provisions shall be considered nonconforming signs. Nonconforming signs may be continued for a period of six months from the date of the enactment of this chapter.  
(Ord. 110, passed 8-18-86)

**§ 153.99 PENALTY.**

(A) Any sign erected in the city without a sign permit is subject to a fine not to exceed \$50 to the business and/or individual erecting the unauthorized sign. An business and/or individual not removing an illegal sign within ten days, after notification in writing by the Administrator or City Clerk is subject to suspension of their business license until the sign is removed.

(B) Any owner causing or allowing a violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$100 nor less than \$25 and each 24-hour period of said violation shall be deemed a separate offense. The city is not precluded from proceeding by injunction to correct a violation in addition to the penalties provided herein.  
(Ord. 110, passed 8-18-86)



## CHAPTER 154: EROSION PREVENTION AND SEDIMENT CONTROL

### Section

- 154.01 Introduction; purpose
- 154.02 Definitions
- 154.03 Permits
- 154.04 Review and issuance
- 154.05 Erosion prevention and sediment control plan
- 154.06 Design requirements
- 154.07 Inspection
- 154.08 Enforcement

### § 154.01 INTRODUCTION; PURPOSE.

(a) The Clean Water Act (CWA), EPA, and KYDOW established Phase II regulations and mandated Erosion Protection and Sediment Control (EPSC) procedures for land disturbance activity and site work construction in the Commonwealth of Kentucky.

(B) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers, ditches, sinkholes, and drywells. Streets and roads with sediment deposits are slick and hazardous to the public. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

(C) As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Muldraugh. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

(Ord. 294, passed 1-19-10)

### § 154.02 DEFINITIONS.

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

**BEST MANAGEMENT PRACTICE (BMP).** A measure that is implemented to protect water quality and reduce the potential for pollution associated with storm water runoff.

**BLUE LINE STREAMS.** Streams that are represented on the United States Department of the Interior Geological Survey 1:24,000 quadrangle maps.

**CERTIFIED CONTRACTOR.** A person who has received EPSC training and is certified by the City of Muldraugh and Kentucky Division of Water to inspect and maintain erosion and sediment control practices.

**CHANNEL.** A natural or constructed/manmade watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

**CLEAN WATER ACT (CWA).** Federal regulation that prohibits the discharge of pollutants to waters of the United States unless said discharge is in accordance with an NPDES permit.

**CLEARING.** Any activity that removes the vegetative surface cover.

**CRITICAL AREA.** A site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, or other conditions.

**DETENTION.** The temporary delay of storm runoff prior to discharge into receiving waters.

**DEVELOPER.** Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to affect development of Land for him or others.

**DRAINAGE BASIN.** A part of the surface of the earth that is occupied by and provides surface water runoff into a storm water management system, which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

**DRAINAGE WAY.** Any channel that conveys surface runoff throughout the site.

**DRAINAGE/DRY WELL.** A bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily storm water runoff, into a subsurface formation.

**EPHEMERAL STREAM.** A stream or part of a stream that flows only in direct response to precipitation or snowmelt. Its channel is above the water table at all times.

**EROSION.** The wearing away of land surface by the action of wind, water, gravity, ice or any combination of those forces.

**EROSION PREVENTION AND SEDIMENT CONTROL PLAN (EPSC).** A set of plans prepared by or under the direction of a qualified professional in the State of Kentucky indicating the specific measures and sequencing to be used to control sediment and Erosion on a development site during and after construction.

**EXCAVATION.** Any portion of land surface or area from which earth has been removed or will be removed; the depth below original ground surface to remaining surface.

**EXISTING GRADE.** The slope or elevation of existing ground surface prior to cutting or filling.

**FILL.** Portion of land surface or area to which soil, rock, or other materials have been or will be added; height above original ground surface after the material has been or will be added.

**FINISHED GRADE.** The final slope or elevation of the ground surface after cutting or filling.

**FLOOD PLAIN.** The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For purposes of this manual, the **FLOOD PLAIN** is defined as the one hundred (100)-year floodplain having a one percent (1%) chance of being equaled or exceeded in any year.

**GRADING.** Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**IMPERVIOUS SURFACE.** A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

**KYDOW GENERAL PERMIT.** An agreement between the regulating authority (KYDOW) and the permittee) which specifies conservation practices that shall be implemented in the construction of activities specified in the terms and conditions of the general permit.

**LAND DISTURBANCE.** The purposeful act of clearing, grubbing, excavating or grading; disrupting ground surface by or for construction activities, including construction access/roads, staging, and storage sites producing significant areas of exposed soil and soil piles.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).** EPA's program to control the discharge of pollutants to waters of the United States. **NPDES** is a part of the Federal CWA, which requires point and non-point source discharges to obtain permits. These permits are referred to as NPDES permits.

**NOTICE OF INTENT (NOI).** A formal notice to the KYDOW that a construction project seeking Coverage under a General Permit is about to begin.

**NOTICE OF TERMINATION (NOT).** A formal notice to KYDOW that construction project is complete and seeking release for the EPSC and the state general permit.

**PERIMETER CONTROL.** A barrier that prevents sediment from leaving a site by filtering Sediment-laden runoff or diverting it to a sediment trap or basin.

**PERMIT PHASING.** Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

**PERMITTEE.** The person, company, contractor or developer, who is responsible for the land disturbing activity.

**PERMITTING AGENCY.** The City of Muldraugh, or other City Department deemed appropriate, responsible for review and Approval of permits and EPSC plans.

**PUBLIC STORM DRAIN.** Drain system provided and maintained by the City of Muldraugh that is designed to help maintain storm water runoff and also provide inlets for water to travel to holding areas attempting to remove excessive water from streets and other areas.

**SEDIMENT.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

**SEDIMENT CONTROL.** Measures that prevent eroded sediment from leaving the site.

**SITE.** A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil.

**SITE DEVELOPMENT PERMIT.** A permit issued by the City of Muldraugh for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

**SITE WASTE CONTROL.** The requirements set forth in this chapter are also intended to control or eliminate waste from construction site operators that may cause adverse impacts to water quality.

**STABILIZATION.** The use of practices that prevent exposed soil from eroding.

**START OF CONSTRUCTION.** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

**STORM WATER MANAGEMENT PLAN (SWMP).** A plan which is based on hydrologic and hydraulic calculations to determine flood stage and required improvement to minimize impacts by development.

**STORM WATER POLLUTION PREVENTION PLAN (SWPPP).** A plan required by storm water regulations or permits that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. This is synonymous with the term "BMP Plan" used in the KYDOW general permit.

**TEMPORARY PROTECTION.** Short-term stabilization of erosive or sediment producing areas.

**VEGETATIVE PROTECTION.** Stabilization of erosive or sediment producing areas by covering the soil with any of the following materials; permanent seeding for long-term vegetative cover, short-term seeding for temporary vegetative cover, sodding, producing areas covered with a turf of perennial sod-forming grass, tree planting, or other planting.

**WATERCOURSE.** Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water designated as part of the storm water conveyance system.

**WATERWAY.** A channel that directs surface runoff to a watercourse or to the public storm drain. (Ord. 294, passed 1-19-10)

### § 154.03 PERMITS.

(A) Permits through the city are required for all construction projects and/or land disturbances. Depending on the amount of land disturbance, various levels of permits are required. Design requirements and erosion prevention and sediment control plans shall be prepared in accordance with §§ 154.05 and 154.06. Criteria for permit levels and submittal requirements are as follows:



(1) *Level 1 permit.*

(a) Site construction disturbs less than one acre of soil and is not a part of a larger development;

(b) Increased impervious area is less than three thousand, four hundred (3,400) square feet;

(c) Ground slopes are less than six percent (6%);

(d) Submit level 1 permit application accompanied by a plot plan that shows general erosion protection and sediment control notations and practices.

(2) *Level 2 permit.*

(a) Site construction disturbs less than one acre of soil and is not a part of a larger development;

(b) Increased impervious area is greater than three thousand, four hundred (3,400) square feet;

(c) Ground slopes are less than six percent (6%);

(d) Submit level 2 permit application accompanied by a detailed grading/erosion prevention and sediment control plan.

(3) *Level 3 permit.*

(a) Site construction disturbs one (1) acre or greater of soil;

(b) Submit level 3 permit application accompanied by a detailed grading/ erosion prevention and sediment control plan and a SWPP Plan prepared by a qualified professional; submit KYDOW notice of intent (NOI).

(4) *Level 4 permit (general permit for utility companies).*

(a) Operations disturb less than one (1) acre;

(b) Submit level 4 permit application;

(c) Permit renewed every three (3) years.

(B) Contractor shall coordinate with the KYDOW and the US Army Corps of Engineers to determine whether permits are required from those agencies before construction begins.

(C) No permit through the city is required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(2) Existing nursery and agricultural operations conducted as a permitted main or accessory use. However, permitting through regional, state, and federal agencies may be required.

(D) Each permit application shall bear the name(s), telephone information, electronic contact information (if available), and address(es) of the owner and/or developer of the site, contractor for the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a permit fee.

(E) Each permit application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the EPSC Plan and that a certified contractor be responsible for implementing and maintaining all aspects of that plan. (Ord. 294, passed 1-19-10)

#### **§ 154.04 REVIEW AND ISSUANCE.**

(A) The city or its appropriate city department will review each permit application to determine its conformance with the provisions of this chapter. Acceptance indicates that minimum requirements or intent are met and does not imply a guarantee of performance. Based on the review of the permit application, the permitting agency, will:

(1) Accept the permit application submittal;

(2) Accept the permit application submittal subject to such reasonable conditions as may be necessary to meet the requirements/intent of the objectives of this ordinance, and issue the permit subject to these conditions; or

(3) Deny the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(B) The city or designated city department reserves the right to inspect the site prior to any construction activity in furtherance of the review process.

(C) The Department of Public services acceptance of the permit is for general compliance with local requirements and the KYDOW permit. The designer and/or engineer is ultimately responsible for the details of design of the EPSC plan, with the property owner/developer being responsible for implementation.

(Ord. 294, passed 1-19-10)

#### **§ 154.05 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.**

(A) The Erosion Prevention and Sediment Control (EPSC) Plan shall include the following:

(1) A natural resources map identifying soil types, forest cover, topography, and other natural features of concern. This map should be to scale equivalent to balance of submittal.

(2) A schedule of events for the construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary EPSC measures, and establishment of permanent vegetation.

(3) All EPSC measures necessary shall be shown on the plan by location and referred to by a legend for all phases of construction. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season. Multiple EPSC plan sheets may be necessary to best convey requirements for each phase.

(4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and type and quantity of mulching for both temporary and permanent vegetative control measures.

(5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(6) The proposed plan to control site waste, including a delineation of contractor staging areas for equipment and fuel storage, site materials and temporary facilities.

(B) Modifications to the plan shall be processed and accepted or denied in the same manner as § 154.04 and may be authorized by the Department of Public Services by written authorization to the permittee, and shall include:

(1) Major amendments of the EPSC plan require a qualified professional's signature and shall be submitted to the Department of Public Services for acceptance.

(2) Field modifications of a minor nature shall require a qualified professional's signature and shall be noted and dated on the EPSC record drawings and available for review and acceptance by the Department of Public Services.  
(Ord. 294, passed 1-19-10)

**§ 154.06 DESIGN REQUIREMENTS.**

(A) Any permitted land disturbance operation shall meet the design criteria set forth in the most recent version of the city's Storm Water Manual, and shall be adequate to prevent erosion and control sediment from the site to the satisfaction of the city. Cut and fill slopes shall be no greater than 3:1, except as approved by the city to meet other community or environmental objectives.

(B) Clearing and grading of natural resources, such as forests and wetlands, and other natural features of concern shall not be permitted, except when in compliance with all sections of this chapter as well as any regional, state and federal regulation. Clearing techniques that retain natural vegetation, drainage patterns, and buffers along streams as described by the Storm Water Manual, shall be used to the satisfaction of the city.

(C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

(D) Phasing shall be required on all sites disturbing greater than fifty (50) acres, with the size of each phase to be established at plan review and as approved by the city.

(E) *Erosion prevention BMP requirements.*

(1) Soil stabilization shall be completed within fourteen days of final grade work. If an area is left inactive for twenty-one (21) days or more the area shall have temporary stabilization.

**Muldraugh - Land Usage**

(2) If seeding or other vegetative erosion prevention methods are used, vegetation shall become established within three weeks. If a satisfactory stand of vegetation is not established the city may require the site to be reseeded or a non-vegetative option employed.

(3) Special techniques such as rip rap, turf reinforcement, armoring, and other methods that meet the design criteria outlined in the Storm Water Manual on steep slopes or in drainage ways shall be used to ensure stabilization.

(4) Soil stockpiles must be stabilized or covered and/or have sediment control measures in place to control sediment movement. Stock-piles shall have temporary vegetation established if they are going to be left for twenty-one (21) days or more.

(5) During the winter months, at the close of the construction season, when no construction is going on the entire site must be stabilized, using a heavy mulch layer or other methods that do not require germination to control sediment and prevent erosion.

(6) Minimize clearing and grading to the smallest possible area. Preserve existing vegetation and trees to the maximum extent possible.

(7) Areas to be left undisturbed during construction shall be clearly noted and delineated on the plans.

(8) Vegetative buffer strips in combination with other perimeter controls shall be used for the protection of adjacent properties, watercourses, and rights of way.

(9) Measures shall be implemented to control sedimentation deposits into drainage structures and features, receiving water bodies, natural karst features, roads, right-of-ways, and adjacent properties.

(F) *Sediment control BMP requirements.*

(1) Dust control techniques shall be employed to prevent the blowing of dust by air movements during land disturbance, demolition, and other construction activities.

(2) Diversion of upland runoff past disturbed slopes shall be implemented when necessary.

(3) Settling basins, sediment traps, tanks and/or perimeter controls shall be implemented as required by the Storm Water Manual to control sediment.

(4) Effective debris and trash management shall be required. At a minimum the following shall be met:

(a) Implementing waste management practices and disposal of wastes including a designated waste collection area on site that does not drain directly to a waterway, ensuring storage containers have lids, regular scheduled waste collection (daily, weekly, and the like) to prevent overfilling, cleaning up spills immediately and disposal of construction site waste at authorized landfills or disposal areas. Concrete trucks must wash out on the job site and the run-off not allowed to drain onto public streets or into the storm water collection system.

(b) Disposal plan for hazardous materials that may be utilized during construction in accordance with local and state solid waste regulatory agencies.

(G) Waterway, watercourse, ephemeral stream, and public storm drain protection requirements shall include the following:

- (1) A temporary stream crossing installed and approved by the Kentucky Division of Water and the City of Muldraugh if a watercourse will be crossed regularly during construction.
- (2) Stabilization of the watercourse channel before, during, and after any in-channel work.
- (3) Design of all on-site storm water conveyance channels in accordance with criteria outlined in the Storm Water Manual.
- (4) Stabilization adequate to prevent erosion located at the inlets and outlets of all pipes and paved channels.

(H) Construction site access requirements designed to minimize the deposit of sediment or other materials on public streets and rights of way shall include:

- (1) Continuous access via a stabilized rock entrance, constructed in accordance with the city's Storm Water Manual.
- (2) A tire wash rack may also be required by the city.  
(Ord. 294, passed 1-19-10)

**§ 154.07 INSPECTION.**

(A) Plans accepted by the city for grading, stripping, excavating, and filling work shall be maintained on site throughout the duration of the work after EPSC measures have been installed, the prospective permittee shall contact the city and request a pre-construction inspection.

(B) Upon completion of the pre-construction Inspection and approval of EPSC measures, the permit will be issued and site construction may commence.

(C) The city's designated agent shall make inspections as deemed necessary to ensure the EPSC measures are being properly implemented and maintained during construction. If minimum requirements for the EPSC are not met, the permittee shall be notified and enforcement actions shall be taken.

(D) The permittee or his/her agent shall make regular inspections of all control measures to determine the overall effectiveness of the EPSC plan and the need for additional control measures. The frequency of these inspections shall be once every seven (7) calendar days and before and after storm events of a half-inch (½") of precipitation or more. All inspections shall be documented in written form and kept on the construction site. Reports should be available for the city or state inspectors to review upon request during a site inspection.

(E) The city or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under division (D) of this section.  
(Ord. 294, passed 1-19-10)

**§ 154.08 ENFORCEMENT.**

(A) *Stop-work order; revocation of permit.* In the event that any person holding a site development permit pursuant to this chapter violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of the public near the development site or vicinity so as to be materially detrimental to the public welfare or injurious to property or improvements in the vicinity, the city or its designated agent may suspend or revoke the site development permit.

(B) *Violation and penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation the person, partnership, or corporation shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense. (Note for each day that the prohibited action is continued, it shall constitute a separate offense). In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of such restoration.

(Ord. 294, passed 1-19-10)