



**The Zoning Ordinance  
Of the City of Morgantown  
Adopted 1967**

**Amended:**

**Feb. 1982, 1991, Jan. 2003, Nov. 2005, June 2013, April 2014, July 2015 Sept. 2015, Dec.2015,  
Jan. 2016, April 2016**

**How to use this ordinance:**

**What regulations apply to my property?**

**Step 1: Find your property on the Official Zoning Map and note your zoning district and any overlay districts or historic districts that apply.**

**Step 2: Look in the Use Tables in Article 4 for uses that are allowed in your zoning district. The Use Tables state whether a use is permitted by right, permitted subject to specific use standards, allowed as a conditional use granted by the Board of Adjustments, or prohibited.**

**Step 3: Look up any overlay zones that apply to your site. These may include the flood district overlays.**

**Step 4: Look in the dimensional standards table in Article 4 for the development standards (lot, size, required yards, etc.) that apply to your zoning district.**

**Where can I locate a particular use?**

**Step 1: To determine the zoning districts in which a particular use may be located, look at the Use Tables in Article 4.**

**Step 2: Uses are permitted by right, permitted subject to supplemental use standards in Article 4, allowed as a conditional use granted by the Board of Adjustments, or prohibited.**

**Step 3: Remember that overlay districts (including Historic Preservation Districts) may impose additional restrictions on the property. Check the Official Zoning Map for your specific site.**

**How do I change my Zoning District?**

**Only the appropriate governing body may rezone property, following public notice and a public hearing in front of the Planning Commission and the governing body itself. See Article 8 Map Amendment (Rezoning).**

**How do I vary from the standards that apply to my Property?**

**The Board of Adjustments is authorized to grant variances from some of the regulations in this Ordinance in cases of special hardship. See Sec. 7.026, Variances.**

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**This, being an Ordinance enacting a revised Zoning Ordinance for the City of Morgantown and those areas surrounding the City which may be subject to annexation in the future,**

**Whereas, it is the intention of the City Council of Morgantown, Kentucky,**

- **To provide a plan for continued orderly growth of the City**
- **To regulate the growth patterns of areas which have become or will become a part of the City, and**
- **To make realistic adjustments to the existing map and regulations which are comparable with the present and expected business and growth patterns of the City of Morgantown.**

**Be it ordained, by the City Council of the City of Morgantown as follows:**



## **Article 1 General Provisions**

### **1.1 Goals**

This Zoning Ordinance shall be known and may be cited as the Zoning Ordinance of Morgantown, KY.

### **1.2 Objectives**

The objectives of this Ordinance are: To promote public health, safety, morals and the general welfare of the City; to facilitate orderly and harmonious development; and to preserve the visual and/or historical character of the City and the intensity of the land use.

### **1.3 Authority**

Zoning authority is granted by the Kentucky Revised Statutes, Chapter 100, that all Kentucky Revised Statutes shall be used to govern this ordinance, and provide for the enforcement thereof.

### **1.4 Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, rules, regulations or ordinances, the provisions of this ordinance shall govern.

### **1.5 Definitions**

The definitions of terms used herein shall be those contained in the Kentucky Revised Statutes, Chapters 100, 177, 19B and 219 as amended unless the context of use, or the specific definition contained in any article clearly provides otherwise.

### **1.6 Effective Date**

This Ordinance shall be in full force and effect after adoption by the City Council of Morgantown, Kentucky in 1967 as amended.

### **1.7 Severability Clause**

It is hereby declared that sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the city council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section. (Amended 9/1/2015 P/Z 9/01/2015)

### **1.71 Short Title**

This ordinance shall be effective throughout the city of Morgantown, Kentucky and shall be known, referred to, and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF MORGANTOWN, KENTUCKY"

## **Article 2 Districts and Boundaries**

### **2.01 Zoning Districts Established**

For the Purpose of this Ordinance, the incorporated territory of the City of Morgantown is divided into the following categories of Zoning Districts:

- **A**      **Agriculture District**
- **R-1**    **Low Density, Single Family Dwelling Residential District**
- **R-2**    **Medium Density, Single Family Dwelling Residential District**
- **R-3**    **Medium Density, Single and Multi-Family Dwelling Residential District**
- **R-4**    **High Density, Multi-Family Dwelling Residential District**
- **B-1**    **Central Business District**
- **B-2**    **Commercial District**
- **O-1**    **Office and Professional District**
- **I**      **Industrial District**

### **2.02 Boundaries**

The boundaries of the above zoning districts are hereby established as shown on the zoning map, a copy of which is appended hereto, and incorporated here by reference. The original of this map is on file in the Office of the City Clerk, City Hall, and Morgantown, Kentucky.

#### **2.021 Boundary Lines – Interpretation**

The boundary lines of districts are lot lines, the center lines of creeks or of such lines extended, branches or drains, the center lines of streets or alleys or such lines extended, and/or corporate limit lines

#### **2.03 Divided Lots – Extension of Districts**

Where a district boundary line established on the zoning map divides a lot of single ownership which was a lot of record at the time of the passage of this ordinance, then the least restrictive district requirements under which the lot was divided shall be applied to the entire lot.

#### **2.04 Vacated Street or Alley**

Whenever any public way is vacated through legal action, portions of it shall immediately, without further action, assume and be a part of the zoning district(s) through which they formerly passed.

#### **2.05 Annexed Lands**

In every case where land becomes a part of the City through annexation, such newly annexed land shall automatically be zoned R-3. Such designation shall remain in effect unless, or until the Planning Commission makes a recommendation to the City Council for a zoning change, and the council adopts such change.

**Article 3  
General Provisions**

**3.01 Provisions Applicable to Zoning Districts**

Except as hereinafter specified, the following provisions shall apply within all Zoning Districts:

**3.011 Activities Affected – Conformance Required**

No building or land shall hereinafter be used, and no building or part thereof shall be erected, moved, or altered unless for use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

No excavation or cut, or fill of earth or debris shall hereafter be undertaken unless a permit is issued by the Zoning Administration for such excavation, cut or fill.

Exception: The lawful use of any building, facilities or premises existing at the time of the enactment, or subsequent amendment, of this ordinance, which is not in conformity may be continued, if said use conformed and commenced during or prior to the 1962 Zoning Ordinance now repealed, but shall not be extended, enlarged or moved to occupy any portion of land or structure except in conformity with this Ordinance. Any buildings or facilities damaged or destroyed by natural disaster or fire may be repaired or rebuilt for continued non-conforming use, but such repair or rebuilding must be accomplished within one year, the use thereafter shall comply with this ordinance.

**3.012 Access Control**

**3.0121 Residential Districts**

Lots of less than one hundred (100) feet in width shall have no more than one (1) point of access to any public street. Lots wider than one hundred (100) feet shall be allowed one (1) additional point of access for each additional one hundred (100) feet of width or major fraction thereof.

No point of access shall be allowed within twenty (20) feet of the intersection of the right-of-way of intersecting streets.

A point of access shall not exceed twenty (20) feet in width for one-way and/or one lane ingress or egress. No two –way egress and/or ingress access restrictive district requirements under which the lot was divided shall be applied to the entire lot.

**3.0122 Business and Commercial Districts**

In all commercial districts, point of access to highways and streets shall be controlled by the regulations of the Planning Commission. Before any zoning permit for any structure in a business or commercial zone may be issued, the prospective builder or operator of the proposed activity shall submit a sketch of the layout and design of the proposed structure(s) and/or the access points to the highway or street to the zoning administrator for review as to their conformity with the regulations of the Planning Commission.

The Planning Commission may require that when two or more consumer commercial establishments adjoin, or are as located along one side of a street as to make a single point of access practical, the establishments should share such access.

Planned shopping areas of four or more establishments which adjoin, or are located in close proximity to each other on any major street, may be required by the Planning Commission to be served by a road parallel to the highway or street which has no more than two points of entry or egress. Such roadway shall be constructed at the expense of the owner(s).

In a planned Commercial District (see Article 6 of this Ordinance), ingress and egress shall be so designed as to minimize traffic congestion. No more than one entry-exit way shall be constructed for every one hundred fifty (150) feet of highway frontage or bordering roadway.

### **3.013 Accessory Buildings**

Accessory buildings must be at least five (5) feet from other building situated on the same lot, and five (5) feet from the boundary line of all adjoining lots.

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

### **3.014 Dwelling in Rear of Main Building Prohibition Exceptions:**

No building in the rear of a principal building shall be used for residential purposes unless it conforms to all yard, open space and off-street parking requirements for a rear dwelling, measured from the required rear yard line of the principal building. A certificate of occupancy must be obtained before a rear dwelling can be used for residential purposes.

### **3.015 Height Limitations – Exceptions**

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, domes now intended for human occupancy monuments, water towers, observation and transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, masts and aerials.

### **3.016 Lots of Record**

The owner of a lot or official record, which at the time of the adoption of this Ordinance did not include sufficient area of land to conform to the yard or other dimensional requirements of this Ordinance, may be used as a building site to conform with the district in which it is located, provided, however, that the yard and other requirements of the district are complied with as closely as it is possible to achieve in the opinion of the board.

### **3.017 Off Street Parking**

Off street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established. Such space shall be provided with

vehicular access to a street or alley. (For purposes of computing the number of parking spaces available in a given area, the ratio of four hundred (400) square feet per parking space shall be used). The following are the minimum requirements for specific use:

- 1 Dwelling: One (1) space for each family dwelling unit.
- 2 Apartment Building: One (1) space for each two (2) rooms occupied, or intended for occupancy by roomers, in addition to the requirements of the above subsection.
- 3 Rooming House: One (1) space for each two (2) rooms occupied, or intended for occupancy by roomers, in addition to the first subsection above.
- 4 Tourist Accommodation: One (1) space for each room offered for tourist accommodation, plus one (1) space for each employee on duty at any time.
- 5 Restaurant and Boarding House: One (1) space for each five (5) services seats at full capacity, plus one (1) for each three (3) employees. (Except in B-1 District).
- 6 Theater, Auditorium, Church, or Other Place of Public Assembly, (Except in B-1 District): One (1) space for each five (5) seats available at maximum capacity.
- 7 Commercial or Business Buildings in B-2 District: Four (4) spaces for the first one thousand (1,000) square feet of floor space, and one (1) additional space for each two hundred fifty (250) square feet of space above that.
- 8 Office and Professional Buildings Outside the Central Business District: One (1) space for each employee whose basic duties are carried out inside the building, and two (2) spaces for each one hundred (100) square feet of waiting room or customer service area.
- 9 Industrial Plant: One (1) parking space for each four (4) employees at maximum employment on a single shift plus one (1) space for each car or truck operated by the plant. The Planning Commission may require additional parking spaces as it deems necessary.
- 10 Trailer and Mobile Home Park: One (1) space for each mobile home lot or unit, plus one-fourth (1/4<sup>th</sup>) space for each mobile home lot. The additional parking may be in a central location.
- 11 Combined Uses: Shall meet minimum requirements for both or all uses. (Example- A Tourist Accommodation and Restaurant)

### **3.018 Unloading Space**

Every new building or structure intended for business or trade shall provide not less than one (1) loading and unloading space which will accommodate large trucks, tractors and semi-trailers for the delivery and receipt of merchandise off the street. Such spaces shall have access to a public alley, or if there is no alley to a public street (except in the B-1 District).

### **3.019 Setback Lines, Exceptions**

Front yard setback lines shall be measured from the street-facing property line to the outermost protrusion of the building or structure. Front yard setback lines may be varied where the average depth of principal buildings on adjoining properties is less or greater than the depth prescribed elsewhere in this ordinance. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two (2) lots immediately adjoining.

**3.020 Street Frontage Required**

Except as permitted by other provisions of this ordinance, no lot shall contain any building which is used in whole or in part for residential purposes unless such lot abuts for at least fifty (50) feet on a street or public highway.

**3.021 Subdivision Coordination Required**

In all cases where the ownership of land is divided for the purpose of eventual development of building lots, the provisions of the subdivision regulations shall be applicable in addition to the provisions of this ordinance.

**3.022 Traffic Visibility across Corner Lots**

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

The provisions of this section do not apply to the central business district, nor shall the requirements of this section be deemed as prohibiting any necessary retaining wall.

The Board of Adjustments (BOA) may either increase or reduce the requirements of this section in the interest of safety, where unusual or special conditions warrant consideration.

**3.023 Water Supply and Sewage Disposal Approval**

It shall be unlawful to construct any building without water supply and sewage disposal facilities which have been approved by the county health officer. Wherever water and sewer mains are accessible, buildings shall be connected to such mains. In every case, individual water supply and sewer disposal must meet the requirements set by the City and/or the county health officer. The City or the county health officer's certificate approving proposed and/or completed water and sewage facilities must accompany applications for building permits and certificates of occupancy.

**3.024 Signs and Advertising Devices**

The purposes of this section are:

1. To assure maximum visibility along streets and to prevent unreasonable distraction for motor vehicle operators.
2. To preserve and enhance natural scenic beauty and historical sites by the avoidance of unsightly cluttering or advertising signs and devices.
3. To promote pedestrian safety.
4. To facilitate police and fire protection.
5. To provide for orderly and visible informative advertising opportunities for all businesses and attractions which benefit from appropriate signs and advertising devices.

**Scope of this section:** The provisions of this section shall apply to the construction, erection, use, location and maintenance of signs in all districts. The provisions of this Ordinance shall apply to signs existing on the effective date of this Ordinance. Signs in legal existence on the effective date of this ordinance, but not in conformity with it, may remain in extended, enlarged or moved to occupy a portion of land or a structure except in conformity with this ordinance. Only routine maintenance may be performed on the sign and its structure until such time as the sign is brought into conformance with these regulations. Unless otherwise permitted by this Ordinance, no new sign may be erected, constructed or displayed within the planning area after the effective date of this Ordinance unless all the provisions of this Ordinance are met.

Signs and billboards placed along the federal and state highways, including US 231, 79, and 70 must conform to the regulations of the Kentucky Department of Transportation in accordance with Kentucky Revised Statute 177.

### **3.0241 Signs Permitted in Zoning Districts**

#### **A. Residential Districts**

Unlit temporary residential zoned signs are allowed only the premises on which they are displayed and maintained. Such signs must not exceed ten (10) square feet in area, and are to be used only temporarily. Real Estate signs must be displayed at least five (5) feet from all lot boundaries. Signs advertising home occupations may not exceed one (1) square foot in area and must be affixed to the front of the building in which the activity is carried on.

Churches, schools, and other public and semi-public institutions may erect bulletin boards not exceeding twenty (20) square feet in area.

Subdivisions may be identified by one non-illuminated sign at each entrance. These signs shall not exceed thirty (30) square feet in area.

Apartment complexes containing eight or more housing units may be identified by a permanent sign of no more than thirty (30) feet in area.

#### **B. Business and Commercial Districts**

In the Central Business District zoned advertising signs are permitted, but care must be taken to preserve the historical nature of that district. The use of lighting is permitted, but signs and advertising devices shall be placed on buildings in a flat manner and shall not extend more than twelve inches from the building.

Individual establishments in a commercial district which are not within a shopping center or a planned commercial district may choose to display either one (1) free standing sign, or to hang a sign perpendicular to the front of the establishment. Such signs must not exceed one hundred (100) square feet in area, and the outermost edge of the sign must be at least ten (10) feet from the property line not to exceed one (1) sign display per

wall. These signs may be lit so long as they are not illuminated in such a way as to constitute a hazard inhibiting the vision of vehicle operators.

**C. Shopping Center**

For the purpose of this Ordinance, a shopping center is defined as two or more commercial establishments which share a common place name such as "Shopping Center" "Market Place" or similar identification.

A shopping center may have one (1) free standing sign not exceeding one hundred (100) square feet in area exclusive of a directory of occupants. Signs on stores or service establishments within the center shall be placed on buildings in a flat manner, extending no more than twelve (12) inches outward from the building.

**D. Planned Commercial Developments**

Each planned commercial development shall be permitted two (2) free standing signs not over twenty five (25) feet in height, no more than one hundred fifty (150) square feet in area exclusive of any directory of firms. Other signs in the development shall be attached to the buildings in a flat manner and shall not extend from the building more than twelve (12) inches.

**E. Office and Professional District**

Office or professional buildings may be designated by one free standing sign not exceeding one hundred fifty (150) square feet in area bearing the name of the building or complex, and listing the names of the tenants. Individual signs or tenants shall be affixed to the front or sides of the structure, or upon doors or windows.

**F. Industrial Districts**

Industrial parks designated for multiple occupancy shall be permitted one (1) free standing sign or billboard not to exceed one hundred fifty (150) square feet in area for each roadway or street which borders the park. No sign may be located closer to the street right of way than twenty (20) feet.

Individual industry locations shall be permitted one (1) free standing sign not exceeding one hundred fifty (150) square feet in areas for each roadway or street which borders its property. Such sign(s) shall not be located closer than twenty (20) feet from the property border line(s). Other signs shall be affixed flat against buildings.

Each industry, whether in a park, or occupying a separate lot, shall be permitted one (1) free standing sign not more than twenty (20) square feet for directional purposes to assure the convenience of vendors and visitors.

**3.0242 Temporary Signs**



The following signs shall be permitted in all districts and shall not require a permit unless otherwise noted:

- A. Construction zone signs which identify the architects, engineers, contractors and other individuals or firms which are involved in a permitted project. Product logos may be displayed, but no additional advertising shall be allowed. Such signs shall be restricted to an area of sixteen (16) square feet for each firm. The signs must be restricted to the construction site, and shall be removed within fourteen (14) days after the completion of the advertised project.
- B. Real Estate zone signs advertising the sale, rental or lease of premises shall be restricted to a total of thirty five (35) square feet for properties other than residential. For residential properties the limit shall be ten (10) square feet. These signs shall not be illuminated, and must be removed within fourteen (14) days after the sale, lease or rental by the seller, lessor or his agent.
- C. Street banners advertising a public entertainment or event require the approval of the Zoning Administrator. Such approval may be given for a period of thirty (30) days prior to the event. The Banners must be taken down within seven (7) days after the event takes place.

### **3.0243 Portable Signs**

In locations other than planned commercial developments, or shopping centers, mobile, portable signs shall be permitted for periods of thirty (30) days for the purpose of advertising special events or sale specials which may be offered by an enterprise. Such signs must be placed so as not to obstruct the motorists' view of the right of way, and must be set back at least to the mid-point of the required setback line and the traveled portion of the roadway. In no instance shall such signs be closer than ten (10) feet to the roadway.

A permit (Waiver Request Form) for the placement of portable signs must be obtained from the Zoning Administrator. Permits will be valid for a period of thirty (30) days from the date of issue, and are not renewable. A period of thirty (30) days must elapse before a portable sign may be displayed on the same lot.

### **3.0244 Permanent Signs, Billboards**

This section's purpose is to reduce billboard distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of way, provide more open space, and curb the deterioration of the natural environment and enhance community development.

### **3.0245 Permits for Sign and Billboard Construction or Erection**

Applications for the construction or erection of new permanent signs, or for modifications of existing billboards and signs, shall be made to the Zoning Administrator on forms to be provided by said Zoning Administrator.

A fee of twenty five (25) dollars shall accompany the application to defray the cost of issuing a permit and for the inspection of a sign after its installation. A fee of fifty (50) dollars shall

accompany the application to defray the cost of issuing a permit and for the inspection of a billboard after its installation.

### **3.0246 Billboards**

For this Ordinance, billboard shall be defined as a freestanding sign advertising a business, commodity, service, activity, or entertainment not taking place on the premises upon which the billboard is located. Billboards, where permitted, shall be set back from the established right-of-way of any state or federal road or highway at least one hundred (100) feet, provided that any billboard adjacent to the William Natcher Parkway shall be set back six hundred sixty (660) feet from the established right-of-way. Signs and billboards locate at the intersection of two or more roads or highways shall meet the setback requirements of both roads and highways. Billboards shall be permitted only along state and federal highways in highway business, light and heavy industrial districts, and agricultural zoning districts. They shall be located no closer than five hundred (500) feet from any residential district or subdivision and shall not exceed at height that will impede the direct line of sight of a pre-existing residential dwelling or place of business. Billboards shall be located no closer than two hundred (200) feet apart measured from the center of each billboard on the same side of the road or highway and no closer than fifty (50) feet to the side or rear property line. Billboards shall be installed using one of three approved construction specifications.

#### **Steel A-Frame Construction**

This class of billboard is constructed with angle iron or steel supports with metal framing and a single display panel. Supports may be imbedded in the ground. There may be a foundation of concrete or gravel. Lighting, if present, is either fluorescent or mercury vapor.

#### **Base Specifications**

Structure- Steel pole, angle iron, I-Beam or equivalent as primary support

Foundation- Concrete, gravel or equivalent

Platform or Catwalk- Included in Base

Panels- Included in Base

Apron- Included in Base

Lighting- Included in Base

Additional Panels- None

#### **Multi-Mast Structure**

This class of billboards is constructed with steel pole, I-beam or equivalent as primary support, and a single display panel. Lighting is fluorescent or mercury vapor.

#### **Base Specifications**

Structure- Steel pole, angle iron, I-Beam or equivalent as primary support

Foundation- Concrete, gravel or equivalent

Platform or Catwalk- Included in Base

Panels- Included in Base

Apron- Included in Base

Lighting- Included in Base

Additional Panels- None

#### **Monopole**

This class of billboards is constructed with tubular steel support (of various circumferences), tubular steel framing, metal catwalk and a single display panel. The foundation is concrete. Lighting is fluorescent or mercury vapor.

**Base Specifications**

**Structure-** Tubular steel supports

**Foundation-** Poured concrete

**Platform or Catwalk-** Included in Base

**Panels-** Included in Base

**Apron-** Included in Base

**Lighting-** Included in Base

**Additional Panels-** None

**3.0247 Government Signage**

Any official informational signs, directional signs, or historical marker erected by a government agency is permitted in all zones and does not require a location or zoning permit.

**3.0248 Lack of Conflict**

In no way shall the provision of this article be taken to be in conflict with State or Federal regulations regarding obstructions or placement of structures in the State or Federal right-of-ways. In all cases, the most restrictive provisions will apply.

**3.0249 Ingress and Egress Free**

No outdoor advertising display sign shall be erected, constructed, or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or so as to prevent free passage from one part of a roof to any part thereof. No sign shall be attached in any form, shape, or manner to a fire escape and shall not be placed in such a manner as to interfere with any opening required for legal ventilation.

**3.0250 Flashing Signs**

Flashing signs shall not be permitted in any zone, whether permanent or temporary on or off premise. Flashing signs shall be defined as a sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate time, temperature, weather or similar public service information, shall not be considered flashing signs. Revolving signs of constant illumination shall not be considered flashing signs.

**3.0251 Temporary Signs**

Temporary Sign is defined as a sign intended for a use not permanent in nature. For the purposes of which is intended for use of one (1) year or less, unless otherwise allowed or waived in this Ordinance, shall be deemed a temporary sign.

A temporary sign placed on private property must have gained permission from the property holder.

**Responsibility for candidate advertisement pursuant to KRS 121.190**

**KRS 121.190 Identification of contributors and advertisers.**

1. All newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio announcements which expressly advocate the election or defeat of a clearly identified candidate, slate of candidates, or group of candidates for nomination or election to any public office shall be identified by the words "Paid for by" followed by the name of the candidate, slate of candidates, or campaign committee, whichever is applicable. For television and radio broadcasts, compliance with Federal Communications Commission regulations regarding sponsored programs and broadcasts by candidates for public office shall be considered compliance with this section.
2. The management of newspapers and magazines shall keep a one (1) year record of all statements, articles, or advertisements referred to in subsection one (1) of this section that appear in their publications, however, nothing in subsection one (1) of this section shall be construed to require editors or editorial writers of newspapers and magazines to identify themselves in the manner therein required with any article or editorial written by them as part of their duties as an employee or employer. Effective July 15, 1996.

Temporary signs should be set back to a minimum of twenty five (25) feet from the center line on the adjacent road or ten (10) feet from the right-of-way of the road as determined by the property owner's line intersecting with a defined right-of-way whichever is the greater distance. Where there is a substantial permanent barrier, either natural or constructed, between a sign and the roadway the Zoning Administrator may permit closer placement if public safety is not affected.

All movable signs shall be classified as temporary signs; however such signs must be in compliance with all other regulation outlined in this Ordinance. All temporary signs must be in compliance with regulations for signs and billboards in regard to placement, including visibility at intersections as outlined. For purposes of this section, a movable sign is any sign capable of being moved with the use of a mechanical device.

#### **Temporary Signage**

Temporary signs should meet the following criteria:

Signs should be placed no sooner than 120 days prior to the scheduled event and should be removed within ten (10) days after that event has concluded.

No larger than 64 square feet

Have a Statement of Responsibility filed with the City of Morgantown certifying a person who will be responsible for removal of the sign. These forms are available at the County Clerk's Office and Morgantown City Hall.

The Commission shall require a signed notification of intent to erect temporary signs by the party or their authorized representative's responsibility to see that temporary signs are removed within the number of days that are specified for its removal. The responsible party, who fails to make the required notification, may be charged a fee at the same rate charged for permanent signs. Such signs may be located on private property only with the owner's permission or consent. It shall be presumed the property owner has given permission or consent to the sign's placement unless the property owner notifies the City otherwise.

## Temporary Signage Standards

Material should consist of card board or vinyl signs with areas not exceeding sixteen (16) square feet mounted on furring strips or similar wooden material may be placed without regard to this ordinance except that no sign shall be placed where it may be a hazard or have the potential to create a hazard. Signs not in conformity with this ordinance or ones for which there has been no waiver will be covered over or removed if such signs are on public streets to right-of-ways. Sections of this Ordinance any also apply. Temporary signs may be posted no earlier than fourteen (14) days prior to the event. They must be removed no later than ten (10) days following the final day of the event. Any temporary sign perceived by the Zoning Administrator as presenting a hazard to traffic or the general public shall be removed immediately by the owner upon written notice from the Zoning Administrator. Under no circumstances shall temporary signs be posted on Utility poles. All persistent or willful violations of these regulations may be penalized and fined fifty (50) dollars in accordance with this Zoning Ordinance. Provisions regarding the regulation of other temporary signs as required in other sections of this article.

### 3.0252 Temporary Sign Exception (Waiver Request Form)

A Waiver Request Form can be requested in writing by the vested group or organization from the Zoning Administrator or at City Hall for the placement of temporary signs advertising public services and non-profit events and may be granted at the City's discretion.

### 3.0253

All non-conforming signs must either be altered to conform to this ordinance or be removed within a period of seven (7) years from the date of the approval of this ordinance by the Morgantown City Council.

### 3.0254 Sign Maintenance

1. It shall be the duty of the Zoning Administrator to inspect all signs or billboards upon which a complaint has been made or when the Zoning Administrator has a personal knowledge that a sign is not in compliance with zoning regulations.
2. Should any sign become insecure or in danger or falling or otherwise unsafe in the opinion of the Zoning Administrator the owner thereof or the person or firm maintaining the same shall upon written notice from the Zoning Administrator. In the case of immediate danger forthwith and in any case within ten (10) days secure the same manner to be approved by the Zoning Administrator or remove such sign. If such order is not compliant within ten (10) days the Zoning Administrator may remove such sign at the expense of the owner or lessee thereof.
3. All signs for which a permit is required together with all their supports, braces, guys and anchors should be kept in repair unless constructed of galvanized or non-corroding material and shall be thoroughly painted at least once every two years. The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee.
4. Any sign now or hereafter existing which no longer advertises a reputable business shall be taken down or removed by the owner, his agent, or person having the beneficial use of the building, structure or lot. Upon failure to comply with such notice within the time specified in such order the Zoning Administrator is hereby authorized to cause the removal of such sign and any expense incidental thereto shall be paid by the owner of the building, structure, or lot to which the sign is attached. The Board of Adjustment (BOA) may waive this requirement

only for historic preservation purposes and when the owner can prove the need for the waiver to qualify for funding or tax credits.

### **3.0256 Violations**

In any case where a sign shall be installed, erected, constructed or maintained and found to be in violation of any of the terms of this ordinance the Enforcement or Zoning Administrator shall notify by registered mail or written notice served personally to the owner or lessee thereof to alter such sign as to comply with this Zoning Ordinance and to secure the necessary permit, therefore, or to remove the sign. If such order is not complied with within ten (10) days, the Zoning Administrator may remove such sign at the expense of the owner or lessee thereof. Additionally, failure to comply with any of the provisions of this article may result in a fifty (50) dollar fine per violation and shall be punishable under this ordinance.

### **3.0256 Statement of Responsibility**

**3.0257 Waiver Request Form**



**Article 4**  
**Zoning Districts and Basic Requirements**

**4.01 Agricultural Districts**

Land dedicated to agricultural purposes, including row cropping, plant nurseries, greenhouses, commercial kennels, riding stables and fishing lakes, shall be permitted in agricultural districts within the city limits.

**4.011 Prohibited Uses**

Within the City Limits the following agricultural activities are prohibited: animal husbandry, dairying, egg and poultry production, farrowing, and other agricultural activities which constitute noise or waste nuisances.

**4.012 Conditionally Permitted Uses**

Subject to the approval of the Board of Adjustments the following uses of land may be approved within an agricultural district: churches, Sunday School buildings, parish house, hospitals, sanitariums, convalescent or nursing homes, public and parochial instruction, public buildings and properties, public parks, public utilities, quarries and gravel pits, public and private sewage disposal plants, garbage and/or refuse disposal sites, and wireless transmitting stations. Type I manufactured housing, Travel trailer parks and/or campground fires may also be established in an agricultural district as a special exception.

**4.02 Single Family Residential Districts (R-1)**

**4.021 Principal Permitted Uses**

Single Family dwellings and planned residential development projects as described in Section 6.03 of this Ordinance.

**4.022 Conditionally Permitted Uses Requiring Board of Adjustment Approval**

The Following permitted uses are exceptions in R-1 District, and require the written approval of the Board of Adjustment: Churches, and other places of worship, parish houses, public libraries, schools offering general or specialized education courses, Type I manufactured housing, day care and/or nursery services, public parks and non-commercial public recreational facilities, nursing homes, hospital for the care of humans, philanthropic institutions and clubs (except clubs of which the chief activity is customarily carried on as business.)

**4.023 Accessory Buildings and Uses**

Accessory buildings and uses shall be permitted as customarily incidental to the conditional use.

**4.024 Lot Area, Frontage and Yard Requirements**

**Minimum Dimensional Requirements:**

**Lot Area: 12,000 square feet**

**Lot Width at Bldg. Line: 75 feet**

**Yard Space (expecting unattached accessory building)**

**Rear Depth: 25 ft.**

Side Yards: 12 ft.  
Front Depth: 35 ft.  
Frontage: 40 ft.

The minimum width of side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street.

#### **4.030 Single Family Residential District Medium Density (R-2)**

##### **4.031 Principal Permitted Uses**

Single Family Dwellings and Planned residential development projects as described in Section 6.03 of this Ordinance.

##### **4.032 Conditionally Permitted Uses Requiring Board of Adjustment Approval**

The following permitted uses are exceptions in R-2 District, and require the written approval of the Board of Adjustment: Churches, and other places of worship, parish houses, public libraries, schools offering general or specialized education courses, day care and/or nursery services, Type I manufactured housing, public parks and non-commercial public recreational facilities, nursing homes, hospital for the care of humans, philanthropic institutions and clubs (except clubs of which the chief activity is customarily carried on as business.)

Additional conditionally permitted uses with R-1 and R-2 may include a home occupation, renting of sleeping rooms, music teaching, tutoring, tax and bookkeeping work, emergency and occasional medical treatment without stated regular hours, home sewing, home making and manufacturing for retailers such as fish bait making, labeling and mailing envelopes and literatures. The selling of any merchandise to the general public shall be prohibited. This section shall not prohibit the owner's use of an R-1 or R-2 residence to make solicitation calls, calls to clients, customers, use their homes as an office for their personal business, such as an insurance debit. But no home occupation shall in any manner generate business traffic on a continuous regular basis as a retail or wholesale outlet. Home occupations shall not permit home storage for retail or delivery sales. Such activity shall not permit public advertisement or induce prospective customers to visit the R-1 and R-2 residence, or create traffic or customer flow. Such activity shall occupy no more than twenty five (25) percent of the total floor area of the dwelling, garage area, out buildings including. Non-family help or employees are prohibited.

##### **4.033 Accessory Buildings and Uses**

Accessory buildings and uses shall be permitted as customarily incidental to the conditional use.

##### **4.034 Lot Area, Frontage, and Yard Requirements**

###### **Minimum Dimensional Requirements:**

Lot Area: 10,000 square feet  
Rear Depth: 25 ft.  
Side Yards: 10 ft.  
Front Depth: 35 ft.

#### **4.040 Multi-Family Residential District Medium Density (R-3)**

##### **4.041 Principal Permitted Uses**

Single and Multi-Family residences and Planned Residential Developments subject to Article 7.

##### **4.042 Conditionally Permitted Uses Requiring Board of Adjustment Approval**

**A. The following uses are special exceptions in an R-3 District and require the written approval of the Board of Adjustments: Churches, and other places of worship, parish houses, public libraries, schools offering general or specialized education courses, day care and/or nursery services, Type I manufactured homes public parks and non-commercial public recreational facilities, nursing homes, hospital for the care of humans, philanthropic institutions and clubs (except clubs of which the chief activity is customarily carried on as business.)**

**B. Other conditionally permitted uses within an R-3 district may include: an office in the residence of a physician, dentist, lawyer, engineer, architect, realtor, insurance agent, the studio of an artist, a teacher of music (limited to one pupil at any one time). Such uses must not involve more than one half (½) of the area of one floor of the dwelling, and no more than one (1) person not resident on the premises may be employed. It is further required that such use shall not require structural alterations, or features not customarily in dwellings. An indirectly lighted sign or name plat not more than one (1) square foot in area may be attached float against the side of the building.**

**C. Additional conditionally permitted R-3 uses may include such customary home occupations as handicraft, dressmaking, laundering, beauty and barber shops, etc. These occupations must be conducted exclusively by resident occupants in their place of residence, and not more than one-fourth (¼) of the area of one floor of the residence shall be used for such purpose. It is further required that with the exception of handicrafts, no more than twenty (20) percent of the revenue of home occupations shall be derived from the sale of items at retail. The use of a residence for home occupations shall not require alteration, or structural features not customarily found in a dwelling. An indirectly lighted sign or name plat not more than one (1) square foot in area may be attached float against the side of the building. The Planning Commission may attach such conditions as it deems necessary to preserve and protect the nature of the district.**

##### **4.043 Accessory Buildings and Uses**

Accessory buildings and uses shall be permitted as customarily incidental to the conditional use.

##### **4.044 Height Requirements**

No principal structure in an R-3 district shall exceed three (3) stories, or thirty six (36) feet in height.

##### **4.034 Lot Area, Frontage, and Yard Requirements**

**Minimum Dimensional Requirements:**

**Lot Area: 8,000 square feet with 2,000 extra square feet for each additional family occupying the building.**

Rear Depth: 25 ft.  
Side Yards: 10 ft.  
Front Depth: 25 ft.

Minimum width of the side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street.

**4.050 Multi-Family Residential District High Density (R-4)**

**4.051 Principal Permitted Uses**

Single and Multi-Family dwellings, planned residential development projects as permitted in Article 7 of this Ordinance; mobile home parks which meet the requirements of Article 6 of this Ordinance.

**4.052 Conditionally Permitted Uses Requiring Board of Adjustment Approval**

The conditionally permitted use in this district shall be the same as that of an R-3 District.

**4.053 Accessory Buildings and Use**

Same as in R-3 district

**4.054 Lot Area, Frontage and Yard Requirements**

**Minimum Dimensional Requirements:**

Lot Area: 6,000 square feet with 2,000 extra square feet for each additional family occupying the building.

Lot width at bldg. line

Single Family: 50 ft.

Multi-Family: 60 ft.

**Yard Space, other than attached buildings**

Rear Depth: 20 ft.

Side Yards: 8 ft.

Front Depth: 20 ft.

Frontage (Public Street): 40 ft.

Minimum width of the side yards along intersecting streets shall be the same as the front yard setback required for the residential district on such side street.

**4.060 Central Business Commercial District (B-1)**

**4.061 Principal Permitted Uses**

Consumer and personal services and/or retail establishments.

**4.062 Conditionally Permitted Uses Requiring Board of Adjustment Authorization**

The following uses are special exceptions in a B-1 district and require written approval of the board of Adjustment:

Apartments, townhouses and single family dwellings, churches and other places of worship, parish houses, schools, day care centers and nurseries, funeral homes, hospitals or clinics for

human care, industry, and philanthropic institutions and clubs (except those whose principal activities are carried on as a business or commercial activity suitable to the district)

**4.062A**

The Board of Adjustments may attach such conditions to its approval as are deemed essential to the preservation of the character of the district as a historical area or the general appearance of the area so as to improve its economic appearance.

Although metal and prefabricated buildings are not prohibited, all buildings and structures shall, with the initial permit, specify the type of veneer or siding to be exposed to the public ways and they shall provide for suitable veneer, in keeping with the surrounding area and the commercial and mixed residential areas so as not to depreciate the general appearance of the area. The Board of Adjustment shall review such permit for approval and encourage beautifying veneer and discourage metal and wood siding not in conformity with the area. The permit shall further provide for landscaping, tree and shrub planting appropriate under each circumstance.

**4.063 Accessory Uses**

Any accessory use or building customarily incidental to permitted uses may be permitted.

**4.064 Signs**

As permitted in section 3.024 of this Ordinance.

**4.070 Commercial District (B-2)**

**4.071 Principal Permitted Uses**

Any retail business or service establishment; a planned commercial development.

**4.072 Conditionally Permitted Uses Requiring Board of Adjustment Authorization**

The following uses are exceptions in a B-2 district and require written approval of the Board of Adjustment:

Apartments, townhouses and single family dwellings, churches and other places of worship, parish houses, schools, day care centers and nurseries, funeral homes, hospitals or clinics for human care, industry, and philanthropic institutions and clubs (except those whose principal activities are carried on as a business or commercial activity suitable to the district)

The Board of Adjustments may attach such conditions to its approval as are deemed essential to the preservation of the character of the district as a historical area or the general appearance of the area so as to improve its economic appearance.

**4.074 Accessory Uses**

Any accessory use or building customarily incidental to permitted uses may be permitted.

**4.075 Required Conditions**

Screening: Where a commercial lot adjoins a residential lot, the commercial owner shall provide a well maintained compact hedge, a solid fence, or similar solid screening device, at least six (6) feet in height, to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front of the building line and extend along the common

side lot line to the rear property line. Access to streets and highways: as required in section 3.0122 of this Ordinance.

**4.076 Lot Area, Frontage and Yard Requirements**

**Minimum dimensional requirements**

**Lot area: No Set Dimensions**

**Frontage: No Set Dimensions**

**Front Set Back: 25 ft**

**In commercial districts along federal aid highways, buildings may be no closer to the highway right-of-way than fifty (50) feet.**

**Side yard widths: No Set Dimensions (However, if the lot adjoins a residential district, buildings shall be so located as to comply with the requirements of the adjoining residential district as to side yards).**

**Rear Yard Depth: No Set Dimensions (However, if the lot bounds on an alley, there shall be a rear depth sufficient for loading, unloading and access for emergency vehicles such as fire trucks).**

**All buildings on corner lots adjoining a residential district shall be located so as to conform to corner lot side yard requirements of said residential district.**

**4.077 Sign and/or Billboard Regulations**

**Governed by section 3.024 of this Ordinance.**

**4.080 Office and Professional Building District (O-1)**

**4.081 Permitted Uses**

**Permitted uses for this district are: diagnostic clinics, hospitals and health clinics, architectural, engineering, financial management, insurance, accounting, financial institutions and legal offices, medical offices for treatment by physicians, museums, art galleries and libraries, and allies or similar uses to include the sale at retail of consumer items such as drugs, medical supplies or appliances, office equipment and supplies, etc.**

**4.082 Conditionally Permitted Uses Requiring Board of Adjustment Authorizations**

**The following uses are special exceptions in an O-1 district and require written approval by the Board of Adjustment:**

**Apartments, townhouses, industry, schools, and philanthropic institutions and clubs.**

**4.083 Accessory Buildings and Uses**

**Any accessory use or building customarily incidental to permitted uses may be permitted.**

**4.084 Lot Area, Frontage and Yard Requirements**

**Minimum dimensions**

**Lot Area: None**

**Rear yard: 25 feet**

**Side Yards: 10 feet**

**Front Yard: 25 feet**

**Frontage: None**

**4.085 Parking**

As provided in section 3.017 of this ordinance.

**4.086 Accessible**

Same as those set forth for commercial districts.

**4.087 Signs**

As set forth in section 3.024 of this Ordinance.

**4.090 Industrial District (I)**

For the purposes of this Ordinance, industry is defined as the activity of assembly, conversion or change of form or appearance of physical materials or chemical elements, natural or manmade, in anticipation of enhancing economic value or usefulness.

In addition to such activity, certain types of commercial operations of sale, service and warehousing are deemed to be especially suited for location in an industrial district. Commercial or business enterprises other than those specifically noted may be permitted with the approval of the Board of Adjustment.

**4.091 Permitted Uses**

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

**4.0912 Sales Firms**

Sales lots, display and stocking areas for the following types of business are deemed to be suitable for industrial districts: automobiles, trailers and mobile homes, farm implements, lumber and building materials and wholesale or jobbing firms.

**4.0913 Service Establishments**

The following types of service establishments are designated as suitable for industrial districts: automobile rental agencies, animal hospitals, motorcycle repair and carpet cleaning.

**4.0914 Warehousing and Storage and Truck and Freight Terminal**

Warehousing and storage facilities and truck and freight terminals as a general category are permitted in industrial districts.

**4.0914 (a) Auto and Other Junk Yards**

Open storage is permitted in industrial districts. The Board of Adjustment shall require screening of the area by fence or other approved method so storage is not visible from public ways all junk yard permits shall be conditional and granted year to year and the Board of Adjustment may from time to time regulate use.

**4.0914 (b) Public and Private Mini-Storage Units**

Public and private mini-storage units shall be permitted subject to approval of structure by the Board of Adjustment.

**4.0915 Public Facilities**

Public water and sewage treatment plants and other public facilities and utility plants are permitted in industrial districts.

**4.092 Conditionally Permitted Uses Requiring Board of Adjustment Authorizations**

The following manufacturers require the written approval of the Board of Adjustment for conditional use permitting in an industrial zone: acids, acetylene gas, refining, blast furnaces, bricks, charcoal, chemicals, creosote treatment and production, exterminator or insect poisons, rendering, fertilizer, leather curing and tanning, lime monuments, plaster of paris, quarrying, rock crushing, sawmills, sulphur, sulphuric acid and derivatives, tar distillation, terra cotta, transfer stations and landfills.

Other conditional uses include: refuse dump, scrap iron and salvage yards, junk car lots, coal washing and wrecking material yards.

**4.093 Accessory Buildings and Uses**

Any accessory use or building customarily incidental to permitted uses may be permitted.

**4.094 Required Conditions**

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

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

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

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

**4.095 Lot Area, Frontage and Yard Requirements**

**Dimensional Minimums**

Lot Area: None

Frontage: None

Front Depth: 40 feet

Side Yards: 25 feet

Rear Depth: 25 feet

No yard shall be required for that part of a lot which abuts upon a railroad siding.

All buildings on corner lots adjoining a residential district shall be located as to conform to corner lot requirements of said district.



**4.096 Signs and Billboards**

**As permitted in section 3.024 of this Ordinance.**

**Article 5**  
**Manufactured Homes and Manufactured Home Parks** (amended 4/12/16 P/Z)

**5.01 Manufactured Home Parks Allowed as Permitted uses and Conditional uses.**

For the purpose of this section the following definitions and stipulations as set forth in KRS 100.348, KRS 227.550, and KRS 219.310-219.410 and including 902 KAR 15:010 shall apply:

A manufactured home park is a residential area in which manufactured home lots are rented exclusively for use as sites for certified mobile and manufactured homes for residential use along with other uses permitted herein. Ownership of all land in a manufactured home park shall be maintained by the developer, his heirs, successors or assignees. No lots shall be severed and sold from the manufactured home park and shall fall in compliance.

As used in this section unless the context requires otherwise:

- (a) "Compatibility standards" means standards that have been enacted by a local government under the authority of this section for the purpose of protecting and preserving the monetary value of real property located within the local government's jurisdiction;
- (b) "Local government" means a city, county, urban-county government, charter county government, or consolidated local government that is engaged in planning and zoning under KRS Chapter 100.348;
- (c) "Manufactured Home" means a single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 USC. Section 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;
- (d) "Qualified manufactured home" means a manufactured home that meets all the following criteria as set forth in sections 5.03 and 5.14.
- (e) "Owner of record" means the person recorded on public real estate records as the owner of real property;

The following compatibility standards apply to all mobile homes, manufactured homes and qualified manufactured homes as described in KRS 100.348 and KRS 227.550:

Parking of a manufactured/mobile home in any B-1 (Central Business District), B-2 (Commercial District), O-1 (Office and Professional Building District), or I (industrial District) shall be strictly prohibited, but Type I manufactured homes may be permitted in a Residential or Agricultural Zones with special permission of the Planning and Zoning Commission or Conditional use Permit issued by Board of Adjustments.

**5.02 Coordination with State Statutes on Manufactured Home Parks.**

All manufactured home or qualified manufactured home parks shall conform to all applicable provisions of this zoning code and all attached special conditions. All manufactured home parks shall be subject to the regulations as set forth in this ordinance and the Kentucky Revised Statutes except as provided in sections 5.14 and 5.16.

### **5.03 Where Permitted.**

Type I, Type II, Type III manufactured homes, and Certified mobile homes shall be permitted only in manufactured home parks, except as provided for in sections 5.14 5.15 and 5.16.

#### **Classification of Manufactured/Certified Mobile Homes**

Manufactured and certified mobile homes shall be classified by type as to acceptable compatibility or similarity in appearance with site constructed residences as defined:

#### **Type I Manufactured Homes shall:**

- 1) Have a minimum of one thousand four hundred and fifty-six (1,456) square feet of occupied space or 26'x 56' in a double or larger multi-section unit;**
- 2) Be placed on a permanent foundation;**
- 3) Utilize a permanent perimeter foundation and enclosure, if applicable, in accordance with approved installation standards, as specified in this ordinance;**
- 4) Be anchored to the ground, in accordance with the One and Two Family Dwelling Code and to the manufacturer's specifications;**
- 5) Have wheels, axles and hitch (tongue) mechanisms removed;**
- 6) Have utilities connected, in accordance this ordinance and manufacturer's specifications;**
- 7) Have siding material of a type customarily used on site-constructed residences.**
- 8) Have roofing materials of a type customarily used on site constructed residences.**

#### **Type II Manufactured Homes shall:**

- 1) Have more than five hundred (500) square feet of occupied space in a single, double, expanded, or multi-section unit (including those with add-a-room units);**
- 2) Be placed onto a support system, in accordance with approved installation standards.**
- 3) Be enclosed with foundation siding/skirting, in accordance with approved installation standards;**
- 4) Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards; have utilities connected in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards;**
- 5) Have siding material of a type customarily used on site-constructed residences;**
- 6) Have roofing material of a type customarily used on site-constructed residences.**

#### **Type III Manufactured Homes shall:**

- 1) Have more than five hundred (500) square feet of occupied space in a single, double, expando, or multi-section unit (including those with add-a-room units);**

- 2) Be constructed after the 1976 Federal Mobile Home Construction and Safety Act went into effect;
- 3) Be placed onto a support system, in accordance with approved installation standards.
- 4) Be enclosed with foundation siding/skirting, in accordance with approved installation standards;
- 5) Be anchored to the ground, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards; and
- 6) Have utilities connected, in accordance with manufacturer's specifications or the ANSI/NFPA 501 A Installation Standards.

#### **Certified Mobile Homes**

For purposes of determining appropriateness for placement, certified mobile homes shall:

- 1) Have more than five hundred (500) square feet of occupied space;
- 2) Be placed onto support system, in accordance with approved Installation Standards, as specified; and
- 3) Be built prior to the 1976 Federal Mobile Home Construction and Safety Act and be upgraded to be able to receive a "B" seal certifying that the unit has been inspected and in compliance with standards set forth in the HUD Code.

#### **5.04 Area and Density Requirements.**

(A) No manufactured home park shall be permitted on an area of less than three acres in size.

(B) The developer may be permitted to develop the park in stages as long as he or she complies with the overall approved plan for the entire tract and initially has a minimum of ten manufactured home lots developed for use.

(C) The number of manufactured homes permitted in the park shall not exceed a density of 12 manufactured homes a net acre.

(D) A net acre is the land to be subdivided into lots after streets and other required improvements have been installed.

#### **5.05 Lot Requirements.**

Individual lots within a manufactured home park shall not be less than 4,000 square feet in area and in no instance shall more than one manufactured home be permitted on a single lot. The minimum lot width shall be 35 feet.

#### **5.06 Setback.**

No manufactured home or structure shall be located closer to a public street than 35 feet or than the minimum front yard setback for permanent residential structures in the residential zone in which the park is located. No manufactured home shall be closer than 25 feet from a street within the

manufactured home park. No manufactured home shall be located closer than 15 feet to any building within the park or to any property line of the park.

#### **5.07 Frontage.**

All manufactured home parks shall front on a public street or road for at least 100 feet.

#### **5.08 Spacing.**

No manufactured home shall be located within 30 feet of another manufactured home except that a minimum end-to-end clearance of not less than ten feet shall be permitted and in instances where the sides opposite the entrance of two manufactured homes face each other, the amount of space between the two manufactured homes may be reduced to not less than 20 feet.

#### **5.09 Streets.**

All manufactured homes spaces shall abut upon a street. All streets within the manufactured home park shall have a right-of-way of not less than 30 feet and a pavement of not less than 22 feet. Each park shall have at least one street which gives access to a public street. Such access streets in either a single manufactured home park or adjoining parks shall not be less than 100 feet apart nor less than one hundred and twenty five (125') feet from an intersection of two or more public streets. All streets within the park shall be hard-surfaced and well-lighted. No Street within the manufactured home park shall be closer than five feet of the property line.

#### **5.10 Parking.**

(A) One paved automobile parking area shall be provided on every manufactured home lot, plus one parking space for each manufactured home lot.

(B) This additional parking may be in a central location, but in no case shall the parking be more than 350 feet from the trailer space for which it is provided.

#### **5.11 Utilities.**

All lots within the manufactured home park shall be provided with water, sewer and electrical facilities meeting the standards specified by city and state regulations and each manufactured home shall be properly connected with those utilities.

#### **5.12 Accessory Structures.**

No accessory structure including patios and pads shall be located within five feet from any manufactured home lot line.

#### **5.13 Conditions.**

The City Planning Commission and Board of Adjustments shall attach any condition it deems necessary to ensure the proper development of the manufactured home park.

**5.14 Nonconforming Manufactured/Mobile Home Parks**

1) The lawful use of a manufactured/mobile home park by the owner of record, existing prior to or at the time of passage of this ordinance may be continued, although such use may not conform to the provisions of this ordinance. The continuance of a nonconforming manufactured/mobile home park shall be subject to the nonconforming provision of this ordinance, with the exception that a nonconforming manufactured/mobile home park does not present a health or safety hazard, meets state and federal standards and may not be enlarged or expanded unless such enlargement or expansion shall meet the regulations set forth in this ordinance.

2) Any manufactured home that comes under the above description by the owner of record and should ever be moved replaced, destroyed and the Board of Adjustment has previously granted a Conditional Use Permit for the proposed structure and the property owner has not changed since the Board of Adjustment ruling, a structure that comes under the above description can be replaced without Board approval so long as the structure is a Type I, Type II or Type III manufactured home and meets all standards as set forth in this ordinance.

**5.15 Requirements for Location outside Approved Parks.**

A certified mobile home or qualified manufactured home, whether permanent or portable, shall not be permitted on lots outside of approved manufactured home parks unless it is a Type I manufactured home and the following requirements have been met:

(A) This use shall be allowed on individual lots of record only; for the use of property owner as a Type I manufactured home, personal permanent dwelling, and meets compatibility standards of the surrounding neighborhood.

(B) Type I Manufactured Homes shall:

- 2) Have a minimum of one thousand four hundred and fifty-six (1,456) square feet of occupied space or 26'x 56' in a double or larger multi-section unit;
- 3) Be placed on a permanent foundation;
- 4) Utilize a permanent perimeter foundation and enclosure, if applicable, in accordance with approved installation standards, as specified;
- 5) Be anchored to the ground, in accordance with the One and Two Family Dwelling Code and to the manufacturer's specifications;
- 6) Have wheels, axles and hitch (tongue) mechanisms removed;

- 7) Have siding material of a type customarily used on site-constructed residences and;
- 8) Have roofing materials of a type customarily used on site constructed residences. The list of approved roofing materials shall be adopted and revised by the building inspector only.

(C) Any structure that comes under the above description, shall be allowed as the principal building only, and in no case be set adjacent to, or become a part of, any other building on the lot;

(D) The placement of any such structure must be approved in writing by the Board of Adjustment;

(E) The Board of Adjustment shall hold a public hearing and advertise the hearing according to law before this special exception may be granted;

(F) The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the character of the district in which the proposed use would locate;

(G) The Board of Adjustment may permit a structure of this description to be placed on lots that do not meet the density requirements of Residential Districts, but in no case shall they be permitted on lots that do not meet the density requirements for manufactured home parks; and

(H) The Electric Inspector, Plumbing Inspector or utility companies shall not allow utility service to these structures until all requirements as set forth by the Board of Adjustment have been complied with.

(I) If any structure that comes under the above description should ever be moved replaced, destroyed and the Board of Adjustment has previously granted a Conditional Use Permit for the proposed structure and the property owner has not changed since the Board of Adjustment ruling, a structure that comes under the above description can be replaced without Board approval so long as the structure is a Type I manufactured home and meets all standards as set forth in this ordinance.

(J) Should any structure that comes under the above description should ever be moved or destroyed and the Board of Adjustment has not previously granted a Conditional Use Permit for the proposed structure the current property owner must apply for a Conditional Use Permit before any replacement of the structure is to occur.

(K) A zoning permit is to be obtained. The Zoning Administrator shall not issue a zoning permit for a manufactured home as standard housing located outside a mobile home park unless a measured plot plan is submitted which shows the lot boundaries, the placement of the manufactured home and which shows that the required building set-back side and rear yards are provided as required by the zone in which the mobile home is to be placed and meets all standards as set forth in this ordinance.

(L) The manufactured home has been located on a lot of record in a manner consistent with the plot plan and that the required setback and side and rear yards are provided consistent with the zone requirements.

**(N) No manufactured/mobile home located outside a manufactured/mobile home park may be occupied unless and until all utilities and other connections are permanently made and adhere to the code applicable to the zone.**

#### **5.16 Nonconforming Manufactured/Mobile Homes**

**1) The lawful use of a manufactured/mobile home by the owner of record, existing prior to or at the time of passage of this ordinance may be continued, although such use may not conform to the provisions of this ordinance. The continuance of a nonconforming manufactured/mobile home shall be subject to the nonconforming provision of this ordinance, with the exception that a nonconforming manufactured/mobile home does not present a health or safety hazard, meets state and federal standards and may not be enlarged or expanded unless such enlargement or expansion shall meet the regulations set forth in this ordinance.**

**2) If any structure that comes under the above description by the owner of record and should ever be moved replaced, destroyed and the Board of Adjustment has previously granted a Conditional Use Permit for the proposed structure and the property owner has not changed since the Board of Adjustment ruling, a structure that comes under the above description can be replaced without Board approval so long as the structure is a Type I, Type II or Type III manufactured home and meets all standards as set forth in this ordinance.**

#### **5.17 Expansion of a Manufactured Home Park.**

**(A) Where the owner of an existing manufactured home park sees the need to expand his or her park and is willing to bring the present park into compliance with this subchapter, the Planning and Zoning Commission may recommend and the Board of Adjustment may grant a variance to the area requirements and issue a permit for expansion.**

**(B) The applicant shall submit a preliminary and final plat in compliance with this subchapter. The final plat shall also show the following information:**

**(1) Public area, such as visitors' parking, recreational area, and the like, if the areas are proposed;**

**(2) Large scale plan of one typical manufactured home lot showing manufactured home location, automobile parking space and the like; and**

**(3) Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition.**

**(C) The City Planning and Zoning Commission may attach reasonable special conditions to its approval of a manufactured home park and direct the Zoning Administrator to issue a Zoning permit when the applicant presents a valid construction permit from the state's Department of Health, Division of Environmental Health, and Sanitation Program, as required by KRS**



**219.320 And KRS 219.330.** The Zoning Administrator shall not issue the Zoning permit until he or she has received written authorization from the City Planning Commission or Board of Adjustment, if the manufactured home park is to be located within the city limits and until the valid construction permit is presented.

#### **5.18 Regulations for Non-Traditional Manufactured Housing/Modular Housing.**

- 1.** The definition of terms used in these sections shall be that set forth in KRS 360.150 and the Kentucky Housing Code, unless further defined herein.
- 2.** Modular Housing, as defined is a structure designed primarily for residential or commercial occupancy, designed and constructed to the Kentucky or National Building Code, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location.
- 3.** Modular homes shall not include manufactured/mobile home, camping trailer, travel trailer, recreational vehicle, motor home, pickup camper or auto camper.
- 4.** Modular homes shall include prefabricated, manufactured or a factory built structure designed to be used as a dwelling.

#### **5.19 Recreational Vehicles and R/V Parks.**

Recreational vehicles (RV) as defined in Section 158.004 is a motorized or pull behind, wheeled vehicle used for camping or other recreational activities.

**(A)** An RV shall under no circumstances be utilized as the principal structure for any residential or commercial use.

**(B)** No RV shall be used as an incidental structure or accessory structure to any residential or commercial use for a length of time greater than fourteen (14) days.

**(C)** Any proposed RV park shall conform to all regulations required to establish a mobile / manufactured home park in all zoning districts which allow it.

**(1)** When considering a proposed RV park the City Planning Commission reserves the right to deny any and all application based on roadway capacity, buffer zones, safety issues, etc. in accordance with Section § 158.287 of the Morgantown Zoning Ordinance.

#### **5.20 Job Trailers.**

A job trailer is any structure that is transportable in one or more sections, which is built on a permanent chassis and used as an office for on-site construction purposes, with or without a permanent foundation.

**(A) A job trailer is allowed to be located on any job site that is currently under construction or in the pre-meditated phases of construction.**

**(B) A job trailer does not require approval from the Morgantown Board of Adjustment.**

**(C) In any case where a job is completed and the structure has been issued a Zoning Permit or resumed normal business the job trailer is to be removed from the site**

#### **5.21 Manufactured Homes and Manufactured Home Parks Enforcement and Abatement Costs**

**Abatement and enforcement for Manufactured Homes and Manufactured Home Parks found in violation of this ordinance shall be considered and treated as Public Nuisances and or Blighted Property as outlined in Article 9 Morgantown Public Nuisances and Blighted Property Ordinance 90-02 subsections 90-02-8, 90-02-9, and 90-02-10.**

**Article 6  
Planned Developments**

**6.010 Planned Developments in General**

The development of land exceeding one (1) acre in size for residential and commercial uses (other than for one (1) single family dwelling on a lot of such size), and for industrial parks shall be subject to the specific review of the Planning and Zoning Commission. The developer(s) of such acreages shall submit a plan for the proposed development showing metes and bounds and a plat showing proposed usages. This plat must be accompanied by a survey by certified land surveyor.

If the tract of land proposed to be developed is not appropriately zone for the requested use, the zoning amendment must be requested. All legal procedures must be followed, and a math amendment duly authorized prior to the start of the proposed development.

In approving proposals for planned developments, the Planning and Zoning Commission must be satisfied that the proponents of the plan development project(s) are financially able to carry on the proposed projects and that construction will begin with it within one (1) year after approval of the plan.

**6.020 Planned Commercial Developments**

A planned commercial development is defined as a proposal for the utilization of an area exceeding one (1) acre in size for the construction of buildings and or facilities to house two (2) or more commercial establishments either in separate or common structure.

The owners of the land, or the developers, shall be required to submit to the Planning and Zoning Commission for its review. A preliminary plan for the use and development of the tract of land and a survey pick accurately describing its metes and bounds.

It shall be the duty of the Planning and Zoning Commission to investigate, and to ascertain, whether the proposed location and plan to comply with the following:

A. That the project is at a location where traffic congestion does not exist at present on the streets to be used for access to the proposed commercial development, and where such congestion is not likely to be created by the proposed development.

B. That the plan provides for a project consisting of two or more establishments in a building, or in buildings of unified and harmonious design together with adequate, and a properly arranged, traffic and parking facilities and landscaping, and will have no adverse effect upon adjoining or surrounding development.

C. That the uses proposed are consistent with those permitted within the district.

**6.021 Regulations**

**A. Building height**

No building shall exceed two (2) stories or twenty five (25) feet in height.

**B. Tract coverage**

The ground area occupied by all buildings shall not exceed, in aggregate, fifty (50) percent of the total area of the lot or tract.

**C. Customer parking space**

Notwithstanding any other requirement of this ordinance, there shall be provided one (1) off street parking space for each four hundred (400) square feet of retail customer service floor space.

**D. Loading space**

Notwithstanding any other requirement of this ordinance, there shall be provided one (1) off street loading space for each ten thousand (10,000) square feet of building floor space, or major fraction thereof.

At least one third of the loading spaces shall be significant in area and offer vertical clearance for the accommodation of trucks of the tractor-trailer type.

**E. Signs**

Sign shall be permitted as per section 3.0241 of this ordinance.

**6.022 Special Conditions**

The Planning and Zoning Commission may attach reasonable special conditions to ensure that there will be no departure from the intent of this ordinance. The proposed commercial development shall comply with all such conditions, and a final plat shall be submitted to the Planning and Zoning Commission for its review prior to the start of construction.

**6.030 Planned industrial park**

When a development is defined as a planned industrial park, it shall be subject to the following:  
The owner or owners of land in industrial district containing not less than four (4) acres, shall submit to the Planning and Zoning Commission for its review a preliminary plan for the use and development of such land as a planned industrial park.

**6.031 Conditions**

It shall be the duty of the commission to investigate, and to ascertain, whether the proposed location and plan comply with the following conditions:

- A. That the proposed industrial park is located where traffic congestion does not exist at present on the streets to be utilize for access to the proposed park and where congestion will not likely be created by the development.**
- B. That the plan provides for an industrial park consisting of one or more buildings of unified and harmonious design, together with the required parking facilities and landscaping, and that the development will have no adverse effect upon adjoining or nearby developments.**
- C. But the uses permitted shall be those which are authorized for an industrial district.**

**6.032 Regulations**

The following regulations shall apply to a plane industrial park:

**6.0321 Building heights**

**6.0322 Fumes and odors**

No noxious or offensive trade or activity shall be carried on, nor shall anything be done which may be, or become, an annoyance or nuisance by reason of unsightliness, or the excessive emission of odor, dust, fumes, smoke or noise.

**6.0323 Landscaping**

The area between the building lines in the property lines is to be used either for open landscaped and green areas or for off-street parking. Any landscaped area shall be properly maintained in a slightly condition. Parking areas are to also be maintaining good condition.

**6.0324 Building setbacks**

No building may be erected within an industrial park nearer than one hundred (100) feet of the street right-of-way upon which it faces, nor nearer than twenty five (25) feet to the right of way of any other existing or proposed streets nor shall any such building be erected nearer than twenty five (25) feet to the side or rear property line.

**6.0325 General Provisions**

Other provisions set forth in article 4 of the Ordinance dealing with loading docks, parking, storage, signs, screening and waste disposal, shall apply to an industrial park.

**6.0326 Other conditions**

The Planning and Zoning Commission may attach reasonable conditions to ensure that there shall be no departure from the intent of this Ordinance. The proposed industrial park plan shall comply with all such conditions, and a final plat shall be submitted to the Planning and Zoning Commission for its review and approval before construction begins.

**6.040 Planned residential developments**

A planned residential development as a large-scale development constructed by single owner or a group of owners acting jointly, located on a single tract of land, and involving a related group of residences and associated uses, planned as an entity, and therefore constituting one complex land use unit.

A planned residential development project plan must be presented to the Planning and Zoning commission for review and approval. The planned residential development must be within substantial compliance of the City of Morgantown subdivision ordinances, and shall meet all minimum requirements of this ordinance.

**6.041 Regulations**

The following regulations shall apply to planned residential development:

- A. Zoning: The proposed site must be located in an area permitting single-family dwellings.
- B. Plan: a plat shall be presented to the Planning Commission review which shows the

following:

- Kind, location, bulk and capacity of structures and uses.
- General floor plan of the buildings.

- Location and identification of open spaces, street and all other means for pedestrian and vehicular circulation; parks; recreational areas; and other non-building sites.
- Provision for automobile parking.
- General nature and location of public and private utilities and other community facilities and services.

**6.042 Intensity of land-use**

The intensity of land use shall be no higher and the standard for open space shall be no longer than that permitted by this Ordinance.

**6.043 Zoning restrictions to apply**

In no case shall the Planning Commission authorize a use prohibited in the district in which the housing is located, or a smaller gross lot area per family in the minimum required for said district, or a greater height, or a larger coverage required by this ordinance.

**6.044**

Planned subdivision ordinance has previously adopted remains and shall be controlling where there appears in this ordinance a conflict of requirements, and minimum requirements must be met as set out in the subdivision ordinance. Planned residential development shall, with the approval of the Planning Commission, permit a mix of single, duplex and apartment dwelling, shopping areas, offices, professionals, intermingled with suitable buffer zones and screens.

**Article 7**  
**Zoning administration**

**7.010** The provisions of this ordinance shall be enforced by a Zoning Administrator designated by the City. (Amended 7/7/2015 P/Z)

The zoning administrator shall keep accurate records and a permanent file for the issuance of zoning permits, inspections, violations, stop orders and condemnations. If the zoning administrator for the violation of any provision of this ordinance or any city ordinance pertaining to land-use, zoning administrator shall notify the violator of the violations by certified mail at the last known address of the property owner as recorded by the Butler County Property Valuation Administrator. For purposes of the enforcement of this ordinance, Zoning Administrator may conclusively rely upon the records of the Property Valuation Administrator for purposes of notice. Said notification shall order the discontinuation of any illegal use of any land, building and/or structure.

The Zoning Administrator shall have the power to:

- A. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance.
- B. Issue notices of violation of this Zoning Ordinance and any other City Ordinance pertaining to land-use.

The appointment of the Zoning Administrator shall be made by the Mayor, for a term of four years, to serve at the will of the Mayor at a salary to be established by the City Council.

Any permit or issues in conflict with the provisions of this or not shall be null and void.

**7.020** Zoning Permits (Amended 7/7/2015 P/Z)

**7.021** Zoning permit required prior to construction or alterations. (Amended 7/7/2015 P/Z)

It shall be unlawful to commence the excavation for, or the construction of, any building, including accessory buildings, or to commence the building or alteration of any building, including accessory buildings, before the Zoning Administrator has issued a permit for such work.

**7.022** Fees applicable to the issuance of zoning permits (Amended 7/7/2015 P/Z)

Unless otherwise said by this ordinance, the fees to be charged for zoning permit shall be set by the City Council with advice of the Zoning Administrator and the Planning and Zoning Commission.

**7.023** Exceptions (Amended 7/7/2015 P/Z)

No zoning permit shall be required in the following cases:

- Recurring maintenance
- Installation of required improvements in accordance with an approved plan.

**7.024** Applications (Amended 7/7/2015 P/Z)

In applying to the Zoning Administrator for a zoning permit, the applicant shall submit a plan along with the application. This plan must be drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures. The use of structures in the propose yard depths should be detailed, and any other information pertinent to the assessment of conformance should be included.

This city or county health officer's certificate approving the water and sewage facilities must accompany the application.

**B. Issuance of permitting**

If the proposed construction or alteration conforms to all applicable ordinances, regulations and codes, the Zoning Administrator shall be empowered to conditionally issue a zoning permit authorizing construction or alteration. The conditional issuance of the zoning permit shall be later confirmed and ratified by the Planning Commission. The Planning Commission may attach additional conditions to the zoning permit as a part of its ratification procedure.

If the proposed construction or alteration fails to conform, the Zoning Administrator shall refuse to issue a zoning permit, and shall cause delivery of written notice that the applicant stating the reason(s) for refusal.

The Zoning Administrator shall act upon all applications for zoning permits within two (2) weeks from the date of their submission.

**C. Restraint of construction without permitting**

If no zoning permit has been issued, and a builder begins, or continues to build, a restraining order may be obtained on application to the appropriate court, and evidence of the lack of the building permit shall establish a Prima facie case for the issuance of the restraining order.

**D. Validity**

The issuance of a zoning permit shall not waive any provisions of this ordinance.

**E. Duration**

A zoning permit shall become void one (1) year from the date of issuance unless substantial progress has been made by that time on the construction or alteration authorized therein.

**7.026 Board of adjustments**

There shall exist a Board of Adjustment with the duties and responsibilities of such boards as set forth in KRS 100.217-261 as amended.

**A. Duties and responsibilities**

- Hear and decide administrative appeals where it is alleged by the appellants that there is an error in any order, requirement, permit, decision, determination or refusal made by any administrative official carrying out or enforcing any provision of this zoning ordinance;
- To make interpretations of the official zoning map
- To make final action on conditional uses;
- To take final action on variances; and,
- Administer the non-conforming use regulations per KRS 100.253

**B. Membership**

The Board of Adjustment shall consist of five (5) citizen members. The Mayor of the City of Morgantown shall point the members to the Board of Adjustments subject to the approval of the City Council.



**C. Terms of officer**

The terms of office shall be four (4) years ending on June 30 of the designated year. The board of adjustment shall otherwise be organized and operated in accordance with KRS 100.217.

**7.030 Grievance procedure, appeals**

Appeals from the decisions of the Planning and Zoning Commission and/or the Board of Adjustment, may be taken to the Circuit Court of Butler County, Kentucky, within 30 days after final action of the bodies in accordance with KRS 100.347, as amended.

**7.040 Condemnation**

A. In the event any building or real estate is erected, constructed, reconstructed, repaired, converted, maintained, or any building, structure, or land is used in violation of this ordinance, specifically, but not limited to, section 6.0322 and 6.0323, or any city ordinance pertaining to land-use, the Zoning Administrator, the Planning Commission, or any legislative body, or any adjacent or neighboring property owner who can demonstrate damage as a result of such violation, in addition to other remedies, may institute an action in the Butler Circuit Court which seeks injunction, mandamus, or other appropriate legal action, to prevent the occupancy of such building, structure or land or to seek abatement, or demolition of any use or structure upon the premises which constitutes a danger to the health, safety, and general welfare of the adjacent property owners, or the community in general.

B. In the event the Zoning Administrator or the Planning Commission shall undertake any expense, contract for labor, or supply materials necessary for the enforcement of this ordinance, the reasonable expense of such an undertaking to constitute a lien against the subject real estate and the Zoning Administrator is hereby authorized to file in the property records of the Butler County Court a statement of its lien for expenses incurred in the enforcement of this ordinance.

The Lien enumerated her in may be enforced by foreclosure action filed in the Butler County Circuit Court against the property owner and all others possessing an interest in the subject real estate.

**Article 8**  
**Zoning map amendments**

**8.010**

A proposal for an amendment of this ordinance shall be referred to the Planning and Zoning commission before its adoption. The commission shall review the proposal, and shall, within 60 days from the date of its receipt, advise to the City Council as to whether it approves or disapproves of the proposed change; and, if it disapproves, state the reasons for his disapproval. Before the Planning Commission makes its recommendation to the City Council, said commission shall hold at least one (1) public hearing after notice as required by KRS 424. A majority of the elected membership of the City Council shall be required to override the Planning Commission in its disapproval.

**8.020**

A proposal for amendment of the zoning map of the City of Morgantown, Kentucky, shall include a metes and bounds description of the same property to be rezoned, along with a plat of the same scale as the zoning map Morgantown, Kentucky, located in the office of the Zoning Administrator.

**8.030**

Before any map amendment is granted to, the Planning and Zoning Commission and the City Council must find that the map amendment is in agreement with the communities comprehensive plan, or in the absence of such a finding, that one or more of the following apply, and such finding will be recorded in the minutes and records of the Planning and Zoning Commission and the City Council.

- A. That the original zoning classification giving to the property was inappropriate or improper.
- B. That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community comprehensive plan and which had been substantially altered the basic characteristics neighborhood.

**8.040 Development plan**

As a condition to the granting of any amendment to the official zoning map, the Planning Commission is authorized to require the submission of a development plan. The development plan shall be filed in accordance with the provisions of the Kentucky Revised Statutes. Where agreed upon by the applicant, this development plan shall be followed and shall be binding on all parties, their heirs, successors, and assigns. A development plan may be either a general development plan or a detailed development plan or both as specified by the Kentucky Revised Statutes.

**8.050 Binding elements**

No binding element approved by the Planning Commission as a part of the proposed development plan shall permit the development or use of land in a manner prohibited by this Ordinance. To the extent of binding elements of a development plan by purports to grant such permission, it shall be deemed in conflict with the zoning district regulations and shall be void and of no effect.

**8.060 Recording of binding elements**

Following the approval of a map amendment and general development plan, or any amendments thereto, a statement of finding elements shall be prepared by the applicant and filed in the office of the Butler County Clerk. The statement of binding elements shall contain the name of the owner at the time of per approval by the Planning Commission, a description of the property in question, source of title, and enumeration of the binding element as adopted by the applicant and the Planning

**Commission. The same shall be assigned by the owner/applicant who shall be responsible for all fees associated with preparation and recordation.**

**8.070 Elements of a general development plan**

**A development plan means written and graphic material for the provision of the aid development including any or all of the following: location and bulk of buildings and other structures, intensity of the use, density of development, streets, ways, access points, and parking facilities, signs, drainage of surface water, a plan for screening or buffering, utilities, existing man-made and natural conditions, binding elements, all other conditions agreed on by the applicant.**

**8.080 Action on development plan**

**The Planning Commission shall consider the general development plan as part of a zoning map amendment request and shall take action on the map amendment concurrently with the application for a zoning map amendment.**

**8.090 Amendment to enacted development plan**

**Amendments and modifications to an improved development plan shall require the approval of the planning commission. Request for amendment of any such plan shall be submitted to the planning Commission and shall contain the signature of all property owners necessary to convey fee simple title to the land which is subjected to the binding elements sought to be amended. Request for amendment and modification of any development plans do not need to be signed by or consented to by property owners which are not to be subject to the modification/amendment of the development plan. Interested parties including surrounding property owner shall have the right to be heard at the public hearing conducted on the amendment/modifications to the development plan.**

**Article 9**  
**Legal status, validity, the effective date, recording**

**Morgantown Public Nuisances and Blighted Property Ordinance 90-02**

**TITLE: This ordinance shall be amended and be known and cited as the City of Morgantown Public Nuisances and Blighted Property Ordinance 90-02**

This ordinance is designed to promote the health, safety, and welfare of the citizens of the City of Morgantown, Butler County, Kentucky, as well as maintaining property values and promoting an aesthetic appearance to the city by defining and prohibiting public nuisances and blighted property; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances; providing the procedure for abatement of public nuisances and blighted property, enforcement of this ordinance, and recovery of costs incurred by the City of Morgantown. It is hereby found and declared that there may exist within the City of Morgantown a number of real properties, which are vacant and/or in a blighted condition, whose continued existence may contribute to the decline of neighborhoods. It is further found that the existence of such properties adversely affects the economic wellbeing of the city and is detrimental to the health, safety, and welfare of its residents. It is further found that many of the properties can be rehabilitated, reconstructed, or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction, or reuse would eliminate, remedy and prevent the adverse conditions described above. This ordinance is sensitive to the private property rights of the citizens of Morgantown and to extenuating circumstances due to age, disability, and citizens' economic situations.

**This Ordinance is enacted pursuant to the State of Kentucky General Statutes**

**WHEREAS it is the desire and intention of the City of Morgantown to preserve and promote the health, morals, security and general welfare of its citizens, and;**

**WHEREAS, it is the desire and intention of the City of Morgantown to attract industry within said city and to provide additional employment for its citizens through such new industry, and knowing that industry requires a clean and neat city to locate, and;**

**WHEREAS, it is the desire and intention of the City of Morgantown to suppress those conditions which are detrimental to the public good,**

**SECTION 90-02-1:**

**PUBLIC NUISANCE DEFINED AND PROHIBITED.** The term "*Public Nuisance*" shall be defined as whatever annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a

manner causing substantial reduction in the value of the other property or public safety hazard inside the city limits or neighborhood in which such premises are located.

#### **SECTION90-02-2: Nuisances**

**Public Nuisances:** The following acts, apparatus, accumulations, violations, and activities within the City of Morgantown are hereby declared to be public nuisances.

##### **1. Garbage and Refuse**

No person shall throw, place, or leave; or permit the throwing, placing, or leaving any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:

- (a.) On the premises of another without permission.**
- (b.) On any public street, highway, lane, road, alley, public place, square, sidewalk, sewers, or any lands within the boundaries of the city owned by the City of Morgantown or other municipal corporations within the city.**
- (c.) No person shall maintain or permit to remain on their premises, so owned, occupied, or possessed by another, substances that constitute a dangerous condition or are detrimental to the public health, safety, or welfare or may cause sickness or attract flies, insects, rodents, or vermin. This may include but not limited to upholstered furniture or any other materials not used for its intended purpose that creates or could cause a hazardous condition. (Added and amended 1/19/16 P/Z)**
- (d.) The emission of noxious fumes or gas, smoke, ashes, or the burning of refuse in quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.**
- (e.) The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused, or discarded icebox, refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon without first removing the snap latch or other locking device or the doors from such icebox, refrigerator, or other such airtight container.**
- (f.) Overgrown Lawns-grass must not exceed 10 inches in height. Weeds, grass and shrubs should be maintained to avoid obstruction of right-of-ways or utilities. (Added and amended 5/05/15 P/Z)**

## **2. Vehicles**

**(Pursuant to KRS 381.770)**

**Abandoning, leaving, keeping, or maintaining a junk or abandoned non-licensed motor vehicle, unless such vehicle body or chassis is enclosed in a building or is not visible from surrounding properties, the exterior storage of non-operating vehicles is prohibited. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than fourteen (14) days; and no person shall leave any such vehicle on any property within the City for a longer time than fourteen (14) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property.**

**This ordinance shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriated storage place or depository maintained in a lawful place as specified for auto and junk yards as specified in Ordinance 4.0914A.**

### **I. As used in this section:**

- (a) "Automobile collector" means a person who collects and restores motor vehicles; and**
- (b) "Ordinary public view" means a sight line within normal visual range by a person on a public street or sidewalk adjacent to real property;**
- (c) "Parts car" means an automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles; and**
- (d) "Imminent danger" means a condition which could cause serious or life-threatening injury or death at any time.**

### **II. Except as provided in this section, it shall be unlawful for the owner, occupant or person having control or management of any land within the city limits to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of:**

- (a) Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials; and**
- (b) One (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or non-operative and which are not inhabited.**

### **III. The provisions of this section shall not apply to:**

- (a) Junked, wrecked, or non-operative automobiles, vehicles, machines, or other similar scrap or salvage materials located on the business premises of a licensed automotive recycling dealer as defined under the provisions of KRS 190.010; and**
- (b) Junked, wrecked, or non-operative motor vehicles, including parts cars, stored on private real property by automobile collectors, whether as a hobby or a profession, if these motor vehicles and parts cars are stored out of ordinary public view by means of suitable fencing, trees, shrubbery, or other means; and**
- (c) Any motor vehicle as defined in KRS 281.011 that is owned, controlled, operated, managed, or leased by a motor carrier.**

- IV. Unless imminent danger exists on the subject property that necessitates immediate action, the city government shall send, within fourteen (14) days of a final determination after hearing or waiver of hearing by the property owner, a copy of the determination to any lien holder of record of the subject property by first-class mail with proof of mailing. The lien holder of record may, within forty-five (45) days from receipt of that notice, correct the violations cited or elect to pay all fines, penalty charges, and costs incurred in remedying the situation as permitted by subsection (5) of this section.**
- V. Morgantown city government may place a lien against the property for the reasonable value of labor and materials used in remedying the situation. The affidavit of the responsible officer shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, and shall be recorded in the office of the city clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid. The lien created shall take precedence over all other liens, except state, county, school board, and city taxes, except as provided in this section. The lien may be enforced by judicial proceeding.**

**(6) The lien provided in subsection (5) of this section shall not take precedence or priority over a previously recorded lien if:**

- (a) The city government failed to provide the lien holder a copy of the determination in accordance with subsection (5) of this section; or**  
**(b) The lien holder received a copy of the determination as required by subsection (5) of this section, and the lien holder corrected the violations or paid the fines, penalty charges, and costs incurred in remedying the violation.**

**(7) In addition to the remedy prescribed in subsection (5) of this section 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 other charges and the city, county, or urban-county may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed. The failure of a city government to comply with subsection (5) of this section, and the failure of a lien to take precedence over previously filed liens as provided in subsection (6) of this section, shall not limit or restrict any remedies that the city government has against the owner of the property.**

**(8) The provisions of this section shall not apply to an owner, occupant, or person having control or management of any land located in an unincorporated area if the owner, occupant, or person is not the generator of the rubbish or is not dumping or knowingly allowing the dumping of the rubbish and has made reasonable efforts to prevent the dumping of rubbish by other persons onto the property.**

**VI. Noise Nuisances:  
(Pursuant to KRS 224.30-050)**

**It is the finding of the City of Morgantown that excessive noise adversely affects the community in general and individual citizens in particular, and may specifically result in hearing loss, speech interference, both indoors and outdoors, and annoyance, so as to constitute a menace to the public health, welfare and quality of life.**

**It is the purpose of this Subchapter to protect, preserve and promote the health, safety, peace and quiet for the citizens of the City of Morgantown through the reduction, control and prevention of excessive noise. Further, it is the intent of this Subchapter to establish standards that will eliminate and reduce unnecessary and excessive noise, which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and conduct of business.**

**No person shall emit beyond the boundaries of his property or from any moving vehicle any noise that unreasonably interferes with the enjoyment of life or with any lawful business or activity in contravention of any rule or regulation adopted by the cabinet.**

- I. General Regulation. It shall be unlawful for the owner of any premises within the City of Morgantown, or for the occupant or person in possession of any premises within the City of Morgantown, or for any person to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged, unusually loud noise, which is clearly audible from nearby properties, within the limits of the City of Morgantown.**
- II. Specific Noise Violations. The following recurring noise disturbances are hereby declared to be a violation of this Ordinance provided, however, that the specification of the same is not to be construed to exclude other violations of this Ordinance not specifically enumerated below:**
  - a) The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument loud enough as to be a considered nuisance to the neighborhood or community.**
  - b) Yelling, shouting, discharging fireworks, singing or other noise making at any time or place loud enough to be disruptive to residents of the neighborhood.**
  - c) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust which is clearly audible from nearby properties. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section. The sounding of any unreasonably disturbing horn unless necessary to operate said vehicle safely pursuant to KRS.189.020**
  - d) The construction, excavation, demolition, alteration or repair of any building or premises in any part of the City, including the streets and highways, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. Urgent necessity would include snow plowing, utility repairs, and similar situations.**



- e) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose.
- f) The operation of any machinery, equipment or mechanical device, so as to emit unreasonably loud noise or frequent noise.
- g) The operation of any race track, proving ground, testing area or obstacle course for vehicles of any kind or nature in any area of the City.

**C. Exceptions.**

None of the prohibitions enumerated above shall apply to the following:

- I. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- II. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Kentucky, City of Morgantown, or the County of Butler, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- III. Warning devices emitting sound for warning purposes as authorized by law.
- IV. Activities permitted by City actions.

**DOGS RUNNING AT LARGE - CONTROL OF DOGS BY OWNERS Care and control of (Pursuant to KRS 258.265)**

- I. All dogs within the city limits of the City of Morgantown shall be kept under control at all times by the owner or supervisor of the dog. The county license and rabies vaccination tags shall be attached to the collars of all dogs if applicable. The Butler County Dog Warden/Animal Control Officer, Humane Officer or any duly sworn officer having jurisdiction in Butler County, are hereby authorized to seize dogs not under control or do not have a county license and rabies vaccination tags if applicable attached to the collars of the dogs, and are to deliver such dogs to the Butler County Animal Shelter. In the event an animal bites an individual the enforcing officer will report this to the proper Health Department authorities.
- II. Dogs engaged in legal hunting activities, lawful training activities, lawful herding or other farm related activities not in residential areas shall not be subject to this section of the Ordinance.
- III. The keeping of any animal, bird or fowl that emanates frequent or extended noise such as allowing or permitting any dog to bark repeatedly.

- IV. Abatement of Nuisance by Owners.** The owner, owners, tenants, lessees, and/or occupants at any lot within the corporate limits of this city upon which such storage as herein set out is made, and also the owner, owners, and/or lessees of said personally involved in such storage (all of whom are hereinafter referred to collectively as “owners”), shall jointly and severally abate said nuisance by the prompt removal of said personally into completely enclosed buildings used for storage purposes, or otherwise to remove it to a location without said corporate limits.
- V. Penalty for Failure of Owners to Abate such Nuisance.** If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of the, upon conviction thereof shall be fined no less than \$50.00 nor more than \$500.00 for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.
- VI. Abatement by the City.** Whenever said owners fail to abate said nuisance then the City shall remove the said personally to a location of its selection, the expenses therefore to be billed to titled owners, jointly and severally, said bill to be recoverable in a suit at law. When said personally has been removed and placed in storage by the City, as provided for herein, said personally shall be sold by the City following a hearing as set out in this ordinance and a conviction of the owner. If the proceeds of sale are insufficient to pay the cost of abatement said owners shall be liable to the city for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of cost, the balance shall be paid to said owners, or deposited in the city treasury for their use.
- VII. Enforcement of Ordinance:** Any owner, as defined herein, deemed to be in violation of this Ordinance, shall be so notified in writing by the Zoning Enforcement Officer or City Clerk, by certified mail. From the date of receipt of such letter of violation, the owner shall have fourteen (14) days in which to abate said nuisance is not abated at the expiration of the fourteen (14) day period, a hearing shall be conducted by one of the Commissioners for the City Council designated by the Mayor and the Building Inspector at the expense of the City, to determine whether or not a nuisance does exist, and whether or not the owner is in violation of this Ordinance. Thereafter, the City Clerk or Building Inspector or Zoning enforcement officer shall have issued a summons for the violator to appear for a hearing before the District court of Kentucky and upon conviction fined as set out in this Ordinance, plus cost, and costs to the City to remove such nuisance. If citation notice is returned undeliverable, the owner does not respond to the notice

as required, or the owner is unable to be issued a certified letter, or states they do not intend to abate the nuisance, the city may take action immediately as set out in this ordinance. If the owner states they intend to request the hearing outlined in ordinance of, action by the enforcement officer shall be stayed until the hearing process is terminated or completed. (Amended 12/01/2015P/Z)

### **Section 90-02-3: Blighted Buildings**

For the purpose of this article, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

- 1) **Housing Blight shall mean the condition of any structure or parcel of land upon which housing is located in which at least one of the following conditions exist:**
  - a) **It is in a condition which poses a serious threat to the safety, health, and general welfare of the community as determined by the Director of Health, Zoning Enforcement Officer, Fire Marshall or Building Inspector.**
  - b) **It is attracting illegal activity as documented by the Police Department.**
  - c) **It is not being maintained as evidenced by the existence of the following conditions: it is open to the elements, or has collapsing or missing walls, roofs, windows, doors or is unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, decay, or severe animal infestation; the property in the public view is chronically neglected or abandoned.**
  - d) **It has material which is incapable of performing the function for which it is designed including, but not limited to: abandoned, discarded, or unused objects; equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers and garbage that are in the public view. Notwithstanding the foregoing, Housing Blight shall not include such temporary conditions, not to exceed six (6) months in duration, as may be reasonably related to the repair or restoration of the material owned by the property owner or his tenant.**
- 2) **Dilapidation shall mean partial ruin, decay or disrepair of housing property such that it would not qualify for a certificate of use and occupancy, or which is deemed unsafe or which is designated as unfit for habitation as defined in the State Basic Building Code.**
- 3) **Abandoned shall mean any property which is deserted, unoccupied and left behind intentionally and permanently when it appears that the former owner (or tenant) does not intend to come back, pick it up, or use it. Examples may include possessions left in a house after the tenant has moved out or autos left beside a road for a long period of time, and do not comply with this Ordinance.**

- 4) **Neighborhood shall mean an area of the City comprising premises or parcels of land any part of which is contiguous with any other parcel within the town.**
- 5) **Public view shall mean visible from any public right-of-way or neighborhood.**
- 6) **Premises shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this ordinance.**
- 7) **Blight Enforcement Officer shall mean the Director of Health, the Zoning Enforcement Officer or any police officer of the City of Morgantown.**

**Section 90-02- 4: Special Consideration.**

**Special consideration may be given to individuals that are disabled, elderly, or low income in the City's effort to correct housing blight. If an individual cannot maintain a reasonable level of upkeep of his owner-occupied residence because the individual is disabled, elderly or low income, and no capable person resides in the residence, the city may give the person a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the Blight Enforcement Officer. If needed, assistance in finding solutions may be offered by the City.**

- 1) **Capable Individual shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein.**
- 2) **Disabled Individual shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have a household member capable of providing the necessary maintenance.**
- 3) **Elderly Individual shall mean an individual over the age of sixty-five (65), who does not have a household member capable of providing the necessary maintenance.**
- 4) **Low Income Individual shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of "qualifying income" established by KY Gen. Statute KRS 198A.700 to 198A.730**

**Section 90-02-5: Enforcement for Blight Violations.**

- 1) **The Police, Director of Health, Zoning Enforcement, Fire Marshal, or Building Inspector are empowered to issue citations for any violation of this ordinance by leaving a copy of such citation form with the owner of the housing property or by affixing same to the premises. He shall also send a copy of the form by certified mail, return receipt requested to the owner of the property. If citation notice is returned undeliverable, the owner does not respond to the notice as required, or the owner is unable to be issued a certified letter, or states they do not intend to abate the nuisance, the city may take action immediately as set out in this**

ordinance. If the owner states they intend to request the hearing outlined in ordinance of, action by the enforcement officer shall be stayed until the hearing process is terminated or completed. (Amended 12/1/2015 P/Z)

2) The citation form shall contain the following information.

- a. The address of the affected property.
- b. The exact nature of the violation.
- c. The time allowed for corrective action (not to exceed 60 days).
- d. The penalty for continued violation of this ordinance.
- e. The availability of an appeal hearing procedure before the Board of Adjustments. (Amended 7/09/2015 P/Z)
- f. The penalty for violation of this ordinance shall be \$50 for each day that a violation continues.

#### Section 90-02-6: Initiation of Legal Proceedings

In addition to the citation process described herein, the Director of Health is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including cost of remedial action(s) authorized by the court and reasonable attorney's fees incurred by the City of Morgantown to enforce this ordinance.

#### Section 90-02-7: Hearing Procedure for Citations.

- 1) The City hereby specifically adopts the provisions of Kentucky KRS 6.691 for the establishment of a citation hearing process for alleged violations of this Ordinance.
- 2) The Board of Adjustments shall hear and rule on ordinance issues that have been disputed and appealed for the City of Morgantown, appointed by Mayor and approved by the City Council, who shall act by majority vote as citation hearing officers in all appeal hearings for alleged violations of this Ordinance. (Amended 7/09/15 P/Z)
- 3) The Director of Health or City Clerk at any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued for an alleged violation of this ordinance, shall send notice to the person cited. Such notice shall inform the person cited:

Of the allegations against him or her and the amount of the fines, penalties, costs or fees due; that he may contest his liability before the Blight Appeals Committee by delivering in person or by mail written notice within ten days of the date thereof; that if he does not demand such a hearing, an assessment and judgment shall be entered against him; and that such judgment may issue without further notice.

- 4) If the person who is sent notice pursuant to this ordinance wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the City Clerk. Such payment

shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in this ordinance shall be deemed to have admitted liability, and the Zoning Enforcement Officer or the Director of Health shall certify such person's failure to respond to the Blight Appeals Committee. The Blight Appeals Committee shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Ky. KRS. 834.065 Or KRS 381.770.

- 5) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Blight Appeals Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The procedures and conduct of such hearing, the assessment of fines, penalties, costs or fees and the entry of judgment in Superior Court upon such assessment shall be as provided in KY. KRS 227.550.
  
- 6) KRS 99.725 Eminent domain proceedings by city: The legislative body of the city of any class, county containing a city of the first class, or consolidated local government may institute eminent domain proceedings pursuant to KRS Chapter 416 against any property which has been certified as blighted or deteriorated by the commission if it finds:
  - (1) That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;
  - (2) That such property is likely to continue to deteriorate unless corrected;
  - (3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and
  - (4) That the owner of such property has failed to correct the deterioration of the property. (Added and amended 1/19/16 P/Z)

#### **Section 90-02-8: Minimum Standards**

Nothing in this ordinance shall limit the power and authority of the City Zoning Administrator, the Zoning Enforcement Officer, the Planning and Zoning Commission, the Fire Marshall or the Director of Health to enforce their respective regulations.

- 1) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the City or State, if such provision of this ordinance establishes a higher standard for the promotion and protection of the health and safety and property values of the people such provision shall be enforceable pursuant to the procedures established herein.
  
- 2) This ordinance shall not be intended to affect violations of any other ordinances, codes or regulations whether existing prior to or subsequent to the effective date of this ordinance. Such violations shall be governed by and shall continue to be subject to enforcement under the provisions of such ordinances, codes or regulations in effect at the time the violation occurred, and/or by enforcement of this ordinance, as may be appropriate.

#### **Section 90-02-9 ABATEMENT; COSTS**

All expenses incurred by the City Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible thereof, the occupant of the land in question, or the person who appears as titled owner or party in interest upon the last local tax assessment records of the City. If such person fails to pay the charge within 30 days after a statement thereof is mailed to him or her, the amount of expenses incurred by the City in repairing, tearing down, abating, or otherwise removing the public nuisance may be paid from the City general fund and the amount thereof assessed against the lands on which the expenditures were made on the next general assessment roll of the City and shall be collected in the same manner as other taxes are collected. The City may access a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

#### **Section 90-02-10 PUBLIC NUISANCES; EMERGENCY ABATEMENT; COSTS**

The City Ordinance Enforcement Officer may act to abate a public nuisance without giving notice as specified, if the public health, safety, or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in this Ordinance.

#### **Section 90-02-11 Legal status**

The provisions of this ordinance shall be held as minimum requirements for the promotion of public health, safety, morals and general welfare. Whenever the provisions of this Ordinance require a more restrictive use of land, or impose other higher standards that are required in other ordinances or regulations. Private deed restrictions or private covenants, this Ordinance shall govern. However, if the requirements of other ordinances and or covenants are more restrictive than those establishing this Ordinance, then those requirements shall govern and the Zoning Commission shall recognize same and enforce them.

#### **KRS 99.715 Acquisition and disposal of blighted property by city:**

A city of any class, county containing a city of the first class, or consolidated local government may acquire by, eminent domain pursuant to KRS Chapter 416, any property determined to be blighted or deteriorated pursuant to KRS 99.705 to 99.730, and shall have the power to hold, clear, manage, or dispose of property so acquired for residential and related use, pursuant to the provisions of KRS 99.705 to 99.730 (Added and amended 1/19/16 P/Z)

#### **Section 90-02-12 Validity**

If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, and shall not affect or prejudice in any way the validity of this Ordinance or any other part of this Ordinance which is not of itself invalidated.

**KRS 99.730 Acquisition by certain employees prohibited -- Disclosure of previous interest required -- Payment under eminent domain proceedings: No officer or employee of a city of any class, county containing a city of the first class, or consolidated local government, or of the vacant property review commission, who in the course of his or her duties is required to participate in the determination of property blight or deterioration or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated. If any such officer or employee owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, he or she shall immediately disclose, in writing, such interest to the commission and to the legislative body and such disclosure shall be entered in the minutes of the commission and of the legislative body. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any officer or employee for any property or interest therein acquired by the city of any class, consolidated local government, or county containing a city of the first class from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the legislative body. (Added and amended 1/19/16 P/Z)**

**Section 90-02-13 Effective date**

**This ordinance shall take effect, and be in force, immediately after its legal adoption and publication by City Council of the City of Morgantown, Kentucky.**

**Section 90-02-14 Recording**

**A copy of this ordinance shall be filed in the office of the clerk of Butler County, Kentucky.**

**Section 90-02-15 Reapplication after denial**

**Any permit, request for math change, request for variants, etc., denied by the Planning and Zoning Commission, Board of Adjustment or City Council, should not be resubmitted for approval sooner than one (1) year after the date of the last denial of any such above governmental bodies. The Zoning Administrator shall have the absolute right to deny such application without consideration of the above mentioned governmental bodies.**

**Section 90-02-16 Building Code (Added and amended 1/19/16 P/Z)**

**The 2013 Edition of The Kentucky Building Code, a copy of which is on file in the office of the City Clerk, is, by reference, hereby adopted in full, and as from time to time amended, as an ordinance of this city as if written and copied herein in length and in words and figures, which Code includes:**

**1. State of Kentucky Plumbing Law, Regulations and Code, a copy of which is also on file in the office of the City Clerk.**



**2. National Electric code, 2016 Edition, a copy of which is on file in the Morgantown Office of the Warren County Rural Electric Cooperative Corporation.**

**The Building Administrator along with all other officers, agents and employees of the City shall be, and they are hereby charged with the enforcement of the provisions of this ordinance.**

**There is hereby established the position of Building Administrator and the position of Assistant Building Administrator, whose duties shall be as follows:**

- 1. To enforce the planning and zoning ordinance regulations.**
- 2. To enforce this zoning code.**
- 3. To coordinate the inspection of buildings with and by other agencies in order to assure their compliance with the building and housing codes, including but not limited to the plumbing inspector, electrical inspector, fire inspector and City, County and State health officials.**
- 4. To receive building applications and to issue zoning permits, when such permits are not required by the Commonwealth of Kentucky under KRS 198 B.**
- 5. To carry out such other duties and directions as the Mayor or planning commissioner shall issue in writing with respect to the performance of this and other duties.**
- 6. To carry out such other duties as are imposed upon him by Kentucky Revised Statutes or City ordinances and which may hereafter be delegated to him by the Morgantown City Council.**
- 7. The Building Administrator and Assistant Building Administrator shall be responsible to the Mayor.**
- 8. The office of Assistant Building Administrator shall remain vacant until ordered filled by the City of Morgantown.**

## **Article 10 Flood Protection**

**The City of Morgantown, Kentucky is a participating member of the National Flood Insurance Program ("NFIP"). The City of Morgantown has adopted the Flood Damage Prevention Ordinance for**

**Morgantown, Kentucky, effective November 2, 2005 (2005-09) and has adopted The Kentucky Flood Plain Management Hand Book.**

**Reference is hereby made to Ordinance 2005-09 and The Kentucky Flood Plain Management Hand Book for specific planning and zoning requirements of flood plains. Reference is also made to the periodic Federal Emergency Management Agency (“FEMA”) flood plain map for determination of the applicability of Ordinance 2005-09 and The Kentucky Flood Plain Management Hand Book.**

**In support of the NFIP, FEMA identifies flood hazard areas throughout the U.S. and it’s territories by producing Flood Hazard Boundary Maps (FHBMs), Flood Insurance Rate Maps (FIRMs), and Flood Boundary & Floodway Maps (FBFMs). Several areas of flood hazards are commonly identified on these maps. One of these areas is the Special Flood Hazard Area (SFHA) or high risk area defined as any land that would be inundated by a flood having a 1-percent chance of occurring in any given year (also referred to as the base flood).**

**The high-risk area standard constitutes a reasonable compromise between the need for building restrictions to minimize potential loss of life and property and the economic benefits to be derived from flood plain development. Development may take place within the SFHA, provided that development complies with local flood plain management ordinances, which must meet the minimum Federal requirements. Flood insurance is required for insurable structures within high-risk areas to protect Federal financial investments and assistance used for acquisition and/or construction purposes within communities participating in the NFIP.**

**The City of Morgantown is not authorized to grant any variance below SFHA as established by FEMA or contained in Ordinance 2005-09 and the Kentucky Flood Plain Management Handbook. All elevations and restrictions reflect those criteria put forth by the FEMA Flood Plain mapping program and by Ordinance of this City.**

**The city cannot, by Federal Regulation, grant any variance below the 1% annual flood zone. This can only be done by FEMA by special permit and by securing a Kentucky State Flood Plain Development Permit. The minimum elevation (lowest floor level including a basement) must be at or above the 421’ elevation and the foundation must be flood protected with special automatic flood vents with a minimum of 2 vents. Applicants for building permits are instructed to consult applicable regulations of the NHIP, FEMA, and the State of Kentucky.**

**In addition to the above permits, a standard building permit is required, along with payment of any fees implemented by the City Flood Plain Administrator and the City Building Inspector.**

**The City of Morgantown, Kentucky is a participating member of the National Flood Plain Insurance/Protection Program. We follow all guidelines of the FEMA Flood Insurance and Protection Act as well as State guidelines. All elevations and restrictions reflect those criteria put forth by the FEMA Flood Plain mapping program and by Ordinance of this City.**

**The special regulation applies to any housing or residential structure planned in the floodplain as indicated on the map. The City cannot, by Federal Regulation, grant any variance below the established 1% annual flood zone. This can only be done by FEMA by special permit. The elevation**

**(lowest floor level), including a basement must be at or above the 421' elevation and the foundation must be flood proofed with special automatic vents at a minimum of 2 vents.**

**Also a structure at flood base level (421') requires a State Floodplain Permit, a certificate of elevation, plus other criteria, along with the standard Building Permit and Certificate of Occupancy.**

**The City Flood Plain Administrator and the City Building Inspector have the charge to implement and administer fees, fines for non-compliance, stop work orders, or any violation notification to this program.**

**The Standard Zoning Permit fee covers all.**