

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS**
- 151. FLOOD DAMAGE PREVENTION**
- 152. COMPREHENSIVE PLAN**
- 153. SUBDIVISION REGULATIONS**
- 154. ZONING**

CHAPTER 150: BUILDING REGULATIONS

Section

- 150.01 Adoption of the Kentucky Building Code
- 150.02 Electrical permit required
- 150.03 Electrical inspection fees
- 150.04 On-site sewage disposal system approval required prior to final electrical hook-up

- 150.99 Penalty

§ 150.01 ADOPTION OF THE KENTUCKY BUILDING CODE.

(A) *Adoption.*

(1) The Kentucky Building Code, as promulgated in 815 KAR 7:120 by the Board of Housing, Building, and Construction, Commonwealth of Kentucky, is hereby adopted in full as an ordinance of the county as if set out at length herein.

(2) A copy of said Kentucky Building Code, together with a copy of all other regulations or NFPA pamphlets adopted or referred to thereunder, is on file in the office of the County Joint Planning and Zoning Commission, and the Zoning Administrator shall at all times keep a copy of said Kentucky Building Code for reference.

(3) An attested copy of this section shall be transmitted to the Department of Housing, Building, and Construction of the commonwealth.

(B) *Designated enforcement officer.* The officer designated as enforcement officer shall be approved, designated, employed, or contracted by and report to the Fiscal Court. All inspections shall be performed by persons certified by the State Department of Housing, Building, and Construction.

(C) *Extended applications.* The application of the Kentucky Building Code is hereby extended to all single-family dwellings to be constructed in the county.

Anderson County - Land Usage

(D) *Permits and fees.* The fees for permits and inspections shall be as per the most recent schedule of building permits and inspection fees adopted by the Fiscal Court.

(E) *Inconsistent ordinances repealed.* All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(F) *Hindrance of building inspectors prohibited.* No person shall hinder an inspector acting as agent of the Fiscal Court in the performance of his or her lawful duties in enforcing any of the provisions of this section.

(Prior Code, § 150.01) (Ord. 2006-02, passed 2-21-2006) Penalty, see § 150.99

§ 150.02 ELECTRICAL PERMIT REQUIRED.

Before commencing construction, alteration, or repair of any electrical wiring, a person shall obtain an electrical permit from the Electrical Inspector for the county. The County Fiscal Court shall be responsible for issuing permits at the rate of \$15.

(Prior Code, § 150.02) (Ord. 2009-01, passed 3-3-2009; Ord. 2022-08, passed 9-6-2022) Penalty, see § 150.99

§ 150.03 ELECTRICAL INSPECTION FEES.

The County Fiscal Court adopts fees for electrical inspections within the county, which shall be as follows.

Residential Inspection	\$75 per trip (per meter service)
Includes: single family dwelling, multi-family dwelling and duplex (will be charged per meter service)	
Commercial/Industrial Inspection	
\$0 - \$15,999.99	\$400
\$16,000 - \$399,999.99	2.5%
\$400,000 and above	2%
Must include labor, material cost regardless if furnished by contractor or owner. The contractor must provide a copy of the electrical contract	

(Ord. 2015-13, passed 12-17-2015; Ord. 2019-1, passed 2-5-2019; Ord. 2022-08, passed 9-6-2022)

§ 150.04 ON-SITE SEWAGE DISPOSAL SYSTEM APPROVAL REQUIRED PRIOR TO FINAL ELECTRICAL HOOK-UP.

Before a final electrical hook-up is allowed for new residential building construction and or mobile homes or house trailers, the applicant must have a final on-site sewage disposal system approved by the County Health Department.

(Prior Code, § 150.03) (Ord. 5-86, passed 5-9-1986) Penalty, see § 150.99

§ 150.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 10.99.

(B) (1) Any person who violates the provisions of § 150.01(F) or of the Kentucky Building Code, the Kentucky Residential Code, or National Electrical Code as is applied by this chapter, shall be assessed a civil penalty of \$100. Each day a particular violation continues shall constitute a separate offense.

(2) In addition to the civil penalty described above, any person who violates any provisions of the Kentucky Building Code, the Kentucky Residential Code, or the National Electrical Code as is applied by this chapter, shall be assessed penalties in accordance with §§ 112 and 113 of said Building Code and/or R112 and R113 of said Residential Code.

(C) The penalty for failure to comply with § 150.02 shall include the following:

(1) A fine of \$250 for the first offense;

(2) A fine of \$500 for the second offense; and

(3) A fine of \$1,000 for the third offense.

(Prior Code, § 150.99) (Ord. 2006-02, passed 2-21-2006; Ord. 2009-01, passed 3-3-2009)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

Statutory Authorization, Findings of Fact, Purpose, and Objectives

- 151.001 Statutory authorization
- 151.002 Findings of fact
- 151.003 Statement of purpose
- 151.004 Objectives

General Provisions

- 151.015 Definitions
- 151.016 Lands to which chapter applies
- 151.017 Basis for establishing the special flood hazard areas
- 151.018 Establishment of development permit
- 151.019 Compliance
- 151.020 Abrogation and greater restrictions
- 151.021 Interpretation
- 151.022 Warning and disclaimer of liability
- 151.023 Enforcement and violation notice

Administration

- 151.035 Designation of Local Administrator
- 151.036 Establishment of development permit
- 151.037 Duties and responsibilities of the Local Administrator

Provisions for Flood Hazard Reduction

- 151.050 General construction standards
- 151.051 Specific standards
- 151.052 Standards for streams without established base flood elevation and/or floodways
- 151.053 Standards for shallow flooding zones
- 151.054 Standards for subdivision proposals
- 151.055 Standards for accessory structures in all zones beginning with the letter 'A'
- 151.056 Critical facilities

Appeals and Variance Procedures

- 151.070 Nature of variances
- 151.071 Designation of Variance and Appeals Board
- 151.072 Duties of Variance and Appeals Board
- 151.073 Variance procedures
- 151.074 Conditions for variances
- 151.075 Variance notification
- 151.076 Historic structures

- 151.999 Penalty

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES**§ 151.001 STATUTORY AUTHORIZATION.**

The legislature of the commonwealth has in KRS Chapter 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County Fiscal Court does ordain as follows in this chapter.
(Ord. 2017-6, passed 12-5-2017)

§ 151.002 FINDINGS OF FACT.

The flood hazard areas of the county are subject to periodic inundation which result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damage.
(Ord. 2017-6, passed 12-5-2017)

§ 151.003 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

(D) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other areas.

(Ord. 2017-6, passed 12-5-2017)

§ 151.004 OBJECTIVES.

The objectives of this chapter are to:

(A) Protect human life and health;

(B) Minimize expenditure of public money for costly flood control projects;

(C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) Minimize prolonged business interruptions;

(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;

(F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood blighted areas caused by flooding;

(G) Ensure that potential home buyers are on notice that property is in a special flood hazard area; and

(H) Ensure that those who occupy a special flood hazard area assume responsibility for their actions.
(Ord. 2017-6, passed 12-5-2017)

GENERAL PROVISIONS

§ 151.015 DEFINITIONS.

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

100-YEAR FLOOD. The flood that has a 1% or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter “A” is subject to inundation by the **100-YEAR FLOOD**. Over the life of a 30-year loan, there is a 26% chance of experiencing such a flood with the SFHA’ also referred to as **BASE FLOOD**.

500-YEAR FLOOD. The flood that has a 0.2% chance of being equaled or exceeded in any year. Areas subject to the **500-YEAR FLOOD** have a moderate risk of flooding.

A99 ZONE. That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a federal flood protection system under construction. No base flood elevations are determined.

A ZONE. Special flood hazard areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are not determined.

ACCESSORY STRUCTURE OR APPURTENANT STRUCTURE. A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.

(1) **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential.

(2) Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole bams, and hay sheds.

ACCESSORY USE. A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ADDITION (TO AN EXISTING STRUCTURE). Any walled and roofed expansion to the perimeter or height of a structure.

AE ZONES. Special flood hazard areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

AH ZONE. An area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding). Base flood elevations are determined.

AO ZONE. An area of 100-year shallow flooding where water depth is between one and three feet (usually sheet flow on sloping terrain). Flood depths are determined.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or from the Floodplain Administrator's ruling on a request for a variance.

AR/A1-A30, AR/AE, AR/AH, AR/AO, AND AR/A ZONES. Special flood hazard areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

AREA OF SHALLOW FLOODING.

(1) A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) where the base flood depths range from one to three feet, there is no clearly defined channel, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

(2) Such **FLOODING** is characterized by ponding or sheet flow.

BASE FLOOD. A flood which has a 1% chance of being equaled or exceeded in any given year; also called the **100-YEAR FLOOD**. **BASE FLOOD** is the term used throughout this chapter.

BASE FLOOD ELEVATION (BFE). The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT. Any area of a structure having its floor sub-grade (below ground level) on all sides.

BUILDING. See definition for **STRUCTURE**.

COMMUNITY. A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS). A program developed by the Federal Insurance Administration to provide incentives to those communities in the regular program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

COMMUNITY FLOOD HAZARD AREA (CFHA). An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by flood waters that can adversely affect the public health, safety, and general welfare. This includes areas downstream from dams.

CRITICAL FACILITY.

(1) Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public.

(2) **CRITICAL FACILITIES** include, but are not limited to, housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood, schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during, and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during, and after a flood, and those facilities or installations which produce, use, or store volatile, flammable, explosive, toxic, and/or water-reactive materials, hazardous materials, or hazardous waste.

D ZONE. An area in which the flood hazard is undetermined.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

ELEVATED STRUCTURE. For insurance purposes, a non-basement structure built to have the lowest floor elevated above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATION CERTIFICATE. A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this chapter.

EMERGENCY PROGRAM. The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

ENCLOSURE. That portion of a structure below the lowest floor used solely for parking of vehicles, limited storage, or access to the structure.

ENCROACHMENT. The physical advance or infringement of uses, plant growth, fill, excavation, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION. Any structure for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source;
- (3) Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and/or
- (4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). A map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and the regulatory floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM). A map on which the boundaries of the flood, mudslide/mudflow, and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA).

FLOOD INSURANCE RATIO MAP (FIRM). A map on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk premium zones.

FLOOD INSURANCE STUDY. The report provided by the Federal Emergency Management Agency (FEMA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

FLOODPLAIN or ***FLOOD-PRONE AREA.*** Any land area susceptible to being inundated by flood waters from any source.

FLOODPLAIN ADMINISTRATOR. The individual appointed by the community to administer and enforce the floodplain management ordinances.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state, and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE. A certification by a registered professional engineer or architect, the FEMA form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the ***REGULATORY FLOODWAY.***

FLOODWAY FRINGE. The area of the floodplain on either side of the regulatory floodway.

FREEBOARD. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. **FREEBOARD** must be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, and the like.

FRAUD AND VICTIMIZATION. As related in § 151.070, the variance granted must not cause **FRAUD** on or **VICTIMIZATION** of the public.

(1) In examining this requirement, the County Fiscal Court will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for 50 to 100 years.

(2) Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur.

(3) In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

FUNCTIONALLY DEPENDENT USE FACILITY. A facility, structure, or other development, which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

GOVERNING BODY. The local governing unit; the county or municipality that is empowered to adopt and implement ordinances to provide for the public health, safety, and general welfare of its citizenry.

HAZARD POTENTIAL. The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or miss-operation of a dam or appurtenances. The **HAZARD POTENTIAL** classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity, and the like).

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

Anderson County - Land Usage

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

INCREASED COST OF COMPLIANCE (ICC). Under the standard flood insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are floodproofing (nonresidential), relocation, elevation, demolition, or any combination thereof. ***ICC*** coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. ***LOMCs*** include the following categories.

(1) ***LETTER OF MAP AMENDMENT (LOMA)***. A revision based on technical data showing that a property was inadvertently included in a designated SFHA. A ***LOMA*** amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) ***LETTER OF MAP REVISION (LOMR)***. A revision based on technical data that, usually due to humanmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) ***LETTER OF MAP REVISION BASED ON FILL (LOMR-F)***. A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

LEVEE. A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIMITED STORAGE. An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

LOWEST ADJACENT GRADE (LAG). The lowest elevation of the sidewalk, patio, attached garage, deck support, or basement entry way or grade immediately next to the structure and after the completion of construction.

LOWEST FLOOR. The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's **LOWEST FLOOR**, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term **MANUFACTURED HOME** does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

MAP. The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

MAP PANEL NUMBER. The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA; the letter "B" is the first revision.)

MARKET VALUE. The property value (as agreed between a willing buyer and seller), excluding the value of the land as established by what the local real estate market will bear. Market value of the structure

can be established by independent certified appraisal; replacement cost depreciated by age of structure (actual cash value) or adjusted assessed values.

MEAN SEA LEVEL (MSL). The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the *MSL* is used as a reference for establishing various elevations within the floodplain as shown on the community's FIRM. For purposes of this chapter, the term is synonymous with either **NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929** or the **NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988**.

MITIGATION. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of **MITIGATION** is twofold: to protect people and structures; and to minimize the costs of disaster response and recovery.

MUDSLIDE OR MUDFLOW. Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A **MUDSLIDE (MUDFLOW)** may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Floodplain Administrator only if the **MUDFLOW**, and not the landslide, is the proximate cause of damage that occurs.

MUDSLIDE (MUDFLOW) AREA MANAGEMENT. The operation of and overall program of corrective and preventative measures for reducing mudslide (mudflow) damage, including, but not limited to, emergency preparedness plans, mudslide control works, and floodplain management regulations.

MUDSLIDE (MUDFLOW) PRONE AREA. An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes

are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

NON-RESIDENTIAL. Structures that are not designed for human habitation, including, but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six months' duration.

NORTH AMERICAN VERTICAL DATUM (NAVD). As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRMs and Digitally Referenced FIRMs (DFIRMs). (Refer to FIRM or DFIRM panel legend for correct ***DATUM.***)

OBSTRUCTION. Includes, but is not limited to, any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

PARTICIPATING COMMUNITY. A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

PRE-FIRM CONSTRUCTION. New construction or substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

POST-FIRM CONSTRUCTION. New construction or substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

PROBATION. A FEMA imposed change in community's status resulting from violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

PROGRAM DEFICIENCY. A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards.

PUBLIC SAFETY AND NUISANCE. Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE. A vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable to a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULAR PROGRAM. The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and flood elevations determined in the FIS.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See definition of **BASE FLOOD**.

REMEDY A VIOLATION.

- (1) The process by which a community brings a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance.
- (2) Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

REPAIR. The reconstruction or renewal of any part of an existing structure.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damage occurred.

REPETITIVE LOSS (RL) PROPERTY. Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A **RL PROPERTY** may or may not be currently insured by the NFIP.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

SECTION 1316. The section of the National Flood Insurance Act of 1968, being 42 U.S.C. §§ 4001 et seq., as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

SEVERE REPETITIVE LOSS STRUCTURE.

(1) Any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

(a) Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or

(b) Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

(2) In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

SHEET FLOW AREA. See the definition of ***AREA OF SHALLOW FLOODING.***

SPECIAL FLOOD HAZARD AREA (SFHA). The portion of the floodplain subject to inundation by the base flood and/or flood related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AO, or AR.

START OF CONSTRUCTION. Includes substantial improvement and other proposed new development. The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days of the permit date.

(1) The ***ACTUAL START*** means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

(2) ***PERMANENT CONSTRUCTION*** does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(3) For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

STRUCTURE. A walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION. Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions of any tract or parcel of land into two or more lots or parcels.

SUBROGATION. A legal action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a one-year period in which the cumulative percentage of improvements equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME MARKS OR SUBDIVISIONS. Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

SUSPENSION. Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP.

UTILITIES. Include, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment that service the structure and the site.

VARIANCE. Relief from some or all of the requirements of this chapter.

VIOLATION.

(1) Failure of a structure or other development to fully comply with this chapter.

(2) A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in **VIOLATION** until such time as that documentation is provided.

WATERCOURSE. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which water flows at least periodically.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERSHED. All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

X (SHADED) AND B ZONES. Areas of the 0.2% annual chance (500-year) flood that are outside of the SFHA, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile, and areas protected by levees from the base flood.

X (UN-SHADED) AND C ZONES. Areas determined to be outside the 500-year floodplain.

ZONE. A geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.
(Ord. 2017-6, passed 12-5-2017)

§ 151.016 LANDS TO WHICH CHAPTER APPLIES.

This chapter shall apply to all special flood hazard areas (SFHA), areas applicable to KRS 151.250 and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official, as determined by the County Fiscal Court from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the County Fiscal Court which may be subject to periodic inundation by flood waters that can adversely affect the public health, safety, and general welfare of the citizens of the county.
(Ord. 2017-6, passed 12-5-2017)

§ 151.017 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

(A) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the county dated September 18, 2008, with the accompanying Flood Insurance Rate Maps (FIRMS), other supporting data, and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations.

(B) This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Fiscal Court by the Floodplain Administrator and are enacted by the Fiscal Court pursuant to statutes governing land use management regulations.

(C) The FIS and/or FIRM are permanent records of the county and are on file and available for review by the public during regular business hours at the County Zoning Administration office located at 139 South Main Street, Lawrenceburg, KY 40342.

(Ord. 2017-6, passed 12-5-2017)

§ 151.018 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA).

(B) Refer to § 151.036 for further instructions and explanation. Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

(Ord. 2017-6, passed 12-5-2017)

§ 151.019 COMPLIANCE.

(A) (1) No structure or land shall hereafter be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable state regulations.

(2) Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

(B) Nothing herein shall prevent the Fiscal Court from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 2017-6, passed 12-5-2017) Penalty, see § 151.999

§ 151.020 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2017-6, passed 12-5-2017)

§ 151.021 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2017-6, passed 12-5-2017)

§ 151.022 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the County Fiscal Court, or any officer or employee thereof, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 2017-6, passed 12-5-2017)

§ 151.023 ENFORCEMENT AND VIOLATION NOTICE.

(A) *Civil offense.* If at any time development occurs which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications, such development shall constitute a civil offense.

(B) *Notice of violation.* If at any time a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized

employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this section and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed.

(C) *Notice of citation.* If at any time a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain development permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(Ord. 2017-6, passed 12-5-2017) Penalty, see § 151.999

ADMINISTRATION

§ 151.035 DESIGNATION OF LOCAL ADMINISTRATOR.

The County Fiscal Court hereby appoints the Zoning Administration Official or his or her designee to administer, implement, and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions, and is herein referred to as the Floodplain Administrator.

(Ord. 2017-6, passed 12-5-2017)

§ 151.036 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 151.017. Application for a development permit shall

be made on forms furnished by Floodplain Administrator prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing.

(B) Endorsement of the Floodplain Administrator is required before a state floodplain construction permit can be processed. Specifically, the following information is required.

(1) *Application stage.*

(a) Proposed elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade;

(b) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(c) All appropriate certifications from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria in § 151.051(B) and (D)(2); or

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) *Construction stage.* Upon placement of the lowest floor, and before construction continues, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the state a certification of the elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. In AE, A1-30, AH, and A zones where the community has adopted a regulatory base flood elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(Ord. 2017-6, passed 12-5-2017)

§ 151.037 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

(A) The Floodplain Administrator and/or staff is hereby appointed, authorized, and directed to administer, implement, and enforce the provisions of this chapter. The Floodplain Administrator is further

authorized to render interpretations of this chapter, which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

(B) The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following.

(1) *Permit review.* The Floodplain Administrator shall review all development permits to ensure that:

(a) Permit requirements of this chapter have been satisfied;

(b) All other required state and federal permits have been obtained, and review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including the Federal Water Pollution Control Act Amendments of 1972 § 404, and 33 U.S.C. § 1344;

(c) Flood damages will be reduced in the best possible manner; and

(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this chapter, **ADVERSELY AFFECTS** means that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.

(2) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with § 151.017, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer the provisions of §§ 151.050 through 151.056. Any such information shall be submitted to the Fiscal Court for adoption.

(3) *Notification of other agencies.*

(a) The Floodplain Administrator shall notify adjacent communities, the State Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse.

(b) The Floodplain Administrator shall submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(c) The Floodplain Administrator shall assume that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) *Documentation of floodplain development.* The Floodplain Administrator shall obtain and maintain for public inspection, and make available as needed, the following:

(a) Certification required by § 151.051(A) (lowest floor elevations), as shown on an accurately completed and certified elevation certificate. Floodplain Administrator shall verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including the basement level) of all new and substantially improved structures, in accordance with § 151.036(B)(2);

(b) Certification required by § 151.051(B) (elevation or floodproofing of nonresidential structures), as shown on an accurately completed and certified FEMA floodproofing certificate. Floodplain Administrator shall verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved structures have been floodproofed, in accordance with § 151.036(B)(2);

(c) Certification required by § 151.052(C) (elevated structures);

(d) Certification of elevation required by § 151.054(A) (subdivision standards);

(e) Certification required by § 151.051(E) (floodway encroachments);

(f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

(g) Review certified plans and specifications for compliance; and

(h) Take action to remedy violations of this chapter as specified in §§ 151.023 and 151.999.

(5) *Map determinations.* The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the boundaries of the special flood hazard areas, such as where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 151.070.

(b) When base flood elevation data and floodway data have not been provided, in accordance with § 151.017, then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of §§ 151.050 through 151.056.

(c) When floodproofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 151.051(B), a floodproofing certificate.

(d) All records pertaining to the provisions of this chapter shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(6) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Floodplain Administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure, or premises unsafe, dangerous, or hazardous, the Floodplain Administrator may enter such building, structure, or premises at all reasonable times to inspect the same or perform any duty imposed upon the Floodplain Administrator by this chapter.

(a) If such structure or premises are occupied, the Floodplain Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(b) If entry is refused, the Floodplain Administrator shall have recourse to every remedy provided by law to secure entry.

(c) When the Floodplain Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Floodplain Administrator for the purpose of inspection and examination pursuant to this chapter.

(7) *Stop work orders.* Upon notice from the Floodplain Administrator, work on any building, structure, or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to his or her agent, or to the person performing the work, and shall state the conditions under which work may be resumed.

(8) *Revocation of permits.* The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based. The Floodplain Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(9) *Liability.* Any officer, employee, or member of the Floodplain Administrator's staff charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his/her duties, shall not thereby render personally liable and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties. Any suit brought against any officer, employee, or member because of such

act performed by him or her in the enforcement of any provision of this chapter shall be defended by the Department of Law until the final termination of the proceedings.

(10) *Expiration of floodplain construction permit.* A floodplain development permit, and all provisions contained therein, shall expire if the start of construction has not occurred within 180 calendar days from the date of its issuance.

(Ord. 2017-6, passed 12-5-2017) Penalty, see § 151.999

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.050 GENERAL CONSTRUCTION STANDARDS.

In all special flood hazard areas the following provisions are required.

(A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(E) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(I) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter shall meet the requirements of new construction, as contained in this chapter.

(J) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(Ord. 2017-6, passed 12-5-2017) Penalty, see § 151.999

§ 151.051 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation data have been provided, as set forth in § 151.017, the following provisions are required.

(A) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured home) shall have the lowest floor, including basement, mechanical equipment, and ductwork elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of hydrostatic flood forces on walls shall be provided in accordance with standards of division (C) below.

(1) In an AO Zone, the lowest floor shall be elevated above the highest adjacent grade to a height equal to or higher than the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

(2) In an A Zone, where no technical data has been produced by the Federal Emergency Management Agency, the Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include, but are not limited to, detailed hydrologic and hydraulic analyses, use of existing data available from other sources, approximate methods, use of historical data, best supportable and reasonable judgment in the event no data can be produced. The lowest floor shall be elevated no lower than two feet above such base flood elevation. Title 401 KAR Chapter 4, Regulation 060, § 5(6)a, states as a part of the technical requirements for a state floodplain permit:

(a) The applicant shall provide cross-sections for determining floodway boundaries (and thereby base flood elevations) at any proposed construction site where FEMA maps are not available. All cross-sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than five-tenths of a foot; and

(b) Cross-sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross-section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross-sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations.

(3) In all other zones, cross-sections shall be elevated two feet above the base flood elevation.

(4) Upon the completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered professional engineer or surveyor, and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) *Non-residential construction.* New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with division (A) above, or together with attendant utility and sanitary facilities:

(1) Be floodproofed to an elevation two feet above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and debris;

(3) A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification along with the design and operational maintenance plans shall be provided to the Floodplain Administrator;

(4) Manufactured homes shall meet the standards in division (D) below; and

(5) All new construction and substantial improvement with fully enclosed areas below the lowest floor (including basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding shall be constructed of flood resistant materials to an elevation two feet above the base flood elevation, and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Openings for meeting this requirement must meet or exceed the standards of division (C) below.

(C) *Elevated structures.* New construction and substantial improvements of elevated structures on columns, posts, or pilings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

Anderson County - Land Usage

(1) Openings for complying with this requirement must either be certified by a professional engineer or architect, or meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of flood waters in both directions.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).

(3) The interior portion of such enclosed areas shall not be finished or partitioned into separate rooms.

(D) Standards for manufactured homes and recreational vehicles.

(1) All new and substantially improved manufactured homes placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must meet all the requirements for new construction, including elevation and anchoring. Locations include:

(a) On individual lots or parcels;

(b) In expansions to existing manufactured home parks or subdivisions;

(c) In new manufactured home parks or subdivisions;

(d) In substantially improved manufactured home parks or subdivisions;

(e) Outside of a manufactured home park or subdivision; and

(f) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood.

(2) All such manufactured homes must be:

(a) Elevated on a permanent foundation;

(b) Have their lowest floor elevated no lower than two feet above the level of the base flood elevation; and

(c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) Except manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(a) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, so that either the:

(b) The lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation; or

(c) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(4) (a) All recreational vehicles placed on sites located within A, A1-30, AO, AH, and AE on the community's Flood Insurance Rate Map (FIRM) must either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for manufactured homes.

(b) A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the state motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(E) *Floodways*.

(1) Located within areas of special flood hazard established in § 151.017 are areas designated as floodways.

(2) Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge; and

(b) If this division (E) is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of §§ 151.050 through 151.056.

(F) *Standards for utilities.*

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(a) Infiltration of flood waters into the systems; and

(b) Discharge from the systems into flood waters.

(2) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flood.

(Ord. 2017-6, passed 12-5-2017) Penalty, see § 151.999

§ 151.052 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the special flood hazard areas established in § 151.017, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply.

(A) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction and substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with § 151.017.

(Ord. 2017-6, passed 12-5-2017) Penalty, see § 151.999

§ 151.053 STANDARDS FOR SHALLOW FLOODING ZONES.

Located within the special flood hazard areas established in § 151.017 are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply.

(A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood

depth specified on the Flood Insurance Rate Map above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including the basement, shall be elevated no less than two feet above the highest adjacent grade.

(B) All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in Zone AO the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. In Zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade; and

(2) (a) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in Zone AO, to or above the specified flood depth plus a minimum of one foot, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(b) Certification is required as stated in § 151.051(B).
(Ord. 2017-6, passed 12-5-2017)

§ 151.054 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage.

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(D) In areas where base flood elevation and floodway data is not available, base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall be provided.

(E) All subdivision plans will include the elevation of proposed structure(s) and lowest adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
(Ord. 2017-6, passed 12-5-2017)

§ 151.055 STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER 'A'.

For all accessory structures in special flood hazard areas designated 'A,' the following provisions shall apply:

- (A) Must be non-habitable;
- (B) Must be anchored to resist floatation and lateral movement;
- (C) Must be provided with flood openings in accordance with the standards of § 151.051(C);
- (D) Must be built of flood resistant materials to two feet above the base flood elevation;
- (E) Must elevate utilities two feet above the base flood elevation;
- (F) Can only be used for storage or parking; and
- (G) Must not be modified for a different use after permitting.
(Ord. 2017-6, passed 12-5-2017)

§ 151.056 CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
(Ord. 2017-6, passed 12-5-2017)

APPEALS AND VARIANCE PROCEDURES

§ 151.070 NATURE OF VARIANCES.

(A) The variance criteria set forth in this section of this chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(B) It is the duty of the Fiscal Court to help protect its citizens from flooding. This need is so

compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.
(Ord. 2017-6, passed 12-5-2017)

§ 151.071 DESIGNATION OF VARIANCE AND APPEALS BOARD.

County Fiscal Court shall utilize County Board of Zoning Adjustments as the Appeals Board.
(Ord. 2017-6, passed 12-5-2017)

§ 151.072 DUTIES OF VARIANCE AND APPEALS BOARD.

(A) The Variance and Appeals Board shall hear and decide requests for variances from the requirements of this chapter and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this chapter.

(B) Any person aggrieved by the decision of the County Board of Zoning Adjustments may appeal such decision to the Circuit Court, as provided in Kentucky Revised Statutes.
(Ord. 2017-6, passed 12-5-2017)

§ 151.073 VARIANCE PROCEDURES.

In passing upon such applications, the Variance and Appeals Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the:

(A) Danger that materials may be swept onto other lands to the injury of others;

(B) Danger to life and property due to flooding or erosion damage;

(C) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(D) Importance to the community of the services provided by the existing or proposed facility;

(E) Necessity that the facility be located on a waterfront, in the case of functionally dependent use;

(F) Availability of alternative locations, which are not subject to flooding or erosion damage;

(G) Compatibility of the proposed use with existing and anticipated development;

(H) Relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

(I) Safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(K) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, bridges, and culverts.

(Ord. 2017-6, passed 12-5-2017)

§ 151.074 CONDITIONS FOR VARIANCES.

(A) Upon consideration of the factors listed above and the purposes of this chapter, the Variance and Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(B) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(C) (1) Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard. *MINIMUM NECESSARY* means to afford relief with a minimum of deviation from the requirements of this chapter.

(2) For example, in the case of variances to an elevation requirement, this means the County Fiscal Court need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the County Fiscal Court believes will both provide relief and preserve the integrity of the local ordinance.

(D) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in the definition section under the definition of public safety and nuisance in § 151.015), cause fraud or victimization of the public (as defined in § 151.015), or conflict with existing local laws or ordinances.

(E) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and

stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor being situated below the base flood elevation.

(F) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

(G) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of § 151.073 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(Ord. 2017-6, passed 12-5-2017)

§ 151.075 VARIANCE NOTIFICATION.

(A) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(B) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

(Ord. 2017-6, passed 12-5-2017)

§ 151.076 HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of historic structures (see definition in § 151.015) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(Ord. 2017-6, passed 12-5-2017)

§ 151.999 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including

violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no less than \$1,000, or imprisoned for not more than 30 days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2017-6, passed 12-5-2017)

CHAPTER 152: COMPREHENSIVE PLAN

Section

152.01 Lawrenceburg-Anderson County Comprehensive Plan update adopted

§ 152.01 LAWRENCEBURG-ANDERSON COUNTY COMPREHENSIVE PLAN UPDATE ADOPTED.

The Lawrenceburg-Anderson County Comprehensive Plan Update prepared by the Bluegrass Area Development District, Inc., which is available for review and copying in the office of the County Judge/Executive is hereby adopted in its entirety and made a part of this code.
(Prior Code, § 153.01) (Ord. passed 5-13-1974; Ord. passed 12-19-1987)

CHAPTER 153: SUBDIVISION REGULATIONS

Section

153.01 Subdivision regulations adopted by reference

§ 153.01 SUBDIVISION REGULATIONS ADOPTED BY REFERENCE.

The Lawrenceburg-Anderson County Subdivision Regulations prepared by the Lawrence/Anderson County Joint Planning Commission and the Bluegrass Area Development District which is available for review and copying in the office of the County Judge/Executive is hereby adopted in its entirety and made a part of this code.

(Prior Code, § 154.01) (Ord. passed - -2004; Ord. passed 2-8-2005; Ord. passed 7-4-2011; Ord. passed 9-9-2014)

CHAPTER 154: ZONING

Section

Title, Interpretation, and Enactment

- 154.001 Title
- 154.002 Authority
- 154.003 Goal and objective
- 154.004 Purpose
- 154.005 Jurisdiction
- 154.006 Interpretation
- 154.007 Separability clause
- 154.008 Repeal of conflicting resolution and ordinances; effective date
- 154.009 Continuity

Terms and Definitions

- 154.020 Interpretation of terms and definitions

Administration and Enforcement

- 154.035 Administrative/Enforcement Officer
- 154.036 Building permits
- 154.037 Procedure
- 154.038 Enforcement
- 154.039 Fee schedule

Board of Adjustment

- 154.050 Establishment of Board
- 154.051 Meetings of Board, quorum, minutes, bylaws
- 154.052 Other rights and powers of Board
- 154.053 Conditional use permits
- 154.054 Dimensional variance
- 154.055 Recording of variances and conditional use permits

- 154.056 Existing nonconforming use, continuance, change
- 154.057 Administrative review
- 154.058 Procedure for all appeals to Board

Nonconforming Lots, Structures, and Uses

- 154.070 Intent
- 154.071 Nonconforming lots of record
- 154.072 Nonconforming structures and uses
- 154.073 Ordinary repair and maintenance

Establishment of Districts

- 154.085 General regulation
- 154.086 Official zoning map
- 154.087 Interpretation of district boundaries
- 154.088 Annexation
- 154.089 Districts established
- 154.090 Expressly prohibited uses in all districts
- 154.091 Expressly permitted
- 154.092 Agricultural District
- 154.093 Agricultural District A-1
- 154.094 Small Community District A-2
- 154.095 Residential Districts
- 154.096 Low Density Residential District R-1
- 154.097 Two-Family Residential District R-2, R-2a
- 154.098 Multi-Family Residential District R-3
- 154.099 Manufactured Home Park District MH
- 154.100 Business Districts
- 154.101 Neighborhood Business District B-1
- 154.102 Central/General Business District B-2
- 154.103 Highway Service District B-3
- 154.104 Applicable to All Business Districts
- 154.105 Light Industrial District I-1
- 154.106 Heavy Industrial District I-2
- 154.107 Flood Plain District F

Application of Regulations

- 154.120 Application of regulations
- 154.121 Special provisions for agricultural areas

- 154.122 Subdivision of all land
- 154.123 Certificate of land use restriction

Supplemental District Regulations

- 154.135 Applicability
- 154.136 Yard regulations
- 154.137 Setback lines, exceptions
- 154.138 Lot access requirements
- 154.139 Accessory buildings
- 154.140 Swimming pools
- 154.141 Exceptions to height limitations
- 154.142 Subdivision or consolidation of lots
- 154.143 Visibility at intersections
- 154.144 Water supply and sewage disposal
- 154.145 Excavation and grading

Manufactured Homes

- 154.160 Intent
- 154.161 Manufactured home park and recreational vehicle park
- 154.162 Manufactured home installation requirements
- 154.163 Temporary use of manufactured homes
- 154.164 Violation

Off-Street Parking and Loading

- 154.175 Existing parking spaces
- 154.176 Required off-street parking spaces
- 154.177 Parking space dimensions and setbacks
- 154.178 Off-street parking standards
- 154.179 Off-street loading and unloading space regulations for trucks
- 154.180 Additional parking, loading, and unloading regulations
- 154.181 Parking, storage, or use of major recreational equipment
- 154.182 Parking and storage of certain vehicles
- 154.183 Local ordinances

Signs and Billboards

- 154.190 Definitions
- 154.191 Intent
- 154.192 Applicability

- 154.193 Permits
- 154.194 Permanent
- 154.195 Temporary signs
- 154.196 Exempt signs
- 154.197 Prohibited signs
- 154.198 General sign regulations
- 154.199 Temporary signage
- 154.200 Real estate/residential properties/sales and rental
- 154.201 Real estate signs/commercial properties/sales and rental
- 154.202 New construction/residential
- 154.203 New construction/commercial
- 154.204 Service signs
- 154.205 Auction signs
- 154.206 Yard sale signs
- 154.207 "127 yard sale" signs
- 154.208 Non-profit or charitable events signs
- 154.209 Commercial sale signs
- 154.210 Grand opening/business closing signs
- 154.211 Sidewalk signs
- 154.212 Residential campaign signs
- 154.213 Commercial campaign signs
- 154.214 Help wanted signs
- 154.215 Vehicle wraps and mobile signage
- 154.216 Temporary window signs
- 154.217 Permanent signs
- 154.218 Freestanding/monument signs
- 154.219 Wall signs
- 154.220 Building directories
- 154.221 Projecting or suspended signs
- 154.222 Permanent window signs
- 154.223 Awning or canopy signs
- 154.224 Convenience stores and service stations with pump islands
- 154.225 Illuminated signs
- 154.226 Multi-user signs
- 154.227 Strip center development (strip mall)
- 154.228 Non-conforming signs
- 154.229 Off-site freestanding signs/billboards
- 154.230 General safety

Planned Unit Developments

- 154.235 Objectives for planned unit developments
- 154.236 Provisions governing planned unit developments

- 154.237 Uses permitted
- 154.238 Project ownership
- 154.239 Common open space and disposition thereof
- 154.240 Utility requirements
- 154.241 Minimum project area
- 154.242 Procedure for application and approval of planned unit developments

Development Plans

- 154.250 General provisions
- 154.251 Applicability
- 154.252 Development plans procedure
- 154.253 Site plans
- 154.254 Conceptual development plans

Amendments

- 154.260 General provisions
- 154.261 Application for amendment
- 154.262 Planning Commission procedure
- 154.263 Notice of public hearing
- 154.264 Public hearing on application
- 154.265 Recommendation of Commission for zoning map amendment
- 154.266 Action by legislative body on zoning map amendments
- 154.267 Recommendation of Commission for text amendment
- 154.268 Action by legislative bodies on text amendments
- 154.269 Special conditions to the granting of zoning changes

Wireless Communication Facilities

- 154.280 Purpose
- 154.281 Definitions
- 154.282 General provisions
- 154.283 Uniform application requirements
- 154.284 Notice and posting requirements
- 154.285 Application and evaluation process
- 154.286 Design standards
- 154.287 Existing telecommunications facilities
- 154.288 Maintenance and removal procedures
- 154.289 Severability

- 154.999 Penalty

Appendix A: Certificate of Land Use Restriction

TITLE, INTERPRETATION, AND ENACTMENT**§ 154.001 TITLE.**

(A) This chapter shall be known and referred to as the “Zoning Ordinance for the City of Lawrenceburg and for Anderson County.” It may be cited as the “City/County Zoning Ordinance,” or the “Zoning Ordinance,” or “this chapter.”

(B) The maps referred to herein are entitled the “Zoning Map for the City of Lawrenceburg, Kentucky” and the “Zoning Atlas for Anderson County, Kentucky.” They may be cited as the “Lawrenceburg Zoning Map” or the “City Zoning Map,” and the “Anderson County Zoning Atlas” or the “County Zoning Atlas.”

(C) Certified copies of this chapter and the maps are on file with the City of Lawrenceburg City Clerk’s Office or Anderson County Clerk’s office, as appropriate. Additional copies of this chapter are available from the County Planning office.

(Prior Code, § 152.001) (Ord. passed - -2006)

§ 154.002 AUTHORITY.

Authority for this chapter is granted by KRS 100.201 through 100.271. The Lawrenceburg/Anderson County Planning Commission, the City Council of the City of Lawrenceburg and County Fiscal Court have fulfilled the requirements set forth as prerequisite to the adoption of this chapter.

(Prior Code, § 152.002) (Ord. passed - -2006)

§ 154.003 GOAL AND OBJECTIVE.

(A) The goal of this chapter is to establish a joint program of zoning for the City of Lawrenceburg and the county.

(B) The objective of this chapter is to guide the use of land and the location and design of structures in a manner that will stabilize property values, assist in achieving a sound growth policy, promote an orderly pattern of land use, and direct development of community facilities and services within the jurisdictions of the City of Lawrenceburg and the county.

(Prior Code, § 152.003) (Ord. passed - -2006)

§ 154.004 PURPOSE.

The zoning regulations and districts set forth herein have been made in accordance with the Lawrenceburg/Anderson County Comprehensive Plan Update prepared by the Joint Planning Commission to:

(A) Promote the general welfare, health, safety, and convenience of the citizens of the City of Lawrenceburg and the county;

(B) Execute the provisions of the Lawrenceburg/Anderson County Comprehensive Plan Update regarding growth and development in the City of Lawrenceburg and the unincorporated areas of the county, to ensure suitable and satisfactory arrangements between the various types of land use;

(C) Lessen traffic congestion and secure safety from fire, flood, and other dangers throughout the county; and

(D) Facilitate the adequate provision of transportation, schools, recreation, and other public improvements stemming directly or indirectly from the use of land throughout the county.
(Prior Code, § 152.004) (Ord. passed - -2006)

§ 154.005 JURISDICTION.

This chapter shall apply to all lands within the corporate limits of the City of Lawrenceburg and all of the unincorporated areas of the county.
(Prior Code, § 152.005) (Ord. passed - -2006)

§ 154.006 INTERPRETATION.

(A) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare.

(B) (1) Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted rules, regulations, resolutions, or ordinances the most restrictive, or that imposing higher standards, shall govern.

(2) Interpretation of zoning district boundaries on the legally adopted zoning maps and/or atlas shall be interpreted as set forth in § 154.087 of this chapter.
(Prior Code, § 152.006) (Ord. passed - -2006)

§ 154.007 SEPARABILITY CLAUSE.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof, other than the part so declared unconstitutional or invalid.
(Prior Code, § 152.007) (Ord. passed - -2006)

§ 154.008 REPEAL OF CONFLICTING RESOLUTION AND ORDINANCES; EFFECTIVE DATE.

(A) All ordinances, resolutions, or parts of same in conflict with this chapter or inconsistent with the provisions of this chapter are hereby repealed to the extent necessary to give this chapter full force and effect. Any previously adopted ordinances entitled “Zoning Ordinance for the City of Lawrenceburg, Kentucky,” and/or “Zoning Ordinance for Anderson County, Kentucky,” together with all amendments thereto, are hereby repealed, and declared to be of no effect.

(B) This chapter became effective from and after the date of its approval and adoption as provided by law.

(Prior Code, § 152.008) (Ord. passed - -2006)

§ 154.009 CONTINUITY.

Nothing in this chapter shall change the effective date of a violation of any provision of any previously adopted zoning ordinance that continues to be a violation of any provision of this chapter.

(Prior Code, § 152.009) (Ord. passed - -2006)

TERMS AND DEFINITIONS

§ 154.020 INTERPRETATION OF TERMS AND DEFINITIONS.

(A) Unless the context otherwise requires, the following definitions shall be used in the interpretation of this chapter. The words, which are defined, are those having special or limited meanings in this chapter. Words with self-evident meanings are not defined here.

(B) For the purpose of this chapter, certain words shall be interpreted as follows:

(1) Words used in the present tense include the future tense; words used in the singular include the plural and the plural include the singular;

(2) The word “shall” is mandatory; the word “may” is permissive; the word “should” is preferred;

(3) The word “building” includes the word “structure;”

(4) The word “lot” includes the words “plot” and “parcel;”

(5) The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;

(6) The word “submission” indicates a complete filing as called for by this chapter; and

(7) The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”

(C) These definitions shall be first used in the interpretation of any words or phrases used in this chapter. Any words or phrases not defined in this chapter shall be given the definition provided in KRS Chapter 100 (planning and zoning statutes) or KRS 219.310 to 219.410 (mobile and recreational vehicle park). Words neither defined in this chapter nor in KRS Chapter 100 and KRS 219.310 to 219.410 shall be given their ordinary meaning and usage.

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

ACCESSORY USE OR STRUCTURE. Any use or structure on the same lot with, and of a nature customarily incidental to or subordinate to, the principal use or structure.

ADMINISTRATIVE/ENFORCEMENT OFFICER. An individual who shall be appointed by the Mayor of the City of Lawrenceburg and/or the County Judge/Executive of Anderson County, to administer this chapter. This officer may also be known as the Building Inspector, Enforcement Officer, Zoning Administrator, or various other titles descriptive of the work performed. The duties and titles may be split between one or more persons as required.

AGRICULTURAL STRUCTURE. Any structure or building, other than a dwelling, accessory to the principle use of the land.

AGRICULTURAL USE. The use of a tract of at least five contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building for sale or lease to the public (per KRS 100.111(2)).

ALLEY. Any public or private way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or addition to the supporting members or foundation of a building or other structure.

ANCHORING SYSTEM. An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured home.

ANSI/NFPA 501A STANDARD FOR INSTALLATION OF MANUFACTURED HOMES. Model national standards (including all authorized successor documents) for installation of manufactured homes, as adopted and copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

APARTMENT. A room or suite of rooms in a multi-family building, consisting of at least one

habitable room, together with a kitchen or kitchenette and sanitary facilities.

APPROVING AUTHORITY. The Lawrenceburg/Anderson County Planning Commission, unless a different agency is specifically designated by ordinance.

AUTOMOBILE OR TRAILER SALES AREA. An open area, other than a street, used for display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done. No vehicles shall be placed or displayed forward of the building line required for the district.

AUTOMOTIVE REPAIR, MAJOR. Repair of motor vehicles or trailers, including rebuilding or reconditioning of engines and/or transmissions; collision services including body, frame, or fender straightening or repair; or overall painting or paint shop and vehicle steam cleaning.

AUTOMOTIVE REPAIR, MINOR. Incidental minor repairs, upholstering, replacement of parts, and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under the definition of "automotive repair, major," or any other similar thereto. Cars or trucks being repaired or under repair shall not be stored outside the building for more than 48 hours.

AUTOMOTIVE WRECKING. The dismantling or disassembling of used motor vehicles, or the storage, sale, or dumping of dismantled, obsolete, or wrecked vehicles or their parts.

BASEMENT. A story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit.

BED AND BREAKFAST. A residential unit where four or fewer sleeping rooms are provided for transient persons for compensation, and in which meals may be served to overnight guests.

BILLBOARD. A sign or structure which directs attention to a business, commodity, service, activity, or entertainment not conducted, sold, or offered upon the premises upon which the sign is located. (See §§ 154.190 through 154.230.)

BOARD. The Board of Adjustment for the City of Lawrenceburg, Kentucky and/or the Board of Adjustment for Anderson County, Kentucky.

BOARDING OR LODGING HOUSE. A dwelling, or part thereof, occupied by a single housekeeping unit where meals and lodgings are provided for four or more persons (not transients) for compensation by previous arrangement.

BUILDABLE LOT AREA. The part of a lot not included within the open areas required by this chapter.

BUILDING. Any structure having enclosed space and a roof.

(a) **BUILDING, ACCESSORY.** A subordinate building detached from, but located on, the same lot as the principal building, the use of which is incidental to and accessory to that of the main

building or use.

(b) **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, HEIGHT OF. The vertical distance from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

BUILDING LINES. Lines and/or utility easements and rights-of-way beyond which no building or part thereof shall project, except as otherwise provided by this chapter. See also **SETBACK LINES.**

BUILDING PERMIT. A permit issued by the Administrative/Enforcement Officer authorizing the use of lots, structures, uses of land, and structures and the characteristics of the uses.

BUSINESS. The following definitions of varying types of business uses may be used to clarify permitted and conditional uses in the various commercially zoned district.

(a) **BUSINESS, CONVENIENCE, OR NEIGHBORHOOD.** Commercial establishments, which cater to, and can be located in close proximity to, or within, residential districts, without creating undue vehicular congestion, excessive noise or other objectionable influences. To prevent congestion, **CONVENIENCE** uses include, but need not be limited to, drugstores, video rental stores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick up facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve the day-to-day needs of the neighborhood.

(b) **BUSINESS, GENERAL.** Commercial uses, which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving the day-to-day needs of the community, also supply more durable and permanent needs of the whole community. **GENERAL BUSINESS** uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores, and discount stores.

(c) **BUSINESS, HIGHWAY.** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. **HIGHWAY BUSINESS** uses include, but need not be limited to, such activities as gas stations, auto and truck sales and service, restaurants, including drive through restaurants, motels, and commercial recreation.

(d) **BUSINESS, OFFICE/PROFESSIONAL.** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. **OFFICE/PROFESSIONAL** generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, religious, or educational nature are also included in this classification.

CERTIFICATE OF OCCUPANCY. A certificate issued by the Administrative/Enforcement Officer, after construction has taken place, which certifies that the building meets minimum standards for human occupancy.

CITY COUNCIL. Legislative body for the City of Lawrenceburg, Kentucky.

CLINIC. A place used for the diagnosis and treatment of sick, ailing, infirmed, and/or injured persons and those who are in need of medical or surgical attention, but limited to outpatients only.

COMMERCIAL FLOOR AREA. Building floor area devoted to the display of merchandise, the performance of consumer services, or the circulation and accommodation of customers.

COMMISSION, PLANNING. Planning Commission of the City of Lawrenceburg and Anderson County, Kentucky; also known as the **JOINT PLANNING COMMISSION** or the **COMMISSION**.

COMMON OPEN SPACE. An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and/or owners of the development. **COMMON OPEN SPACE** may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and/or owners of the development.

COMPREHENSIVE PLAN. A plan prepared to serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate manner within the planning area and adopted by the Planning Commission in accordance with KRS Chapter 100. This **PLAN** also establishes the goals, objectives, and policies of the community.

CONDITIONAL USE. A use specifically permitted in a zoning district, other than a principally permitted use, requiring a conditional use permit and the review and approval of the Board of Zoning Adjustment. A **CONDITIONAL USE** is permitted but could impair the integrity and character of the zone in which it is located, or of adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those set forth by this chapter.

CONDITIONAL USE PERMIT. Legal authorization to undertake a conditional use, issued by the Administrative Official pursuant to authorization by the Board of Zoning Adjustment, consisting of two parts:

(a) A statement of the factual determination of the Board of Zoning Adjustment, which justifies the issuance of the permit; and

(b) A statement of the specific conditions, which must be met in order for the use to be permitted.

CONSOLIDATION. The joining together of two or more contiguous lots for the purpose of sale, lease, or building development.

CONVALESCENT OR NURSING HOME.

(a) An establishment which provides full time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who by reason of chronic illness or infirmity, are unable to care for themselves.

(b) No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. Hospital or sanitarium shall not be construed to be included in this definition.

COURT. An open, unoccupied and unobstructed space other than a yard, on the same lot with a building or a group of buildings.

COVERAGE. The percentage of the lot area covered by the building including all overhanging roofs.

DENSITY. A unit of measurement; the number of dwelling units per acre of land.

(a) **GROSS DENSITY.** The number of dwelling units per acre of land to be developed.

(b) **NET DENSITY.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DEVELOPER. The legal or beneficial owner or owners of all land proposed to be included in a development including the holder of options or contracts to purchase or other such persons having a proprietary interest in such land.

DEVELOPMENT PLAN. A presentation in the form of sketches, maps and drawings (plans and profiles) of a proposed use and/or structure by the owner of the land that sets forth in detail the intended development. **DEVELOPMENT PLANS** are required by the Planning Commission for certain zoning map amendments and building permits. Types of **DEVELOPMENT PLANS** include conceptual, preliminary and final.

DIMENSIONAL VARIANCE. See **VARIANCE, DIMENSIONAL.**

DISTRICT. An area or zone of the municipality for which regulations governing the use of premises and structures or the height and area of buildings are uniform.

DWELLING. A building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

(a) **DWELLING, MULTI-FAMILY.** A building or portion thereof designed for or occupied by three or more families living independently of each other.

(b) **DWELLING, SINGLE-FAMILY.** A building designed for or occupied exclusively for residential purposes by one family.

(c) **DWELLING, TWO-FAMILY.** A building designed to be occupied by two families living independently of each other. This term is also known as a **DUPLEX.**

DWELLING GROUP. A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

DWELLING UNIT. One or more rooms designed for or used by one family for living or sleeping purposes, having one kitchen or kitchenette, and maintaining separate and independent housekeeping.

EASEMENT. A grant by the property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.

FAMILY. A person living alone, or two or more persons related by blood, marriage, or adoption, or not more than five unrelated persons, occupying a single dwelling unit. Such occupancy shall be for non-profit purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, or motel.

FILING. Filing with the City of Lawrenceburg City Clerk or Anderson County Clerk, unless a different city or county official is designated by ordinance.

FILLING STATION or GAS STATION. Buildings or premises where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, but not including major automobile repairs.

FINAL APPROVAL. The official action of the Planning Commission taken on a final subdivision plat or development plan after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion per this chapter.

FISCAL COURT. The chief legislative body of Anderson County.

FLOOR AREA, TOTAL. The area of all floors of a building including finished attics, finished basements, and covered porches.

FOUNDATION SIDING/SKIRTING. A type of wainscoting constructed of fire and weather resistant materials, such as aluminum, particleboard, treated pressed wood, or other approved materials, enclosing the entire undercarriage of a manufactured home.

FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. The **FRONTAGE** is the length of the front lot line measured at the street right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be required to meet **FRONTAGE** requirements. Yards shall be provided as discussed later in this section.

GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used by the occupants of the premises for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

GARAGE, PUBLIC. A building or structure used for the parking or temporary storage of passenger vehicles on an intended profit basis.

GARAGE, SERVICE STATION. Buildings and premises where gasoline, oil, grease, batteries,

tires, motor vehicle accessories, maps, and informational materials, and food, drink, and similar convenience goods for service station customers, may be supplied and dispensed at retail, and where minor automotive services may be rendered and sales made. Minor servicing of motor vehicles shall not include major mechanical and body work, including the storage of automobiles not in operating condition or other work involving off-site noise, glare, fumes, smoke, or other characteristics.

GOVERNING BODY. The chief legislative body of the City of Lawrenceburg (City Council), of Anderson County (Fiscal Court), or another jurisdiction as indicated.

HEIGHT OF STRUCTURE. The vertical distance measured from the average finished grade at the front building line to the highest point of a structure. (See **BUILDING, HEIGHT OF.**)

HOME OCCUPATION. An occupation or profession carried on within a dwelling by the occupant thereof which is clearly incidental and secondary to the use of the dwelling for residential purposes, permitted as a conditional use in § 154.095 of this chapter, provided that:

- (a) No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
- (b) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one non-illuminated sign four square feet in area mounted flat against the outside wall of the main or accessory building;
- (c) Such use shall not require structural alterations or involve construction not customary in dwellings;
- (d) No more than 25% of the floor area of the dwelling unit shall be used in the conduct of such home occupation;
- (e) No traffic generated by such home occupation shall be in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this chapter and shall not be in the required front yard;
- (f) A **CUSTOMARY HOME OCCUPATION** is primarily of a service character such as:
 1. An office or studio of a physician, dentist, artist, lawyer, engineer, architect, realtor, or insurance agent;
 2. A teacher, provided that musical instruction is limited to one pupil at a time;
 3. Child care centers, day cares; and
 4. Beauty parlors, barber shops, schools of any kind with organized classes; provided that the display and/or trading of wholesale or retail merchandise is clearly incidental to the primary service being provided.

(g) There shall be no commodities sold except those which are produced on the premises or as meet conditions otherwise set forth in this definition;

(h) No **HOME OCCUPATION** shall generate off-site noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses. No equipment or process shall be used which creates visual or audible interference in any off-site radio or television receivers, or causes off-site fluctuations in line voltage; and

(i) All such **HOME OCCUPATIONS** shall require a conditional use permit and approval of the Board of Adjustment. 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.

HOME OCCUPATION, AGRICULTURAL. Any occupation as defined in **HOME OCCUPATION** which occurs in the residential dwelling on the farm, plus any occupation conducted in an accessory building in any agricultural zone, provided that:

(a) No more than three persons other than members of the family residing on the premises shall be engaged in such occupation; and

(b) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign, not exceeding eight square feet in area, and not placed in such a manner as to create a traffic visibility problem or obstruction.

HOSPITAL or SANITARIUM. An establishment which provides accommodations, facilities, and services over a continuous period of 24 hours or more for observation, diagnosis, and care of two or more individuals suffering from illness, injury, deformity, or abnormality or from any condition requiring medical services. Convalescent homes and nursing homes shall not be construed to be included in this definition.

HOTEL or MOTEL. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities. Boarding houses, lodging houses, and bed and breakfast facilities shall not be construed to be included in this definition.

HOUSING OR BUILDING REGULATIONS. Regulations adopted by the local governing body which regulate housing, building, or other safety codes, including but not limited to plumbing and electrical codes, the Kentucky Building Code (KBC) and the One- and Two-Family Dwelling Code.

INDUSTRY, HEAVY. Those industries whose processing of products may result in the emission of atmospheric pollutants, light flashes or glare, odor, noise, vibration, and/or electrical interference which may be heard and/or felt off the premises, and those industries which constitute a fire or explosion hazard.

INDUSTRY, LIGHT. Those industries whose processing of products results in none of the conditions described for heavy industry.

JUNK YARD. A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such uses when conducted entirely within a completely enclosed building, and not including pawn shops, and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or the processing of used, discarded, or salvaged materials as a minor part of manufacturing operations.

KENNEL.

(a) **COMMERCIAL.** A compound where three or more dogs over four months of age are kept and where the owner is actively engaged in buying dogs for resale, consistently selling offspring of the owner's dogs, and/or boarding dogs which are not owned by the owner for compensation.

(b) **NONCOMMERCIAL.** A compound in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder or for protection of the householder's property. The occasional sale of pups by the keeper of a **NONCOMMERCIAL KENNEL** does not change the character of residential property.

KENTUCKY BUILDING CODE (KBC) and **KENTUCKY RESIDENTIAL CODE (KRC).** The state building codes adopted by local jurisdictions for the purpose of protecting the health, safety, and welfare of residents in all dwelling units in that jurisdiction.

LAND USE PLAN. The plan adopted by the local Planning Commission as a part of or separate from the Comprehensive Plan proposing the most appropriate, economic, desirable, and feasible patterns for the general location, character, extent, and inter-relationship of a community's public and private land.

LIMITED FOOD SERVICE. The preparation and service of food carried on within a residential unit by the occupant thereof for compensation, provided that such food service shall not be available to the general public, but shall be provided to private groups on a pre-arranged basis.

LOADING SPACE, OFF-STREET. An off-street space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles to be used, and accessible to such vehicles when required off-street parking spaces are filled. Such spaces are typically on the same lot with a building or contiguous to a group of buildings and accessory buildings providing for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Such space shall abut on a street, alley, or other appropriate means of access. Required **OFF-STREET LOADING SPACE** is not to be included in off-street parking space or computation of required off-street parking space. All **OFF-STREET LOADING SPACES** shall be located totally outside of any street or alley right-of-way and shall not obstruct the sidewalk in any way.

LOCAL INFORMATION SIGN. A sign indicating directions to a local commercial, industrial or other type establishment.

LOT. A parcel of land established by plat, subdivision or as otherwise permitted by law to be used, developed, or built upon as a unit. Such **LOT** shall be of sufficient size to meet minimum zoning

requirements for use, coverage, area, and to provide such yards and open spaces as herein required and shall have frontage on an improved public street. Tracts intended for use primarily for agricultural purposes are not included in this definition. See Exhibits 2-1 and 2-2 for Lot Terms and Lot Types.

(a) **LOT, CORNER.** A lot which abuts on two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

(b) **LOT, INTERIOR.** A lot other than a corner lot.

(c) **LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel streets; also known as a double-frontage lot.

LOT AREA. The computed area contained within the lot lines.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT LINES. The property lines bounding a lot.

(a) **LOT LINE, FRONT.** The property line separating the lot front and the street.

(b) **LOT LINE, REAR.** The lot line opposite and most distant from the front lot line.

(c) **LOT LINE, SIDE.** Any lot line other than a front or rear lot line. A **SIDE LOT LINE** separating a lot from a street is called a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is called an interior side lot line.

LOT, MINIMUM AREA OF. The area of a lot computed exclusively of any portion of the right-of-way of any public or private street.

LOT OF RECORD. Recorded lot on file in the County Clerk's office.

LOT WIDTH. The average width of the lot measured at right angles to its depth.

MANUFACTURED HOME. A single-family residential dwelling constructed after June 15, 1976, in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, being 42 U.S.C. §§ 5401 et seq., and denoted to be used as a single-family 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.

MANUFACTURED HOME PARK. An area of land upon which two or more occupied mobile homes are placed, either free of charge or for revenue purposes, provided that a qualified manufactured home and another manufactured home together shall not be deemed a manufactured home community. Also known as a **MANUFACTURED HOME LAND-LEASE COMMUNITY.**

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE. Title VI of the 1974 Housing and Community Development Act (42 U.S.C. §§ 5401 et seq.), as amended

(previously known as the National Manufactured Housing Construction and Safety Standards Act of 1974), rules and regulations adopted there under, and approved by an agent of the U.S. Department of Housing and Urban Development.

MAP. A map of the jurisdiction indicating district boundaries according to this chapter; also known as **ZONING MAP** or **ZONING ATLAS**.

MINI-WAREHOUSE. A building divided into cubicles or compartments, which are rented or leased to the general public for storage of goods; each cubicle or compartment constitutes a unit.

MUNICIPAL AUTHORITY. The City Council of the City of Lawrenceburg, Kentucky.

NONCONFORMING USE OR STRUCTURE. An activity or a building, sign, structure, or a portion thereof which lawfully existed before the adoption or amendment of this chapter, but which does not conform to all of the regulations contained in this chapter which pertain to the zone in which it is located. (See §§ 154.070 through 154.073.)

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, recreation facilities, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PARKING SPACE. A space with a minimum rectangular dimension of not less than nine feet in width and 19 feet in length for 90-degree parking. See §§ 154.175 through 154.183 for more detail regarding standards and requirements for off-street parking, loading, and unloading.

PERMANENT FOUNDATION. A system of supports that is capable of transferring, without failure, into the soil or bedrock the maximum design load imposed by or upon the structure; is constructed of concrete; and is placed at a depth below grade adequate to prevent frost damage.

PLAN. The provisions for development of a planned unit development including a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space, and public facilities. The phrase **PROVISIONS OF THE PLAN** when used in this chapter shall mean the written and graphic materials referred to in this definition.

PLANNED UNIT DEVELOPMENT. An area with specified minimum contiguous acreage of five acres to be developed as a single entity according to a plan containing one or more residential clusters, which may include commercial, public, or quasi-public uses in such ranges of ratios of nonresidential uses to residential uses as shall be specified in this chapter (§§ 154.235 through 154.242) primarily for the benefit of the residential development.

PLANNING COMMISSION. The Lawrenceburg/Anderson County Planning Commission, established pursuant to KRS Chapter 100.

PLAT. A map or maps of a subdivision showing lot lines therein and fulfilling the requirements of the locally adopted subdivision regulations.

PRELIMINARY APPROVAL. The conferral of certain rights, pursuant to this chapter and the adopted subdivision regulations, prior to final approval after specific elements of a subdivision plat have been agreed upon by the Planning Commission.

PREMISES. A lot or other tract of land under one ownership and all structures on it.

PRINCIPAL PERMITTED USE. A use which is permitted outright in a district for which a zoning certificate may be issued by the administrative official in accordance with the provisions of this chapter.

PRINCIPAL USE OF STRUCTURE. The primary use of the land or the main structure on a lot, which determines the primary activity, that takes place on the land or in the structure.

PUBLIC OPEN SPACE. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservation uses.

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

- (a) Is manufactured on or after July 15, 2002;
- (b) Is affixed to a permanent foundation and is connected to the appropriate facilities and is installed in compliance with KRS 227.570;
- (c) Has a measurement of at least 20 feet at its smallest width measurement or is two stories in height and oriented on the lot or parcel so that its main entrance door faces the street;
- (d) Has a minimum total living area of 900 square feet; and
- (e) Is not located in a manufactured home land-lease community.

QUASI-PUBLIC USE. Churches, Sunday schools, parochial schools, colleges, hospitals, and other public facilities of an educational, religious, charitable, philanthropic, or related non-profit nature.

RECREATIONAL VEHICLE. A portable vehicular structure not built to the Federal Manufactured Housing Construction and Safety Standards Code, being 24 C.F.R. part 3280, (or the obsolete ANSI 119.1 Mobile Home Design and Construction Standard) designed for travel, recreational camping, or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including, but not limited to, travel and camping trailers, truck campers, and motor homes.

RESIDENTIAL CLUSTER. An area developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area.

RESIDENTIAL UNIT. Any unit designed for use by one family for living purposes being self-contained, and being either in a detached, semi-detached, attached, multi-family, or multi-story structure.

RIGHT-OF-WAY. A strip of land taken or dedicated for use as a public way. In addition to the roadway itself, the **RIGHT-OF-WAY** normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features as required by topography or treatment such as grade separation, landscaped areas, viaducts, and bridges.

SETBACK LINE. The distance between a given lot line, easement, or right-of-way line and any structure front, rear, or side, as specified.

SIDEWALK. The portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

SIGNS. See §§ 154.190 through 154.230.

SITE PLAN. Similar to a development plan, but not as much detail is required. A **SITE PLAN** shows a lot with the location of all existing and proposed structures, yard setbacks, driveways, parking spaces, means of ingress and egress, drainage facilities, street grades and proposed finished grades, and any other information that may be reasonably required in order to make an informed decision. To obtain a building permit for low density housing from the Administrator/Enforcement Officer, a **SITE PLAN** is required. For all other building permits, a final development plan is necessary.

STORY. The portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

STREET. A public right-of-way that provides a public means of vehicular and pedestrian access to abutting property. The term **STREET** shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. The right-of-way limits of any **STREET** shall include the street pavement, curb, and gutter (or open ditches) and may provide space for the location of utilities. The right-of-way limits of any **STREET** shall be coincidental to the property line of the adjacent or the abutting lot. **STREETS** are classified specifically herein as follows and as seen in Exhibit 2-3.

(a) **ARTERIALS. ARTERIAL STREETS** rank second in the classification of streets, and are primarily for through traffic, carrying heavy loads, and large volumes of traffic, usually on a continuous route. Access to abutting properties, if permitted, should be provided by means of a marginal access street in order to serve several abutting properties, rather than provide each abutting property its own individual access thereto. **ARTERIAL STREETS** are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control, and right-of-way limits.

(b) **COLLECTOR STREETS. COLLECTOR STREETS** rank third in the classification of streets, and they are principally used for vehicular movement; however, access to abutting properties is planned and controlled so that minimum disturbance is made to the traffic flow on said **COLLECTOR STREET. COLLECTORS** are the link between arterial and minor streets, and generally rank next to minor streets in right-of-way lengths and speed control. **COLLECTOR STREETS** typically include the principle

entrance and circulation routes within residential subdivisions.

(c) **EXPRESSWAYS.** *EXPRESSWAYS* rank first in the classification of streets and are used only for vehicular movement without access to abutting properties. Interchange of traffic between *EXPRESSWAYS* and other streets (only arterial streets when possible) is accomplished by grade-separated interchange with merging deceleration and acceleration lanes.

(d) **MINOR OR LOCAL STREETS.** *MINOR STREETS* rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on *MINOR STREETS* should have an origin or destination in the immediate vicinity, whereas all types of through-traffic should be eliminated. *MINOR STREETS* are the primary link between generator points (homes, offices, stores and the like) and collector streets. *MINOR STREETS* require the least amount of vehicular movement and may be further classified into five categories as follows.

1. **ALLEYS.** Streets generally having two open ends with each end connecting to different streets. Such streets generally provide service and access to the rear of abutting properties on both sides.

2. **CONTINUING STREETS.** Minor streets having two open ends; each end generally connecting with different streets. One or more streets may intersect such a street between its two open ends, and property abuts both sides of such a street.

3. **CUL-DE-SACS.** Minor streets having only one open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement. No streets of this type shall dead-end at the closed end, unless future plans provide for its continuation to an open end or a turn-around circle. Temporary turn-around circles may be required when deemed necessary by the Commission.

4. **LOOP STREETS.** Minor streets having two open ends, each generally connecting with the same street. No other streets intersect between its two ends and property abuts on both sides thereof.

5. **MARGINAL ACCESS STREETS.** Minor streets generally having two or more access points to the major street system by connecting to a street of higher classification. Property abuts only one side of such a street whereas the other side thereof should generally be parallel and adjacent to a street of higher classification. *MARGINAL ACCESS STREETS* are sometimes called access or frontage roads.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or made, the use of which requires permanent location in or on the ground or attachment of something having a permanent location in or on the ground, including buildings and signs.

SUBDIVISION. The division of a parcel of land into three or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any

division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a ***SUBDIVISION***. The term includes re-subdivision and when appropriate to the context, shall relate to the process of ***SUBDIVISION*** or to the land subdivided. Any division or re-division of land into parcels of less than one acre occurring within 12 months following the division of the same land shall be deemed a ***SUBDIVISION*** within the meaning of this act.

SUBDIVISION REGULATIONS. The regulations governing the subdivision of land within the City of Lawrenceburg and Anderson County and as adopted by the Lawrenceburg/Anderson County Planning Commission.

SUPPORT SYSTEM. A pad or a combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or certified mobile home.

VARIANCE, DIMENSIONAL. A departure from the terms of the zoning regulations pertaining to height or width of structures and size of yards and open spaces, where such departures will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography and not as a result of actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship. Such departure requires approval of the Board of Adjustment.

VENUE, AGRICULTURE. Any activity conducted on agricultural zoned property that includes weddings (outdoor, or indoor, within barns), banquet hall, event barn, farm-to-market produce, pumpkin patches, corn mazes, hay rides, or other related activities.

WAREHOUSE. A building where goods may be stored commercially.

YARD. An open space or lot other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

(a) ***YARD, FRONT.*** The portion of the yard extending the full width of the lot and extending between the front lot line and the nearest part of the principal building.

(b) ***YARD, REAR.*** The portion of the lot extending the full width of the lot and extending between the rear lot line and the nearest part of the principal building.

(c) ***YARD, SIDE.*** Those portions of the yard extending from the nearest part of the principal building to the side lot line.

(Prior Code, § 152.020) (Ord. passed - -2006; Ord. 2006-14, passed 2-2-2007; Ord. 2019-2, passed 6-4-2019)

ADMINISTRATION AND ENFORCEMENT

§ 154.035 ADMINISTRATIVE/ENFORCEMENT OFFICER.

(A) Provisions of this chapter shall be enforced by an Administrative/Enforcement Officer who may be designated as provided in § 154.020 of this chapter and per KRS 100.271 to administer said chapter. The Administrative/Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the Chief of Police and/or County Sheriff's Office in enforcing orders, of the City and/or County Attorney in prosecuting violations and of other officials.

(B) The Administrative/Enforcement Officer may be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of this chapter, but shall not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of this chapter.

(C) The primary duties of the Administrative/Enforcement Officer shall be as follows.

(1) Accurate records shall be kept in a permanent file for the issuance of building permits, inspections, violations, stop orders, condemnations, and other permits and actions as required.

(2) Upon finding that any provisions of this chapter are being violated, the person or persons responsible for such violation shall be notified by the Administrative/Enforcement Officer through hand delivery or registered mail ordering the discontinuation of any illegal use of land, buildings, and/or structures.

(3) Whenever a violation of this chapter occurs, or is alleged to occur, any person may submit a complaint, in writing, to the Administrative/Enforcement Officer. The Officer shall record such complaints and shall follow up on such report within five working days. The Officer shall then respond to the complainant and those responsible for the violation, if applicable, in writing within ten working days of the formal complaint.

(4) All actions shall be taken as authorized by this chapter and KRS Chapter 100 to ensure compliance with or to prevent violations of this chapter, including the issuance of stop work orders and orders to remove or discontinue use of illegal structures and/or land uses.

(D) Any permit issued in conflict with the provisions of this chapter shall be null and void. (Prior Code, § 152.035) (Ord. passed - -2006)

§ 154.036 BUILDING PERMITS.

(A) It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving, alteration, or demolition of any building, including accessory buildings, until the Administrative/Enforcement Officer has issued a building permit for such work.

(B) Building permits shall be required for all structures conforming with the definition of "building"

as defined in § 154.020.

(C) No building permit shall be required in the following cases:

(1) Recurring maintenance work; or

(2) Installation of required improvements (e.g., streets, utilities, sidewalks, grading, drainage, and the like) according to an approved subdivision plat.

(Prior Code, § 152.036) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.037 PROCEDURE.

(A) *Application.*

(1) *Low density residential development.* To apply for a building permit from the Administrative/Enforcement Officer for a single-family or two-family residential dwelling, the applicant shall submit the plans as required in Kentucky Residential Code. For a single mobile home or manufactured home, the applicant shall submit the plans as required by BOCA (Building Officials Code Administration) and HUD (Housing and Urban Development). Along with the filing application and fee, the Codebooks require a site plan and building architectural/structural plans that are drawn to scale with sufficient clarity, details, and dimensions to show the nature and extent of the work proposed; plus any other information necessary for determining compliance with this order. The City of Lawrenceburg Municipal Water Company, applicable rural water district, or the County Health Department's certification approving proposed water and/or sewerage facilities must accompany applications as per § 154.144 of this chapter, except where such lot is a part of an approved subdivision and on a public sewage treatment system.

(2) *All other development.* To apply for a building permit from the Administrative/Enforcement Officer for multi-family residential, business, or industrial development, a planned unit development, a mobile home park, or any construction in a floodplain, the applicant must first submit a detailed development plan with the Anderson County/Lawrenceburg Joint Planning Commission. See §§ 154.250 through 154.254 of this chapter for the development plan application procedure and requirements.

(3) *Projects in phases.* Development projects to be done in phases must first be approved as a conceptual development plan by the Planning Commission. Phases, when ready for a building permit, will submit a detailed development, as in §§ 154.250 through 154.254 of this chapter.

(4) *Submission.* Upon approval of the final development plan by the Planning Commission, the applicant may submit for a building permit from the Administrative/Enforcement Officer. Included with the application for a building permit shall be a copy of the approved development plan, additional plans as required by the Kentucky Building Code, plus any other information necessary for determining compliance with this order.

(B) *Issuance.* If the proposed construction or alteration conforms with all applicable ordinances, regulations, and codes, the Administrative/Enforcement Officer shall issue a building permit authorizing

such construction or alteration. If proposed construction or alteration fails to conform the Administrative/Enforcement Officer shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative/Enforcement Officer shall act upon applications for building permits within two weeks from the date of their submission.

(C) *Restraint of construction without permit.* If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of the lack of a building permit shall establish a prima-facie case for the issuance of the restraining order.

(D) *Validity.* The issuance of a building permit shall not waive any provisions of this regulation.

(E) *Duration.*

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

(2) The Administrative/Enforcement Officer may renew a building permit without fee upon review before it becomes void.

(3) If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be revoked by the Administrative Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

(Prior Code, § 152.037) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.038 ENFORCEMENT.

(A) *Planning Commission may bring action.* The Planning Commission may bring action for all appropriate relief including injunctions against any governmental bodies or any person who violates the provisions of this chapter.

(B) *Correction period.*

(1) All violations of this chapter shall be corrected within a period of 30 days after the order to correct is issued by the Administrative/Enforcement Officer or in such longer period of time, not exceeding six months, as the Administrative/Enforcement Officer may determine.

(2) A violation not corrected within the allowed time for correction shall be reported to the City and/or County Attorney who shall initiate prosecution procedures.

(C) *Remedies.* The Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, the Fiscal Court or any interested party may institute an injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove any violation

of this chapter.

(Prior Code, § 152.038) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.039 FEE SCHEDULE.

(A) The City Council and Fiscal Court shall establish schedules of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this chapter.

(Prior Code, § 152.039)

(B) The county, in furtherance of the procedure to petition for additional plan review functions, hereby adopts as its fee schedule the fees contained in of 815 KAR 7:120 § 121 as adopted now or in the future by the State Board of Housing, Buildings, and Construction and same is hereby adopted in full as an ordinance of the county of the commonwealth as if set out at length herein.

(1) A copy of said Kentucky Building Code, together with a copy of all other regulations or NFPA pamphlets adopted or referred to thereunder, is on file in the office of the County Joint Planning and Zoning Commission, and the Zoning Administrator shall at all times keep a copy of said building code for reference.

(2) An attested copy of this section shall be transmitted to the Department of Housing, Building, and Construction of the commonwealth.

(Ord. passed - -2006; Ord. 2017-01, passed 5-16-2017)

BOARD OF ADJUSTMENT

§ 154.050 ESTABLISHMENT OF BOARD.

(A) A Board of Adjustment for each jurisdiction shall be established before the City/County Zoning Ordinance shall be legally enforced. The Boards established shall consist of three, five, or seven citizen members, two of whom may be citizen members of the Planning Commission from the appropriate jurisdiction.

(1) A ***CITIZEN MEMBER*** means any member of the Planning Commission or Board of Adjustment who is not also an elected or appointed official or employee of the city or county. The term of office for members of the Board of Adjustment shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively.

(2) Vacancies on the Boards of Adjustment shall be filled within 60 days by the respective legislative body. If the Mayor or Judge/Executive fails to act within that time, the Planning Commission

shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

(B) All members of the Board of Adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by § 228 of the Constitution of the commonwealth before a judge, county judge/executive, notary public, clerk of a court, or justice of the peace of the county.

(C) Reimbursement for expenses or compensation or both may be authorized for members of the Board of Adjustment.

(D) Any member of the Board of Adjustment may be removed by the appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The appointing authority, who exercises the power to remove a Board member, shall submit a written statement to the Planning Commission setting forth the reasons for removal and the statement shall be read at the next meeting of the Board of Adjustment. The member so removed shall have the right of appeal to the County Circuit Court.

(E) The Board of Adjustment shall annually elect a Chairperson and Vice-Chairperson and any other officer it deems necessary. Any officer shall be eligible for re-election at the expiration of his or her term. (Prior Code, § 152.050)

(F) When the proposed use does not meet the definition contained within KRS 100.111, a development plan shall be required. Specifically, it shall be required for properties that receive approval for a bed and breakfast, and to hold agri-tourism related venues within agriculture-zoned property to address traffic, landscaping, and other site related issues at the Zoning Administrator's discretion. (Ord. passed - -2006; Ord. 2019-2, passed 6-4-2019)

§ 154.051 MEETINGS OF BOARD, QUORUM, MINUTES, BYLAWS.

(A) The Board of Adjustment shall conduct meetings at the call of the Chairperson who shall give written or oral notice to all members of the Board of Adjustment at least seven days prior to the meeting which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.

(B) A simple majority of the total membership, as established by regulation or agreement, shall constitute a quorum. Any member of the Board of Adjustment who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself or herself from voting on the question.

(C) (1) The Board of Adjustment shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations

and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Board of Adjustment.

(2) If the Board of Adjustment has no office, such records may be kept in custody of an officer of the Board of Adjustment and shall be available to the general public. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

(Prior Code, § 152.051) (Ord. passed - -2006)

§ 154.052 OTHER RIGHTS AND POWERS OF BOARD.

(A) The Board of Adjustment may employ or contract with planners or other persons, as it deems necessary to accomplish its assigned duties.

(B) The Board shall have the right to receive, hold, and spend funds, which it may legally receive from any and every source in and out of the commonwealth, including the United States government, for the purpose of carrying out its duties.

(C) The Board of Adjustment shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chief of Police and/or Sheriff shall serve such subpoenas. The Circuit Court may, upon application by the Board of Adjustment, compel obedience to such court or such subpoena by proceedings of contempt.

(D) The Chairperson of the Board of Adjustment, or in his or her absence, the Acting Chairperson, shall have the power to administer an oath to witnesses prior to their testifying before the Board of Adjustment on any issue.

(Prior Code, § 152.052) (Ord. passed - -2006)

§ 154.053 CONDITIONAL USE PERMITS.

(A) The Board of Adjustment shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in this chapter and which may be suitable only in specific locations in the district and only if certain conditions are met.

(B) The Board of Adjustment may approve, modify, or deny any application for a conditional use permit. Before granting any such permits, the Board of Adjustment is required to consider the comments of all adjoining property owners. If it approves such permit, it may attach necessary conditions, such as time limitations, requirements that one or more things be done before the request can be initiated, or

conditions of a continuing nature. Any such conditions shall be recorded in the Board of Adjustment's minutes and on the conditional use permit, along with a reference to the specific section in this chapter listing the conditional use under consideration. The Board of Adjustment shall have power to revoke conditional use permits, or variances, for noncompliance with the condition thereof. Furthermore, the Board of Adjustment shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.

(C) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.

(D) In any case where a conditional use permit has not been exercised within the time limit set by the Board of Adjustment, or within one year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. **EXERCISED**, as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development or completed. When construction is not a part of the use, **EXERCISED** shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

(E) (1) The Administrative/Enforcement Officer shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the Administrative/Enforcement Officer shall state conditions on the conditional use permit, and copy of the report shall be furnished to the landowner at the same time that it is furnished to the Chairperson of the Board of Adjustment.

(2) If the Board of Adjustment finds that the facts alleged in the report of the Administrative/Enforcement Officer are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the Board of Adjustment may authorize the Administrative/Enforcement Officer to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(F) Once the Board of Adjustment has approved a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Administrative/Enforcement Officer, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.237. Thereafter, said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
(Prior Code, § 152.053)

(G) When the proposed use does not meet the definition contained within KRS 100.111, a development plan shall be required. Specifically, it shall be required for properties that receive approval

for a bed and breakfast, and to hold agri-tourism related venues within agriculture-zoned property to address traffic, landscaping, and other site related issues at the Zoning Administrator's discretion. (Ord. passed - -2006; Ord. 2019-2, passed 6-4-2019)

§ 154.054 DIMENSIONAL VARIANCE.

(A) The Board of Adjustment shall have the power to hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness or unusual shape of a site on the effective date of this chapter, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of this chapter would deprive the applicant of reasonable capacity to make use of the land in a manner equivalent to the use permitted other landowners in the same district. The Board of Adjustment may impose any reasonable conditions or restrictions on any variance it decides to grant.

(B) Before any variance is granted, the Board of Adjustment must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the dimensional variance:

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

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

(3) The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this chapter;

(4) Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood; and

(5) Consideration of all adjoining property owners' comments regarding the variance request.

(C) The Board of Adjustment shall not possess the power to grant a variance to permit a use of any land, building or structure, which is not permitted by this chapter in the district in question, or to alter density requirements in the district in question.

(D) A dimensional variance applies to the property for which it is granted, and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of the land, but the applicant cannot transfer it to a different site.

(Prior Code, § 152.054) (Ord. passed - -2006)

§ 154.055 RECORDING OF VARIANCES AND CONDITIONAL USE PERMITS.

All variances and conditional use permits approved by the Board of Adjustment shall be recorded at the expense of the applicant in the office of the County Court Clerk.

(Prior Code, § 152.055) (Ord. passed - -2006)

§ 154.056 EXISTING NONCONFORMING USE, CONTINUANCE, CHANGE.

(A) The lawful use of a building or premises, existing at the time of the adoption of this chapter affecting it may be continued, although such use does not conform to the provisions of such regulation, except as otherwise provided herein. (See §§ 154.070 through 154.073 for details.)

(B) The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time this chapter, which makes its use nonconforming, was adopted; nor shall the Board of Adjustment permit a change from one nonconforming use to any other nonconforming use.

(Prior Code, § 152.056) (Ord. passed - -2006)

§ 154.057 ADMINISTRATIVE REVIEW.

The Board of Adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by the Administrative/Enforcement Official in the enforcement of this chapter. A request for review shall be taken within 30 days after the applicant or his or her agent receives notice of the action alleged to be in error.

(Prior Code, § 152.057) (Ord. passed - -2006)

§ 154.058 PROCEDURE FOR ALL APPEALS TO BOARD.

(A) Appeals to the Board of Adjustment may be taken by any person, or entity, claiming to be injuriously affected or aggrieved by an official action or decision of any officer enforcing this chapter. Such appeal shall be taken within 30 days after the appellant or his or her agent receives notice of the action appealed from by filing with said officer and with the appropriate Board of Adjustment a notice of

appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. Said officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board of Adjustment, any interested person may appear and enter his or her appearance, and all shall be given opportunity to be heard.

(B) The Board shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Administrative/Enforcement Official at least one week prior to the hearing, and shall decide it within 60 days. The affected party may appear at the hearing in person or by attorney.

(C) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission or Board of Adjustment may appeal from the action to the circuit court of the county in which the land lies.

(D) All appeals shall be taken in the circuit court within 30 days after the action or decision of the Planning Commission or Board of Adjustment and all decisions, which have not been appealed within 30 days, shall become final. After the appeal is taken the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the County Circuit Court Clerk shall issue a summons to all parties, including the Planning Commission in all cases, and shall cause it to be delivered for sendee as in any other law action.

(Prior Code, § 152.058) (Ord. passed - -2006)

NONCONFORMING LOTS, STRUCTURES, AND USES

§ 154.070 INTENT.

It is the intent of this chapter to permit nonconforming lots, structures, and/or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding structures or uses prohibited elsewhere in the same district.

(Prior Code, § 152.070) (Ord. passed - -2006)

§ 154.071 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and permitted accessory uses may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in

the same ownership. This provision shall apply even though such lot fails to meet the requirements for area and width or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

(Prior Code, § 152.071) (Ord. passed - -2006)

§ 154.072 NONCONFORMING STRUCTURES AND USES.

Nonconforming structures and uses shall be allowed to continue to exist as per KRS 100.253 as follows:

(A) The lawful use of a building or premises, existing at the time of adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations; and

(B) The Board of Adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the Board of Adjustment permit a change from one nonconforming use to another unless the new nonconforming is in the same or in a more restrictive classification.

(Prior Code, § 152.072) (Ord. passed - -2006)

§ 154.073 ORDINARY REPAIR AND MAINTENANCE.

Work may be done on ordinary repair and maintenance, or on repair or replacement of non-loadbearing walls, fixtures, wiring, or plumbing. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition a building or other structure in accordance with the order of an appropriate public agency which declares such building or other structure to be unsafe and orders its restoration to a safe condition.

(Prior Code, § 152.073) (Ord. passed - -2006)

ESTABLISHMENT OF DISTRICTS

§ 154.085 GENERAL REGULATION.

No land shall be used or occupied and no structure shall be erected, altered, used, or occupied, except for the principal uses permitted for each of the 13 zoning districts created by this chapter, together with

lawfully permitted conditional uses and/or accessory uses as listed in the following sections of this chapter. (Prior Code, § 152.085) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.086 OFFICIAL ZONING MAP.

(A) The official city zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the city under the following words: “This is to certify that this is the City Zoning Map referred to in the City/County Zoning Ordinance adopted by the City of Lawrenceburg City Council on November 11, 1954.”

(B) The official county zoning map shall be identified by the signature of the County Judge/Executive, attested by the County Clerk, and bear the seal of the county under the following words: “This is to certify that this is the County Zoning Map referred to in § 154.086 of the City/County zoning chapter adopted by Anderson County Fiscal Court on September 1, 1985.”

(C) No changes shall be made in the city or county zoning maps, except in conformity with the procedures set forth in this chapter.

(D) If the city or county zoning map becomes damaged, destroyed, lost, or difficult to interpret, the City Council or the Fiscal Court, as appropriate, may, by resolution, adopt a new city or county zoning map. The new map may correct original drafting errors or other errors or omissions, but the corrections shall not be in effect amendments of the original map including amendments thereto. A replacement map shall also contain the following additional words: “this map supersedes and replaces the City (County) Zoning Map adopted (date of adoption of the map being replaced).” (Prior Code, § 152.086) (Ord. passed - -2006)

§ 154.087 INTERPRETATION OF DISTRICT BOUNDARIES.

(A) Boundaries of districts established under provisions of this chapter are shown on the city and county zoning maps on file in the office of the City Clerk, Lawrenceburg, Kentucky or the office of Anderson County Clerk, Lawrenceburg, Kentucky.

(B) Boundaries of districts shown on the city or county zoning maps shall be interpreted as follows.

(1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, and railroad tracks shall be construed to follow such lines.

(2) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city corporation limits or county boundaries shall be construed as following such corporation or county line.

(4) Boundaries indicated as approximately following shore lines shall be construed to follow such shore lines, and in the event of a change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.

(5) Boundaries indicated as parallel to or extensions of features indicated in divisions (B)(1) through (B)(4) above, shall be so construed. The scale of the city or county zoning map shall determine distances, unless specifically shown on the map.

(6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by divisions (B)(1) through (B)(5) above concerning the exact location of any district boundary line or portion thereof, the location of such district boundary or portion thereof shall be determined by the Board of Adjustment.

(C) Where a district boundary line on the city or county zoning map divides a lot of single ownership which was recorded at the time of enactment of this chapter, the Board of Adjustment may permit the extension of the regulations for either portion of the lot a distance not to exceed 50 feet into the remaining portion of the lot.

(D) Whenever any street, alley, public way, or public easement is vacated through legal action, the abutting districts shall be extended, depending on the land to which the vacated lands revert. (Prior Code, § 152.087) (Ord. passed - -2006)

§ 154.088 ANNEXATION.

The zoning classification for territory proposed for incorporation through annexation may be amended in accordance with KRS 100.209. (Prior Code, § 152.088) (Ord. passed - -2006)

§ 154.089 DISTRICTS ESTABLISHED.

The following zoning district classifications are established for the City of Lawrenceburg and Anderson County, Kentucky:

A-1	Agricultural District
A-2	Small Community District
R-1	Residential - Low Density Residential District
R-2, R-2a	Residential - Two-Family Residential District

R-3	Residential - Multi-Family Residential District
MH	Manufactured Home Park District
B-1	Business - Neighborhood Business District
B-2	Business - Central/General Business District
B-3	Business - Highway Service Business District
B-4	Business - Rural General Business District
I-I	Industrial - Light Industrial District
1-2	Industrial - Heavy Industrial District
F	Floodplain District

(Prior Code, § 152.089) (Ord. passed - -2006)

§ 154.090 EXPRESSLY PROHIBITED USES IN ALL DISTRICTS.

(A) *Exterior storage of non-operating or non-licensed vehicles.*

(1) 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 ten days, except that this section shall not apply to historic motor vehicles registered and licensed in conformance with KRS 186.043, property where such use is allowed under zoning ordinances or other applicable laws, or 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.

(2) This section 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 appropriate storage place or depository maintained in a lawful place and manner by the county government or any other public agency or entity. Nothing in this chapter shall be taken to lessen the requirements of the county or city nuisance ordinance(s) and when this chapter is in conflict, the stricter of the two shall prevail.

(B) *Duty of maintenance of private property.* No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain

such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such persons are located. Nuisances shall consist of, but shall not be limited to, abandoned buildings, abandoned mobile homes, and garbage dumps.

(C) *Certain mobile homes.* Mobile homes constructed prior to June 15, 1976, or otherwise not in compliance with the National Manufactured Housing and Construction and Safety Standards Act of 1974; provided that such structures existing at the adoption of this chapter remain as nonconforming structures (and provided that replacement of such nonconforming structures with the smallest size manufactured at the time, which is no less square footage than the existing structure, shall not be deemed an enlargement or expansion of the non-conforming use).

(Prior Code, § 152.090) (Ord. passed - -2006; Ord. 2008-04, passed 6-5-2008) Penalty, see § 154.999

§ 154.091 EXPRESSLY PERMITTED.

Temporary offices of construction companies on or near a construction site are allowed in all zones subject to the approval of the Building Inspector.

(Prior Code, § 152.091) (Ord. passed - -2006)

§ 154.092 AGRICULTURAL DISTRICT.

The intent of the Agricultural District is to preserve, promote, and protect the rural character of the land, including agricultural uses, significant natural features, wooded areas, the watercourses, and to minimize erosion of soil, siltation, and pollution of streams and lakes.

(Prior Code, § 152.092) (Ord. passed - -2006)

§ 154.093 AGRICULTURAL DISTRICT A-1.

(A) *Purpose.* The purpose of A-1 Districts is to preserve agricultural endeavors and open space within the county.

(B) *Permitted uses.*

- (1) Land used exclusively for agriculture, farming, dairying, stock raising;
- (2) Horticultural services;
- (3) Hunting, trapping, game preserves, forestry;

(4) Single-family detached dwellings, including qualified manufactured homes, but not other manufactured homes (with the exception of manufactured homes which were manufactured during 2002 or after and are in compliance with the inspection and installation requirements of this chapter applicable to qualified manufactured homes and are no smaller than 14 feet in width); and

(5) Churches and cemeteries.

(C) *Permitted accessory uses.*

(1) Accessory uses in connection with agriculture, farming, dairying, stock raising, or similar uses, such as tenant homes, agriculture structures, stables, and parking areas;

(2) Roadside stands offering for sale only agricultural products grown on the premises;

(3) Keeping of roomers or boarders by a resident family; and

(4) Swimming pools and tennis courts for private use.

(D) *Conditional uses.* The following uses are special exceptions and require written approval of the Board of Adjustment. The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the agricultural character of the district in which the proposed use would locate:

(1) Hospitals, nursing homes, convalescent homes, rest homes, orphanages, rehabilitation homes, churches, and schools;

(2) Sewage disposal plants and water treatment plants;

(3) Extraction of crude petroleum or natural gas; extraction, storing, and processing of minerals or raw materials;

(4) Veterinarian clinics;

(5) Agricultural home occupations as defined in § 154.020 of this chapter;

(6) Bed and breakfast, when not owner-occupied;

(7) Recreational facilities, including playgrounds, golf courses, country clubs, sportsman's farms, riding stables, fishing lakes, and private clubs, restaurants for private clubs, horse training track, and agri-tourism related venues;

(8) Recreational vehicle park, subject to § 154.161 of this chapter; and

(9) Additional dwelling units, including manufactured homes used as dwelling units by members of farm owner's immediate family or full-time employees of the farm operation. If said unit is a manufactured home, it must be removed once a qualified occupant is no longer in residence and shall be installed subject to § 154.162 of this chapter. All units may only be severed from the farm if the proposed lot would conform to the applicable zoning requirements. Additional dwelling units must have a sanitary waste disposal system approved by the County Health Department.

(E) *Development standards (A-1).*

Minimum lot area	
No public sewer	2 acres
On public sewer	1 acre*
Minimum lot frontage	50 feet
Minimum width at building line	150 feet
Minimum front yard*	80 feet
Minimum side yard (each side)*	25 feet
Minimum rear yard*	50 feet
Maximum building height	N/A
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183
NOTE: see §§ 154.120 through 154.123 for special agricultural exemptions.	
* Minimum side and rear yard requirements measured from the property line on all sides. Front yard setbacks are measured from the public road right-of-way.	

(Prior Code, § 152.093) (Ord. passed - -2006; ; Ord. 2008-04, passed 6-5-2008; Ord. 2011-9, passed 11-15-2011; Ord. 2019-2, passed 6-4-2019)

§ 154.094 SMALL COMMUNITY DISTRICT A-2.

(A) *Purpose.* The purpose of the A-2 District is to preserve and allow continued limited growth in areas of the county that have developed as small communities, typically including single-family residential development and related commercial and industrial development. See special conditions in division (E) below.

(B) *Permitted uses.*

(1) All uses permitted in the R-1 District; and

(2) Retail and consumer oriented business development typical of that permitted in the Neighborhood Business District (B-1), excluding office and non-retail development.

(C) *Accessory uses.* All accessory uses permitted in the R-1 and B-1 Districts.

(D) *Conditional uses.*

(1) The following uses are special exceptions and require written approval of the Board of Adjustment. The Board of Adjustment may attach certain conditions to its approval which it feels are necessary to preserve and protect the rural residential character of the district in which the proposed use would locate.

(2) All conditional uses permitted in the R-1 and B-1 Districts.

(E) *Special conditions of the A-2 District.*

(1) No lots in this District, regardless of size, shall be deemed to qualify for the definition of agricultural use required for the special exemptions noted in §§ 154.120 through 154.123.

(2) This District shall provide existing rural settlements with protection from incompatible development while allowing limited small lot residential development and commercial development meeting the daily needs of the local community to continue to expand.

(3) Land intended to remain primarily agricultural in nature shall remain zoned A-1 until such time as a proposed change in land use compatible with the existing small community is imminent.

(F) *Development standards (A-2).*

Minimum lot area	
No public sewer	1 acre*
On public sewer	1/2 acre
Minimum lot frontage	100 feet
Minimum width at building line	100 feet
Minimum front yard	80 feet
Minimum side yard (each side)	15 feet
Minimum rear yard	30 feet

Maximum building height	N/A
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183
* Lot must meet all site, size, and dimension requirements of the local Health Department	

(Prior Code, § 152.094) (Ord. passed - -2006)

§ 154.095 RESIDENTIAL DISTRICTS.

The purpose of residential districts is to establish and preserve single and multi-family home neighborhoods as desired by large numbers of people free from other uses except those, which are both compatible with and convenient to the residents of such a district.

(Prior Code, § 152.095) (Ord. passed - -2006)

§ 154.096 LOW DENSITY RESIDENTIAL DISTRICT R-1.

(A) *General description.*

(1) The Low-Density Residential classification is the most restrictive residential district. The principal land use in this District is for single-family dwellings and for associated religious, recreational, educational, and public facilities necessary to provide for a balanced and attractive low-density residential area.

(2) Lands in this District are to be protected from encroachment of uses detrimental to and not performing a function appropriate to the residential environment. Property values are stabilized and orderly growth promoted by providing adequate light, air, and open space and through consideration of proper function relationships of each permitted use.

(B) *Permitted uses.* Detached single-family dwellings, which are not manufactured homes.

(C) *Accessory uses.* Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditional uses listed above; provided that such accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses and structures may include the following:

(1) The taking of boarders or roomers by the family resident on the premises, provided that no new living unit with separate kitchen and bathroom facilities is created (maximum of three rooms for this purpose);

(2) Detached garage for the storage of automobiles, recreational equipment, and incidental equipment;

(3) Private swimming pools; provided that they meet the side yard requirements of principal buildings and are fenced to prevent free access to small children in conformance with the requirements in § 154.140 of this chapter; and

(4) Storage buildings.

(D) *Conditional uses.* The following uses are special exceptions and require written approval of the Board of Adjustment. 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. Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers:

(1) Churches, parish houses, schools, and other places of worship located not less than 20 feet from any other lot in any R1 District;

(2) Public parks, playgrounds, golf courses, country clubs, and other public recreational facilities; provided that any principal building used therefor shall be located not less than 40 feet from any other lot in any “R” District;

(3) Schools and colleges for academic instruction located not less than 40 feet from other R District lots;

(4) Public libraries, public museums, and similar public cultural uses, located not less than 20 feet from other R District lots;

(5) Private noncommercial recreation areas and facilities not listed above including tennis courts and club swimming pools; provided that no such swimming pool shall be located nearer than 100 feet from any other R District lot;

(6) Funeral homes and cemeteries;

(7) Hospitals and clinics for human care, nursing, and convalescent homes, physicians offices, and religious and charitable institutions; provided that any buildings which are used for the permanent care of drug addicts or the mentally impaired shall be at least 100 feet from any R-District lot;

(8) Philanthropic institutions and clubs, except a club which is customarily carried on as a commercial activity;

(9) Noncommercial kennel on the premises of a residence occupied by the owner or tenant as a dwelling house;

Anderson County - Land Usage

(10) Bed and breakfast operations; and

(11) Home occupations as defined in § 154.020 of this chapter.

(E) *Special use.* A planned unit development for residences shall be permitted as a special use in conformance with §§ 154.235 through 154.242 of this chapter.

(F) *Development standards (R-1).*

	<i>Dwellings</i>	<i>Conditional Uses</i>
Minimum lot area		
on public sewer	11,000 sq. ft.	16,000 sq. ft.
no public sewer	43,560 sq. ft.	43,560 sq. ft.
Minimum width at building line	75 feet	100 feet
Minimum front yard	35 feet	35 feet
Minimum side yard (each side)	12 feet	12 feet
Accessory building	5 feet	5 feet
Minimum rear yard	25 feet	25 feet
Accessory building	5 feet*	5 feet*
Maximum building height		
Principal structure	N/A	N/A
Accessory structure	15 feet or 1 story	15 feet or 1 story
Max. percentage of lot covered by buildings	40%	40%
Signs	See §§ 154.190 through 154.230	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183	See §§ 154.175 through 154.183
* Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.		

(Prior Code, § 152.096) (Ord. passed - -2006)

§ 154.097 TWO-FAMILY RESIDENTIAL DISTRICT R-2, R-2A.

(A) *Purpose.*

(1) The Two-Family Residential District is intended to provide for medium population density.

(2) Single-family and two-family dwelling units are the principal uses permitted along with the associated uses referred to in § 154.096 as being necessary to provide a balanced and attractive residential area.

(3) The purpose of this District is to establish and preserve single-family home neighborhoods at a higher density than the R-1 District, which shall be free from other uses except those, which are both compatible with and convenient to the residents.

(B) *Permitted uses, R-2.*

(1) Detached single-family dwellings which are not manufactured homes;

(2) Detached two-family dwellings (duplexes);

(3) Attached single-family dwellings having a common vertical wall on the property line of two separate lots; provided that only one dwelling shall be on each lot, and no more than two dwellings shall be attached; and

(4) Other principal permitted uses in R-1.

(C) *Permitted uses, R-2A.*

(1) Detached single-family dwellings which are not manufactured homes; and

(2) Other principal permitted uses in R-1.

(D) *Accessory uses.*

(1) Accessory uses and buildings may be permitted as customarily incidental to any of the permitted principal and conditional uses listed above.

(2) Accessory uses permitted are those permitted in the R-1 District.

(E) *Conditional uses.*

(1) Any use conditionally permitted in an R-1 Residential District and subject to the requirements thereof as provided in § 154.096(D);

(2) Childcare facilities; and

Anderson County - Land Usage

(3) Nursing homes, rest homes, and funeral homes will be permitted; provided that the lot on which such use is located fronts on a designated state or federal highway, or a street designated as an arterial or collector in the Comprehensive Plan.

(F) *Special use.* A planned unit development for residences shall be permitted as a special use in conformance with §§ 154.235 through 154.242 of this chapter.

(G) *Development standards.*

	<i>R-2 Single-Family and R-2A</i>	<i>R-2 Two-Family</i>
Minimum lot area		
on public sewer	7,200 sq. ft.	10,200 sq. ft. †
no public sewer	43,560 sq. ft.	43,560 sq. ft.
Minimum width at building line	60 feet	70 feet
Minimum front yard	30 feet	30 feet
Minimum side yard (each side)	8 feet	8 feet
Accessory building	5 feet	5 feet
Minimum rear yard	25 feet	25 feet
Accessory building	5 feet*	5 feet*
Maximum building height		
Principal structure	N/A	N/A
Accessory structure	15 feet or 1 story	15 feet or 1 story
Max. percentage of lot covered by buildings	40%	40%
Signs	See §§ 154.190 through 154.230	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183	See §§ 154.175 through 154.183
<p>* Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.</p> <p>† Special provision for single-family attached residences: Single-family attached residences shall be permitted on individual lots of 4,200 square feet, 30 feet wide at building line, and attached to one other single-family unit; provided that each structure of two units shall comply with all R-2 Two Family standards. The division of an existing building shall no result in any violation of the Kentucky Residential Code.</p>		

(Prior Code, § 152.097) (Ord. passed - -2006; Ord. 2006-12, passed 11-21-2006)

§ 154.098 MULTI-FAMILY RESIDENTIAL DISTRICT R-3.

(A) *Purpose.*

(1) The intent of the R-3 District is to establish and preserve residential neighborhoods of different or mixed densities of residential units and to exclude uses which are not compatible with residential uses.

(2) The principal use of land may include two-family residential units to multi-family dwellings, including townhouses. Uses are also permitted on a conditional or accessory basis that complements the more intense residential use that is intended in an R-3 District.

(B) *Permitted uses.*

(1) All uses permitted in the R-2 District; and

(2) Multi-family dwellings including townhouses and condominiums. Multiple structures may be constructed upon the same lot, provided that the total minimum lot size shall be calculated based sum of the lot sizes that would be required for each building, is placed on separate lots.

(C) *Accessory uses.* Accessory uses and buildings may be permitted as customarily incidental to any of the permitted principal and conditional uses listed above. Accessory uses permitted are those permitted in the R-1 District.

(D) *Conditional uses.* Any use conditionally permitted in an R-2 Residential District and subject to the requirements thereof as provided in § 154.097(E).

(E) *Special use.* A planned unit development for residences shall be permitted as a special use in conformance with §§ 154.235 through 154.242 of this chapter.

(F) *Development standards (R-3).*

	<i>Single-Family</i>	<i>Multi-Family</i>
Minimum lot area		
on public sewer	7,200 sq. ft.	7,200 sq. ft. for the first unit plus 2,000 sq. ft. for each additional dwelling
no public sewer	43,560 sq. ft.	Not permitted
Minimum lot width at building line	60 feet	60 feet
Minimum front yard	25 feet	25 feet

	<i>Single-Family</i>	<i>Multi-Family</i>
Minimum side yard (each side)	8 feet	8 feet
Accessory building	5 feet	5 feet
Minimum rear yard	25 feet	25 feet
Accessory building	5 feet*	5 feet*
Max. percentage of lot covered by buildings	40%	40%
Signs	See §§ 154.190 through 154.230	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183	See §§ 154.175 through 154.183
* Rear yards are measured from the property line, unless there are utility easements along the rear property line; all structures must be located a minimum of five feet from the easement.		

(Prior Code, § 152.098) (Ord. passed - -2006; Ord. 2006-12, passed 11-21-2006)

§ 154.099 MANUFACTURED HOME PARK DISTRICT MH.

(A) *Purpose.* The intent of the Manufactured Home Park District (MH) is to establish and protect residential neighborhoods for manufactured homes in manufactured home parks in an appropriate, safe, sanitary, and attractive environment. All manufactured home parks shall abut and have access to an arterial or collector street and shall be further regulated by the provisions of the Kentucky Manufactured Home, Mobile Home, and Recreational Vehicle Community Act of 2002, statute as derived from KRS 219.310 through 219.410 and as discussed in §§ 154.160 through 154.164 of this chapter. All manufactured home parks shall be located and served by a public sewage collection and treatment system.

(B) *Permitted uses.* Manufactured home dwellings in manufactured home parks.

(C) *Accessory uses.* Accessory uses and buildings may be permitted only as customarily incidental to any of the permitted and conditional uses listed above; provided that such accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses and structures may include the following; provided that they meet the yard requirements of the principle buildings:

(1) Detached garage or storage building for the storage of automobiles, recreational equipment, and incidental equipment;

(2) Private swimming pools; provided that they are fenced to prevent free access to small children in conformance with the requirements in § 154.140 of this chapter; and

(3) Self-service laundry facilities, childcare facilities, and recreational facilities where intended for the common use of mobile home park residents.

(D) *Conditional uses.*

(1) Conditional uses are special exceptions and require written approval of the Board of Adjustment. The Board 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. Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers.

(2) Any uses conditionally permitted in an R-1 Residential District and subject to the requirements thereof as provided in § 154.096(D) are also permitted in the MH District.

(E) *Development standards (MH).* All manufactured home parks shall consist of a minimum of five acres and no park shall have a density of more than seven dwellings per gross acre. The following development standards shall apply:

Minimum lot area	
on public sewer	5 acres; at least 3,000 sq. ft. per dwelling
no public sewer	Not allowed
Minimum width at building line	100 feet
Minimum front yard	50 feet
Minimum side yard (each side)	25 feet
Maximum percentage of lot covered by buildings	40%
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183
Note:	All mobile home parks shall provide a 25-foot buffer area between the mobile homes and any abutting residential district and a 50-foot buffer along any public road.

(Prior Code, § 152.099) (Ord. passed - -2006)

§ 154.100 BUSINESS DISTRICTS.

The intent of the Business Districts is to accommodate existing and future business development in such locations and with such regulations so as to provide availability and accessibility for the success of business operations, to encourage the development of new business at appropriate locations, and to

preserve and protect existing and future development of all kinds through the use of limited access points, service roads, parking and loading areas, screening, and other regulations.

(Prior Code, § 152.100) (Ord. passed - -2006)

§ 154.101 NEIGHBORHOOD BUSINESS DISTRICT B-1.

(A) *Purpose.* The intent of the Neighborhood/General Business District (B-1) is to establish and preserve general commercial areas consisting of shopping centers, commercial strips, and rural general stores where customers reach individual business establishments primarily by automobile, while minimizing the undesirable impact on adjacent residential districts.

(B) *Permitted uses.*

(1) *Organizations.* Offices of business professional, or financial organizations, of individuals, of labor unions, or of civic, social, fraternal, and/or other nonprofit organizations;

(2) *Research facilities.* Laboratories and other research facilities where all activity and equipment, including ventilators and other equipment on roofs, is housed in a fully enclosed building or screened so as not to be visible from off the lot, and where no noise or odors are created which are discernible beyond the boundaries of the lot; and

(3) *Places of business.* Banks, barber, and beauty shops; general and specialty food stores; specialty beverage stores (applicable in the incorporated areas of the county only); drugstores; restaurants; clothing and dry good stores; appliance stores; bakeries; dry cleaning and laundry establishments; gas stations; veterinarians and kennels when housed in a fully enclosed building; motels; clinics; funeral homes; indoor theaters and other places of amusement including bowling lanes, lighted golf courses, skating arenas, and the like; however, meat and poultry shops where slaughtering is done on the premises are excluded.

(C) *Special provisions for shopping centers.* Shopping centers comprised of a building or group of buildings to house three or more permitted commercial activities shall be permitted as a special use in conformance with the provisions for planned unit developments as specified in §§ 154.235 through 154.242.

(D) *Conditional uses.*

(1) *Exceptions.* Conditional uses are special exceptions and require written approval of the Board of Adjustment. 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.

(2) *Conditions and types.* Conditional uses shall be so located, site-planned, and designed as to avoid undue noise, nuisances, and dangers. Conditional uses include:

(a) Schools;

(b) Drive-in theaters;

(c) Auto, truck, and farm implement sales and repair, home sales;

(d) Public facilities such as libraries, churches, parks, recreation facilities, and hospitals, and daycare facilities, fitness centers; and/or

(e) Residential uses, as provided in § 154.098 Multi-Family Residential District (R-3) (applicable in the incorporated areas of the county only).

(E) *Accessory uses.* Any accessory use or building customarily incidental to the above permitted uses is permitted, including dwelling units occupying the same building as the principal commercial use for the express use of the owner and/or operator of the permitted commercial use.

(F) *Required conditions.*

(1) *Screening.* Where a side lot line is shared with an adjoining residential lot, a well-maintained compact hedge, a solid fence, or similar solid screening device at least six feet in height shall be installed to screen the business use from the adjoining lot in the residential district. The screen shall begin at the front building line and extend along the common side lot line to the rear property line.

(2) *Access to highways and streets.*

(a) Before any building permit for any structure in a B-1 District may be issued, the prospective builder or operator of the proposed B-1 activity shall submit a sketch of the layout and design of the proposed structure and/or use and its access points to the highway and/or street to the Planning Commission. The Planning Commission may require that when two or more consumer commercial establishments adjoin along one side of any street or highway that they share access points to the street.

(b) When more than four consumer commercial establishments adjoin along any highway or street, a service road parallel to the highway or street may be required to be built, at the expense of all adjoining consumer commercial establishments, to provide service to all consumer commercial establishments on the same side of the street or highway. This road shall have access to the highway or street at no more than two points for every four consumer commercial establishments. The provisions of §§ 154.135 through 154.145 shall also apply in a B-1 District. Parking and off-street loading requirements are provided in §§ 154.175 through 154.183 of this chapter.

Anderson County - Land Usage

(3) *Buildings.* All businesses, services, or processing shall be conducted wholly within a completely enclosed building except in filling stations.

(4) *Processing.* Processing is permitted if all such processing is performed as a consumer service for retail customers served on the premises. Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, gas fumes, noise, vibration, refuse matter, or water-carried waste.

(G) *Development standards (B-1).*

Minimum lot area	
on public sewers	none; except as specified for PUD shopping centers
no public sewers	43,560 sq. ft.
Minimum width at building line	50 feet
Minimum front yard	50 feet, or one-half of the street right-of-way, whichever is greater
Minimum side yard	5 feet; 25 feet on side adjacent to any residential district
Minimum rear yard	30 feet
Maximum percentage of lot covered by buildings	75%
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183

(Prior Code, § 152.101) (Ord. passed - -2006)

§ 154.102 CENTRAL/GENERAL BUSINESS DISTRICT B-2.

(A) *Purpose.* The intent of the Central Business District (B-2) is to establish and preserve a central business district convenient and attractive for a wide range of retail uses and business, government, and professional offices and places of amusement in a setting conducive to and safe for a high volume of pedestrian traffic.

(B) *Permitted uses.*

(1) The following uses are permitted in the B-2 Zoning District:

(a) Offices;

(b) Hotels, motels, and tourist homes;

(c) Establishments selling goods and services at retail and conducted entirely within an enclosed building;

(d) Theaters and other places of amusement conducted entirely within an enclosed building;

(e) Bus and taxi stations;

(f) Hospitals;

(g) Barber and beauty shops and fitness centers;

(h) Banks and other financial institutions;

(i) Dry cleaning and laundry establishments;

(j) Social and fraternal clubs and lodges; and

(k) Governmental and social service offices; manufacturing of articles to be sold at retail on the premises providing that any such manufacturing or processing shall be incidental to a retail sales business or service, and shall employ not more than five persons in such manufacturing; wholesale sales and distribution of such goods is also permitted.

(2) In no case shall the following uses be permitted within the Central Business District: meat and poultry shops where slaughtering is done on the premises; new or used motor vehicle sales; farm implement, boat, mobile home, or motorcycle sales; drive-in theaters; drive-in restaurants; or any other similar uses which the Board of Adjustment determines to be detrimental to the District as a pedestrian-oriented retail consumer-service district.

(C) *Conditional uses.*

(1) The following uses are special exceptions and require written approval of the Board of Adjustment:

(a) Churches and other places of worship; parish houses; schools; daycare facilities;

(b) Public libraries;

(c) Passive recreation and/or public parks;

(d) Service stations;

(e) Funeral homes;

(f) Philanthropic institutions and clubs, including a club of which the chief activity is customarily carried on as a business;

(g) The use of upper floors as residential dwellings by the owner of the business on the lower floors, the owner of the building, or as rental property; and

(h) Specialty beverage stores.

(2) 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.

(D) *Required conditions.* All permitted and conditional uses within the Central Business District (B-2) shall be conducted wholly within an enclosed building except for off-street parking and loading facilities provided for under §§ 154.175 through 154.183 of this chapter.

(E) *Development standards (B-2).*

Minimum lot area	none
Minimum yard requirements	none; except 25 feet on the side abutting any residential district
Maximum percentage of lot covered by buildings	100%
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183

(Prior Code, § 152.102) (Ord. passed - -2006)

§ 154.103 HIGHWAY SERVICE DISTRICT B-3.

(A) *Purpose.* The intent of the Highway Service District (B-3) is to establish and preserve areas at intersections with arterial roads and freeways for businesses serving the travel related needs of the community and the traveling public. Consideration should be given to avoid endangering movement through the intersection and causing undesirable impact on adjacent areas.

(B) *Permitted uses.*

- (1) New and used automobile sales;
- (2) Automobile and truck service stations, filling stations, repair shops, public garages;
- (3) Restaurants, including drive-in restaurants;
- (4) Hotels and motels;
- (5) Retail sales, specialty stores, department stores, and fitness centers;
- (6) Specialty beverage stores;
- (7) Commercial greenhouses and mini-warehouses;
- (8) Financial institutions;
- (9) Business offices; and
- (10) Similar businesses.

(C) *Conditional uses.*

(1) The following uses are special exceptions and require written approval of the Board of Adjustment:

- (a) Home sales;
- (b) Warehouses;
- (c) Outdoor storage facilities;
- (d) Non-retail (wholesale) sales;
- (e) Dwelling units occupying the same building as and clearly accessory to the principal commercial use and being for the use of the owner and/or operator of the permitted commercial use;
- (f) Churches and other places of worship, schools, and daycare facilities;
- (g) Public libraries;
- (h) Public parks, commercial public recreational facilities, and places of amusement and entertainment;

- (i) Public utilities;
- (j) Funeral homes; cemeteries;
- (k) Roadside stands;
- (l) Clubs, including a club of which the chief activity is customarily carried on as a business;

and

- (m) Recreational vehicle park.

(2) 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.

(D) Required conditions/minimum design standards.

(1) Access to business establishments in the B-3 District shall either be from parallel frontage roads or driveways. All intersections of frontage roads or driveways with arterials streets shall provide acceleration and deceleration lanes of not less than 150 feet and 11 feet wide. No entrance or exit shall be closer than 200 feet to any intersection on an arterial road or to the access road of any freeway. Entrances off controlled access streets shall require both a permit from the District 7 office of the State Transportation Cabinet and the approval of the Planning Commission.

(2) A landscaped planting strip at least 20 feet in width shall be provided along boundaries of a B-3 District adjacent to any residential zone or any property being used for residential or institutional purposes. This area shall be planted with native trees or shrubs in a manner approved by the Planning Commission.

(E) Development standards (B-3).

Minimum lot area	
on public sewer	none
no public sewer	43,560 sq. ft.
Minimum width at building line	150 feet
Minimum front yard	65 feet
Minimum side yard	10 feet; 30 feet on side adjacent to any residential district
Minimum rear yard	30 feet

Maximum percentage of lot covered by buildings	60%
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183

(Prior Code, § 152.103) (Ord. passed - -2006)

§ 154.104 APPLICABLE TO ALL BUSINESS DISTRICTS.

(A) *Accessory uses.*

- (1) Signs, only one of which on the premises may be detached from the principle building; all signs must comply with the regulations set forth in §§ 154.190 through 154.230;
- (2) Garages or other building not used as a dwelling and accessory to the principle;
- (3) Wholesale merchandise or services, which are clearly incidental and subordinate to the principle retail use on the premises; and
- (4) (a) Accessory buildings in all Business Districts shall be permitted in rear yards only and must comply with the minimum yard requirements for the principal structures in that zoning district.
 (b) On any corner lot adjoining in the rear another lot, which is in a residential district, accessory buildings shall conform to the side yard requirements for the residential district.
 (c) No building in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of this chapter.

(B) *Outdoor storage.* There shall be no outdoor storage of merchandise and no outdoor processing in any commercial district unless authorized as a conditional use.
 (Prior Code, § 152.104) (Ord. passed - -2006)

§ 154.105 LIGHT INDUSTRIAL DISTRICT I-1.

(A) *Purpose.* The intent of the Light Industrial District (I-1) is to establish and preserve areas for industrial and certain related uses of such nature that they do not create serious problems of compatibility with other types of land uses. Such establishments should be clean, quiet, and free from hazardous or objectionable levels of noise, odor, dust, smoke, or glare. This District is further intended to provide a transitional use between heavy industrial uses (I-2) and business and residential uses.

(B) *Permitted uses.*

(1) Manufacturing; wholesaling; warehousing; bulk storage; laundries; cleaning and dyeing plants; bottling works; building material yards; dairies; food processing; printing; vehicle or equipment repair or service; research laboratories; accessory buildings; and mini-warehouses;

(2) Retail sale of commodity manufactured, fabricated, or processed on the premises; gas stations; restaurants; sale and service of agricultural; and construction equipment;

(3) The foregoing use authorizations do not include any of such uses which emit any fumes, vibrations, smoke, noise, or glare, except the noise of vehicles coming and going, which is detectable from off the premises by the senses of normal human beings. All operations, including the storage of anything except merchandise displayed for sale, are to be conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from sites off the lot; and

(4) Other industrial uses not listed above shall be considered conditional uses and will require written approval of the Board of Adjustment.

(C) *Conditional uses.*

(1) (a) The following uses are special exceptions and require written approval of the Board of Adjustment: trucking terminals; junkyards; single-family homes, including mobile homes, for use by on-site caretakers or security personnel employed by the industrial development; drive-in theaters; gasoline, oil, or alcohol storage above ground in excess of 500 gallons if Board of Adjustment review determines that such proposed use will not constitute a fire hazard; and

(b) All permitted or conditional uses in any business zone; schools; churches; and day care facilities.

(2) 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 could locate.

(D) *Required conditions.*

(1) On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum yard of 100 feet.

(2) No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

(3) (a) No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon.

(b) In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

(E) *Development standards.*

Minimum lot area	none
Minimum front yard	50 feet
Minimum side yard	none; except 100 feet if adjacent to any residential district
Minimum rear yard	none; except 100 feet if adjacent to any residential district
Maximum percentage of lot covered by buildings	75%
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183

(Prior Code, § 152.105) (Ord. passed - -2006)

§ 154.106 HEAVY INDUSTRIAL DISTRICT I-2.

(A) *Purpose.* The intent of the Heavy Industrial District (I-2) is to establish and preserve areas for necessary industrial and related uses of a nature that they require isolation from many other kinds of land use.

(B) *Permitted uses.* Any use permitted in the I-1 Light Industrial District; except that no building, structure, or portion thereof shall be erected, constructed, or used for any dwelling use.

(C) *Conditional uses.*

(1) The following uses are special exceptions and require written approval of the Board of Adjustment:

- (a) Stockyards; feed lots; slaughter houses; fat-rendering;
- (b) Foundries;
- (c) Manufacture and distillation of alcohol and alcoholic beverages;
- (d) Sanitary landfills;

(e) Extraction, processing, and storage of minerals or raw materials;

(f) Chemical manufacture;

(g) Other uses that the Board of Adjustment determines emit detrimental or obnoxious noise, vibration, smoke, odor, dust, or other objectionable conditions beyond the confines of its property. The Board of Adjustment may grant such approval if it determines that the proposed use will not extend its detrimental effects beyond the limits of the Heavy Industrial District in which it is located;

(h) Churches; schools; day care facilities; and

(i) All permitted or conditional uses in any business zone.

(2) 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 as well as the adjacent zoning districts.

(D) *Required conditions.*

(1) On lots adjacent to a residential district, all buildings shall be located so as to provide a minimum side yard of 100 feet.

(2) No loading dock shall be constructed fronting on any public street or roadway.

(3) No materials or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon without proper screening and adequate distances from adjoining properties.

(4) No waste material or refuse shall be dumped upon or permitted to remain upon any part of an industrial property outside of buildings constructed thereon. In addition, the property shall not be used by an industry whose primary business requires industrial sewerage, unless the governing municipal body authorizes the use of its sewage disposal facilities or said industry constructs its own sewage disposal plant.

(5) Junk yards, salvage and scrap iron yards and similar uses shall be enclosed by an acceptable fence, wall, or other screening not less than six feet in height. The Board of Adjustment shall determine the acceptability of said screening.

(6) Extraction of minerals, stripping of soil, sand, and gravel pits (not including any processing), shall require that any power-driven or power-reproducing machinery or equipment shall not be housed or operated less than 1,000 feet from any R District.

(E) *Development standards.*

Minimum lot area	none
Minimum front yard	50 feet
Minimum side yard	none; except 100 feet if adjacent to any residential district
Minimum rear yard	30 feet; except 100 feet if adjacent to any residential district
Maximum percentage of lot covered by buildings	75%
Signs	See §§ 154.190 through 154.230
Parking	See §§ 154.175 through 154.183

(Prior Code, § 152.106) (Ord. passed - -2006)

§ 154.107 FLOOD PLAIN DISTRICT F.

(A) *Purpose.* The intent of the Flood Plain District (F) is to restrict the use of the floodplains of natural drainageways to those uses that will not be greatly damaged by floods or moving waters. The purpose is to minimize the costs of flood damage to individual property owners and the general public and avoid impeding the flow of flood waters.

(B) *Permitted uses.* The Flood Plain District is a zone that may be superimposed over any other zoning district wherein the provisions of the other zoning district are applicable as well as the provisions contained herein.

(C) *District regulations.*

(1) Areas designated “F” (Flood Plain District) shall be based upon areas determined to be in “flood-prone” areas under the Department of Housing and Urban Development (HUD) National Flood Insurance Program and such other areas as determined by the Planning Commission to be subject to flooding. Within such designated area, no permanent structures for residential, agricultural, commercial, industrial, or public use shall be placed without first securing a building permit and demonstrating provisions to protect such structure from flood damage.

(2) No building permits shall be issued within the 100-year floodplain unless the structures are floodproofed and meet all other the state and federal flood insurance requirements

(Prior Code, § 152.107) (Ord. passed - -2006)

APPLICATION OF REGULATIONS**§ 154.120 APPLICATION OF REGULATIONS.**

(A) All existing and future structures and uses of premises within the county shall conform to all applicable provisions of this chapter.

(B) (1) Each zoning district is established to permit only those uses specifically listed as permitted uses or accessory uses, except as provided under the nonconforming or conditional use provisions, and is intended for the protection of those uses.

(2) No other uses are permitted, except as specifically permitted elsewhere in this chapter. (Prior Code, § 152.120) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.121 SPECIAL PROVISIONS FOR AGRICULTURAL AREAS.

(A) For the purposes of this chapter and per KRS 100.203(4), land which is used solely for agricultural, farming, dairying, stock raising, or similar purposes, shall have no regulations imposed as to building permits, height, yard, location, or court requirements for agricultural buildings, except that:

(1) Setback lines and/or buffer zones shall be required for the protection of existing and proposed streets and highways. In connection therewith, all requirements of the Kentucky Transportation Cabinet, Bureau of Highways Regulations as regarding distance, sight, and drainage shall be complied with; and

(2) All buildings or structures in a designated floodway or floodplain, or which tend to increase flood heights or obstruct the flow of flood waters, may be fully regulated.

(B) Mobile homes and other dwellings may be permitted as a part of agricultural use of the land but shall have regulations imposed which are applicable, such as zoning, building, and certificates of occupancy.

(Prior Code, § 152.121) (Ord. passed - -2006)

§ 154.122 SUBDIVISION OF ALL LAND.

(A) Landowners or developers desiring to subdivide agricultural land for any non-agricultural use must conform with the Lawrenceburg/Anderson County Subdivision Regulations, including design and processing requirements and must conform with the dimension requirements and other special requirements as may be imposed by the Planning Commission.

(B) In all cases, where the ownership of any land is divided for the purpose of eventual development of all kinds (residential, commercial, industrial), the provisions of the Subdivision Regulations of Lawrenceburg/Anderson County and amendments thereto shall apply in addition to the provisions of this chapter.

(Prior Code, § 152.122) (Ord. passed - -2006)

§ 154.123 CERTIFICATE OF LAND USE RESTRICTION.

Whenever a legislative body approves a zoning map amendment, whenever the Planning Commission approves a development plan or subdivision plat, and whenever the Board of Adjustment approves a variance or conditional use permit, a certificate of land use restriction as detailed in the appendix to this chapter shall be filed with the County Clerk (per KRS 100.3683).

(Prior Code, § 152.123) (Ord. passed - -2006)

SUPPLEMENTAL DISTRICT REGULATIONS

§ 154.135 APPLICABILITY.

(A) Except as hereinafter specified, the provisions of this subchapter shall apply to all districts.

(B) The provisions of this chapter affect every building and use.

(1) No building or land shall be used, and no building shall be erected, moved, altered, or demolished, except in conformity with these regulations.

(2) No excavation, cut, or fill of earth or debris shall be undertaken unless a permit is issued in conformance with the provisions of this chapter.

(Prior Code, § 152.135) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.136 YARD REGULATIONS.

(A) Any part of any yard, open space, or off-street parking or loading space required in connection with any building to comply with these regulations shall not be included as part of any yard, open space, or parking or loading space for any other building unless approved as a variance by the Board of Adjustment.

(B) A yard or lot existing at the time of adoption of this chapter, or created subsequently, shall not be reduced in dimension or area below the minimum requirements set forth in these regulations.

(C) Front yards for corner and/or through lots shall be of the depth required by this chapter for the district in which the lots are located. The side yard adjacent to the other street shall be of the depth required by this chapter for front yards in the district in which the lot adjacent to the corner and/or through lot is located.

(D) Front yards and side yards for corner lots shall be measured from the street right-of-way line. This provision shall not be construed as requiring the dedication of any property to the public.

(E) Steps, terraces, decks, carports, bay windows, fire escapes, balconies, open porches, and other unenclosed architectural features may extend into required yard space not more than nine feet; provided that no such projection shall be less than five feet from a side lot line. Enclosing such projection into yard space is prohibited.

(F) Notwithstanding other provisions of this chapter, in the incorporated areas of the county, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height. In planned unit developments requiring development plan review, the Planning Commission may permit fences, walls, and hedges above two and one-half feet in height in the front yard.

(Prior Code, § 152.136) (Ord. passed - -2006)

§ 154.137 SETBACK LINES, EXCEPTIONS.

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 chapter. In such case, the front yard in question shall not be less than the average depth of existing front yards on the two lots immediately adjoining.

(Prior Code, § 152.137) (Ord. passed - -2006)

§ 154.138 LOT ACCESS REQUIREMENTS.

(A) Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. Access to buildings in a planned unit development shall be approved by the Planning Commission.

(B) The following restrictions regarding lot access control shall apply in all business and industrial zoning districts.

(1) Lots with less than 100 feet of frontage on a public street shall have no more than one point of access to the public street. Lots with more than 100 feet but less than 400 feet shall have no more than two points of access to the public street. Lots with more than 400 feet of frontage shall have no more than two points of access for each 400 feet of frontage.

(2) The location of access drives for lots with 400 or more feet of frontage shall be approved by

the Planning Commission.

(C) The following restrictions regarding lot access control shall apply in all zoning districts.

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

(2) No curbs on public streets or public rights-of-way shall be cut, removed, or altered, nor shall any curb or pavement be constructed within the right-of-way without written approval of the Administrative/Enforcement Officer and/or City Engineer or County Road Supervisor.

(3) An access drive shall not exceed 20 feet in width for one-way and/or one-lane ingress or egress. Two-way and/or two-lane access drives shall not exceed 35 feet in width.
(Prior Code, § 152.138) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.139 ACCESSORY BUILDINGS.

(A) Accessory buildings shall be permitted in rear yards only and must be at least five feet from any other buildings on the same lot and five feet from all adjoining lots unless otherwise specified in this chapter. On any corner lot adjoining in the rear another lot, which is in a residential district, accessory buildings shall conform to the side yard requirements for the residential district.

(B) No buildings in the rear of a main or principal building on the same lot shall be used for residential purposes unless it conforms to all requirements of this chapter.
(Prior Code, § 152.139) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.140 SWIMMING POOLS.

(A) All private in-ground and above-ground pools, except as noted below, must be covered or completely enclosed, including a gate, with a minimum of a four-foot fence so as to prevent unauthorized or accidental access by children. Above-ground pools greater than four feet in height with a retractable or removable ladder and all pools smaller than 100 square feet and 18 inches in depth or less and not containing any recirculating equipment shall be exempt from this requirement.

(B) The Administrative/Enforcement Officer shall have the authority to waive this requirement in light of extenuating circumstances regarding a particular piece of property such as natural barriers preventing access and location on large fenced lots.

(C) All public swimming pools must meet all applicable state regulations regarding fencing.
(Prior Code, § 152.140) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.141 EXCEPTIONS TO HEIGHT LIMITATIONS.

The height limitations contained in this chapter shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(Prior Code, § 152.141) (Ord. passed - -2006)

§ 154.142 SUBDIVISION OR CONSOLIDATION OF LOTS.

In all cases where the ownership of land is divided or consolidated for the purpose of eventual development of lots, the provisions of the subdivision regulations shall apply in addition to the provisions of this chapter.

(Prior Code, § 152.142) (Ord. passed - -2006)

§ 154.143 VISIBILITY AT INTERSECTIONS.

(A) On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and ten feet above the center line grades of the intersecting streets in the area bounded by the edge of the street pavement and a line joining points along said pavement 50 feet from the point of intersection.

(B) The above provisions do not apply to the Central Business District or to any location requiring a retaining wall. The Board of Adjustment may either reduce or increase the requirements of this section in the interest of public safety upon finding that special conditions exist.

(Prior Code, § 152.143) (Ord. passed - -2006)

§ 154.144 WATER SUPPLY AND SEWAGE DISPOSAL.

No building or dwelling can be constructed without water supply and sewage disposal facilities, which have been approved by the County Health Department. Wherever public water and sewer mains are accessible, buildings shall be connected to such mains. Reasonable accessibility will be determined by the proximity of the land being developed to existing lines and the capacity of the system. In every case, individual water supply and sewage disposal must meet the requirements set by the County Health Department and/or the city's or rural utility's Water and Sewer Department manager. A certificate showing approval of proposed and/or completed water and sewerage facilities must accompany applications for all subdivision plats.

(Prior Code, § 152.144) (Ord. passed - -2006)

§ 154.145 EXCAVATION AND GRADING.

The excavation of natural materials, filling of land, or grading shall be permitted without a conditional use permit only to the degree necessary to permit construction of buildings, streets, or accessory uses for which a building permit has been granted. Materials used for fill shall be natural materials only, such as sand, gravel, or dirt, and shall not consist of rubbish, refuse, garbage, or decomposable animal or vegetable

materials. Any excavation, filling, or grading which is not clearly necessary and incidental to an approved construction project shall require a conditional use permit. Regrading shall be undertaken at a time which is customary to the overall construction timetable of similar projects.

(Prior Code, § 152.145) (Ord. passed - -2006)

MANUFACTURED HOMES

§ 154.160 INTENT.

It is the intent of this subchapter to encourage provision of alternative, modest housing in residential areas by permitting the use of certain manufactured homes. It is further the intent of this subchapter to guide the establishment of manufactured home parks and recreational vehicle parks in areas providing a residential setting, convenient to major arterials, and with maximum compatibility with the adjacent uses. (Prior Code, § 152.160) (Ord. passed - -2006)

§ 154.161 MANUFACTURED HOME PARK AND RECREATIONAL VEHICLE PARK.

(A) *Manufactured home parks.*

(1) *Basic requirements.*

(a) Manufactured home parks shall comply with the regulations of the Kentucky Manufactured Home, Mobile Home, and Recreational Vehicle Community Act of 2002, as set forth in KRS 219.310 to 219.410.

(b) All manufactured home parks shall abut upon an arterial or collector thoroughfare and shall be located in the MH Zone.

(c) No person shall operate a park without having first obtained a permit, as provided for in KRS 219.310 through 219.410.

(d) An application for a permit to construct a mobile home park shall be submitted to the Planning and Zoning Commission and shall contain the same information as that submitted to the State Bureau for Health Services. In addition, the following information shall be presented to the Commission:

1. Proof of receipt of a mobile home park permit issued pursuant to KRS 219.310 to 219.410;
2. A development plan showing all of the requirements for a development plan, as described in §§ 154.250 through 154.254; plus existing facilities and proposed facilities, as follows;
3. The number, location, and size of all lots for certified mobile homes;

4. A detailed drawing of the foundation for the placement of certified mobile homes within the mobile home park. All certified mobile homes shall be installed as per § 154.162 of this chapter;
5. The location and width of roadways, driveways, and walkways; the number, location and size of all off-street automobile parking spaces (see supplementary provisions below);
6. The location of parking, street lighting, and electrical systems; detail drawings of water supply, if sources other than the approved public water supply system; detail drawings of sewage disposal facilities, if other than a public sewage disposal system is to be used; the location and size of all existing or proposed water and sewer lines, vents, and riser pipes;
7. A separate floor plan of all buildings and other improvements either existing or proposed; and
8. Size and location of playground and other public areas to be provided within the park.

(2) *Location and general layout.*

- (a) Every manufactured home park shall be located on a well-drained area, not subject to flooding, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.
- (b) Each dwelling or lot shall be numbered and displayed in some systematic order, both on the plan and on the site.
- (c) Each manufactured home lot shall contain a minimum of 4,000 square feet.
- (d) Each dwelling shall contain at least 500 square feet of floor area. All manufactured homes shall be located at least five feet from another manufactured home and shall have side yards totaling at least 20 feet. Each home lot must have a front yard of at least 15 feet and a rear yard of ten feet.
- (e) All lots shall abut upon a park street. For a two-way street, the minimum paved width shall be 18 feet with no parking allowed on either side. If parking is permitted on one side, the paved width shall be 28 feet; and if parking is permitted on both sides, the minimum paved width shall be 36 feet. The minimum right-of-way for a two-way street shall be 50 feet, and 40 feet for a one-way street. Park streets, driveways, and walkways shall be of all-weather paved construction, maintained in good condition, and have natural drainage, and shall be maintained free of holes.
- (f) The area provided for the placement of the dwelling shall be improved to provide a base for a permanent, fixed foundation for the placement of each manufactured home. The foundation shall be constructed in such a manner that it will not heave, shift, or settle unevenly under the weight of the home due to frost action, inadequate drainage, vibration, or other forces acting on the mobile home. All mobile homes shall be equipped with tie-downs as recommended by the Manufactured Housing Association, and shall be required to use them. Placement of all certified mobile homes shall comply with § 154.162.

(g) Each mobile home lot shall be provided with a sewer and water connection approved by the County Health Officer.

(3) *Utility system water supply.*

(a) All manufactured home parks shall be connected to an approved public water supply.

(b) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.

(c) Water distribution and connections shall comply with the State Plumbing Code, being KRS Chapter 318 and 815 KAR 020.

(4) *Utility system sewage and waste disposal.*

(a) All sewage shall be disposed of into a public sewage treatment system.

(b) The sewer service connection between the mobile home and the sewer opening shall have a nominal inside diameter of at least three inches, with a slope of at least one-quarter inch per foot. All joints shall be watertight.

(c) All materials used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent, and durable. The inner surface shall be smooth.

(d) The sewer outlet shall be capped when not in use.

(e) The waste systems and connections shall comply with the State Plumbing Code, being KRS Chapter 318 and 815 KAR 020.

(f) The permit holder shall be responsible for the storage and disposing of refuse and shall conduct same so as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, or air pollution.

(g) Every manufactured home park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment, and appurtenances which shall be installed in accordance with local and state codes and regulations governing systems of like nature.

(5) *Responsibilities of permit holder.*

(a) The person to whom a permit is issued for a manufactured home park shall operate the park in compliance with this chapter and KRS 219.310 to 219.410, and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair, and in a clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this chapter and KRS 219.310 to 219.410, and inform them of their duties and responsibilities under this chapter.

(c) The park management shall be responsible for the proper placement of each certified mobile home in accordance with § 154.162. This includes placing it upon a firm, fixed foundation, securing its stability with an approved anchoring system, and installing all utility connections.

(6) *Supplementary provisions and regulations.*

(a) The Planning Commission may impose such other conditions as it deems necessary to ensure that the park will not adversely affect the public health, safety, or general welfare.

(b) The developer in designing the park and the Commission in reviewing the park proposal shall give special attention to ensuring that the park is compatible with existing and planned land use and with circulation patterns of adjoining properties.

(c) Off-street parking shall be provided according to the following requirements:

1. Two spaces for each lot;
2. One space for each full-time park employee;
3. One space for each 400 square feet of gross floor area for any structure used for office, recreational, or cultural activities;
4. One space for each four home lots for use by guests; and
5. Two parking spaces required for each home should be located on the home's lot; all other required spaces should be located in bays convenient to facilities.

(7) *Existing parks.* Any park presently holding a valid construction or operating permit on the effective date of this chapter and which does not fully meet the design and construction requirements of this chapter may continue to operate so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

(B) *Recreational vehicle parks.*

(1) *Definition.* Recreational vehicle parks are designed to accommodate recreational vehicles for short periods of time, ranging from one night to several weeks.

(2) *Size.* The minimum size of a recreational vehicle park shall be not less than ten acres.

(3) *Density.* Minimum lot area per recreational vehicle space shall be not less than 2,500 square feet and not more than 18 spaces per gross acre, except that 20% of the lots may be as small as 1,200 square feet in area, but tent campers may only use these. Each tent camper lot must be provided with a water spigot and drain, an electrical outlet and a covered garbage receptacle.

(4) *Location.* Recreational vehicle parks shall be located adjacent to and have access to a major thoroughfare or collector street. There shall be no entrance or exit from or onto a minor street.

(5) *Zoning*. Recreational vehicle parks may be permitted as a conditional use in A-1 and B-3 Districts provided they meet the following criteria, and provided further that they are approved by the Commission:

(a) The proposed park will contribute to the welfare and convenience of the traveling public seeking this type of accommodations;

(b) The park will not be detrimental to the health, safety, or general welfare of persons who live in the adjacent areas;

(c) The park will comply with all city, county, state, or federal regulations. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits; and

(d) The park will comply with all adopted plans (prepared by or for governmental agencies) for the neighborhood or community.

(6) *Compliance with state standards*. Recreational vehicle parks shall comply with all requirements and standards as stated in the Kentucky Manufactured Home, Mobile Home, and Recreational Vehicle Community Act of 2002, KRS 219.310 through 219.410. Documentation of such compliance shall be required of applicants for recreational vehicle park construction permits.

(7) *Existing recreational vehicle parks*. Any recreational vehicle park presently holding a valid construction or operating permit on the effective date of this chapter which does not fully meet the design and construction requirements of this chapter may continue to operate, so long as the facilities in the park are capable of being maintained in a safe and sanitary manner and no public health nuisance is allowed to exist.

(Prior Code, § 152.161) (Ord. passed - -2006)

§ 154.162 MANUFACTURED HOME INSTALLATION REQUIREMENTS.

(A) *Installation standards*.

(1) *Qualified manufactured homes*. Manufactured homes as defined in this chapter as requiring a permanent foundation must be set onto an excavated area, with foundations, footings, and crawl space or basement walls constructed in accordance with the terms of the State Residential Code, being 815 KAR 7:125.

(2) *Other manufactured homes*.

(a) All manufactured homes not requiring a permanent foundation shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be weather-resistant, noncombustible, or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of six inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.

(b) The siding shall be ventilated by openings, which shall have a net area of not less than one and one-half square feet for each 25 linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than one-half inch in any dimension. The underfloor area shall be provided with an 18-inch by 24-inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the underfloor space, or other approved access mechanism.

(B) *Support system.* All HUD-Code Manufactured Home load-bearing foundations shall be installed in conformance with the regulations in the State Residential Code, being 815 KAR 7:125, and with the manufacturer's installation specifications. All manufactured homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support systems regulations in the ANSI/NFPA 501A1977 Installation Standards.

(C) *Location permits in lieu of building permits.*

(1) *Requirements.* Prior to the location, relocation, or establishment of any manufactured home, the homeowner or authorized representative shall secure from the appropriate Administrative/Enforcement Officer a location permit, which states that the building and its location conform with the Comprehensive Plan. Each application for a location permit shall be accompanied by:

(a) Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or permanent perimeter enclosure treatment, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes, and the like;

(b) Health Department approval for any sewage disposal or water supply, where applicable;

(c) Mobile home park permit approval, where applicable;

(d) A copy of the approved instructions, which will be used for installation purposes, where applicable;

(e) Such other information as may be required by the Administrative/Enforcement Officer for proper enforcement of this chapter; and

(f) An agreement signed by the homeowner or authorized representative pledging compliance with the terms set by the Planning Commission in the location permit.

(2) *Issuance of permit.* After receipt of the information required for a location permit, the Administrative/Enforcement Officer shall review the standards set in this chapter. If the applicant has met all required standards, then within three working days the location permit shall be issued by the Administrative/Enforcement Officer.

(3) *Additional action necessary.* If after receipt of the information required for the location permit, the Administrative/Enforcement Officer finds that the applicant has not fully met the standards set in this chapter, and the changes or additional actions needed are deemed by the designated administrator to be relatively minor or simple, within three working days a conditional approval can be issued, with the stated conditions which must be met prior to occupancy spelled out, and the reasons for change clearly stated in writing.

(a) If the applicant agrees in writing to the further conditions, the effect being an amendment to the application to conform to the requirements, approval is given and the applicant proceeds.

(b) If the applicant does not agree, the application is denied, with reasons stated in writing.

(4) *Denial of permit.* If any of the major elements are clearly out of line with the standards, within three working days issuance of the location permit will be denied, with a written statement specifying the reasons for the denial.

(D) *Failure to obtain required permits.* Failure to obtain either a location permit or a certificate of occupancy shall be a violation of this chapter and punishable under the provisions of this chapter. (Prior Code, § 152.162) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.163 TEMPORARY USE OF MANUFACTURED HOMES.

(A) *Circumstances for permit issuance.* Subject to conditions, fees, and standards otherwise required by this chapter, a temporary use permit may be issued as follows:

(1) To an applicant to use a manufactured home as a caretaker's quarters or construction office at a job site in business and industrial zones only; and

(2) To an applicant in an A-1 District who is in the process of building a conventional dwelling for the purpose of using the home as a temporary dwelling for a maximum of one calendar year during the course of construction of a permanent dwelling; such permit shall be void after one year or upon issuance of a certificate of occupancy; such home shall be removed from the property within 30 days of the permit becoming void.

(B) *Length of permit.* A temporary use permit may be issued, at the discretion of the Administrative/Enforcement Officer, for a period not to exceed one year. The temporary permit may be renewed for additional six-month periods upon showing of good cause, and with permission to do so. However, at the discretion of the Administrative/Enforcement Officer, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

(C) *Permit expiration.* At the time the temporary permit expires, the manufactured or certified mobile home and all appurtenances shall be removed from the property within 30 days.

(D) *Utility requirements.* Manufactured homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate.

(E) *Permit fee.* The Administrative/Enforcement Officer shall issue a temporary use permit. The fee shall be \$25 and is in addition to all other required permits for utilities and sewage disposal systems. (Prior Code, § 152.163) (Ord. passed - -2006)

§ 154.164 VIOLATION.

(A) *Failure to comply.* Each day of noncompliance with the provisions of this chapter constitutes a separate and distinct violation, punishable as set forth in § 154.999.

(B) *Subject to removal.*

(1) A home, sited upon property in violation of this chapter, shall be subject to removal from such property; however, the homeowner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken.

(2) If action finally is taken by the appropriate authority to bring into compliance, the expenses involved may be made a lien against the property.

(C) *Removal method.* The Administrative/Enforcement Officer may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated, or removed. (Prior Code, § 152.164) (Ord. passed - -2006) Penalty, see § 154.999

OFF-STREET PARKING AND LOADING

§ 154.175 EXISTING PARKING SPACES.

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this chapter. Existing off-street parking provided for any building or use at the time of adoption of this chapter shall not thereafter be reduced if such reduction results in parking area less than that required by this chapter. Any existing building or use not provided with conforming parking space shall be provided

with off-street parking space in conformance with this chapter at the time of any structural alteration of the building, expansion of the use, or change in the use.

(Prior Code, § 152.175) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.176 REQUIRED OFF-STREET PARKING SPACES.

(A) No building shall be erected, substantially altered, nor any new use of the land initiated without sufficient off-street parking space on the premises so that no additional automobile parking on any street will result from the normal activity.

(1) If the off-street parking capacity is exceeded and street parking is generated more often than six times during a six-month period, this shall be considered as resulting from normal activity, and additional off-street parking shall be provided.

(2) The Board of Adjustment shall interpret the amount of parking space required for any building or use, assisted by the following standards, whenever the Administrative/Enforcement Officer is unable to apply the following standards literally or determines a parking space deficiency according to the standard above. In either case, he or she shall apply to the Board for an original interpretation.

(B) Whenever a building or structure constructed after the effective date of this chapter is changed or enlarged in floor area, number of employees, number of housing units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change; provided that whenever a building or structure existing prior to the effective date of this chapter is enlarged to the extent of 50% or more in floor area, number of employees, number of housing units, seating capacity, or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

(Prior Code, § 152.176) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.177 PARKING SPACE DIMENSIONS AND SETBACKS.

(A) A parking space shall have minimum rectangular dimensions as follows:

<i>Type of Parking</i>	<i>Width (feet)</i>	<i>Length (feet)</i>
45 degree	12	19
60 degree	10	19
90 degree	9	19
parallel	9	23

(B) All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

(1) No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care on an adjacent lot unless separated by an acceptably design screen.

(2) No parking area may be located in the front yard area of any single-family residence.

(3) In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

(Prior Code, § 152.177) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.178 OFF-STREET PARKING STANDARDS.

(A) *Common building parking standards.* The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed:

(1) *Dwellings.* Two parking spaces per dwelling unit;

(2) *Motels, hotels.* One parking space per sleeping room plus one space for each two employees;

(3) *Indoor retail businesses.* One parking space for each 250 square feet of commercial floor area plus one space for every vehicle operated by the business;

(4) *Finance, insurance, and professional offices.* One parking space per 300 square feet of floor area used to conduct the business, up to 6,000 square feet; one parking space for each 1,500 square feet of floor area in excess of 6,000 square feet;

(5) *Industrial plants.* One parking space for every two employees at maximum employment on a single shift plus one space for every vehicle operated by the plant; and

(6) *Places for public assembly, institutions, and recreational facilities.* One parking space for every five persons based on maximum capacity.

(B) *Additional parking standards.* The Board of Adjustment may alter the standards listed above when necessary to conform with § 154.176 and shall use similar criteria of floor area, employment, or capacity to interpret standards for buildings and uses not specifically listed above.

(Prior Code, § 152.178) (Ord. passed - -2006)

§ 154.179 OFF-STREET LOADING AND UNLOADING SPACE REGULATIONS FOR TRUCKS.

(A) All buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Board of Adjustment shall interpret the amount of loading and unloading space required for any building or use whenever the

Administrative/Enforcement Officer is unable to apply this standard literally and applies to the Board of Adjustment for an original interpretation.

(B) A loading space shall have minimum dimensions of not less than 12 feet in width, 50 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. Off-street loading spaces shall be provided and maintained on the same lot for every principle use requiring delivery of goods. One such loading space shall be required for a principle use of up to 5,000 square feet; one additional loading space shall be required for each additional 10,000 square feet or fraction thereof.

(Prior Code, § 152.179) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.180 ADDITIONAL PARKING, LOADING, AND UNLOADING REGULATIONS.

(A) *Arrangement of required off-street parking space.*

(1) Off-street parking space requirements for any apartments, dormitories, or any similar attached dwelling uses shall be located not more than 300 feet from the principle use they serve and may be detached therefrom.

(2) Off-street parking space requirements for any commercial, industrial, or institutional uses shall be located not more than 700 feet from the principle use they serve and may be detached therefrom. Such required parking spaces may be consolidated into a large parking area serving other buildings and uses if approved by the Board of Adjustment. The Administrative/Enforcement Officer shall apply to the Board for an original interpretation when building permits are requested in such cases.

(3) Parking spaces for all detached single-family residences shall be located on the same lot as the use which they are intended to serve.

(4) The Board of Adjustment may not authorize the total amount of parking space required for all buildings and uses to be diminished except as follows. If a consolidated parking area serves buildings or uses which do not generate automobile parking at the same times (e.g., churches and stores), total parking space may be diminished to the maximum required by those buildings and uses which do generate the parking of automobiles at the same time.

(B) *Proof of availability.* The Board of Adjustment may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant for a building permit.

(C) *Surfacing of parking, loading, unloading, and vehicular access areas.* All areas utilized for parking, loading, unloading, and/or the access thereto, including all driveways, aisles, and other circulation areas, shall be surfaced with an acceptable impervious material to provide a durable and dust-free surface. This requirement shall be enforced in all zones.

(D) *Drainage for parking, loading, unloading, and vehicular access areas.* All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

(E) *Maintenance of parking, loading, unloading, and vehicular access areas.* The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

(F) *Lighting of parking, loading, unloading, and vehicular access areas.* Any parking area, which is intended for use during non-daylight hours, shall be properly illuminated to avoid accidents. Any lighting devices used to illuminate a parking area shall be placed or directed so as to permit the beams or illumination to be directed or beamed away from a public street, highway, sidewalk, or adjacent premises so as to minimize glare or reflection that may constitute a traffic hazard or nuisance.

(G) *Screening and/or landscaping of parking, loading, unloading, and vehicular access areas.* Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence, or planting screen. Such fence, wall, or planting screen shall not be less than four feet, nor more than six feet, in height and shall be maintained in good condition. The space between such fence, wall, or planting screen and the lot line of the adjoining property in any residential district shall be landscaped with grass, shrubs, or evergreen ground cover, and maintained in good condition. In the event that the terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve its intended purpose, then no such fence, wall, or planting screen shall be required.

(H) *Access and aisle requirements.*

(1) All parking areas shall be designed in such a manner that any vehicle entering or exiting from or onto a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or exiting such lot shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access from a public or private street.

(2) The exits and entrances to the parking area shall be clearly marked. The minimum width of aisles providing interior vehicular circulation to individual parking spaces shall be as specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces at any angle other than 90 degrees.

<i>Parking Angle</i>	<i>Aisle Width (feet)</i>
parallel	12
30 degree	12
45 degree	13
60 degree	18
90 degree	24
two-way	24

(3) Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

(I) *Striping requirements.* All parking areas with a capacity of over 12 vehicles shall be striped with double lines six inches both sides of center between stalls to facilitate movement into and out of parking stalls.

(J) *Wheel blocks.* Whenever a parking lot extends to the property line, wheel blocks, or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

(K) *Disabled vehicles.* The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in a garage or other accessory building.

(Prior Code, § 152.180) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.181 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT.

(A) For purposes of these regulations, **MAJOR RECREATIONAL EQUIPMENT** is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

(B) No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or in the required off-street parking area so long as it does not extend beyond the building setback line. However, such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading.

(C) No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(Prior Code, § 152.181) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.182 PARKING AND STORAGE OF CERTAIN VEHICLES.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
(Prior Code, § 152.182) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.183 LOCAL ORDINANCES.

Nothing in this subchapter shall be construed to be in conflict with any other city or county ordinances regarding the parking of vehicles on city streets or county roads or regarding abandoned vehicles and/or nuisance ordinances.
(Prior Code, § 152.183) (Ord. passed - -2006)

SIGNS AND BILLBOARDS

§ 154.190 DEFINITIONS.

The definitions set forth in this section are applicable in all sections of this subchapter. Definitions also appear in individual section of this subchapter. In the event that there is any conflict between the definitions listed in this section and the definitions, which appear in an individual section, the definition, which appears in the individual section, shall control.

ABANDONED SIGN. A sign that no longer identifies or advertises an ongoing business, product, service, or activity.

ALTERED. A change in size, shape, or content of an existing sign.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building composed of rigid or non-rigid materials and/or fabric on a supporting permanent or retractable framework.

BANNER. A sign displayed on canvas or other flexible substrate or material.

BUILDING DIRECTORY. A sign listing multiple tenants/owners of a building.

CANOPY. An overhead structure supported by attachment to a building and/or columns.

CLADDING. A non-structural covering designed to conceal the structural supports of a sign.

COMPREHENSIVE SITE PLAN (CSP). A coordinated program of signs for a business or businesses located on a development site, including the locations, dimensions, and types of all signs to be installed on the site.

CONFORMING SIGN. A sign that is installed in conformance with all prevailing jurisdictional laws and regulations.

FACE (STRUCTURE OR BUILDING). An area of the exterior façade of a building or structure extending vertically from grade to the top of a wall and horizontally across the entire width of the building or structure.

FACE (SIGN). The display surface of a sign including non-structural trim but exclusive of its supporting structure.

FRONTAGE (PROPERTY). The length of the property line(s) of any single parcel or lot along a public right-of-way.

FRONTAGE (STRUCTURE OR BUILDING). The length of an exterior wall either along a public right-of-way or along other properties it faces.

INFLATABLE SIGNS. A sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas.

NON-CONFORMING SIGN. A sign which may or may not have been installed in conformance with regulations and ordinances in effect at the time of its installation, but which does not comply with regulations and ordinances subsequently enacted.

NON-CONFORMING USE. A use, which may or may not have been in conformance with regulations, and ordinances in effect at the time of its establishment but which no longer complies with regulations and ordinances subsequently enacted.

OFF-SITE SIGN. A sign used to promote a business, individual, product, or service and which is placed or utilized at any location other than the primary local business address of the entity as shown on the entity's business license.

ON-SITE SIGN. A sign used to promote an interest of a business, individual, product, or service, which is placed or utilized at the primary local business address of the entity as shown on the entity's business license.

SIGN. Any device visible from a public place whose essential purpose is to convey commercial or non-commercial messages by means of graphic, electronic, or other presentation.

SIGN AREA. The area of a sign face. The area of a double-faced sign is the area of the largest single sign face; the area of a sphere is the area of a circle of the same diameter; the area of any other multi-faced sign is 50% of the sum of area of all faces of the sign.

WALL-MOUNTED SIGN. A sign that is applied or affixed to the exterior wall of a structure or building.

WAY FINDING SIGN. A sign, sometimes off-premises, specifically designed and placed to provide information concerning directions or destination.

WINDOW SIGN. Any sign viewable through or affixed in any manner to a window or exterior glass door intended to be viewed from the exterior of the building or structure beyond an adjacent sidewalk. (Prior Code, § 152.190) (Ord. 2014-5, passed 9-2-2014)

§ 154.191 INTENT.

(A) The purpose of this subchapter is to promote a healthy economic environment by permitting businesses to communicate effectively through signage while protecting and enhancing the physical appearance of our community by creating surroundings that are attractive for businesses, residents, and visitors.

(B) This subchapter is intended to ensure that exterior signage of all types is designed, installed, and maintained in a manner that protects the health, safety, and welfare of the public.

(C) (1) It is recognized and understood that no ordinance can be written that can possibly anticipate every individual situation, scenario, special circumstance, type of business, and ongoing and changing future technologies.

(2) In those instances, every business or person may file an application for variance or conditional use permit with the Board of Zoning Adjustments for, including, but not limited to, the number of signs allowed, size, location, setback, heights, types of business, as well as sign types not anticipated by this chapter.

(D) The intent and effect of this subchapter as more specifically set forth is:

(1) To establish a permit system that will allow the use of a variety of types of signs in commercial and industrial areas and which will restrict the number and variety of signs in residential and agricultural areas. All non-exempt signs in all areas will be subject to the standards and the permit procedures of this subchapter;

(2) To establish a reasonable application process and permitting fee; and

(3) To provide for the effective enforcement of the provisions of this subchapter.
(Prior Code, § 152.191) (Ord. 2014-5, passed 9-2-2014)

§ 154.192 APPLICABILITY.

(A) The terms, restrictions, regulations, and conditions set forth in this subchapter shall apply to every sign, of any form or nature, which is not specifically exempted by the terms hereof. This subchapter is to be reviewed on a biannual basis by a commission comprised of representatives of city and county governments and the business community. Members of this commission shall be appointed as follows:

(1) One member appointed by the Mayor and one member appointed by the County Judge Executive; and

(2) One member recommended by the business community and jointly appointed by the Mayor and County Judge Executive.

(B) The commission shall report to the Joint Planning Commission relative to any action or amendments, which it may recommend.

(Prior Code, § 152.192) (Ord. 2014-5, passed 9-2-2014)

§ 154.193 PERMITS.

Every sign, whether permanent or temporary, shall fully comply with the permitting process set forth in this subchapter. Signs which have been placed and which have not been properly permitted are subject to removal.

(Prior Code, § 152.193) (Ord. 2014-5, passed 9-2-2014)

§ 154.194 PERMANENT SIGNS.

(A) No permanent sign shall be installed or altered after the enactment of this chapter until a permit has been issued by the appropriate city or county authority. City permits shall be issued by the Building Inspector or such other person designated by the city and shall be required only for signs located within the corporate limits of the City of Lawrenceburg. County permits shall be issued by the Building Inspector or such other person designated by the county and shall be required only for signs located outside the city corporate limits.

(B) Persons or entities wishing to obtain a permit for the installation or the alteration of a permanent sign shall provide, to the appropriate permitting authority, a comprehensive site plan containing the following information:

- (1) Property address where the proposed sign will be installed;
- (2) Location of structures on property where the proposed sign will be installed;
- (3) Exact location on property where the proposed sign will be installed;
- (4) Proposed sign setback, height, and surface area;
- (5) A drawing or rendering of the proposed sign including the sign face and surface area;
- (6) Intended method or use of illumination if any;
- (7) Intended use of digital or animated lights, graphics, moving, or animated messages or other moving pictures or displays; and
- (8) Description of business utilizing sign.

(C) Permit fee:

(1) A \$10 fee shall be charged by the permitting authority relating to any permit application properly and timely filed prior to the installation of a proposed sign or the alteration of an existing sign. There shall be no fee charged or collected relative to a permit required for the alteration of an existing sign, which is to be altered due to a change of business name or ownership or when existing business desires to up-date the structure or content of an existing sign.

(2) Permit applications filed after installation of a proposed sign, or the alteration of an existing sign has commenced shall be accompanied by a \$50 permit fee if the proposed sign fully conforms to the appropriate sections of this subchapter.

(3) Permit applications filed after installation of the proposed sign, or the alteration of an existing sign has commenced shall be accompanied by a \$100 permit fee if the proposed sign does not fully conform to the appropriate sections of this subchapter and such sign shall be brought into conformance or removed within 45 days of written notice by the permitting authority.

(Prior Code, § 152.194) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.195 TEMPORARY SIGNS.

(A) Temporary sign stickers (TSS) shall be made available to the public by each permitting authority at no cost. The TSS shall be of such size and appearance as is determined by the permitting authority and shall be available on-line or at such physical location(s) as may be designated by the authority.

(B) (1) Unless specifically exempted below or in another section of this subchapter, no temporary sign may be utilized at any time or location unless the person or entity utilizing such temporary sign shall ensure that a TSS has been affixed to the bottom right-hand corner of the face the sign. (Multi-faced signs require only one TSS per sign.)

(2) A TSS is not required for the use of the following listed signs:

(a) Any real estate signs utilized pursuant to §§ 154.200 through 154.203 and auction signs utilized pursuant to § 154.205;

(b) Any yard sale sign utilized pursuant to § 154.206;

(c) Any non-profit or charitable event sign utilized pursuant to § 154.208; and

(d) Commercial sale signs utilized under § 154.209 are not required to exhibit a TSS but must have a commercial sale sign sticker (CSSS).

(C) Each TSS affixed to a sign shall have inscribed upon it, in permanent ink, the date such sign was placed into service.

(D) Any temporary sign without a TSS affixed thereto, any sign where the TSS does not have the date of service inscribed, any temporary sign which has a TSS affixed, but is placed in an unauthorized location or manner, or any sign which remains in place beyond the duration established by the appropriate sections hereof shall be removed pursuant to § 154.999(C)(3).

(E) Commercial sale sign sticker: all commercial sale signs utilized under § 154.209 shall exhibit a commercial sale sign sticker (CSSS), which shall be affixed to the bottom right-hand corner of the face the sign. The CSSS shall be of such size and appearance as is determined by the permitting authority.

(1) Commercial sale sign stickers (CSSS) may only be obtained from the city or the county in conjunction with the purchase of each jurisdiction's annual business license. No commercial sale sign stickers shall be distributed to any business until such time as the annual business license has been duly purchased.

(2) Commercial sale sign stickers shall be valid only for one year, from July 1 of each year through June 30 of the following year. Unused stickers shall not be used in subsequent years.

(3) (a) Businesses located within the jurisdiction of the City of Lawrenceburg are required to utilize only city commercial sale sign stickers. Businesses located within the jurisdiction of the county but outside the city jurisdiction are required to utilize county commercial sale sign stickers.

(b) Usage of county commercial sale sign stickers within the city jurisdiction is prohibited. Usage of city commercial sale sign stickers within the county outside city jurisdiction is likewise

prohibited. Signs bearing incorrect commercial sale sign stickers shall be treated in the manner prescribed for signs bearing no sticker.

(4) Any business owner wishing to utilize signs as authorized under this section shall obtain from the appropriate jurisdiction, a maximum of 24 commercial sale sign stickers for each calendar year. One sticker shall be affixed to each utilized sign and shall be valid for a period of five days. The business owner shall inscribe upon each sticker the date the sign was placed into service. Signs with no sticker or with expired stickers shall be removed and disposed of pursuant to § 154.999(C)(3). (Prior Code, § 152.195) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.196 EXEMPT SIGNS.

The following listed signs are exempted from this subchapter to the extent that they do not violate the public safety provisions. All signs, whether exempt or non-exempt, shall comply with right-of-way setbacks and any and all other regulations related to public safety.

(A) Residential holiday lights, decorations, and displays, and commercial or business, holiday lights, and decorations, displayed during the appropriate time of year;

(B) Signs not visible from public right-of-way;

(C) Signs in a public or private sports venue facing into the activity area;

(D) Signs incorporated into machinery or equipment by a manufacturer or distributor or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, and gasoline pumps;

(E) Identification signs such as address and building markers (example: Suite or A, B, or C);

(F) Personal messages such as announcements of births, anniversaries, and birthdays;

(G) Permanent institutional signs such as street, road, highway, directional signs (such as hospital), no trespassing, and all other governmental and public service signs including schools, hospitals, fire departments, and the like;

(H) Signs required by state, federal, or local law, ordinance, or regulation;

(I) Flags adopted or sanctioned by an elected legislative body of the United States of America and/or the Commonwealth of the state. Such flags must be displayed in accordance with protocol established by the U.S. Congress for the stars and stripes. Any flag not meeting these conditions shall be considered a sign and subject to regulation as such;

(J) Illuminated building accents and/or decorative features;

(K) Public art such as murals, which does not include a commercial message;

(L) Small decals and/or logos (less than one square foot per decal) affixed to windows and doors such as those indicating membership in a business group or identifying credit cards accepted at the establishment;

(M) On-premise security and warning signs such as “no trespassing” and “no hunting;” and

(N) All permanent signs fully installed prior to the adoption of this subchapter except that such signs are subject to the “non-conforming signs” section of this subchapter.
(Prior Code, § 152.196) (Ord. 2014-5, passed 9-2-2014)

§ 154.197 PROHIBITED SIGNS.

(A) It is recognized that attempts will be made to circumvent the intent of this subchapter. Therefore, this subchapter is intended to and shall apply to any form of signage currently or in the future utilized. Any form or usage of a sign that does not reasonably fall within a specific section of this subchapter shall be deemed prohibited.

(B) The following signs and types of signs are prohibited and in most instances may not be utilized. Notwithstanding this general prohibition, in certain specific instances, some otherwise prohibited signs may be allowed by sections of this subchapter:

(1) All off-premise signage, including billboards and outdoor advertising signs;

(2) Signs containing or including strobe lights;

(3) Signs and sign structures that advertise or identify an ongoing business, product, location, service, or activity that no longer exists, excepting those which may have historic significance;

(4) Signs that resemble or interfere with the effectiveness of traffic lights, signs, and other traffic-control devices;

(5) Signs that obstruct the line of sight for vehicles or pedestrians at public roadway intersections or that are located fully or partially within the public right-of-way;

(6) Any temporary or permanent sign, including posters and handbills, affixed to trees or other natural vegetation, fences, rocks, or utility poles;

(7) Signs that affect safety by preventing ingress or egress from any door, window, or fire escape, or prevent free access from one part of a roof to any other part;

(8) Signs that have strobe lights, flash, oscillate, rotate, emit smoke, visible vapors, particles, sounds, or odors, including open flames;

(9) Signs that include any mirror or similar device;

(10) Merchandise, equipment, products, vehicles, or other items not available for purchase but intended to attract attention;

(11) Banners, inflatables, portable signs, signs on wheels, and similar devices are allowed under certain sections of this subchapter and under certain specified conditions. Excepting only where such signs are specifically authorized, they are otherwise prohibited;

(12) Offensive language or images: no sign may contain language or images that are generally construed to be offensive;

(13) Corrugated plastic signs utilizing wire "H" frames, or similar signs, are prohibited accepting only for their use for "yard sale" signage, or by political campaigns, governmental, and non-profit organizations. Such signs are otherwise strictly prohibited;

(14) Bench signs: benches, placed for public use or placed in public view, may not contain commercial advertisement. The name of the business or entity placing the bench may appear on the bench back but shall be no larger than 10% of the bench back; and

(15) Other signs or attention-getting devices that raise concerns similar to those listed above. (Prior Code, § 152.197) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.198 GENERAL SIGN REGULATIONS.

The general regulations set forth in this section are considered minimum standards applicable to all authorized signage. Unless specifically authorized or addressed in other sections of this subchapter, all non-exempt signs must conform to the following general regulations:

(A) Illuminated signs and sign lighting devices shall not be placed in a manner that directs light toward a public roadway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a nuisance or a traffic hazard. All external sign lighting devices must be fully shielded to prevent light trespass to adjacent properties.

(B) All signs must be placed in such a way that does not interfere with the line of sight or visibility of pedestrians and drivers in a public right-of-way.

(C) Unless otherwise set forth herein, all signs must maintain a setback of at least ten feet from the public right-of-way. No part of any sign, including its pole, base, or other structural support, or architectural details such as landscaping, masonry, or other decorative features, may be placed either completely or partially within the public right-of-way.

(D) Non-commercial name and address signage is permitted, consisting of up to two signs, each no more than four square feet in area and four feet in height, indicating address and/or name of occupants of the premises.

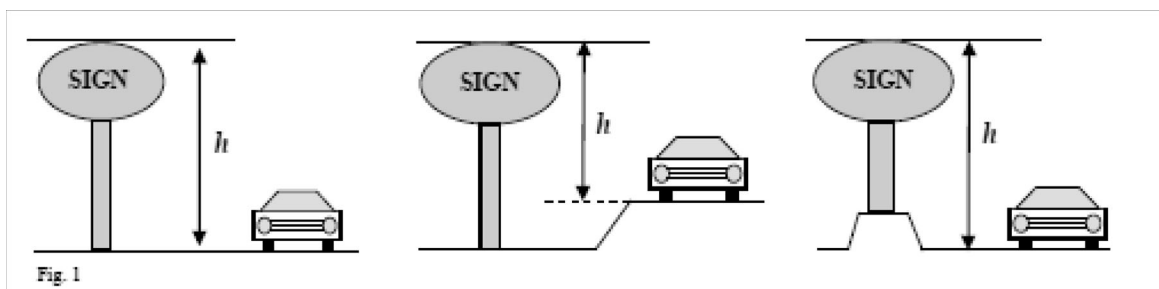
(E) Any and all signs, temporary and permanent, may be placed only with the permission of the owner of the property on which they are located.

(F) Upon a change in ownership of non-residential properties, all temporary signage subject to time constraints shall be permitted to the new owner and/or occupant for a pro-rated period of time based on the annual allowance for the calendar year.

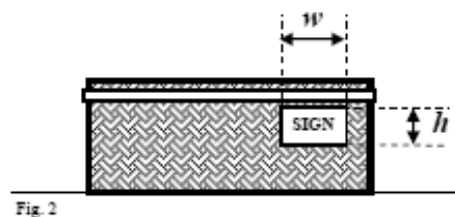
(G) All signs must be constructed and installed in a professional manner and properly maintained.

(H) Measurement standards:

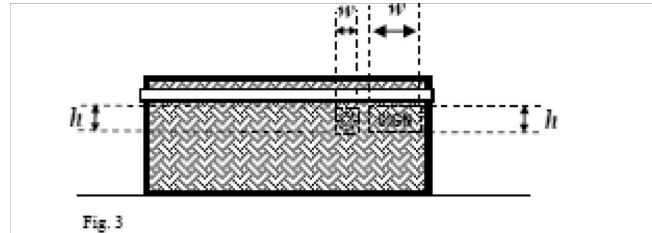
(1) The installed height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the sign or sign structure, to include any supporting structure or decorative features. Where a freestanding sign or structure is mounted along a roadway at a higher or lower grade, the sign, or sign structure's height shall be measured from the roadway grade level. (See Figure 1 below.)



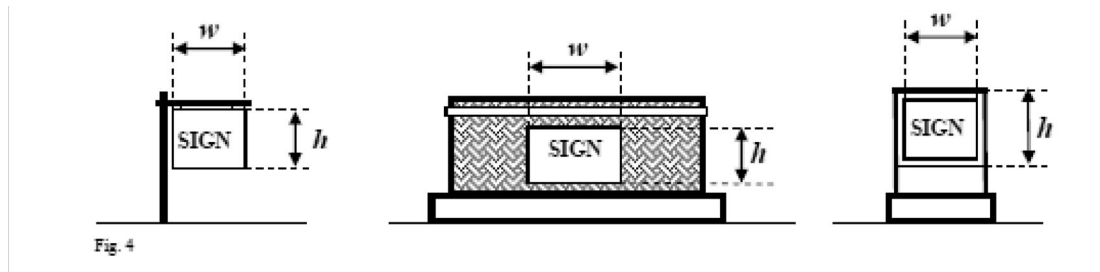
(2) In the case of signs with a clearly defined background, with or without a frame or other outline, the area of the sign shall be calculated to include the background. (See Figure 2 below.)



(3) When a sign consists of individual words, graphic objects, or other separate elements, the total area of the sign shall be calculated based on the sum of area of the individual elements, not including the background. (See Figure 3 below.)



(4) The area of a freestanding sign shall include the frame, if any, but not the pole, base, or other structural support, or architectural details such as landscaping, masonry, or other decorative features. (See Figure 4 below.)



(5) When a sign has two or more display surfaces, the sign area shall be computed as the area of the largest of the faces visible from any single direction.

(I) Digital signs/electronic messaging signs (EMC):

(1) Definition: A sign or portion of a sign on which the message and/or graphic presentation capability is electronically programmed, and which typically uses light emitting diodes (LEDs) or similar technology, as its lighting source.

(2) EMC signs are permitted as part of any permitted non-residential sign.

(3) All EMC signs are to be included in calculation of the maximum permitted sign area for the site.

(4) The EMC portion of any permitted sign may not exceed 50% of the total permitted sign area.

(5) All EMC signs must include dimming capabilities which adjust the brightness of the sign to the ambient lighting.

(6) In the case of EMC signs located within the Main Street Corridor or within 100 feet of a property in residential use, a minimum display time of 12 seconds is required. Flashing, spinning, rotating, and other similar moving effects are prohibited on these signs.

(7) In the case of EMC signs located on sites within the U.S. 127 Corridor and the Interchange Commerce Area (ICA), all standard functions with the exception of flashing are permitted.

(8) Standard video effects, such as falling leaves, passing clouds or waving flags, displayed in the background of the sign message and intended as a design element, are permitted. Display of streaming videos, films, and motion picture or video clips and other images is not permitted in any area. (Prior Code, § 152.198) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.199 TEMPORARY SIGNAGE.

Any sign which is not permanently affixed to the ground, a building, or other structure, and which does not fully comply with the requirements, standards, and conditions of a permanent sign as set forth herein shall be considered a temporary sign for purposes of this subchapter. (Prior Code, § 152.199) (Ord. 2014-5, passed 9-2-2014)

§ 154.200 REAL ESTATE/RESIDENTIAL PROPERTIES/SALES AND RENTAL.

(A) *Definition.* Any sign advertising the offering for sale of a residential property which is utilized on properties containing one single-family residence, or containing one duplex, or containing one multi-family structure with no more than four separate residences.

(B) *Number of signs.* One sign per road frontage but limited to two signs total per property.

(C) *Size.* Real estate signs/residential properties shall not exceed a primary sign area of six square feet per sign.

(D) *Height.* Real estate signs/residential properties shall not exceed a primary sign height of five feet.

(E) *Setback.* Real estate signs/residential properties shall be set back at least ten feet off of the property line and not in the public right-of-way.

(1) For properties unable to accommodate freestanding signs due to lack of front and/or side yards, window, and/or wall signs may be substituted for permitted freestanding sign(s).

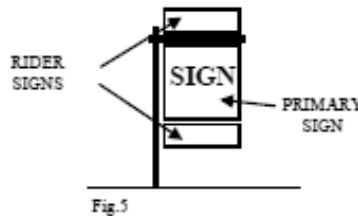
(2) Each of these signs shall have a maximum size not to exceed 5% of the face of the wall on which they are placed.

(F) *Duration of use.*

(1) *Sale signs.* Real estate signs/residential properties which advertise the sale of real property may be placed upon execution of a listing contract and may remain on the property for the duration of such contract but must be removed no later than 30 days of closing, unless it is requested that they be removed earlier by the party purchasing the property.

(2) *Rental or lease signs.* Real estate signs/residential properties, which advertise the rental or lease of real property, may be placed 60 days prior to the termination of the existing leasehold and may remain on the property until such time as the property is rented or leased.

(G) *Rider signs.* Each freestanding real estate sign allowed under this section may include up to two rider signs in addition to the primary sign area, to be attached to the primary sign or its supporting structure. Each of these rider signs may be no more than one-third the size of the primary sign area. Rider sign(s) are not to be included in calculation of the maximum permitted primary sign height and area. (See Figure 5 below.)



(H) *Directional signs.* In the case of properties located within multiple-user developments, such as residential subdivisions, directional signs intended to guide traffic to a specific property are permitted if the permission to place such sign(s) is obtained from the property owner. Each of these signs shall be no more than four square feet in area with a maximum installed height of four feet. Directional sign(s) are not to be included in calculation of the maximum permitted primary sign size and area.

(1) No more than four directional signs may be utilized in conjunction with any property offered for sale or lease. Any party may apply to the BOZA for additional direction signage, which may be granted under such restrictions as the BOZA may impose.

(2) Directional signs shall not be placed in the public right-of-way.
 (Prior Code, § 152.200) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.201 REAL ESTATE SIGNS/COMMERCIAL PROPERTIES/SALES AND RENTAL.

(A) *Definition.* Any sign advertising the offering for sale of commercial property or of multi-family residential properties with five or more residences.

(B) *Number of signs.* One sign per road frontage but limited to two signs total per property.

(C) *Size.* Commercial Real estate signs shall not exceed a primary sign area of 32 square feet per sign.

(D) *Height.* Commercial real estate signs shall not exceed a primary sign height of ten feet.

(E) *Setback.* Signs shall be set back at least ten feet off of the property line and not in the public right-of-way.

(1) For properties unable to accommodate freestanding signs due to lack of front and/or side yards, window and/or wall signs may be substituted for permitted freestanding sign(s).

(2) Each of these signs shall have a maximum size not to exceed 10% of the face of the wall on which they are placed.

(F) *Duration of use.*

(1) *Sale signs.* Real estate signs/commercial properties, which advertise the sale of real property may be placed upon execution of a listing contract, may remain on the property for the duration of such contract but must be removed no later than 30 days of closing.

(2) *Rental or lease signs.* Real estate signs/commercial properties, which advertise the rental or lease, sale, of real property may be placed 30 days prior to the termination of the existing leasehold and may remain on the property until such time as the property is rented or leased.

(G) *Rider signs.* Rider signs are allowed only where a real estate sign/commercial properties is in full compliance with the size and height restrictions set forth in § 154.200(G). If the real estate sign/commercial properties fails to meet the standards of § 154.200(G), then rider signs as allowed in § 154.200(G) shall likewise be allowed hereunder.

(H) *Directional signs.* In the case of properties located within multiple-user developments, such as office parks, commercial centers, or industrial parks, directional signs intended to guide traffic to a specific property are permitted. Each of these signs may be no more than four square feet in area with a maximum installed height of four feet. Directional sign(s) are not to be included in calculation of the maximum permitted primary sign size and area. No more than four directional signs may be utilized in conjunction with any property offered for sale or lease. Any party may apply to the BOZA for additional direction signage, which may be granted under such restrictions as the BOZA may impose. Directional signs shall not be placed in the public right-of-way.

(Prior Code, § 152.201) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.202 NEW CONSTRUCTION/RESIDENTIAL.

(A) *Definition.* Any sign located at a construction site and displayed by contractors, builders, or material suppliers, or which advertises the construction of residential property.

(B) *Number of signs.* One sign per road frontage but limited to two signs total per property.

(C) *Size.* New construction/residential shall not exceed a primary sign area of six square feet per sign.

(D) *Height.* New construction/residential signs shall not exceed a primary sign height of five feet.

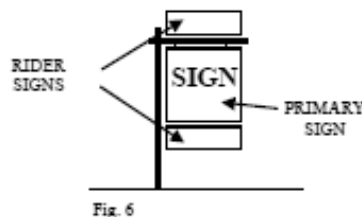
(E) *Setback.* Signs shall be set back at least ten feet off of the property line and not in the public right-of-way.

(1) For properties unable to accommodate freestanding signs due to lack of front and/or side yards, window, and/or wall signs may be substituted for permitted freestanding sign(s).

(2) Each of these signs shall have a maximum size not to exceed 5% of the face of the wall on which they are placed.

(F) *Duration of use.* Signs may be placed at the construction site upon issuance of a building permit and may remain on the property so long as the building permit remains valid but must be removed no later than 30 days after the issuance of a certificate of occupancy.

(G) *Rider signs.* Each freestanding real estate sign may include up to two rider signs in addition to the primary sign area, to be attached to the primary sign or its supporting structure. Each of these rider signs may be no more than one-third the size of the primary sign area. Rider sign(s) are not to be included in calculation of the maximum permitted primary sign height and area. (See Figure 6 below.)



(H) *Allowed locations.* New construction/residential signs may be utilized on properties where the construction of one single-family residence, or one duplex, or one multi-family structure containing no more than four separate residences (quad-plex).

(Prior Code, § 152.202) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.203 NEW CONSTRUCTION/COMMERCIAL.

(A) *Definition.* Any sign located at a construction site and displayed by contractors, builders, or material suppliers for which advertises the construction of business or commercial property.

(B) *Number of signs.* One sign per road frontage but limited to two signs total per property.

(C) *Size.* New construction/commercial shall not exceed a primary sign area of 32 square feet per sign.

(D) *Height.* New construction/commercial signs shall not exceed a primary sign height of ten feet.

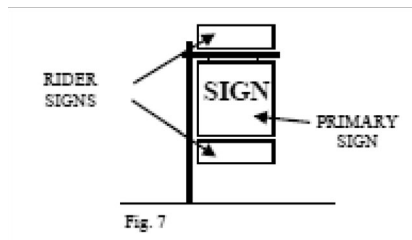
(E) *Setback.* Signs shall be set back at least ten feet off of the property line and not in the public right-of-way.

(1) For properties unable to accommodate freestanding signs due to lack of front and/or side yards, window, and/or wall signs may be substituted for permitted freestanding sign(s).

(2) Each of these signs shall have a maximum size not to exceed 10% of the face of the wall on which they are placed.

(F) *Duration of use.* Signs may be placed at the construction site upon issuance of a building permit and may remain on the property so long as the building permit remains valid but must be removed no later than 30 days after the issuance of a certificate of occupancy.

(G) *Rider signs.* Rider signs as described in § 154.202(G) are allowed only where a new construction/commercial properties is in full compliance with the size and height restrictions set forth in § 154.202(G). If the new construction/commercial properties fully meets the standards of § 154.202(G), then rider signs as allowed in § 154.202(G) shall likewise be allowed hereunder. (See Figure 7 below.)



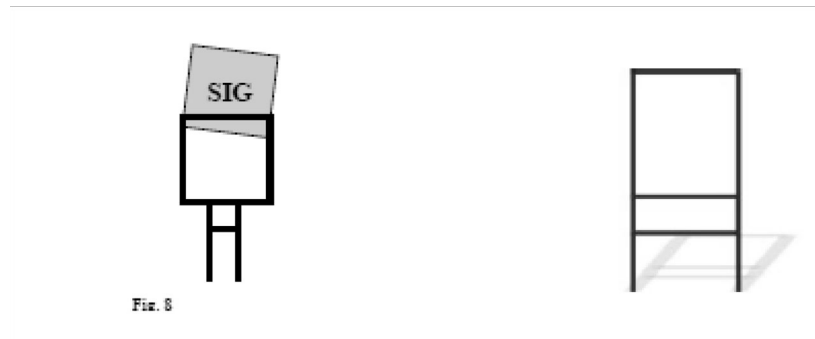
(H) *Allowed locations.* New construction/commercial signs may be utilized on business or commercial properties and multi-family structures containing five or more separate residences. (Prior Code, § 152.203) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.204 SERVICE SIGNS.

(A) *Definition.* Signs advertising a service that has been or is being completed on a property, such as a renovation project or landscaping service are permitted.

(B) *Number of signs.* One sign per road frontage and limited to a maximum of two signs per property. Further, a service provider may display signage on no more than ten properties, including both commercial and residential properties, throughout the county at any given point in time.

(C) *Size and general construction.* Service signs shall not exceed a total sign area of six square feet per sign and must be enclosed in a metal or heavy plastic frame and be similar in appearance to the signs. (See Figure 8 below.)



(D) *Height.* Service signs shall not exceed a sign height of three feet.

(E) *Setback.* Signs shall be set back at least ten feet off of the property line and not in the public right-of-way.

(1) For properties unable to accommodate freestanding signs due to lack of front and/or side yards, window, and/or wall signs may be substituted for permitted freestanding sign(s).

(2) Each of these signs shall have a maximum size not to exceed 5% of the face of the wall on which they are placed.

(F) *Duration of use.*

(1) Service signs shall be displayed for a period of no more than 14 days per property per calendar year or for the full duration of the continuous on-site presence of the service provider, whichever is greater.

(2) In the event that a service provider remains continually present on a property for a period greater than 14 days, and provides continuous service during that period, service signs utilized by such provider may remain on-site until 14 days after the completion of the project.

(G) *Allowed locations.* Service signs must be placed on the property where the advertised service is actually being performed and shall not be placed without permission of the property owner. (Prior Code, § 152.204) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.205 AUCTION SIGNS.

(A) *Definition.* Any sign promoting the sale of property to the highest bidder.

(B) *Number of signs.* One sign per road frontage but limited to two signs total per property.

(C) *Size.* Auction signs shall not exceed a sign area of 32 square feet per sign.

(D) *Height.* Auction signs shall not exceed a sign height of ten feet.

(E) *Setback.* Signs shall be set back at least ten feet off of the property line and not in the public right-of-way.

(1) For properties unable to accommodate freestanding signs due to lack of front and/or side yards, window, and/or wall signs may be substituted for permitted freestanding sign(s).

(2) Each of these signs shall have a maximum size not to exceed 10% of the face of the wall on which they are placed.

(F) *Duration of use.* Signs may be placed at the auction site 45 days prior to the date of the auction and shall be removed no later than seven days after the auction.

(G) *Directional signs.*

(1) Directional signs intended to guide traffic to the location of an auction are permitted. Each of these signs may be no more than four square feet in area with a maximum installed height of four feet. Directional sign(s) are not to be included in calculation of the maximum permitted primary sign size and area. Directional signs may be placed only where they are reasonably necessary to direct patrons to the site of the auction. A maximum of eight directional signs may be utilized in conjunction with a single auction.

(2) Directional signs may be placed three days prior to the auction and shall be removed no later than one day after the auction. Any party may apply to the BOZA for additional direction signage, which may be granted under such restrictions as the BOZA may impose. Directional signs shall not be placed in the public right-of-way and may only be placed on properties where permission of the owner has been obtained.

(H) *Allowed locations.* All auction signs, excepting only those “directional signs” described in division (G) of this section, may be utilized only on the property where an auction is scheduled to occur. (Prior Code, § 152.205) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.206 YARD SALE SIGNS.

(A) *Definition.* Any sign advertising an informal, irregularly scheduled event for the sale of used goods by private individuals.

(B) *Number of signs.* A maximum of five signs may be utilized to advertise any yard sale event.

(C) *Size.* Yard sale signs shall not exceed a sign area of four square feet per sign.

(D) *Height.* Yard sale signs shall not exceed a sign height of three feet.

(E) *Setback.* Signs shall be set back at least ten feet off of the property line and not in the public right-of-way.

(F) *Duration of use.* Yard sale signs shall not be placed more than five days prior to the event and

shall be removed no later than two days after the event.

(G) *Required information and removal.* All yard sale signs must contain the date and address of the event. Any yard sale sign which does not contain the date and address of the event, or which has not been otherwise removed more than two days after the event, shall be immediately removed and discarded by any Enforcement Officer or designee of the city or county.

(H) *Allowed locations.* Yard sale signs may be utilized on the property where the yard sale is scheduled to occur and at such other locations where permission to place a sign has been obtained.

(I) *Temporary permit.* Temporary sign permit stickers are not required for the use of yard sale signs. (Prior Code, § 152.206) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.207 “127 YARD SALE: SIGNS.

Signs placed relative to the “127 yard sale” must comply with the terms set forth § 154.206 excepting only those restrictions governing the number of signs (§ 152.206(B)); the duration of use (§ 154.206(F)); and required information and removal (§ 154.206(G)).

(A) *Number of signs.* A maximum of 20 signs may be utilized to advertise any yard sale event.

(B) *Duration of use.* Signs utilized relative to the “127 yard sale” may be placed three weeks prior to the announced end date of the “127 yard sale” and must be removed not later than three days following the announced end the said “127 yard sale.”
(Prior Code, § 152.207) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.208 NON-PROFIT OR CHARITABLE EVENTS SIGNS.

(A) *Definition.* Signage authorized under this section is restricted to the following:

(1) *Organizations.* Any sign placed by a non-profit or governmental organization which promotes or advertises a gathering, performance, fair, festival, or similar special event sponsored by such organization and which is held for a charitable or public purpose; or

(2) *Place of business.* Any sign placed by a for-profit business entity working in conjunction with a non-profit or governmental entity to promote a public or non-profit event.

(B) *Number of signs.*

(1) *Signs placed by a non-profit or governmental organization.* Signs may be placed at any location where permission has been obtained but shall be limited to one sign per road frontage but limited to two signs total per property.

(2) *Any sign placed by a for-profit business in support of a charitable event.* Signs may be placed

at any location where permission has been obtained but shall be limited to one sign per road frontage, but limited to two signs total per property.

(C) *Size and setback.*

(1) *Signs placed by a non-profit or governmental organization.*

(a) *Residential placement.* Signs authorized under this section and which are placed on residential property may have a sign area of 16 square feet.

(b) *Commercial/agricultural placement.* Signs may have a sign area of up to 32 square feet per sign. Additional sign area of four square feet is allowable for each additional ten feet of setback but shall not exceed 64 square feet.

(2) *Signs placed by a for-profit business in support of a charitable event.* Signs may have a sign area of up to six square feet per sign regardless of the location of their placement. An additional sign area of four square feet is allowable for each additional ten feet of setback but shall not exceed 64 square feet.

(3) *Banners.* Banners may be used for non-profit or charitable event signage but shall not be attached or mounted to a building or out building.

(D) *Height.* Non-profit special event signs shall not exceed a sign height of ten feet.

(E) *Duration of use.*

(1) *Signs placed by a non-profit or governmental organization.* Signs may be placed 30 days prior to the date of the event and shall be removed no later than seven days after the event.

(2) *Signs placed by a for-profit business in support of a non-profit or charitable event.* Signs may be placed at the event location 30 days prior to the date of the event and shall be removed no later than three days after the event. Signs may be placed at any other authorized location ten days prior to the date of the event and shall be removed no later than three days after the event.

(F) *Required content.*

(1) *Off-site signs.* Signs authorized under this section and which are placed at a location other than the site of the event and which are placed by a for-profit business, must specifically and primarily promote the non-profit or governmental event. They may also contain the name and general information regarding the participating business entity.

(2) *On-site signs.* Signs authorized under this section and which are placed at the site of the event and which are placed by a for-profit business in support of a charitable event may primarily promote the event itself and/or the participating business entity.

(G) *Allowed locations.* Signs as allowed under this section may be placed at the physical location of the non-profit or governmental entity, at the physical location of the participating business entity and at

the physical location where the event is scheduled to occur and at such other locations where permission to place a sign has been obtained from the property owner.

(H) *Portable signs, tethered balloons, inflatable signs, or similar signs or devises.* Such signage may be utilized only at the site of the non-profit or charitable special event. Signs allowed under division may be placed seven days prior to the event and shall be taken down within three days of the end of the event. (Prior Code, § 152.208) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.209 COMMERCIAL SALE SIGNS.

(A) *Generally.* This section is intended to address traditional and periodic sales as may be offered by for profit businesses and commercial enterprises.

(B) *Number of signs.*

(1) *Location of sale.*

(a) Stand alone buildings: one sign per property road frontage; maximum of two signs per property; and

(b) Strip center developments or strip malls, as defined in § 154.190: one sign per business owner.

(c) Off-site locations: one sign per property (permission to place a sign must be obtained from property owner). For purposes of this section, only one off-site sign may be located on any single parcel at any time.

(3) *Off-site limit.* No business may utilize or place more than a total of three off-site signs at any time.

(C) *Size.* Sale signs, excluding only those authorized banners as set forth in division (G) of this section, shall not exceed a sign area of six square feet per sign. An additional sign area of four square feet is allowable for each additional ten feet of setback. No sale sign may be larger than 64 square feet.

(D) *Height.* Sale signs, excluding only vertical banners as listed in division (G), shall not exceed a sign height of five feet.

(E) *Setback.* Sale signs shall be set back at least ten feet off the property line and not in the public right-of-way. No business may utilize any sign authorized under this section if it is unable to meet the stated setback requirements.

(F) *Duration of use.* Signs authorized under this section may be placed for maximum of ten consecutive days at the sale site for a total of 120 days in a calendar year.

(G) *Vertical banners.* Vertical banners are the only form of banner, which may be utilized by a

business as signage authorized under this § 154.209. No other style or form of banner is allowed. All vertical banners shall be anchored directly into the ground and shall not be mounted or affixed to a building, out-building, or fence. Vertical banners must meet all other requirements of this section excepting only that they may have a maximum height of ten feet and a maximum width of three feet.

(H) *Wire Hframes.* Pursuant to § 154.197(B)(13), corrugated plastic signs utilizing wire “H” frames, or similar signs, are prohibited for purposes of this section. Signs must be enclosed in a metal or heavy plastic frame as required in § 154.204(C).

(I) *Allowed locations.* Sale signs may be placed at the location of the sale, excluding residences housing home occupations, and at such other non-residential, non-agricultural, or non-public locations where permission to place a sign has been obtained from the property owner, subject to the numerical restrictions set forth therein.

(J) *Permitting.* See § 154.195(F) for permitting requirements for commercial sale signs authorized under this section.
(Prior Code, § 152.209) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.210 GRAND OPENING/BUSINESS CLOSING SIGNS.

(A) *Generally.* This section is intended to address the initial opening of a new business or the closing of a business and shall not be adopted for any other purpose. It is contemplated that a business will have no more than one “grand opening” or “closing” during its existence.

(B) *Number of signs.*

(1) *Location of the business.* One sign per road frontage, but limited to two signs total per property.

(2) *Locations where permission to place a sign has been obtained (off-site locations).* One sign per property. For purposes of this section, only one “off-site” sign may be on any single parcel at any time.

(C) *Size.*

(1) *Location of the business.* Signs shall not exceed a sign area of 32 square feet per sign.

(2) *Locations where permission to place a sign has been obtained (off-site locations).* Signs shall not exceed a sign area of 16 square feet.

(D) *Height.* Grand opening/business closing signs shall not exceed a sign height of ten feet.

(E) *Setback.* Grand opening/business closing signs shall be set back at least ten feet off the property line and not in the public right-of-way.

(F) *Duration of use.*

(1) *Location of the business.* Grand opening/business closing signs may be placed at the business location for a period of 30 days prior to and after the opening date. Business closing signs may be placed 90 days before the closing date and shall be removed three days after the closing date.

(2) *Off-site locations.* Grand opening/business closing signs may be placed at any non-residential or non-public location, where permission from the property owner has been obtained, for a period of 15 days prior to the opening date and shall be removed no later than 30 days after the opening date. Business closing signs may be placed 15 days before the closing date and shall be removed three days after the closing date.

(G) *Banners, portable signs, tethered balloons, and signs on wheels are allowed to be used as “grand opening” signage.* Banners shall not be mounted or affixed to a building, out building, or fence. Such signage may only be utilized at the location of the grand opening or closing and may be displayed only five days prior and five days after the grand opening event or only five days prior and three days after the business closing event.

(H) *Allowed locations.* “Grand opening signs” and “business closing signs” may be placed at the location of the sale and at such other non-residential, non-agricultural, or non-public locations where permission to place a sign has been obtained.

(Prior Code, § 152.210) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.211 SIDEWALK SIGNS.

(A) A-frame or other freestanding signage to be placed on a sidewalk directly in front of a business intended to attract and inform pedestrians for the purpose of promoting on-site events including but not limited to the display of menu items for a restaurant or other establishment serving food or drinks. Such signage is permitted only in areas where the sidewalk is immediately adjacent to the building.

(B) Signage shall be no more than four feet high and two feet wide and may include a chalkboard or similar writing surface.

(C) Signage must be placed so as to maintain an unobstructed path at least four feet wide for pedestrian use and are limited to one sign per frontage.

(D) Signage may not be permanently attached in any way to the sidewalk.

(E) Display is permitted only during business hours.

(Prior Code, § 152.211) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.212 RESIDENTIAL CAMPAIGN SIGNS.

(A) *Generally.* Residential campaign signs may be utilized on properties containing one single-family residence, containing one duplex, containing one multi-family structure with no more than four separate residences, or on vacant lots intended to be used for such residences.

(B) *Size.* Residential campaign signs shall not exceed 16 square feet.

(C) *Setback.* Residential campaign signs shall be set back at least ten feet off the property line and not in the public right-of-way.

(D) *Duration of use.* Residential Campaign Signs must be removed not more than 14 days after the date of election in which the candidate or party is standing.

(Prior Code, § 152.212) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.213 COMMERCIAL CAMPAIGN SIGNS.

(A) *Generally.* Commercial campaign signs may be utilized on business or commercial properties and multi-family structures containing five or more separate residences.

(B) *Size.* Commercial campaign signs shall not exceed 32 square feet

(C) *Setback.* Commercial campaign signs shall be set back at least ten feet off the property line and not in the public right-of-way.

(D) *Duration of use.* Commercial campaign signs must be removed not more than 14 days after the date of election in which the candidate or party is standing.

(E) *General appearance and maintenance.* All signs must be constructed and installed in a professional manner and must be properly maintained.

(Prior Code, § 152.213) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.214 HELP WANTED SIGNS.

(A) *Definition.* Any sign advertising a job opening.

(B) *Number.* Signs are limited to two signs per state, county, or city road frontage.

(C) *Size.* “Help-wanted” signs shall not exceed six square feet in size.

(D) *Location.* Signs may only be placed at the location where the job opening exists.

(E) *Setback.* Signs must be set back at least ten feet from property line and shall not be placed on public right-of-way.

(Prior Code, § 152.214) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.215 VEHICLE WRAPS AND MOBILE SIGNAGE.

(A) It is the intent of this subchapter that vehicle wraps or similar signage on buses, automobiles, panel vans, trucks, tractor-trailers, and other like vehicles shall not fall under the jurisdiction of this subchapter. However, any vehicle or otherwise “mobile sign” that is parked, or placed, or remains in a location which is visible from the public right-of-way, in such a manner and for such duration as to become a defacto temporary or permanent sign, shall be considered a “temporary sign” and shall fall under the authority and the requirements of this subchapter.

(B) Evidence compiled and submitted by the Enforcement Officer which shows an extended pattern of conduct, indicates an intent to circumvent the terms of this section, and which shows that the predominate purpose of the vehicle is its advertising component rather than some other legitimate business purpose, is sufficient to substantiate the issuance of a citation for the violation of this section. Citations issued by the city under this section shall be heard and adjudicated by the City Code Enforcement Board. Citations issued hereunder the county, shall be adjudicated in such manner as is otherwise designated by the county government.

(Prior Code, § 152.215) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.216 TEMPORARY WINDOW SIGNS.

(A) *Definition.* Any sign affixed to the surface of any window or exterior glass door, which is intended to be temporary in nature and duration. No portion of this section is intended to prohibit or regulate the placement of flyers and other similar signs by non-profit groups, social clubs, or similar organizations or governmental entities. It is the intent of this section to regulate temporary signage placed in windows for commercial purposes.

(B) *Number and size.*

(1) *Main Street Corridor.* Due to the additional signage granted businesses in the Main Street Corridor, such as sidewalk and projecting signage, one temporary window sign per window is permitted which shall not exceed 33% of the window surface area.

(2) *Businesses with conditional use permits to operate in residence.* None

(3) *All other business locations.* No restriction.

(C) *Location.* All window signs allowed under this section must be placed on the inside face of the window and may not be placed on the exterior of the window.

(Prior Code, § 152.216) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.217 PERMANENT SIGNS.

Permanent signs, including but not limited to wall-mounted signs, freestanding signs, monument signs canopy signs, and projecting signs are allowed only as specified.
(Prior Code, § 152.217) (Ord. 2014-5, passed 9-2-2014)

§ 154.218 FREESTANDING/MONUMENT SIGNS.

It is the intent of this subchapter that all business properties, unless otherwise specifically restricted, shall be permitted either one freestanding or one monument sign.

(A) *Definition.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***FREESTANDING SIGN.*** Any signs supported by structures or supports that are placed on or anchored in the ground and are independent from any building or other structure.

(2) ***MONUMENT SIGN.*** A permanent ground sign designed so that the base of the sign is flush with the supporting base, and the supporting base is flush with the ground and extends the full width of the sign.

(B) *Number.* One freestanding or one monument sign is permitted for each business property having 300 feet of public road frontage or less. Business properties with frontage on more than one public street or roadway, are allowed signage on each frontage, unless greater restrictions are set forth in divisions (B)(1), (B)(2), or (B)(3) below.

(1) One additional freestanding or monument sign is allowed within city limits where the frontage on any street is more than 300 feet. Such additional sign must comply with all other standards of this section.

(2) Additional freestanding or monument signs are not allowed at any location outside the corporate limits of the City of Lawrenceburg. In such areas, there is a maximum of one sign per property.

(3) Additional freestanding or monument signs are not allowed at any location designated as “all other” in division (C) below. In such areas, there is a maximum of one sign per property.

(C) *Size.*

(1) Freestanding signs are restricted to the following heights and square footages in the listed areas; all heights are measured from the roadway grade level pursuant to § 154.198(H)(1):

Anderson County - Land Usage

	<i>Sign Face (Square Feet)</i>	<i>Sign Height (Feet)</i>	<i>Sign Width (Feet)</i>
*Main Street Corridor	36	6	6
**U.S. 127 Corridor	108	25	18
***Interchange Commerce Area	320	100	None
All other	108	25	18
<p>* All businesses with frontage on any of the following streets are considered to be within the Main Street Corridor: North and South Main from Woodford Street to Broadway Woodford Street from the railroad tracks to West Alley Court Street from the railroad tracks to West Alley West Alley College Street</p> <p>** All businesses with frontage on U.S. 127 Corridor or any secondary access street running parallel to U.S. 127 are considered to be within the U.S. 127 Corridor</p> <p>*** Interchange Commerce Area (ICA): The specific areas designated in § 154.229(A)(1) and (2), and known as the U.S.127/Bluegrass Parkway Interchange Area and the Monkey’s Eyebrow – Exit 48/Bluegrass Parkway Interchange Area</p>			

(2) Monument signs are restricted to the following heights and square footages in the listed areas; all heights are measured from the grade level at the location where the sign is installed.

(a) Monument signs located within the Main Street Corridor shall have a sign face of no greater than 24 square feet with the entire sign structure, including all cladding, being no more than 36 square feet in size. No portion of the sign or cladding shall be more than six feet in height.

(b) All other monument signs shall have a sign face of no greater than 48 square feet with the entire sign structure, including all cladding, being no more than 64 square feet in size. No portion of the sign or cladding shall be more than eight feet in height.

(c) Business properties located in the Main Street Corridor shall have a maximum of one monument or one freestanding sign per property, regardless of road frontage.

(D) *Residences with a permitted home occupation.*

(1) Residences housing a home occupation located outside city limits are allowed either one freestanding sign or one monument sign or one wall sign. No freestanding sign or monument sign allowed under this section may be more than four square feet in area with an installed height of four feet. Wall-mounted signage is limited in size to four square feet.

(2) Residences housing a home occupation located within the city limits are allowed no freestanding or monument signage but are allowed one wall sign. Wall-mounted signage is limited in size to four square feet.

(E) *Setback.*

(1) Freestanding signs and monument signs shall meet the following setback requirements:

*Main Street Corridor	10 feet from the edge of the pavement
*U.S. 127 Corridor	15 feet from the property line
*ICA	15 feet from the property line
All other	15 feet from the property line

(2) Notwithstanding the setback requirements set forth above, no sign authorized hereunder may be placed within the public right-of-way.

(F) *Setback requirements.* Property owners that cannot meet the setback requirements of this section shall not be entitled to the use of a monument or freestanding sign. Such property owners may however seek a variance from the BOZA.

(G) *Way finding signs.* Properties in commercial use, excluding home occupations, having more than one point of access to the public right-of-way, may seek permission from the BOZA for additional way finding signage for traffic control purposes is permitted as necessary at each point of access. Each way finding sign is to be no more than four square feet in area with an installed height of no more than four feet. Way finding sign(s) are not to be included in calculation of the maximum permitted primary sign size and area. Business owners wishing to obtain permission for such way finding signage shall submit a Comprehensive Site Plan to the BOZA for approval. The BOZA may approve such site plan in full or in part; may require reasonable changes or may deny the plan.

(Prior Code, § 152.218) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.219 WALL SIGNS.

(A) *Definition.* Any sign, which is painted, applied, affixed, or mounted to the wall or surface of a building or structure.

(B) *Number of wall signs.* One sign per building face.

(C) *Size.* Wall sign shall have a maximum surface area equal to one and one-half square feet for each linear foot of building face to which it is attached.

(D) *Projection from wall.* It is preferred that a wall sign shall be “mounted flush.” No portion of any wall sign shall project more than 12 inches from the outside wall of the building or structure to which it is attached.

(Prior Code, § 152.219) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.220 BUILDING DIRECTORIES.

A building directory is permitted when all tenants of a multi-occupant building do not have exterior ground-floor building frontage, such as offices located on upper floors.

(A) Each tenant is permitted a sign of up to 72 square inches.

(B) An additional 72 square inch sign is permitted to identify the building or tenant group.

(C) All such signs are to be similar in design and grouped together.

(Prior Code, § 152.220) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.221 PROJECTING OR SUSPENDED SIGNS.

The utilization of projecting or suspended signs is exclusively permitted in the Main Street Corridor and at such locations as may be approved by the BOZA. Such other locations must show they are characterized by the same setback and other limitations as are present in the Main Street Corridor.

(A) *Definition.* A sign that is permanently mounted to a building that projects out in a generally perpendicular manner from the building.

(B) *Number.* One per business storefront. Multiple businesses operating out of the same storefront are not allowed individual projecting signs but may share space on a single sign.

(C) *Clearance and projection.*

(1) Signs allowed under this section shall have a minimum clearance above the sidewalk, pavement or ground of eight feet.

(2) Signs allowed under this section shall not extend more than seven feet from the building face to which they are attached. Signs may not project past a point two feet from the curb line. Signs may not extend above the roof line of the building to which they are attached.

(D) *Size.* No more than eight square feet. Applications made to the BOZA for a size variance are to be approved only in cases of proven extreme need.

(E) *Illumination and construction.* Projecting signs may not utilize internal illumination. External lighting of projecting signs is to be discouraged. Plans for any external lighting source, whose function is primarily to illuminate a projecting sign must be submitted to the BOZA for approval.

(F) *Projecting signs.* Projecting signs may not be utilized by any business or property owner within the Main Street Corridor who is utilizing a freestanding sign or a monument sign as authorized by § 154.218.

(Prior Code, § 152.221) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.222 PERMANENT WINDOW SIGNS.

(A) *Definition.* Any sign painted or affixed to the surface of any window or exterior glass door, which is intended to be permanent, or of indefinite duration. (See § 154.199.)

(B) *Number and size.*

(1) *Main Street Corridor.* One sign per window is permitted which shall not exceed 33% of the window surface area.

(2) *Businesses with conditional use permits to operate in residence.* None.

(3) *All other locations.* One sign per window is permitted which shall not exceed 50% of the window surface area.

(Prior Code, § 152.222) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.223 AWNING OR CANOPY SIGNS.

(A) *Definition.* A sign painted on or attached to any part of the awning or canopy.

(B) *Size.* Awning and canopy signs will be calculated as part of the wall sign square footage allowed for the location per building face. Awning or canopy sign square footage shall be calculated by the surface area being covered by the lettering and or logo applied to include space between lettering.

(C) *Clearance and projection.*

(1) Signs allowed under this section shall have a minimum clearance above the sidewalk, pavement, or ground of eight feet.

(2) Signs allowed under this section shall not extend more than seven feet from the building face to which they are attached. Signs may not project past a point two feet from the curb line.

(3) Signs may not extend above the roof line of the building to which they are attached. (Prior Code, § 152.223) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.224 CONVENIENCE STORES AND SERVICE STATIONS WITH PUMP ISLANDS.

Canopies, which cover the pump islands, are allowed two signs per face with a maximum of 16 square feet per sign. Canopy signs at convenience stores and service stations sign square footage shall be calculated by the surface area being covered by the lettering and or logo applied to include space between lettering. Signs on individual pumps are unrestricted assuming that the mounting hardware is permanently attached to the pump.

(Prior Code, § 152.224) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.225 ILLUMINATED SIGNS.

(A) *Definition.* Any sign which uses any internal or external source of light, including, but not limited to, marquee signs, electronic signboards, and digital message boards.

(B) *Generally.*

(1) A sign illuminated by a light source indirectly by an external light directed towards the sign or by an internal light source. No sign shall have an adverse effect on traffic or adjacent properties. Flashing lights and or strobes are not permitted excluding text. No illuminated sign shall be constructed within 75 feet of the property line of any single family or residential lot.

(2) Illuminated signs or illuminated portions of signs, which are specifically prohibited, include the following:

(a) Pursuant to § 154.198(I), the display of streaming videos, films, motion pictures, video clips, and other similar images is not permitted in any area.

(b) Projecting signs, except as specifically authorized under § 154.221. (Prior Code, § 152.225) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.226 MULTI-USER SIGNS.

Business owners are encouraged to combine the signage relating to multiple businesses on to one freestanding or monument sign whenever practical or desirable.

(A) Business owners may place permanent signage relating to their business on one freestanding or monument sign, wherever located, where permission of the owner of such sign has been obtained.

(B) Each business, which elects to utilize a sign as allowed under division (A) above, shall forfeit their right to a freestanding or monument sign at the location of their business, as authorized by § 154.218. Any sign placed under the authority granted in division (A) above shall fully conform to all applicable terms and conditions of this subchapter.

(Prior Code, § 152.226) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.227 STRIP CENTER DEVELOPMENT (STRIP MALL).

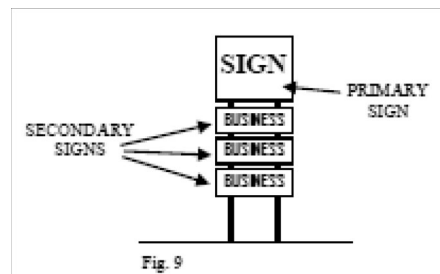
(A) *Definition.*

(1) For purposes of this chapter, a “strip center development” or “strip mall” is defined as a single building, or a series of buildings sharing exterior walls, which is designed to house two or more independent and separate businesses, each with its own separate entrance and storefront.

(2) No buildings or series of buildings located in the Main Street Corridor and constructed prior to September 17, 2014, shall be considered a strip development center or strip mall.

(B) *Allowed signs.* Each strip center is allowed either one freestanding or one monument sign similar in nature and design to the sign illustrated below. (See Figure 9 below.) Individual businesses located within a strip center/mall are not allowed individual freestanding or monument signs.

(C) *Compliance.* Signs located in a strip center shall fully comply with all terms and conditions set forth in § 154.218 which are not otherwise in conflict with the terms of this section.



(Prior Code, § 152.227) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.228 NON-CONFORMING SIGNS.

Except only as set forth in divisions (B) and (D) below, a non-conforming sign shall not be altered, modified or reconstructed except:

(A) When such alteration, modification, or reconstruction will bring the sign into conformity with these regulations.

(B) When a property changes ownership and/or use, in which case change is to be limited to replacement of a sign panel, replacement of letters and logos within the same area, and/or repainting a sign face. Any changes in structure, framing, or location are only permitted when they serve to bring the sign into conformity with these regulations.

(C) A non-conforming sign shall be removed when the use to which it refers has been abandoned for more than six months or if the sign itself is abandoned when the regulations or amendments governing it have been in effect for ten years or more.

(D) Any proposed alteration of a non-conforming sign which does not bring such sign into full conformance may be submitted to the BOZA for approval. The BOZA shall deny such proposal unless it can be demonstrated that the owner of such sign cannot reasonably bring the sign into compliance and that the proposed alteration substantially moves the sign towards full compliance and does not simply perpetuate the non-conforming status of the sign.

(Prior Code, § 152.228) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.229 OFF-SITE FREESTANDING SIGNS/BILLBOARDS.

(A) Each billboard or off-site sign authorized under this section must be fully located in the following specific geographical areas:

(1) *U.S. 127/Bluegrass Parkway interchange area.* That area within 5,280 feet along the general route of the Bluegrass Parkway and in a generally easterly direction and that area 5,280 feet along the general route of the Bluegrass Parkway and in a generally westerly direction of the center point of the U.S. 127/Bluegrass Parkway interchange.

(2) *Monkey's Eyebrow – Exit 48/Bluegrass Parkway interchange area.* That area within 5,280 feet along the general route of the Bluegrass Parkway and in a generally easterly direction and that area 5,280 feet along the general route of the Bluegrass Parkway and in a generally westerly direction of the center point of the Monkey's Eyebrow – Exit 48/Bluegrass Parkway interchange.

(B) Each billboard or off-site sign authorized under this section must be placed in a manner that focuses solely on communicating to occupants of vehicles traveling on the Bluegrass Parkway.

(C) Each billboard is permitted a maximum sign area of no more than 14 feet high and 48 feet wide. Maximum installed height of 40 feet is to be measured from the grade level of the ground where the sign is located.

(D) No more than four billboards are to be permitted at the Bluegrass Parkway interchange area, and no more than four billboards are to be permitted at the Monkey's Eyebrow – Exit 48/Bluegrass Parkway interchange area. Billboards shall be within 5,280 feet along the general route of the Bluegrass Parkway

and in a generally easterly direction and that area 5,280 feet along the general route of the Bluegrass Parkway and in a generally westerly direction of the center point of the U.S. 127/Bluegrass Parkway interchange and the Monkey's Eyebrow – Exit 48/Bluegrass Parkway interchange area as noted in division (A) above.

(E) The County Fiscal Court shall exercise final authority as related to the establishment of fees and administrative processes for billboards. Use of the billboards shall be administered and enforced by the Code Enforcement Officer for the county.

(F) BOZA shall have no authority to grant waivers regarding quantity, size, height, placement or any other requirement of this subchapter related to billboards.
(Prior Code, § 152.229) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

§ 154.230 GENERAL SAFETY.

(A) All signs shall be placed in a manner and location and shall be of a design where they do not constitute a safety hazard to the general public and vehicular traffic. The placement of all signs must comply with the line of sight safety standards as set forth in the Policy of Geometric Design of Highways and Streets as compiled by the American Association of State Highway and Transportation Officials, as amended.

(B) Officials authorized to enforce this subchapter may withhold approval of any sign if such sign fails to meet the line of sight standards as described above. Parties aggrieved by the decision of such enforcement official may appeal such decision to the Board of Zoning Adjustments who may only determine if the stated standards have been appropriately applied.
(Prior Code, § 152.230) (Ord. 2014-5, passed 9-2-2014) Penalty, see § 154.999

PLANNED UNIT DEVELOPMENTS

§ 154.235 OBJECTIVES FOR PLANNED UNIT DEVELOPMENTS.

(A) It shall be the policy of the City of Lawrenceburg and the county to promote progressive development of land and construction thereon by encouraging planned unit developments (P.U.D.s) to achieve a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, building setbacks, and area requirements; a more useful pattern of open space and recreation areas, and if permitted as part of the project, more convenience in location of accessory commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other

vegetation, and prevents disruption of natural drainage patterns; a more efficient use of land that is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and a development pattern in harmony with land use density and community facilities objectives. All planned unit development projects shall be subject to the following regulations in this subchapter.

(B) The city and county area also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

(Prior Code, § 152.235) (Ord. passed - -2006)

§ 154.236 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS.

(A) Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required.

(B) Whenever there is a conflict or difference between the provisions of this subchapter, and those of other provisions of this chapter, the provisions of this subchapter shall prevail for the development of land for planned unit developments.

(C) Subjects not covered by this subchapter shall be governed by the respective provisions found elsewhere in this chapter.

(Prior Code, § 152.236) (Ord. passed - -2006)

§ 154.237 USES PERMITTED.

(A) Compatible residential, commercial, industrial, public, and quasi-public uses may be combined in planned unit development areas provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

(B) Lot area and other yard requirements of the residential districts established in §§ 154.085 through 154.107 shall apply except as modified in § 154.241.

(Prior Code, § 152.237) (Ord. passed - -2006)

§ 154.238 PROJECT OWNERSHIP.

The project land may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

(Prior Code, § 152.238) (Ord. passed - -2006)

§ 154.239 COMMON OPEN SPACE AND DISPOSITION THEREOF.

(A) A minimum of 20% of the land developed in any planned unit development project may be reserved for common open space and recreational facilities for the residents or users of the area being developed. The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the city and/or county and retained as common open space for parks, recreation, and related uses.

(B) All land dedicated to the city and/or county must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses, and other similar channels, are not acceptable for common open space dedication to the city and/or the county, unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission.

(C) The responsibility for the maintenance of all open space shall be specified by the developer before approval of the final development plan.

(Prior Code, § 152.239) (Ord. passed - -2006)

§ 154.240 UTILITY REQUIREMENTS.

Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems, which can be effectively screened, may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

(Prior Code, § 152.240) (Ord. passed - -2006)

§ 154.241 MINIMUM PROJECT AREA.

(A) The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of five acres, provided however, that smaller parcels may be considered on the basis of their potential to satisfy the objectives of this subchapter as stated in § 154.235.

(B) When the planned unit development proposes a mixture of residential uses with commercial and/or industrial uses, the Planning Commission may limit the development to not more than 8% of the tract to commercial uses and not more than 12% of the tract to industrial uses.

(1) *Minimum lot sizes.*

(a) Lot area per dwelling unit may be reduced by not more than 40% of the minimum lot area required in the district regulations in §§ 154.085 through 154.107. A planned unit development need

not conform to the density requirements of §§ 154.085 through 154.107. A diversification of lot sizes is encouraged.

(b) Lots widths may be varied to allow for a variety of structural design. It is also recommended that setbacks be varied.

(2) *Height requirements.* For each foot of building height over the maximum height regulations specified in §§ 154.085 through 154.107, the distance between such buildings and the side or rear property lines of the planned unit development project area shall be increased by one foot addition to the side and rear yard required in the districts.

(3) *Parking.* Off-street parking, loading, and service areas shall be provided in accordance with §§ 154.175 through 154.183 of this chapter. However, off-street parking and loading areas shall not be permitted within 15 feet of any residential use.

(4) *Perimeter yards.* Notwithstanding the provisions of this subchapter, every lot abutting the perimeter of the planned unit development district shall maintain all yard requirements specified in §§ 154.085 through 154.107 for the applicable conventional zoning district.

(5) *Lots to abut upon common open space.* Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight town house units in any contiguous group.

(Prior Code, § 152.241) (Ord. passed - -2006) Penalty, see § 154.999

§ 154.242 PROCEDURE FOR APPLICATION AND APPROVAL OF PLANNED UNIT DEVELOPMENTS.

(A) All proposed planned unit development shall follow the procedure for zoning map amendments as set forth in §§ 154.260 through 154.269. The Planning Commission shall hold a public hearing on the zoning map amendment of the proposed planned unit development to aid them in deciding the merits of the proposed project. Nothing herein should be construed to mean that the landowner has the inherit right to develop a planned unit development. The Planning Commission has the power to decide whether or not to allow the planned unit development based on their experience, knowledge, public hearing, and the standards set forth herein. Accompanying all applications for a zoning map amendment shall be a development plan, and include calculations for overall density, parking requirements, and other material the Commission may reasonably require.

(B) Upon approval of a final development plan, the official zoning map shall be annotated for the land area involved so that the district name includes the notation, "P.U.D."

(C) A building permit shall be required for each building in accordance with §§ 154.035 through 154.039 of this chapter. Approval of a planned unit development shall expire if no substantial work on the site has begun within one year of original approval or if the project is abandoned for more than 24 consecutive months. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved planned unit development plat. All approved planned unit development plats shall be recorded with a certificate of land use restriction in the County Clerk's office per KRS 100.3681.

(Prior Code, § 152.242) (Ord. passed - -2006)

DEVELOPMENT PLANS

§ 154.250 GENERAL PROVISIONS.

(A) This subchapter sets forth the content and procedure for submission, review, and approval of all development plans and site plans as follows.

(B) A development plan is intended to provide a single, uniform procedure for total review of a proposed development. In this manner, the Planning Commission can review all aspects of a proposal simultaneously.

(C) Where appropriate, the Planning Commission may review a previously completed sketch, preliminary, and/or final subdivision plat instead of the development plan. Once approved by the Planning Commission, the development plan shall be followed, and shall run with the land.

(Prior Code, § 152.250) (Ord. passed - -2006)

§ 154.251 APPLICABILITY.

A development plan shall be submitted to the Planning Commission with an application for a zoning map amendment or prior to an issuance of a building permit.

(A) *Zoning map amendments.*

(1) The submission and approval of a development plan shall be required in conjunction with all zone changes. A public hearing on the zoning map amendment shall not be held until a development plan has been submitted to the Planning Commission.

(2) In a rezoning request for a single-family residential or two-family residential lot in any zone, a site plan may be submitted instead of a development plan. The site plan that is submitted in conjunction

with a request for rezoning shall follow the same submittal, review, and approval process as development plans.

(3) For a zoning map amendment of a development that is proposed to be built in phases, an overall conceptual development plan for the entire property shall be required. Upon approval of the conceptual development plan and zoning map amendment, a final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.

(4) All other applicants for rezoning must submit a preliminary or final development plan. If a preliminary development plan is submitted and approved, then a final development plan must be submitted before building or construction permits are issued.

(B) *Building permits.*

(1) The submission and approval of a final development plan shall be required before the issuance of a building permit for the following types of development in any zone: multi-family residential, any business, any industry, planned unit development, mobile home park, or any construction in a floodplain.

(2) An application for a development that is proposed to be built in phases, shall submit an overall conceptual development plan for the entire property. A final development plan, in full detail, shall be submitted for each phase before building or construction permits are issued.
(Prior Code, § 152.251) (Ord. passed - -2006)

§ 154.252 DEVELOPMENT PLANS PROCEDURE.

(A) *Application.* To request Planning Commission action on a development plan, the developer must submit to the Planning Commission a completed application form, filing fees, and copies of the plan as required by the Planning Commission's adopted filing and fee schedules (see Article I of Subdivision Regulations for application procedures).

(B) *Review.* The development plan shall be reviewed by the Technical Review Committee when it normally meets at its adopted scheduled time. The meeting is open to the developer or his or her representative. Recommendations and comments from the Technical Review Committee are available within a couple of days after the meeting. Corrected copies are required to be submitted as required by the Planning Commission's normal adopted filing schedule, in order for the corrected copies to be distributed to the Planning Commissioners for their review.

(C) *Planning Commission action.*

(1) The Planning Commission shall consider no development plan for approval until it has been reviewed by the Technical Review Committee. All development plans shall be approved or disapproved

within 90 days of the date they are formally filed at the Planning and Zoning Office, unless the developer agrees to a longer time. If the Planning Commission fails to approve a development plan and the appropriate legislative body approves the zoning map amendment, then the Planning Commission has 60 days to take action upon the plan.

(2) The Planning Commission will review the development plan and the recommendations from the Technical Review Committee before making a decision at its normally scheduled meeting time. The Planning Commission will act for approval, conditional approval (with conditions noted), postponement, or disapproval. The Planning Commission may modify or disapprove the development plan if it finds the plan does not comply with the Comprehensive Plan, zoning ordinance, or when applicable, the subdivision regulations. It may also modify or disapprove the plan if it finds there are existing or potentially substantial conditions such as flooding, poor drainage, traffic, topographic, or similar problems with the suitability or compatibility of the development of the subject property.

(Prior Code, § 152.252) (Ord. passed - -2006)

§ 154.253 SITE PLANS.

A site plan is submitted with an application for a zoning map amendment for single or two-family residential zones. The intent of the site plan is to show the basic features of the site design, such as location of buildings, access, and drainage without an undue expense on the part of the applicant.

(Prior Code, § 152.253) (Ord. passed - -2006)

§ 154.254 CONCEPTUAL DEVELOPMENT PLANS.

(A) A conceptual development plan shall be submitted for a zoning map amendment or building permit that involves a development that is to be done in phases. A conceptual development plan shall provide enough information concerning the entire development (all phases) to give the Planning Commission adequate data upon which they can review the plan and make recommendations to the legislative body. Major aspects of development, such as land use compatibility, site suitability, drainage, access, circulation, layout, and number of units shall be addressed.

(B) Upon approval of a conceptual development plan by the Planning Commission, it shall be required that a preliminary or final development plan be submitted to the Planning Commission for phase one within two years of the approval of the conceptual development plan. Otherwise, the conceptual development plan shall be deemed as disapproved by the Commission. It is required that the preliminary and final development plans be substantially consistent with the major aspects of the approved development plan, as determined by the Planning Commission. A copy of the approved conceptual development plan shall accompany the submittal of a preliminary or final development plan for each phase.

(Prior Code, § 152.254) (Ord. passed - -2006)

AMENDMENTS

§ 154.260 GENERAL PROVISIONS.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the legislative body may, by ordinance, after receiving a recommendation thereon from the Planning Commission, and subject to procedures by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

(Prior Code, § 152.260) (Ord. passed - -2006)

§ 154.261 APPLICATION FOR AMENDMENT.

A proposal for amendment to the official zoning map may originate with the Planning Commission, the City Council, the Fiscal Court, any other governmental body, the owner of the subject property, or by a person having written authorization from the owner of the subject property. A proposal for amendment to the text of this chapter may originate with any person or governmental body. Regardless of the origin of the proposed amendment an application must be filed with the Planning Commission requesting the proposed amendment in such form and accompanied by such information as required by this chapter and the Planning Commission. A development plan or site plan shall be prepared in accordance with §§ 154.250 through 154.254 of this chapter, which when approved by the Commission, shall be followed. At the time of filing an application, a non-returnable filing fee shall be paid according to the schedule of fees; however, there shall be no filing fee for an amendment requested by the City Council, the Fiscal Court, the Planning Commission, or any governmental agency. Upon the filing of an application for a map amendment by a governmental body, the Planning Commission shall promptly notify the owner of the subject property by registered mail or certified mail, return receipt requested.

(Prior Code, § 152.261) (Ord. passed - -2006)

§ 154.262 PLANNING COMMISSION PROCEDURE.

(A) Upon the filing of an application for an amendment to the official zoning map or the text of this chapter, the Planning Commission shall study and review the application as provided in this chapter and the bylaws of the Planning Commission. As part of the application for a zoning map amendment, the development plan or site plan shall be reviewed in accordance with §§ 154.250 through 154.254 of this chapter.

(B) The Planning Commission shall then hold at least one public hearing after notice as required by KRS 424 and KRS 100 and shall make findings of fact and a recommendation for approval or disapproval of the proposed amendment to the various legislative bodies involved. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed 30 days, at the end of which if the

tie has not been broken, the application shall be forwarded to the legislative body without a recommendation for approval or disapproval.

(Prior Code, § 152.262) (Ord. passed - -2006)

§ 154.263 NOTICE OF PUBLIC HEARING.

(A) Notice of the time, place, and reason for the required public hearing shall be given by one publication in the newspaper of general circulation in the county, not earlier than 21 days, nor later than seven days, before the public hearing in accordance with KRS 424.130 and KRS 100.211.

(B) Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two streets on either side of the property which intersect the street on which the property is located. When the property in question is located at the intersection of two streets, the notice shall designate the intersection by name of both streets rather than name two streets on either side of the property.

(C) When a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation, or ordinance.

(1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for 14 consecutive days immediately prior to the hearing. Posting shall be as follows.

(a) The sign shall state “zoning change” and the proposed classification change in letters three inches in height. The time, place, and date of hearing shall be in letters at least one inch in height.

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

(c) It shall be the responsibility of the applicant to post the sign conspicuously on the property. The Administrative/Enforcement Officer shall certify to the Planning Commission at the hearing that placement occurred pursuant to the provisions of this chapter.

(2) The Planning Commission provides the required signage for use by the property owner requesting the zone change with a refundable deposit.

(3) Notice of the hearing shall be given at least 14 days in advance of the hearing by first class mail, with certification by the Planning Commission Secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification

of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner.

(4) In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

(D) In addition to the public notice requirements of this section, when the Planning Commission or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing shall be given at least 30 days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the Property Valuation Administrator may be relied upon to determine the identity and address of said owner.
(Prior Code, § 152.263) (Ord. passed - -2006)

§ 154.264 PUBLIC HEARING ON APPLICATION.

After notice of the public hearing as provided for above, the Planning Commission shall hold a public hearing on the proposed amendment.
(Prior Code, § 152.264) (Ord. passed - -2006)

§ 154.265 RECOMMENDATION OF COMMISSION FOR ZONING MAP AMENDMENT.

(A) Before recommending to the City Council or Fiscal Court that an application for amendment to the zoning map be granted, the Planning Commission, or the legislative body must find that the map amendment is in agreement with the community's Comprehensive Plan, or in the absence of such a finding, that:

(1) The original zoning classification given to the property was inappropriate or improper, and that the proposed classification is proper; or

(2) There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan adopted by the Planning Commission and which have substantially altered the basic character of the area.

(B) The Planning Commission shall also determine, as part of its findings, the suitability, compatibility, and feasibility of any proposed development of said property.

(C) The Planning Commission shall have the power to hear and finally decide applications for variances or conditional use permits in conjunction with a requested zoning map amendment if the proposed development requires both a map amendment and one or more variances or conditional use

permits (per KRS 100.203(5)). Recommendations regarding these permits shall be a part of the record forwarded to the City Council and/or Fiscal Court.

(D) The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the Planning Commission for a period not to exceed 30 days, at the end of which if the tie has not been broken, the application shall be forwarded to the Fiscal Court without a recommendation of approval or disapproval.

(E) After voting to recommend that an application for amendment to the official zoning map be granted or denied, the Planning Commission shall forward its findings of fact and recommendation in writing to the City Council, if the subject property is within the territorial jurisdiction of the city at the time the Planning Commission's recommendation is made thereon, or the Fiscal Court, as appropriate. (Prior Code, § 152.265) (Ord. passed - -2006)

§ 154.266 ACTION BY LEGISLATIVE BODY ON ZONING MAP AMENDMENTS.

(A) The City Council and/or Fiscal Court shall not act upon a proposed amendment to the official zoning map until it has received the written findings of fact and recommendation thereon from the Planning Commission.

(1) Pursuant to KRS 100.211(2)(h), it shall take a majority of the entire legislative body or Fiscal Court to override the recommendation of the Planning Commission and it shall take a majority of the entire legislative body or Fiscal Court to adopt a zoning map amendment whenever the Planning Commission forwards the application to the legislative body without a recommendation of approval or disapproval due to a tie vote.

(2) Unless a majority of the entire legislative body votes to override the Planning Commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the Planning Commission, the ordinance of the Fiscal Court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

(B) The Fiscal Court or the legislative body shall take final action upon a proposed zoning map amendment within 90 days of the date upon which the Planning Commission takes its final action upon such proposal. The legislative body shall also notify the Administrative/Enforcement Officer and the Chairperson of the Planning Commission as to when the proposed map amendment will be reviewed by the legislative body prior to the legislative body's final action and subsequently when action has been

taken. The Planning Commission shall complete and file for recording with the County Clerk, a certificate of land use restriction for any map amendment approved with conditions by the Fiscal Court and/or legislative body.

(Prior Code, § 152.266) (Ord. passed - -2006)

§ 154.267 RECOMMENDATION OF COMMISSION FOR TEXT AMENDMENT.

After voting to recommend that an application for amendment to the text of this chapter be granted or denied, the Planning Commission shall forward its recommendation in writing to the City Council and the Fiscal Court. In the case of a proposed amendment originating with a legislative body, the Planning Commission shall make its recommendation within 60 days of the date of its receipt of the proposed amendment.

(Prior Code, § 152.267) (Ord. passed - -2006)

§ 154.268 ACTION BY LEGISLATIVE BODIES ON TEXT AMENDMENTS.

(A) The City Council and Fiscal Court shall not act upon a proposed amendment to the text of this chapter until it shall have received the written recommendation thereon from the Planning Commission.

(B) If the proposed amendment originated with the Planning Commission, it shall take a majority of the entire City Council or Fiscal Court to override the recommendation of the Planning Commission.

(C) If the proposed amendment originated with a legislative body, it shall take an affirmative vote of the majority of the legislative body to adopt the proposed amendment.

(D) The legislative body shall take final action within 90 days of the date upon which the Planning Commission takes its final action upon such proposal.

(Prior Code, § 152.268) (Ord. passed - -2006)

§ 154.269 SPECIAL CONDITIONS TO THE GRANTING OF ZONING CHANGES.

(A) As a condition to the granting of any zoning change, the Planning Commission may require the submission of a development plan as per §§ 154.250 through 154.254, which were agreed upon, shall be followed.

(B) As a further condition to the granting of a zoning change, the Planning Commission may require that substantial construction be initiated within two years; provided that such zoning change shall not revert to its original designation unless there has been a public hearing.

(Prior Code, § 152.269) (Ord. passed - -2006)

WIRELESS COMMUNICATION FACILITIES

§ 154.280 PURPOSE.

The purpose of these regulations is to manage the placement of cellular communication towers in unincorporated the county and incorporated City of Lawrenceburg to provide adequate cellular telecommunication service while protecting the public and preserving the character and value of surrounding property. The Lawrenceburg/Anderson County Joint Planning Commission (hereafter called “Planning Commission”), County Fiscal Court and the City Council of the City of Lawrenceburg have the authority to plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations, pursuant to KRS 100.987(1). (Prior Code, § 152.280) (Ord. 2010-4, passed 8-3-2010)

§ 154.281 DEFINITIONS.

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

ANTENNAS OR RELATED EQUIPMENT. Transmitting, receiving, or other equipment, other than towers, used to support cellular telecommunications service or personal communication service.

CELLULAR ANTENNA TOWER. A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal wireless services (hereafter called ***TOWER***).

CELLULAR TELECOMMUNICATIONS SERVICE. A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION. Locating two or more transmission antennas or related equipment on the same cellular antenna tower.

GUYED TOWER. A transmission tower supported by thin guy wires.

MONOPOLE TOWER. A slender self-supporting transmission tower.

PERSONAL COMMUNICATION SERVICE. As defined by 47 U.S.C. § 332(c).

UNIFORM APPLICATION. An application to construct a cellular antenna tower submitted to a planning commission in conformity with KRS 100.9865 and KRS 100.987.

UTILITY. As defined by KRS 278.010(3).
(Prior Code, § 152.281) (Ord. 2010-4, passed 8-3-2010)

§ 154.282 GENERAL PROVISIONS.

(A) A cellular antenna tower is permitted in the A-1 Agricultural District or in any B Business or I Industrial District, except within districts containing the Central Business District, historic districts or scenic highways. Location of cellular antenna towers in R Residential Districts, A-2 Small Community Districts, historic districts, and scenic highway viewsheds is prohibited.

(B) Any request for review of a proposal to construct a cellular antenna tower or to reconfigure, enlarge, or reconstruct an existing cellular antenna tower shall be made only in accordance with these regulations and shall comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. § 332(c) and KRS 278.030, KRS 278.040, and KRS 278.280.

(C) Co-location of cellular service facilities is preferred. Co-location objectives may be satisfied by configuration of new facilities for future use by multiple carriers or by co-location on existing facilities. The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.

(D) In the event of co-location, a utility shall be considered the primary user of the cellular antenna tower if the utility is the owner of the tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

(E) (1) If the proposed site of a cellular antenna tower is on property subject to an existing conditional use permit, the property owner shall obtain approval of a modification request from the Board of Adjustment. Review of the conditional use permit plan shall be limited to a determination of the impact of the cellular antenna tower construction on the requirements of the conditional use permit.

(2) The modification request shall be filed simultaneously with the request to locate the cellular antenna tower. The property owner shall be responsible for making any required alterations for the modification of a conditional use permit, or shall obtain a variance or waiver of any permit requirement affected by the location of the cellular antenna tower on the site.

(F) (1) All information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878.

(2) The Planning Commission shall have no authority to grant any public request for the inspection of this information, whether submitted under the state's Open Records Act, being KRS 61.870 through 61.884 or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this division (F) shall be guilty of official misconduct in the second degree as provided under KRS 522.030.

(G) The Planning Commission may appoint an enforcement officer who shall have the authority to issue citations for violations of this chapter, following procedures contained within KRS 431.015. Should a citation be issued, the defendant shall appear within a designated time pursuant to the citation. (Prior Code, § 152.282) (Ord. 2010-4, passed 8-3-2010)

§ 154.283 UNIFORM APPLICATION REQUIREMENTS.

(A) Any utility or company engaged in the business of providing the required infrastructure to an applicant proposing to construct a cellular antenna tower for cellular telecommunications services or personal wireless services within the jurisdiction of the Planning Commission shall submit a copy of the applicant's completed uniform application to construct an antenna tower for cellular telecommunications services or personal wireless services to the Planning Commission.

(B) A uniform application shall include:

(1) *General information requirements.*

(a) The full name, address, phone number, and other contact information of the applicant;

(b) The applicant's articles of incorporation, if applicable; and

(c) Clear directions from the county seat to the proposed site, including highway numbers and streets names, if applicable, with the name and telephone number of the person who prepared the directions.

(2) *Site description requirements.*

(a) A site development plan or survey, drawn to a scale no less than one inch equals 200 feet, signed and sealed by a professional engineer registered in the state, that shows the proposed location of the cellular antenna tower, and:

1. All easements and existing structures and every owner of real estate within 500 feet of the proposed site on the property on which the tower will be located; and

2. All easements and existing structures within 200 feet of the access drive, including the intersection with the public street system.

(b) A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazards areas;

(c) A brief description of the character of the general area in which the cellular antenna tower is proposed to be constructed, including:

1. The existing land use and zoning classification for the site and directly adjacent properties; and

2. The future land use of the site and directly adjacent properties as designated by the current comprehensive plan of the planning jurisdiction.

(d) A map of the area in which there is proposed to be located, drawn to scale, and clearly depicting the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located;

(e) A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided;

(f) A grid map that shows the location of all existing cellular antenna towers and the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. The county; and

2. A one-half mile area outside of the boundaries of the county, if that area contains either existing or proposed construction sites for cellular antenna towers.

(g) The lease or sale agreement for the property on which the cellular antenna tower is proposed to be located or, if the agreement has been filed in abbreviated form with the County Clerk, a copy of the agreement as recorded by the County Clerk, and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2). Such lease or sale agreement must include a provision that specifies, in the case of abandonment, a process by which the utility will dismantle and remove the tower, including a timetable for removal.

(3) *Design and construction requirements.*

(a) The identity and qualifications of each person directly responsible for the design and construction of the proposed cellular antenna tower;

(b) A geotechnical investigation report, signed and sealed by a professional engineer registered in the state, which includes boring logs and foundation design recommendations;

(c) A vertical profile sketch of the cellular antenna tower, signed and sealed by a professional engineer registered in the state, indicating the height of the tower and the placement of all antennas; and

(d) The foundation design plans for the cellular antenna tower and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in the state.

(4) *Co-location requirements.* A statement indicating that the applicant has:

(a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or on existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or

(b) Unsuccessfully attempted to co-locate on cellular antenna towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, with supporting radio frequency analysis, where applicable. The statement shall:

1. Identify the location of the towers or other structures on which the applicant attempted to co-locate; and

2. List the reasons why the co-location was unsuccessful in each instance.
(Prior Code, § 152.283) (Ord. 2010-4, passed 8-3-2010)

§ 154.284 NOTICE AND POSTING REQUIREMENTS.

(A) At least one public hearing on each application to construct a cellular antenna tower shall be held, at which time interested parties and citizens shall have the opportunity to be heard.

(B) It is the responsibility of the applicant to fulfill the following notification and posting requirements:

(1) A statement that every person who, according to the records of the Property Valuation Administrator, owns property within 500 feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:

(a) Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;

(b) Given the telephone number and address of the Planning Commission; and

(c) Informed of his or her right to participate in the Planning Commission's proceedings on the application.

(2) A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;

(3) A statement that the County Judge/Executive, the Mayor of the City of Lawrenceburg, the County Board of Magistrates, and the Lawrenceburg City Council have been notified, in writing, of the proposed construction, along with a copy of the notice sent to the public officials to each; and

(4) A statement that:

(a) A written notice, of durable material at least two feet by four feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application;

(b) A written notice, at least two feet by four feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the Planning Commission, has been posted on the public road nearest the site; and

(c) Notice of the location of the proposed construction has been published in a newspaper of general circulation in the county.

(Prior Code, § 152.284) (Ord. 2010-4, passed 8-3-2010)

§ 154.285 APPLICATION AND EVALUATION PROCESS.

(A) After an applicant's submission of the uniform application to construct a cellular antenna tower, the Planning Commission shall:

(1) Review the uniform application in light of its agreement with the Comprehensive Plan and this chapter for the City of Lawrenceburg and the county;

(2) Make its final decision to approve or disapprove the uniform application; and

(3) Advise the applicant in writing of its final decision within 60 days from the date that the uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within 60 days or fails to comply with the date certain agreement, the uniform application shall be deemed to be approved.

(B) No permit for construction for a cellular or personal wireless services antenna tower shall be issued until the Planning Commission approves the uniform application or until the 60-day time period has expired, whichever occurs first.

(C) (1) The applicant shall notify the Public Service Commission within ten working days of the approval of an application for the construction of a cellular antenna tower by the Planning Commission.

(2) The notice to the Public Service Commission shall include a map showing the location of the construction site. The applicant shall be prohibited from beginning construction on the tower until such notice has been made.

(D) Upon disapproval of a uniform application by the Planning Commission, it shall issue a written decision stating the reasons for disapproval and may make suggestions which, in its opinion, better accomplish the objectives of the Comprehensive Plan and this chapter for the City of Lawrenceburg and the county.

(E) (1) The Planning Commission's Technical Review Committee will review the application and forward its comments to the Planning Commission.

(2) The Planning Commission's evaluation shall be based on the following criteria:

(a) The applicant's willingness to co-locate additional transmitting or related equipment on any new or existing towers;

(b) The conformity of the uniform application with the various elements of the Lawrenceburg-Anderson County Comprehensive Plan, and where applicable, any other adopted plans;

(c) The extent to which the proposal is consistent with the purposes of these regulations;

(d) The adequacy of the proposed site, considering such factors as its size and its compliance with the design standards listed in § 154.286 of this chapter;

(e) The impact, including visual impact, of the proposed development on adjacent land uses;
and

(f) The extent to which the proposed facility integrates with existing structures.

(F) A party aggrieved by a final action of the Planning Commission may bring an action for review in any court of competent jurisdiction.

(G) In regulating the placement of cellular antenna towers, the Planning Commission shall not:

(1) Regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions, to the extent that these facilities comply with the regulations of the Federal Communications Commission concerning radio frequency emission;

(2) Institute a moratorium upon the siting of cellular antenna towers;

(3) Charge an application fee that exceeds an amount that is reasonably related to expenses associated with processing an application to construct a cellular antenna tower, and to issue any necessary permits including any required building permit, up to a maximum of \$2,500;

(4) Regulate the placement of antennas or related equipment on an existing structure; or

(5) Require the submission of application materials in addition to those required by KRS 100.9865 and KRS 100.987, unless agreed by both parties.

(Prior Code, § 152.285) (Ord. 2010-4, passed 8-3-2010)

§ 154.286 DESIGN STANDARDS.

The uniform application shall demonstrate compliance with the following design requirements.

(A) The site configuration should be formed by logical boundaries (e.g., topography, natural features, streets, relationship to adjacent uses, and the like).

(B) A cellular antenna tower or alternative antenna tower structure may not exceed a height of 300 feet when located in business, industrial, or agricultural districts.

(C) When a cellular antenna tower is to be located in a business, industrial, or agricultural district adjacent to residential districts, small community districts, historic districts, or the Central Business District, the tower may not exceed a height of 200 feet, and shall be a monopole structure or co-located on an existing structure.

(D) Specified maximum heights additionally apply to any tower taller than 15 feet constructed on the top of another building or structure, and shall limit the height of the overall building/structure and tower as measured from grade to the highest point.

(E) Upon review of the applicant's justification, the Planning Commission may allow antenna towers greater than 300 feet in height if the structure meets all other criteria identified in these regulations.

(F) All cellular antenna towers shall meet the current ANSI/EIA/TIA 222-F standards and other applicable federal and state standards, which compliance shall be certified by an engineer registered in the state.

(G) Cellular antenna towers shall not be illuminated unless required by state or federal law or regulation.

(H) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be permitted only from approved access points.

(I) The site shall be enclosed by a security fence appropriate to the adjacent land use and not less than eight feet tall. Barbed wire or sharp pointed fences are prohibited.

(J) (1) All cellular antenna towers and sites shall be designed and constructed to minimize negative aesthetic, environmental and visual impacts.

(2) Visual screening shall be required along property lines of the site adjoining a residential district, small community district, historic district, or the Central Business District. Options for screening include, but are not limited to, fencing, plant material, or berms.

(K) No cellular antenna tower may be constructed on a site of less than 5,000 square feet in area.

(L) Surfaces of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.

(M) No signs are permitted except those displaying emergency information, owner contact information, warning, or safety instructions or information required by a federal, state, or local agency. No signs shall exceed five square feet in area.

(N) All new cellular antenna towers and sites shall be designed and constructed so as to reasonably accommodate the aerial and ground equipment of at least three service providers.

(O) All new cellular antenna towers shall accommodate and permit, free of charge, the co-location of telecommunications equipment required by police, fire, and emergency medical services, so long as these items do not interfere with existing and future communications needs of the structure's primary owner.

(P) No option, site lease, or sale agreement shall prohibit co-location.

(Q) All cellular antenna towers shall be constructed and maintained in either galvanized steel finish or light gray or light blue painted finish. Other finishes are prohibited unless specifically required by the Federal Aviation Administration (FAA).

(R) In residential districts, small community districts, historic districts, and the Central Business District, all cellular antenna towers and related structures shall comply with the yard setbacks for that district.

(S) In agricultural districts other than small community districts, all cellular antenna towers and related structures shall have a front yard setback of 200 feet and adhere to all other yard setbacks for that district.

(T) In all business, industrial, and professional office districts, excluding historic districts and the Central Business District, all cellular antenna towers and related structures shall have a front yard setback of 125 feet and adhere to the yard setbacks for that district. Towers shall be located so as to achieve the lowest possible visual impact.

(U) All antenna towers and related structures except fences shall be located at least 1,000 feet from a scenic highway, or at a shorter distance if the surrounding natural topography is adequate to visually screen the tower.

(V) (1) Should the Planning Commission or its duly authorized representative find that circumstances or conditions relating to a particular application are such that one or more of these requirements are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, or that special conditions or circumstances make one or more said requirements unreasonable, it may modify or waive such requirements, either permanently or on a temporary basis.

(2) Any such modification or waiver shall be requested by the applicant, who shall submit a written justification for each requested modification or waiver.
(Prior Code, § 152.286) (Ord. 2010-4, passed 8-3-2010)

§ 154.287 EXISTING TELECOMMUNICATIONS FACILITIES.

Telecommunications facilities in existence on the date of the adoption of this chapter which comply with this chapter are subject to the following provisions.

(A) Existing telecommunication facilities may not be expanded or replaced without complying with this chapter, except as further provided in this section.

(B) Existing telecommunications facilities which are hereafter damaged or destroyed for any reason or cause may be repaired and restored to their former use, location, and physical dimensions upon receipt of a building permit.

(C) The owner of a telecommunications facility existing at the time of the enactment of this chapter may replace, repair, rebuild, or expand the facility to accommodate co-located antennas or facilities or to upgrade the facility's current engineering, technological, or communications standards by obtaining a building permit. Conformance to the provisions of this chapter, including, but not limited to, provisions of this chapter regarding notice to local zoning authorities or posting of signs, is not required, so long as such facility is not increased in height by more than 20% and setbacks are not decreased by more than 20% from the height or setback existing at the time of the enactment of this chapter.

(D) Any such replacement, repair, reconstruction, or enlargement shall comply with the design standards described in § 154.276 above in this chapter.

(E) When an existing telecommunications facility is not used for a period of at least 12 months, the provisions of this chapter shall apply to any subsequent use.
(Prior Code, § 152.287) (Ord. 2010-4, passed 8-3-2010)

§ 154.288 MAINTENANCE AND REMOVAL PROCEDURES.

(A) Any contract with an owner of property upon which a cellular antenna tower is to be constructed shall include a provision that specifies, in the case of abandonment, a process for dismantling and removing the tower, including a timetable for removal.

(B) If the use of any cellular antenna, cellular antenna tower, or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the Federal Communication Commission (FCC) of intent to cease operations within 30 days of filing with the FCC. If the cellular antenna, cellular antenna tower, or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from notice to the Planning Commission to obtain a demolition permit and complete the removal the antenna or tower.

(C) (1) If the cellular antenna, cellular antenna tower, or alternative cellular antenna tower structure is to be reused, the owner shall have no more than 12 months from submittal of the above notice to the Planning Commission to commence new operation of the antenna or tower.

(2) Upon failure to commence new operation within 12 months, the cellular antenna, cellular antenna tower, or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall obtain a demolition permit within 90 days of the expiration of the 12-month period.

(3) The owner shall be required to remove the antenna or tower within 60 days of obtaining the demolition permit.

(D) If the owner of a cellular antenna, cellular antenna tower, or alternative cellular antenna tower structure fails to remove an antenna or tower in compliance with these requirements, the Planning Commission may, on grounds of public safety, health, and welfare, cause the demolition and removal of the antenna or tower and recover the costs of demolition and removal from the utility last operating the facility or from the owner of the land upon which the facility is located.
(Prior Code, § 152.288) (Ord. 2010-4, passed 8-3-2010)

§ 154.289 SEVERABILITY.

If any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court or other competent jurisdiction, the remainder of this chapter shall remain in full force and effect.
(Prior Code, § 152.289) (Ord. 2010-4, passed 8-3-2010)

§ 154.999 PENALTY.

(A) *Generally.* Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this chapter or any permit, license, or exception granted hereunder, or any lawful order of the Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of this chapter shall be guilty of a Class B misdemeanor. Each day of violation shall constitute a separate offense.

(B) *Noncompliance.* Each day of noncompliance with the provisions of this chapter constitutes a separate and distinct ordinance violation. Judgment of up to \$500 per day may be entered for a violation of this chapter.

(C) *City signs.*

(1) Any violation of §§ 154.190 through 154.230 is classified as a civil offense pursuant to KRS 65.8808 and nothing contained in this chapter shall prohibit the enforcement of this chapter by any other means authorized by law.

(2) For violation(s) set forth in the first citation issued within a calendar year, any person or entity found to be in violation of any provisions of §§ 154.190 through 154.230 shall be fined \$10 if the violation is not contested and not more than \$10 if the violation is contested for each offense. Each day's continued violation shall constitute a separate violation.

(3) For violation(s) set forth in the second citation issued within a calendar year, any person or entity found to be in violation of any provisions of §§ 154.190 through 154.230 shall be fined \$25 if the violation is not contested and not more than \$25 if the violation is contested for each offense. Each day's continued violation shall constitute a separate violation.

(4) For violation(s) set forth in the third citation issued within a calendar year, any person or entity found to be in violation of any provisions of §§ 154.190 through 154.230 shall be fined not less than \$10, nor more than \$100, if the violation is not contested and not less than \$25, nor more than \$250, if the violation is contested for each offense. Each day's continued violation shall constitute a separate violation.

(D) *County signs.*

(1) For the first and second offenses within a one-year period, whoever violates any provision of §§ 154.190 through 154.230 shall be fined not less than \$10, nor more than \$100. Each day's continued violation shall constitute a separate violation.

(2) For a third or greater offense within a one-year period, whoever violates any provision of §§ 154.190 through 154.230 shall be fined not less than \$25, nor more than \$250. Each day's continued violation shall constitute a separate violation.

(E) *Removal of signs.* Authorized agents of the city and county governments may remove and dispose of signage only as set forth herein:

(1) Permanent signs may be removed and disposed of as follows.

(a) Within the corporate limits of the City of Lawrenceburg, a permanent sign may be removed by the Code Enforcement Officer, or his or her agents, only after written notice has been provided to the owner of said sign and that owner has been advised of his or her right to a hearing before the Code Enforcement Board as well as his or her right to seek a variance from the BOZA.

(b) Notice of the intent to remove a permanent sign may be hand delivered to the owner of the sign, may be posted on the sign itself, and may be delivered via the United States Postal Service, first class, postage prepaid or by certified mail, return receipt requested. Removal of a permanent sign shall not occur before 21 days after the receipt of notice by the sign owner. All costs and expenses incurred by the city in the removal of a permanent sign shall be billed to the owner of the sign and if such invoice is not paid within 60 days, the city may place a lien on the property.

(2) Temporary signs may be removed and disposed of as follows.

(a) Any off-site temporary sign which does not have a TSP affixed thereto shall be removed and disposed of immediately upon discovery.

(b) Except as listed in division (E)(2)(d) below, any off-site temporary sign with an expired TSP affixed thereto, or a TSP reflecting no date of placement, shall be removed immediately upon discovery and shall be maintained by the city or county for a period of 15 days, during which time the sign owner may reclaim such sign.

(c) Except as listed in division (E)(2)(d) below, any on-site temporary sign, which does not have a TSP, affixed thereto, which has an expired TSP affixed thereto, or which has a TSP reflecting no date of placement, shall be removed after the expiration of 24 hours' notice to the business owner. Notice may be hand delivered to the business owner, affixed to the building front of the business location, or may be given by use of "door hangers." If a business is not open for business at the time of discovery of the illegal sign, notice shall be delayed until such time as the business is open and delivery of notice may be obtained as set forth above.

(d) Corrugated plastic signs utilizing wire "H" frames, or similar signs as prohibited in § 154.197(B)(13), shall be immediately removed from any location and may be disposed of without additional notice beyond that provided by this chapter. The immediate removal of signs under this section shall not be limited, delayed, or prohibited by the terms of any other section of this chapter.

(F) *Multiple violations.*

(1) Enforcement officers may immediately remove any temporary sign, at any location, if the business owner who places such sign has repeatedly violated the terms of §§ 154.190 through 154.230, which regulate temporary signage.

(2) Prior to the removal of any sign under this section, the following procedure shall be strictly followed:

(a) Enforcement officer shall notify in writing, any business owner who has violated the terms of §§ 154.190 through 154.230 three times in one calendar year. Notice shall include a statement that

after five violations in a calendar year, signs will be subject to immediate removal from any location.

(b) Upon the occurrence of five violations of the temporary signage portions of §§ 154.190 through 154.230, within one calendar year, the enforcement officer shall notify the business owner of such violations and inform the owner that they are now subject to the immediate removal of temporary signage.

(c) All notices required under this section may be either hand-delivered to the business location and presented to any owner, manager, or employee or shall be sent by certified mail, return receipt requested to the business owner.

(d) Any business owner may appeal the decision of the enforcement officer to the City Code Enforcement Board or the County Board of Zoning Adjustments. The business owner shall request, in writing, a hearing before the appropriate body and shall notify enforcement officials of this request. Following the receipt of notice that a hearing has been requested, enforcement officers shall not remove on-site temporary signs, but may continue to immediately remove such off-site signage that is otherwise in violation of §§ 154.190 through 154.230.

(Prior Code, § 152.999) (Ord. passed - -2006; Ord. 2014-5, passed 9-2-2014)

APPENDIX A: CERTIFICATE OF LAND USE RESTRICTION

CERTIFICATE OF LAND USE RESTRICTION

1. Name and address of property owner(s)

2. Address of Property or development (If applicable)

3. Name of Subdivision

4. Type of Restriction(s) (Check all that apply)

- Zoning Map Amendment to _____ Zone
- Conditional Zoning Condition
- Development Plan
- Unrecorded Subdivision Plat
- Variance
- Conditional Use Permit
- Other (Specify)

5. Name and address of Planning Commission, Board of Adjustment, legislative body which maintains the original records containing the restriction.

Signature of Completing Official

Name and Title of Completing Official (type or print)

